Attachment 4

Riverbend's April 21, 2025 letter to the County responding to the County's January 22, 2025, Preliminary Response regarding Grading Permit Application No. 2025-000081 ("the April 21, 2025 Letter").

MITCHELL CHADWICK

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April 21, 2025

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Chris Motta, Development Services and Capital Projects Manager
Fresno County Department of Public Works and Planning
2220 Tulare St., 6th Floor
Fresno, California 93721
cmotta@fresnocountyca.gov

Re: RESPONSE TO COUNTY'S PRELIMINARY RESPONSE DATED JANUARY 22, 2025 REGARDING GRADING PERMIT APPLICATION NO. 2025-000081

Dear Mr. Motta:

Riverbend Sand and Gravel, LLC[1] ("Riverbend") hereby submits this response to the January 22, 2025 preliminary response by staff of the Fresno County Department of Public Works and Planning ("Staff") of the grading permit application, dated December 30, 2024[2], for Riverbend's Conditional Use Permit ("CUP") 3390, which provides for aggregate mining and reclamation on property owned by Running Luck Ranch and located in Fresno County ("County").

Staff's January 22, 2025 letter is a response to the Grading Permit Application No. 2025-000081 ("Grading Application"), which John Buada submitted on Riverbend's behalf initially through the County's web-based permit portal on January 2, 2025, with a copy emailed to Rhonda Finney, Development Services and Capital Projects Program Technician on January 3, 2025.[3] The January 22, 2025 letter advises that staff is considering the Grading Application incomplete under section 65943 of the Government Code. The letter further states:

> Our preliminary analysis is that the mining project originally approved under CUP No. 3390 did not commence in use or achieve substantial development within the time limit prescribed by the version [of] Fresno County Zoning Ordinance ("ZO") in effect during the relevant time period. Under the ZO, approved conditional use permits must develop within two years of their

[1] The owner of the real property subject to CUP 3390 is Running Luck Ranch, LLC. This response is submitted on behalf of both Riverbend and Running Luck Ranch, LLC.
[2] See Exhibit 4 (January 22, 2025 preliminary denial letter from C. Motta.)
[3] See Exhibit 1 (Dec. 30, 2024 cover letter and application from John Buada to Chris Motta).

> approval, or applicants must seek adequate time extensions until substantial development has occurred. Because the Application is dependent on the validity of UCUP No. 3390, which has expired, the Application is facially defective.[4]

The January 22, 2025 letter confirms that it is not a final determination of staff for purposes of section 868.6.020, subd. (A) of the ZO. Rather, the letter provides Staff's preliminary analysis and provided to Riverbend until April 22, 2025 with the opportunity to augment the Grading Application with the facts and law to support Riverbend's belief that the County can approve the Application. The basis for the County's preliminary conclusion in its January 22, 2025 letter that the Grading Application is "facially defective" and therefore subject to denial is set forth in detail in a prior letter from County Staff to my office, dated May 31, 2024.[5]

As my prior April 23, 2024 letter and June 13, 2024 appeal explain, and as further set forth herein, as supplemented by additional documentation and legal arguments, Riverbend owns a vested right in CUP 3390 as Riverbend conducted substantial development within two years of the CUP approval date in 2015 and to date has incurred more than **$988,173** in liabilities in good faith reliance on CUP 3390. Riverbend has owned this right continuously and uninterrupted since 2015, and the right cannot be revoked without due process as this would amount to a constitutional taking requiring just compensation. Moreover, Staff's May 31, 2024, letter, which is factually and legally incorrect on numerous points, does not support a conclusion that CUP 3390 is void or expired.

Accordingly, Riverbend respectfully requests Staff consider the facts and law contained in this response to the January 22, 2025 letter, and determine that Riverbend has acquired a vested right in CUP 3390 and that it be allowed to continue development of the Property, including the plans shown in the Grading Application.

I. Background

A. The County Approves CUP 3390 and Substantial Development Occurs (2014 – 2017)

On February 26, 2015, the Fresno County Planning Commission approved CUP 3390. This decision was appealed, but then the late afternoon prior to the May 19, 2015, Board of Supervisors

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[4] Exhibit 4 (January 22, 2025, letter from C. Motta.)

[5] See Exhibit 7-21 (May 31, 2024 letter from C. Motta.). The County's May 31, 2024 letter purports to communicate Staff's decision in response to Riverbend's inquiry in my April 23, 2024 letter. However, the County's May 31, 2024 letter does not explicitly state whether it communicates the decision of Staff only (which is appealable to the Director), or the decision of the Director as communicated by staff on the Director's behalf (which is appealable to the Board of Supervisors). On June 13, 2024, Riverbend timely submitted its appeal of Staff's decision as stated in the May 31, 2024 letter to the Director, under Zoning Ordinance section 876.6.020(A), with a copy to the Board of Supervisors, under section 876.6.020(B).

appeal hearing, the Appellant suddenly withdrew the appeal.[6] The Board of Supervisors unanimously dismissed the appeal, thus confirming the Planning Commission approval.

In a September 14, 2015 letter from County Department of Public Works and Planning, Development Services Division Staff Analyst Hector Luna to Mr. Buada, it was stated that "Conditional Use Permit No. 3390 will become void, unless there has been substantial development within two years of the effective date of this approval" and "This Site Plan Review [No. 7946] approval shall expire concurrently with Conditional Use Permit No. 3390." (Exhibit 74.) The corresponding Site Plan (SPR 7946) and Site Plan Map was approved on September 14, 2015. (Exhibit 73.)

The County Board of Supervisors' Draft Internal Agenda Report from May 24, 2016, item 16-0056 proposed to approve an Indemnification Agreement with Riverbend, as required by CUP 3390.[7] (Exhibit 89.) The final County Board of Supervisors' Internal Agenda Report included item 33, which was to approve the Indemnification Agreement with Riverbend, as required by CUP 3390,[8] which also shows the continued development of the Riverbend site and continued participation by the County in the process. (Exhibit 90.)

Almost two years after the Planning Commission's approval of CUP 3390, on February 23, 2017, my office sent a letter on Riverbend's behalf to Chris Motta to inform the County that Riverbend's rights under CUP 3390 had vested and that substantial development had occurred. (See Exhibit 6-1.) The February 23, 2017, letter recounted Riverbend's good faith efforts to implement CUP 3390 over the two years following the May 19, 2015, final determination, including spending over $294,000 on permitting efforts, site work, fencing installation, project design, PG&E pole installation, and electrical engineering work to implement CUP 3390, all of which constituted substantial development. My February 23, 2017, letter included two attachments. The first was a table of project development costs of $294,001 incurred through January 2017. (Exhibit 6-2.) The second attachment was two letters from John Buada regarding Riverbend's filed Notice of Intent and payment of the requisite fee for construction of the aggregate stockpile area in anticipation of construction pursuant to stormwater plan SWPPP requirements. (See Exhibit 6-3.)

Also on February 23, 2017, I emailed to Deputy County Counsel for land use matters Mr. Art Wille and Mr. Motta a draft traffic mitigation agreement for Riverbend, proposing to resolve the

[6] The two-year substantial development period set forth in County Zoning Ordinance Section 873(I) would have run from the May 19, 2015, Board of Supervisors hearing at which time Riverbend and I were informed the appeal had been dismissed, as Riverbend had not been permitted to commence work while the CUP appeal was pending. This timing was confirmed in Chris Motta's letter to me dated March 21, 2017 (Exhibit 6, Attachment 5.)
[7] County Board of Supervisors Draft Internal Agenda Report at p. 9 (May 24, 2016).
[8] Final County Board of Supervisors Internal Agenda Report at p. 8 (May 24, 2016).

prior discussion with the Department of Public Works related to costs estimated by the proposed bonding concept. (Exhibit 103.)

Additionally, the February 23, 2017 email from John Wheat, an attorney with my office at the time, to Mr. Motta included a letter regarding the status of Riverbend's implementation of CUP 3390, which shows receipt of the email to Mr. Motta apprising him of the status. (Exhibit 102.) On February 24, 2017, Mr. Motta emailed me in response to John Wheat's email regarding the letter on the status of Riverbend's implementation of CUP 3390, citing the issue of substantial development and scheduling a meeting with County Counsel for the following Monday. (*Ibid.*)

On February 27, 2017, I sent an email on behalf of Riverbend, responding to the County's February 24, 2017 email in which I reiterated that Riverbend already had a vested property right under CUP 3390 because of its good faith efforts to substantially develop (e.g., expenditures over $294,000), and therefore did not require and was not requesting a formal determination from the County. (Exhibit 6-4.) My February 27, 2017, email explained that Section 873(I)(1) of the County Zoning Ordinance was inapplicable because substantial development had already occurred within two years of the May 19, 2017, approval; thus, there was no need for a formal determination nor an extension regarding CUP 3390.

A construction permit for electrical installation, including a plan review, for the Riverbend site was approved by the County on March 13, 2017.[9] This included an invoice from the County for $2,328.16, and the permit application checklist included a handwritten note stating, "CUP 3390 – Allowed Mining operation."[10] (Exhibit 105.)

By letter dated March 21, 2017, Chris Motta at the County responded to my February 23, 2017, letter and February 27, 2017 email (see Exhibit 6-5.) In that letter (which was sent by email and included now former Deputy Land Use County Counsel Arthur Wille on the email (Exhibit 108), the County agreed that Riverbend had expended substantial efforts to initiate its long-term project and further agreed that May 19, 2015, was the CUP 3390 approval date. However, the County incorrectly asserted that Riverbend must request a formal determination of substantial development[11] from the County (ignoring Riverbend's vested property right in CUP 3390), which would then go through public noticing with the ability of neighboring property owners to request a hearing before the Board of Supervisors. The County further asserted that Riverbend's substantial work and incurred liabilities, all of which were done in good-faith reliance on CUP 3390, "is not equivalent to the County making a determination that substantial development for the project has been achieved, as that process is set forth in Section 873(J) of the Fresno County Zoning Ordinance." Finally, the County stated that Riverbend may request an extension to CUP

[9] Fresno County Development Services Division Construction Permit # 17-100917-FC (March 13, 2017) at p .1.
[10] *Id.* at p. 4-5.
[11] The Zoning Ordinance in effect in 2017, at section 873(J)(1), contained no requirement that an Applicant must request a determination of substantial development, as explained further below.

3390, disregarding Riverbend's prior statements that no extensions are needed as Riverbend already had a vested property right in CUP 3390 because substantial development had already occurred.

The next day, on March 22, 2017, Mr. Motta emailed his colleagues Ms. Kooner and Mr. Daniele asking who should receive the Riverbend Traffic Mitigation Agreement for review. (Exhibit 109.)

Emails within the Department of Public Works and Planning in early to mid-May 2017 reference Riverbend's Traffic Mitigation Agreement with the County, including whether or not Riverbend would have to pay to relocate the PG&E towers or if the County would have to front the cost. (Exhibit 110.) As of September 2017, the Agreement had still not been signed and was in an ongoing process of redline revisions with the County. (Exhibit 112.)

B. The County Treats CUP 3390 as Active Over the Next Six Years (2018 – 2024)

As of April 2, 2018, Mr. Motta added comments in a PDF document of Riverbend's Operational Statement, including pointing out reference to CUP 3052. (Exhibit 117.) Inter-County emails from April 2, 2018 through April 9, 2018, discussed scheduling meetings and phone calls regarding CUP 3052, CUP 3390, and "CMI"[12] possibly mining the Riverbend site. (See Exhibits 117-118.)

On June 28, 2018 Mr. Buada emailed Senior Engineering Technician Jennifer Parks a copy of the 2017 Riverbend SMARA Annual Report that was also mailed that day to the Division of Mine Reclamation. Ms. Parks forward the email to Water & Natural Resources Manager Glenn Allen, who forwarded the email to Roy Jiminez, Jr. (Exhibits 119-120.)

Emails between Anne Badasci from my office and Deputy County Counsel Kyle Roberson from August 16, 2018 through August 22, 2018 regarding the Riverbend Traffic Mitigation Agreement include Mr. Roberson specifically saying to no longer add anyone else from the County on the emails, including Mr. Wille. (Exhibit 122.)

On August 26, 2018, Mr. Roberson responded to Ms. Badasci's email with others included, saying, "I receive [*sic*] your draft agreement. I expect to provide you with my comments within the next 3 weeks." Nearly two months later, on October 15, 2018, Ms. Badasci emailed Mr. Roberson following up on his review of the Traffic Mitigation Agreement in anticipation of moving forward with the Riverbend project. (Exhibit 125.)

[12] CMI is a reference to the aggregate mining operation adjacent to the east and southeast to Riverbend site. The CMI site is now owned by Martin Marietta.

In a November 2, 2018 email to me, Mr. Roberson attached his redlines of the Traffic Mitigation Agreement (see Exhibit 126) and mentioned concerns regarding the timing of the bonds within the Agreement but noted "We are close." (*Ibid.*)

In response to Mr. Roberson's November 2, 2018 email to me, on December 6, 2018, I emailed Mr. Roberson my redlined version of the Traffic Mitigation Agreement, which I had revised based on Mr. Roberson's comments. (Exhibits 126 and 127.)

On December 12, 2018, Glenn Allen, Division Manager in the County Department of Public Works and Planning, emailed Mr. Jiminez, Jr. in County Planning, stating that they had received a voicemail from Mr. Lang regarding invoices that he had received from the County. (Exhibit 134.)

On March 12, 2019, I emailed Mr. Roberson to follow up on the Riverbend Traffic Mitigation Agreement, with a redlined version of the Agreement comparing the 2016 and 2017 versions, which differences mainly revolved around the bonding issue. (Exhibit 142.) Andrea Abergel, with my office at the time, emailed Mr. Roberson on May 6, 2019 regarding further revisions to the Traffic Mitigation Agreement but stating that Riverbend was ready to sign that current, revised version of the Agreement. (Exhibit 146.)

The March 13, 2019 Riverbend Traffic Mitigation Fees document included internal edits by the County. (Exhibit 143.) Emails from March 20, 2019 between Senior Planner Marianne Mollring and Mr. Motta discuss consultant selection and recent EIRs, including Riverbend. (Exhibit 144.) Even at this time, Mr. Motta treated CUP 3390 as active, referring to it as having "since been approved" and referencing consultants used in connection with the Mitigation Monitoring and Reporting Program, as required under the conditions of approval. (*Ibid.*)

On April 12, 2019, Mr. Roberson emailed me the revised Traffic Mitigation Agreement, also noting that, "staff recalculated Riverbend's total traffic mitigation obligation to be $5,505,722, which is lower than the current total of $5,603,558 listed in the agreement." (Exhibit 145.)

In a June 11, 2019 email from Mr. Daniele to other County employees, Mr. Daniele included an Excel Sheet of items to be considered, dated June 6, 2019 and including the Riverbend Traffic Mitigation Agreement to be reviewed, regarding CUP 3390. (Exhibits 147 and 148.)

Other relevant documents from July 2019 relate to the Irrevocable Standby Letter of Credit for Riverbend's reclamation plan and mitigation measures, which had an expiration date of July 5, 2020. (Exhibits 152 – 154.)

Multiple emails amongst Mr. Lang and County employees, including Mr. Motta, in early to mid-July 2019 dealt with the financial assurance cost estimate and letter of credit for the Riverbend mine. (Exhibits 155 – 156.) An email dated August 27, 2019 from Senior Planner Brian Spaunhurst

to Design Division Manager Mohammad Alimi also shows that still at that time the Department of Public Works and Planning was aware that the Riverbend project was ongoing. (Exhibit 158.)

Emails from September and October 2019 between Ms. Abergel and Mr. Roberson discuss the status of the County's further review of and possible changes to the Riverbend Traffic Mitigation Agreement, with a delay due to the County's admitted miscalculation of the appropriate fee amount. (Exhibit 159.)

Similarly, emails from December 2019 amongst County employees discuss the breakdown of the Riverbend Traffic Mitigation Fees, and included an Excel Sheet showing the amount of money expected by the County to be spent regarding the Riverbend Traffic Mitigation project as over $7,300,000 as of December 9, 2019. (Exhibits 162 and 163.)

Emails dating from January 2020 to March 2020 between Deputy County Counsel Bryan Rome and Andrea Abergel continued to discuss the Riverbend Traffic Mitigation Agreement with the County and the County's cost estimates, including 2019 amounts. (Exhibit 165.)

Emails from December 19 and 20, 2022 between Mr. Motta and other County employees discuss Public Records Act Request 22-567 related to the Riverbend project, which was information requested by Martin Marietta Materials, Inc. as that company investigated the site for a potential mining lease. Specifically, Mr. Motta's December 19, 2022 email to David Randall and Staff Analyst Raymond Martin states that mining had not commenced at the site but makes no mention of any belief by anyone at the County that CUP 3390 had expired or was not valid. (Exhibit 199.)

Between 2017 and 2024, Riverbend was in negotiations at various times over those years with five different major aggregate mining companies to mine the site, and as of 2024 and 2025, continues to be in communication with Martin Marietta, the second largest USA-based aggregate company, to mine the site.

C. In March 2024, the County Unexpectedly Changes Its Position on CUP 3390

On March 8, 2024, Deputy Director of Planning William Kettler emailed Supervisor Buddy Mendes a letter addressed to me and dated March 21, 2017 regarding the status of CUP 3390. (Exhibits 219 and 6-5.) In the email to Supervisor Mendes, Mr. Kettler referenced a previous discussion with the Supervisor and stated that the March 21, 2017 letter had been prepared in consultation with County Counsel and that "Action by the applicant team was not taken and the approval expired," though the County had not referenced the possibility of the invalidity of CUP 3390 in communications with representatives of Riverbend or my office since 2017 and if anything the ongoing communications with the County, especially in relation to the Traffic Mitigation Agreement, suggested otherwise. (Exhibit 219.)

On March 13, 2024, County Staff on a call with Erin Delman in my office stated that County staff thought that CUP 3390 may have expired.

On April 23, 2024, I submitted a letter to Chris Motta, with a copy to the Board of Supervisors, setting forth the reasons why Riverbend possesses a vested right in CUP 3390 and requesting confirmation from the County that the CUP is still valid for the reasons stated in the letter.

On April 29, 2024, Mr. Motta emailed Mr. Anders regarding a Site Plan Review ("SPR") in connection with CUP 3390, as required under the Fresno County Zoning Ordinance. In an email time-stamped as 1:35 PM, Mr. Anders confirmed the SPR for CUP 3390 had been approved. (Exhibit 222.) The submittal of the SPR at issue in these emails is also shown in the July 2015 emails between Mr. Buada and Mr. Luna. (Exhibits, 45 – 46.)

An April 30, 2024 email from Mr. Motta to James Garcia inquired to check, "if any encroachment permits or road improvement plans" were submitted or approved for a certain section of the road within the Riverbend project area. (Exhibit 224.)

On May 1, 2024 Mr. Roy Jiminez, Jr. sent an Excel Sheet that he had prepared to send in an email listing mines in the County and the mines' statuses to Erik Conaghan, a Commercial Geologist at the Australian company, MCi Carbon. (Exhibits 225 and 226.) For Riverbend, the status was listed as "UC" and defined in the legend as "Under Construction." The other status types listed in the legend were "AC=Active" and "I=Idle." (Exhibit 226.)

In an email dated May 9, 2024, from Mr. Kettler to the Assistant for Supervisor Mendes, Katy Boganwright, Mr. Kettler stated that though Mr. Lang had called in concern to the CUP being revoked, it was the Department of Public Works and Planning's position that the Riverbend CUP had expired. (Exhibit 227.)[13]

By letter dated May 31, 2024, Mr. Motta sent a letter in response to my April 23, 2024, letter, stating that "Staff with the Department of Public Works and Planning does not approve [Riverbend]'s request for a determination that Conditional Use Permit No. 3390 is still valid."[14] And that "Staff concludes that [Riverbend]'s CUP expired in 2017 under section 873, subd. (I)(1)." (Exhibit 7-22.)

D. Riverbend Appeals the Planning Department's Decision to the Board of Supervisors and to the Fresno County Superior Court

On June 5, 2024, I notified Mr. Rome by email that Riverbend intended to appeal the Staff's written decision, stated in Mr. Motta's May 31, 2024 letter. (Exhibit 7-22.) I requested that attorney Rome

[13]See May 9, 2024 email.
[14] See Exhibit 7-22 (May 31, 2024 Letter, p. 1.)

advise whether the County's May 31, 2024 letter intended to communicate the decision of Staff or the decision of the Director, as this would determine the appeal procedure. Mr. Rome responded by email that day and said he would consult with his client (the County), and get back to me.

On June 6, 2024, Mr. Rome responded to my email, and requested that I provide the basis on which Riverbend would be seeking an appeal. (Exhibit 7-25.) I responded to Mr. Rome on June 7, 2024, and explained that the Fresno County Zoning Ordinance provides two possible bases, under Zoning Ordinance section 876.6.020, subds. (A) and (B). (Exhibit 7-3.)

On June 11, 2024, Mr. Rome responded to my June 7, 2024, and stated that "Chris Motta's May 31, 2024 letter to you, reflecting the automatic termination of your client's conditional use permit, is not an appealable matter" and that "[y]our reference to the County's procedural ordinance governing the appeals process does not create an appeal right." (Exhibit 7-28.)

On June 13, 2024, Riverbend submitted an appeal to the Director, with a copy to the Board of Supervisors, pursuant to Zoning Ordinance, section 876.6.020, subds. (A) and (B) on June 13, 2024, which was received by Fresno County Department of Public Works and Planning. (Exhibit 231.)

On July 23, 2024, I sent a letter to Mr. Rome regarding a Notice of Intent to sue if Riverbend's appeal regarding CUP 3390 was not accepted. (Exhibits 8 – 9.)

On August 22, 2024, Riverbend filed a Complaint for a Writ of Mandamus against the County in the Fresno County Superior Court ("Writ"). (Exhibit 10.) The Writ explains the timeline of events up to that date, including the County's abrupt change of position concerning the CUP. The Writ alleges causes of action for administrative mandamus, declaratory relief, violation of the right to due process, and unlawful taking. (*Ibid.*)

Also during this time, the County has continued to acknowledge CUP 3390. On September 23, 2024, Senior Planner Roy Jiminez, Jr. sent Mr. Lang a notice for the 2024 annual SMARA inspection, citing the annual surface mining administrative fee of $2,257.00 that would need to be received by the County before the County would perform the required annual inspection. (Exhibit 233.)

E. Riverbend Submits This Grading Permit, Application No. 2025-000081

After conferring with County Counsel, and in a good faith effort to resolve the Writ litigation with the County, Riverbend has agreed to hold off on prosecuting the Writ action against the County to submit this Grading Application for the County's consideration.

As the above correspondences and documents show, Riverbend's CUP 3390 is a valid and active permit, and Riverbend's December 30, 2024 Grading Application should be granted based on the valid CUP.

II. Riverbend Possesses a Vested Right Under CUP 3990

In California, vested property rights to a use permit are obtained under the common law "if a property owner has performed substantial work and incurred substantial liabilities (such as incurring material expense[15] or substantial costs[16]) in good faith reliance on a permit issued by the government."[17]

Riverbend has performed substantial work and incurred substantial liabilities totaling over **$988,173** in good faith reliance on CUP 3390 issued by the County. (See **Table 1** below.) As Riverbend recounts in its April 23, 2024 letter (Exhibit 6), it has conducted a substantial amount of work in good faith reliance on CUP 3390. In particular, Riverbend to date has:

1. Filed a notice of intent and paid the requisite fee for constructing the aggregate stockpile area;
2. Prepared a construction SWPPP;
3. Prepared a County site plan and paid the County's site plan review fee;
4. Prepared a Financial Assurances Cost Estimate;
5. Prepared and submitted a Traffic Mitigation Agreement to the County;
6. Installed a silt fence;
7. Flagged the locations of elderberry plants;
8. Staked the limits of construction;
9. Posted signs identifying Valley Elderberry Longhorn Beetle avoidance areas;
10. Hired electrical engineers;
11. Prepared electrical engineering plan for the site;
12. Prepared a power pole installation design plan for the site;
13. Coordinated with electrical consulting firms and PG&E to upgrade the site's power supply;
14. Purchased electrical equipment, including an inertia switch-load break switch and phase recloser;
15. Incurred substantial expenses related to natural gas for the site;
16. Incurred substantial expenses related to the site's processing plant; and
17. Incurred substantial expenses related to dragline design preparation for the site.

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[15] *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530.
[16] See *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at FN 5.
[17] *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.

18. Engaged in detailed lengthy negotiations spread over several years with four different national and multinational aggregate mining companies regarding a lease of CUP 3390, and the related property.
19. Incurred substantial consultant and legal fees to prepare and review post-County CUP approval permit and transactional documents. (See Exhibit 6-7.)
20. Entered into a Third Party Monitoring Agreement between the County and Buada Associates, Inc., on September 1, 2015. (Exhibit 6-8)
21. Entered into a Mitigation and Monitoring Reimbursement Agreement with County on July 23, 2015. (Exhibit 6-9.)
22. Prepared an Indemnification Agreement with the County, signed by Riverbend and Mitchell Chadwick, January 29, 2016. (Exhibit 6-10.)
23. Communicated with the County regarding 2018 FACE Approval and FAM Submittal Instructions. (Exhibit 6-11.)
24. Submitted Site Plan Review No. 7946 approved by County, September 14, 2015. (Exhibit 6-12.)
25. Paid Annual County SMARA Inspection Fees from 2017 to 2023. (Exhibit 6-13.)
26. Completed County SMARA Annual Inspection, December 22, 2016. (Exhibit 6-14.)
27. Completed County SMARA Annual Inspection, December 22, 2017. (Exhibit 6-15.)
28. Completed County SMARA Annual Inspection, October 2, 2018. (Exhibit 6-16.)
29. Completed County SMARA Annual Inspection, January 24, 2020. (Exhibit 6-17.)
30. Completed County SMARA Annual Inspection, January 26, 2021. (Exhibit 6-18.)
31. Completed County SMARA Annual Inspection, December 17, 2021. (Exhibits 6-20, 6-24.)
32. Completed County SMARA Annual Inspection, September 22, 2022. (Exhibit 6-22.)
33. Completed County SMARA Annual Inspection, November 28, 2023. (Exhibit 7-29.)
34. Submitted Annual SMARA Report Fees, 2015 to 2023. (Exhibit 6-25.)
35. Submitted a New Mining Operation Report June 11, 2015. (Exhibit 6-26.)
36. Prepared Annual SMARA Report to the DOC in 2015. (Exhibit 6-27.)
37. Prepared Annual SMARA Report to the DOC in 2016. (Exhibit 6-28.)
38. Prepared Annual SMARA Report to the DOC in 2017. (Exhibit 6-29.)
39. Prepared Annual SMARA Report to the DOC in 2018. (Exhibit 6-30.)
40. Prepared Annual SMARA Report to the DOC in 2019. (Exhibit 6-31.)
41. Prepared Annual SMARA Report to the DOC in 2020. (Exhibit 6-32.)

42. Prepared Annual SMARA Report to the DOC in 2021. (Exhibit 6-33.)
43. Prepared Annual SMARA Report to the DOC in2022-2023. (Exhibit 6-34.)
44. Incurred State Water Resources Control Board Construction Stormwater Fees, 2017 to 2023. (Exhibit 6-35.)
45. Submitted Stormwater Discharges with Construction Report, 2016-2017. (Exhibit 6-36.)
46. Submitted Annual Report for Stormwater Discharges with Construction Activities, 2017-2018. (Exhibit 6-37.)
47. Prepared a Stormwater Pollution Prevention Plan, January 20, 2017. (Exhibit 6-38.)
48. Performed weekly SWPPP Monitoring and Reporting. (Exhibit 6-39.)
49. Performed Stormwater Annual Report Monitoring, 2017-2018. (Exhibit 6-40.)
50. Submitted Annual Report for Stormwater Discharges with Construction Activities, 2018-2019. (Exhibit 6-41.)
51. Submitted Annual Report for Stormwater Discharges with Construction Activities, 2019-2020. (Exhibit 6-42.)
52. Submitted Annual Report for Stormwater Discharges with Construction Activities, 2020-2021. (Exhibit 6-43.)
53. Submitted State Water Resources Control Board Annual Permit Fees, 2021-2022. (Exhibit 6-44.)
54. Submitted State Water Resources Control Board Annual Permit Fees, 2022-2023. (Exhibit 6-45.)
55. Prepared and Submitted a Financial Assurances Cost Estimate, June 2015. (Exhibit 6-46.)
56. Prepared and Submitted a Financial Assurances Cost Estimate, 2018. (Exhibit 6-47.)
57. Prepared Application for Irrevocable Standby Letter of Credit, June 18, 2019. (Exhibits 6-48 and 6-49.)
58. Prepared and Submitted a Financial Assurances Cost Estimate, 2021-2022. (Exhibit 6-50.)
59. Communicated with the County regarding Updated Financial Assurances Cost Estimate, June 15, 2022. (Exhibit 6-51.)
60. Prepared a Financial Assurances Cost Estimate, 2022-2023. (Exhibit 6-52.)
61. Prepared a Financial Assurances Cost Estimate, 2023-2024. (Exhibit 6-53.)
62. Incurred Annual County SMARA Inspection Fees, 2017 to 2024. (Exhibit 6-54.)
63. Received and paid Industrial Stormwater Invoices, 2016 to 2024. (Exhibit 6-55.)
64. Prepared Annual Report for Stormwater Discharges Associated with Industrial Activities, 2017-2018. (Exhibit 6-56.)
65. Prepared Annual Report for Stormwater Discharges Associated with Industrial Activities. (Exhibit 6-57.)

66. Prepared Annual Report for Stormwater Discharges Associated with Industrial Activities, 2020-2021. (Exhibit 6-58.)
67. Prepared Annual Report for Stormwater Discharges Associated with Industrial Activities, 2021-2022. (Exhibit 6-59.)
68. Prepared Annual Report for Stormwater Discharges Associated with Industrial Activities, 2022-2023. (Exhibit 6-60.)
69. Received and paid numerous engineering, electrical, and equipment fees, 2015 to 2018. (Exhibit 6-61.)

Riverbend's expenditures in reliance on CUP 3390, by year, are detailed in the following table:

TABLE 1
(CUP 3390 Expenses: 02/26/2015 to 04/07/2025)

Date	Amount
02/26/2015 to 02/23/2017	$510,353[18]
02/28/2017 to 12/31/2017	$128,287
01/01/2018 to 12/31/2018	$23,022
01/01/2019 to 12/31/2019	$25,534
01/01/2020 to 12/31/2020	$43,304
01/01/2021 to 12/31/2021	$6,285
01/01/2022 to 12/31/2022	$13,134
01/01/2023 to 12/31/2023	$15,651
01/01/2024 to 12/31/2024	$135,122
01/01/2025 to 04/07/2025	$87,481
Total	**$988,173**

[18] The difference between the $294,001 set forth on page 3 of this letter and the $510,353 amount in this letter is for consultant and attorney fees to prepare for the Board of Supervisors appeal hearing that was set for May 19, 2015.

Riverbend continues to perform substantial work and incur substantial liabilities in good faith reliance on its CUP 3390. Further, the County's March 21, 2017, letter acknowledged Riverbend's substantial work and incurred substantial liabilities by stating:

> Staff does not dispute the efforts the Applicant and its team has expended to initiate this long-term project; those efforts are outlined in your February 23rd letter.

(Exhibit 6-5.)

California case law supports Riverbend's vested property right in CUP 3390. In *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776 the Permittee acquired a vested property right to proceed under its use permit when the Permittee, in good faith, commenced preparatory work for drilling, constructed concrete foundations, erected a powerhouse, dug a sump hole, laid pipelines, moved boilers into place, and erected an oil derrick at the cost of approximately $4,500. Likewise, in *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124 the Permittee proceeded with a good faith intent to commence upon the proposed use of the permit, when during the term of the permit, the Permittee purchased the land ($95,000), hired architects and engineers for requisite studies ($85,000), and continued to actively pursue the project. In *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636 the court held that Permittee proceeded with a good faith intent to complete the project by only constructing plumbing, footings, and a concrete slab for a laundry facility in a mobile home park for $2,000, where the total project value was estimated at $800,000 (i.e., had expended less than 1% of the project's value).

For these reasons, and as previously explained in Riverbend's February 23, 2017, letter and February 27, 2017 email, Riverbend has a vested property right in CUP 3390.

III. The County Fails to Adequately Refute that Riverbend Owns a Vested Right in CUP 3390.

Notwithstanding the evidence detailed above, the County disputes that Riverbend possesses a vested right under CUP 3390. In its May 31, 2024 Staff letter to our office, staff of the Department of Public Works and Planning wrote that it "does not approve [Riverbend's] request for a determination that [CUP] 3390 is still valid" as the record did not support a vested right. Staff further stated its conclusions that the CUP expired in 2017 under former Zoning Ordinance section 873(I)(1) and, even if there were a vested right, Riverbend abandoned the project on or before May 2022, under former section 873(I)(2). For the reasons stated below, these County Staff conclusions are incorrect.

A. Conditional Use Permit Owners Can Acquire Vested Rights.

The County first asserts that the CUP 3390 never conveyed the right to make physical changes to the land, which is central to the vested rights doctrine. It argues that a CUP is not the type of "building permit or its functional equivalent" upon which a right may vest, citing *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534 ("*City of Hermosa Beach*"). (See Exhibit 7-22 [May 31, 2024 Letter, p. 1].) This assertion is incorrect.

In a leading case on vested rights, *Avco Community Developers, Inc. v. South Coast Regional Com.*, the California Supreme Court expressly acknowledged that:

> the government may grant another type of permit, such as a conditional use permit, which affords substantially the same specificity and definition to a project as a building permit, and that in such instances a builder might acquire a vested right even though the document was not designated a "building permit."[19]

In contrast, in *City of Hermosa Beach* an oil drilling developer needed several discretionary permits from multiple agencies to commence its drilling project but had not yet obtained all of them when the voters passed an initiative banning drilling within City limits.[20] The Court of Appeal found that no vested right to develop exists "until all final discretionary permits have been authorized and significant 'hard costs' had been incurred in reliance on those permits—that is, until substantial construction has occurred in reliance on a building permit."[21] The Court specifically noted that at the time the ballot initiative passed, the developer had not applied for or received a coastal development permit or had obtained building or drilling permits from the city.[22]

That is not the case here. Riverbend has obtained the discretionary permits from the County it needs to begin development. The CUP was all that was needed to develop the mining operations and serves as the "functional equivalent" of the building permit lacking in *City of Hermosa Beach*. The County claims that Riverbend needed a building permit to make such changes, and Riverbend was expressly aware of the need for such permits but failed to obtain them or apply for any except for the power line. The County is mistaken. As stated above, the California Supreme Court has expressly acknowledged that a CUP can confer vested rights. (*Avco Community Developers, Inc. v. South Coast Regional Com., supra*, 17 Cal.3d at pp. 793-794.) The County's other cited case, *Haalco Engineering Co. v. South Coast Regional Com.* (1986) 42 Cal.3d 52, which it cites for the rule that preparatory work does not give rise to a vested right when it is done with knowledge that

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[19] *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 793-794 (emphasis added).
[20] *City of Hermosa Beach, supra,* 86 Cal.App.4th at p. 552.
[21] *Ibid.*
[22] *Ibid.*

one or more additional permits will be required for actual construction, does not apply here as this does not involve additional permits, such as a building permit. Riverbend obtained not only the CUP but also the Site Plan Approval from the County which Riverbend needed to commence operations. Riverbend's proceeding in good faith to commence work and incur substantial expenditures in reliance on the CUP was proper and established a vested right.

B. Riverbend Has Shown Good Faith Intent to Comply With All Conditions of Approval, Including Mitigation Measures TRANS-1 and TRANS-2.

The County next claims that Riverbend has failed to meet all of the conditions of approval for CUP 3390, citing mitigation measures TRANS-1 and TRANS-2 as among the unmet conditions. The County dismisses the time, effort, and expense Riverbend put into attempting to meet these mitigation measures, including its negotiation of a traffic impact fee in 2020 actively with the County Counsel in a period when according to the County's current position the CUP had already been expired three years. Why would County Counsel have been exchanging draft traffic mitigation fee agreements in 2020 if the permit had expired in 2017? But more importantly, California law does not require that every condition of approval be met before a right may vest. Rather, to prove a vested right, an applicant needs only to proceed with a good faith intent to commence upon the proposed use of the permit. (*Trans-Oceanic Oil Corp. v. City of Santa Barbara, supra,* 85 Cal.App.2d at p. 789 [permit to drill for and extract oil]; see also, *Community Development Com. v. City of Fort Bragg, supra,* 204 Cal.App.3d 1124 [conditional use permit reinstated even though construction work had not yet commenced]; *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636 [construction permit renewed after time limit expired without having begun work].)

The County's May 31, 2024 letter ignores these applicable authorities entirely, while citing no relevant authority to the contrary. Instead, the County argues that any costs expended in attempting to meet Mitigation Measures TRANS-1 and TRANS-2, through the negotiation of a traffic impact fee in 2020, only reinforce the fact that the mitigation measure was never met. But again, this is not a valid ground to revoke the CUP or declare that it expired for non-compliance with conditions of approval. The point is that Riverbend incurred substantial costs in reliance upon the CUP and with the intent to develop the project. That was enough to vest the right, and constitutes substantial development, which is confirmed by the County's February 2024 definition of substantial development in the new county code section 868.6.030(E)(4).

C. Riverbend Has Performed Substantial Work From 2015 to the Present.

The County next contends that even if Riverbend's rights could vest, Riverbend did not perform substantial work, sufficient to establish vesting, because the site is "unchanged, with much of it

still under cultivation, and it is far from a surface mining operation."[23] The County, however, fails to consider that mining, by its nature, requires substantial work and expense long before the ground can ever be disturbed.

Considering an analogous situation, the Court in *Morgan v. County of San* Diego found that a developer's failure to commence "actual construction" during the permit period did not call for termination of the permit where the county knew the developers "were not sitting idly upon the land, but were proceeding diligently" to prepare the necessary design plans and obtain the required approvals for the project at issue, a planned mobile home park.[24] The Court stated that "the extent of construction alone does not invariably show whether a permittee is ready to proceed" and "[i]n a complex and expensive project...much work must be done on the drawing board, in governmental and banking offices before the pick and shovel may be wielded and mortar poured."[25] Such is the case here, where Riverbend has, as detailed above, spent over $988,000 in costs in reliance upon CUP 3390 before it may commence mining operations. In addition, Riverbend spent years negotiating with five different large mining companies to enter an agreement to mine the property.

The County further claims that Riverbend has no vested right in CUP 3390 because Riverbend did not incur substantial liabilities in the form of hard costs; and that Riverbend's claim to a vested right is based almost entirely on soft costs.[26] The County ignores Riverbend's authorities cited in the April 23, 2024 letter, which focus not on the nature of the costs incurred, but on the developer's "good faith intent to commence upon the proposed use."[27] In this case, Riverbend's detailed expenditures and actions far exceed those of the developer in *Fort Bragg*, where the Court found that the record "clearly demonstrates good faith intent to commence upon the proposed use."[28]

Moreover, while the former Zoning Ordinance did not draw a hard costs/soft costs distinction, the new "substantial development" definition in the County's own February 2024 Zoning Ordinance, at section 868.6.030(E), is instructive. This new County code section explicitly provides that "Substantial Development" can include soft costs:

> Consideration of "Substantial Development" includes the degree of physical on-site development accomplished, ***but can also include the amount of "soft costs"*** (i.e., costs associated with establishing the approved use before the

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[23] See, Exhibit 7-22 (May 31, 2024, Letter, p. 1.)

[24] *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636, 642

[25] *Id.* at p. 641.

[26] Exhibit 7-22 (May 31, 2024 Letter, p. 2.)

[27] *Community Development Com. v. City of Fort Bragg, supra,* 204 Cal.App.3d at p. 1130.

[28] *Ibid.* The developer pursued and obtained a funding commitment from a government agency, purchased the property for $95,000, hired architects and engineers for preconstruction work for $85,000, had soil borings performed, arranged for the removal of two structures, and submitted plans to the building inspector for review.

> expiration date) including financial expenditures for preparatory actions (e.g., invoices documenting expenditures related to permits and fees for Site Plan Review, drainage, grading, storm water, and Encroachment Permits, engineering studies, testing and plans, construction costs including grading, staking, and temporary power, insurance and attorney fees, etc.), ***which show a "good faith effort" to establish a particular use. As a point of information, "good faith effort" can be defined as time and effort to establish a use, regardless of financial expense.***

(Zoning Ordinance, section 868.6.030(E)(4), emphasis added.)

Virtually every soft cost item listed in the County's current ordinance was incurred by Riverbend. Not that Riverbend need only rely on the new County ordinance, as that section merely recites what case law had already established in California. The last sentence of the new county code section regarding "good faith effort" as defined as "time and effort to establish a use, regardless of financial expense" was clearly met here with the many hours of effort dedicated to obtaining a mining lease with major mining companies.

The facts here are also distinguishable from those in *Malibu Mountains Recreation, Inc. v. County of Los Angeles*, where the Petitioner appealed the revocation of a CUP for a tennis ranch.[29] The Petitioner, Malibu Mountains Recreation, had obtained a CUP to operate a tennis ranch, but the CUP was revoked by the Regional Planning Commission and later in a hearing with the Los Angeles County Board of Supervisors.[30] The Petitioner claimed to have spent over $400,00 in reliance on the CUP, but the Court determined that the expenses had not been spent in support of a tennis ranch or the development of a tennis ranch.[31] Therefore, the Court ruled that Petitioner had been accorded its due process right in the lower hearing and affirmed the decisions of the lower bodies, that revocation of the CUP was proper.[32]

Here, unlike the *Malibu Mountain* case, Riverbend has completed substantial work and spent substantial money over the years, specifically for the development of the mining site provided for under CUP 3390.

D. The 2017 County Code Allowed <u>but Did Not Require</u> an Application for "Substantial Development" Determination.

In 2017, the County Code included no written definition of a determination of substantial development, nor were there any procedures for seeking a Substantial Development determination

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[29] *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998) 67 Cal.App.4th 359, 372.
[30] *Id.* at p. 362.
[31] *Id.* at p. 372.
[32] *Id.* at pp. 372-373.

from the County. While the above County code definition was not in place in 2017, it provides a clear definition of what the County considers to be Substantial Development.

E. Riverbend May Properly Rely on Former County Counsel's Representations.

Next, the County asserts that a Court will not use Riverbend's reliance on county counsel's comments to form the basis of a vested right to violate a zoning law that is plain on its face. (Exhibit 7-22 [County's May 31, 2024 Letter at p. 2], citing *Summit Media, LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 940 ("*Summit Media*").) *Summit Media*, however, does not apply. In *Summit Media*, the developer relied on city staff's representations in connection with a contract that was the subject of the appeal, which contract was found to be *ultra vires* as it contravened the municipal code and longstanding precedent that a municipality cannot contract to forgo future exercise of its police power.[33] In this case, by contrast, Riverbend's reliance upon Mr. Wille's representations in 2017 did not circumvent any county zoning ordinances. They only confirmed Riverbend's counsel's belief that Riverbend had in fact performed substantial development on the property, under then County Zoning Ordinance section 873(I) and (J). It is irrelevant whether counsel "was never vested with authority to make the alleged statements or to make any determination on the status of a permit." Former Deputy County Counsel Wille's statements were correct and were made, at a minimum, with ostensible authority and on behalf of his client, and are entirely consistent with Riverbend's position at the time (and now), that it acquired and owns a vested right under CUP 3390.

The County's claim, moreover, that Riverbend "was aware that the CUP had a built-in 2-year deadline and that staff had not formally made a determination of substantial development in 2017, but instead directed [Riverbend] to have a determination made per staff letter dated March 21, 2017" does not establish there was no vested right.[34] Nor is this representation accurate. The March 21, 2017 letter only states that a formal determination of substantial development may be obtained from staff under former Zoning Ordinance section 873(J)[35], but that ordinance does not require an applicant to make such a request as a prerequisite for a vested right to exist. Indeed, Riverbend's counsel's February 27, 2017 email, to which staff's March 21, 2017 letter responds, specifically advised the County of Riverbend's position that its rights had already vested under common law by that date and therefore no determination from the County was necessary. If the County disputed that Riverbend's right had vested under CUP 3390 (as it now does), then the County should have issued its "no vested right" determination in 2017, after receiving Riverbend's letter. But the

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[33] *Summit Media, supra,* 211 Cal.App.4th at pp. 935. 940.

[34] Exhibit 7-22 (County's May 31, 2024 Letter, p. 2.)

[35] Specifically, the March 21, 2017 letter states that "...a formal determination of substantial development is a process that must be requested by the Applicant and implemented through public noticing and the ability of neighbors to request a hearing before the Board of Supervisors." However, neither this email nor the Former Zoning Ordinance, section 873(J)(1), states that an Applicant is required to make such a request in order to receive a determination of substantial development as a prerequisite to a claim of vested right.

County failed to do so, and now wants to argue that Riverbend was required to make that request for determination of substantial development, when there was no legal requirement in the County Code nor under case law that Riverbend do so.

The County argues that the Water and Natural Resources Division[36] of the Department of Public Works and Planning was making inspections at Riverbend's request and pursuant to the Surface Mining and Reclamation Act ("SMARA"), and that those inspections "do not suggest a mine was in operation" but instead the reports "confirm Riverbend did nothing to prepare the site for surface mining activities."[37] This is untrue. Riverbend's $777,164 in expenditures, as detailed herein and in the April 23, 2024 letter, were spent exactly to prepare the site for surface mining activities. Why would the County charge Riverbend annual inspection fees and have County staff review the site for seven years after the CUP allegedly expired in 2017?

There are many actions to be taken before a mine can commence operations, and these actions can take years and hundreds of thousands of dollars. The County is aware of these efforts and expenses, as shown in its own definition of substantial development, as quoted above, which does not include "whether a mine is in operation."

F. Riverbend Has Never Abandoned Its Right to Develop Under CUP 3390.

The County also argues that the evidence supports a theory of abandonment of the project not later than May 2022 under sections 873(I)(2) and (K)(2) of the former Zoning Ordinance. Section 873(I)(2) states that "[e]ach Conditional Use Permit approved either before or after the effective date of this amendment shall become void when… [t]here is a cessation in the occupancy or use of land…authorized by said Conditional Use permit for a period in excess of two years…" (Former Zoning Ordinance, section 873(I)(2).) The Former Zoning Ordinance states that "[i]f an established time limit for development expired and no extension has been granted, the Conditional Use Permit shall be considered void." (Former Zoning Ordinance, section 873(K)(2).)

The County claims that Riverbend's "limited activities up to 2020" appear to show abandonment of the CUP, despite extensive and continuous soft costs incurred since then. This argument wrongly assumes that Riverbend, because it allegedly did not have a vested right in May 2017, should have applied for an extension to allow additional time to complete its substantial development and acquire the vested right, under Former Zoning Ordinance 873(I)(3). That section states:

> Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873(I)(1), the Commission may grant a maximum of four one (1)-year

[36] Note that this Division is in the same County department as both Chris Motta and Director Steven White.
[37] Exhibit 7-22 (County's May 31, 2024 Letter, p. 2.)

> extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public hearing(s) shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Former Zoning Ordinance, section 873(I)(3).)

Riverbend, however, did not need an extension of time to establish its vested right in CUP 3390, as explained above and in its February 23, 2017 letter and again in its February 27, 2017 email to the County. (Exhibits 6-1 to 6-4).) As recounted in those communications, Riverbend had already acquired a vested right under CUP 3390 and thus did not need an extension and therefore, did not request one. The County never disputed that Riverbend owns a vested right until over seven years later, in the County's May 31, 2024 letter.

The California Supreme Court, in a major mining case, held that abandonment in the land use context depends upon a concurrence of two factors: (1) an intention to abandon; and (2) an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use. (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 569.) Neither factor is present here. As stated above, Riverbend has acted on its CUP continuously since 2017, incurring substantial hard and soft costs during that time. The County never previously disputed these facts. In addition, Riverbend negotiated with two multinational mining companies, two national mining companies, and one large regional mining company spread over several years, to lease the rights to mine the site, that is hardly what an owner who intends to abandon its rights would be doing.

It is only now that the County contends, in hindsight and for the first time, that Riverbend did not possess a vested right in CUP 3390 in 2017, and because Riverbend did not make a request under Former Ordinance Section 873(J)(1), or seek an extension to do so under Section 873(1)(3), quoted above, CUP 3390 expired on its own terms in May 2017 and has been void since that time.

The County, again, is wrong. Riverbend's extensive documentation shows ample evidence of substantial development and hard and soft costs incurred in reliance upon CUP 3390 in the first two years (2015-2017) and every subsequent year. If the County ever disputed these facts, it should have made a determination in 2017 that there had been no substantial development and the CUP was void at that time. The County not only refused to make such a determination, but also received, considered, and did not dispute Riverbend's multiple written communications to the County, asserting that Riverbend already possessed vested rights and did not need to seek such a determination. The County never disputed this claim until seven years later, despite acquiescing

in SMARA inspections, negotiating traffic impact fee agreements with Riverbend in 2020, and other actions, none of which the County would have done had the County truly believed that Riverbend's CUP was void.

G. The Zoning Ordinance Limitations Do Not Preclude Riverbend's Vested Rights.

The County next makes the vague assertion, with no supporting authority, that the "legal limitations imposed by the Fresno County ordinances function as a preexisting limitation on the scope of the CUP, and do not implicate vested rights." (Exhibit 7-22 [May 31, 2024 Letter, p. 1].) Not so. The County ordinances speak to the scope of the CUP and allow conditions of approval, but they do not preclude a permit holder's rights from vesting where, as here, that permit holder performed substantial work and incurred substantial liabilities in good faith reliance on the CUP. (*Communities for a Better Environment v. South Coast Air Quality Management* (2010) 48 Cal.4th 310, 323.) And as explained above, a permit holder's rights may properly vest under a CUP; a building permit is not strictly necessary because the CUP can be its functional equivalent. (*Avco, supra,* 17 Cal.3d at p. 793-794.)

Here, the scope of the CUP 3390 allows use of the land for surface mining operations, and any substantial work and costs incurred in connection with the development of that use, and within the scope of the CUP, will give rise to a vested right. (*South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 749.) Riverbend performed substantial work and incurred substantial expenses precisely to fulfill CUP 3390's conditions of approval, including the requirement of substantial development within two years, the traffic mitigation measures, SMARA compliance, inspections, and numerous other conditions. As such, the County ordinances governing the scope of CUP and these conditions do not and cannot preclude Riverbend's vested right in the CUP.

H. Riverbend is Entitled to Due Process, as its Vested Right is Constitutionally Protected.

"The [vested rights] doctrine is based on the constitutional prohibition against the taking of property."[38] A permittee who incurs substantial expense and acts in reliance on the permit acquires "a vested property right in the permit and is entitled to the protections of due process before the permit may be revoked."[39] "The owner of a property right [to mine and extract materials] in a proven [land] acquired under a permit, may not constitutionally be deprived thereof without payment of just compensation."[40]

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[38] *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 747.
[39] *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at fn. 5, citing *Trans-Oceanic Oil Corp, supra,* 85 Cal.App.2d at p. 795.
[40] *Trans-Oceanic Oil Corp,* at pp. 797-98 ("The attempted revocation of [a] permit after [a permittee] had acquired a vested right, . . . constitute[s] a deprivation of [the Permittee's] property in contravention of the Fourteenth

As explained above, Riverbend has acquired a vested property right in CUP 3390, which may only be revoked with due process. Since Riverbend obtained a common law vested property right in CUP 3390 in February 2017, revocation of CUP 3390 would constitute a deprivation of Riverbend's vested property right, which is worth millions of dollars, in contravention of both the U.S. and California Constitutions.

The County cites *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, as authority supporting its contention that Riverbend is not entitled to basic due process because its CUP is void and expired on its own terms in 2017 at the earliest (when Riverbend failed to request a substantial development determination from the County) or 2021 at the latest (four years later, when all allowable extensions would have expired without substantial development).

Again, the County is incorrect. This contention wrongly assumes the CUP expired in 2017 (or 2021) on its own terms due to lack of substantial development and failure to meet conditions of approval. That is not the case. As explained above, Riverbend has continuously performed substantial work and incurred substantial liabilities in reliance upon CUP 3390 since 2015. Riverbend's counsel, moreover, gave notice to the County of this substantial development in 2017, before expiration of the two-year period to establish substantial development, and Riverbend was not required under the Former Zoning Ordinance to seek a determination of substantial development from the County (despite the County's recent contentions to the contrary).

This vested right, moreover, automatically accrued by operation of law, not because the County declared it so through a "determination of substantial development" procedure in the Zoning Ordinance. Nor did this vested right somehow terminate or "automatically expire" as the County contends, where Riverbend did not seek (unnecessarily) an extension of the time for the County to issue any such determination that this right exists. As such, the vested right continues to this day and Riverbend's CUP has never expired. Termination of such right without the basic due process requirements of notice and an opportunity to be heard unlawfully deprives Riverbend of its constitutionally protected property right. (See *Goat Hill Tavern, supra,* 6 Cal.App.4th at p. 1526 [administrative decision affecting CUP holder's vested right required due process, including "a full and independent judicial review"].)

IV. Riverbend's Grading Permit Application No. 2025-000081 Must Be Approved

For the reasons outlined above, and as set forth in my letter to Mr. Motta on April 23, 2024, in the prior appeal to Fresno County Department of Public Works and Planning Director Steven White dated June 13, 2024, and in the Petition for Writ of Mandamus, Declaratory Relief, Violation of Civil Rights, and Unlawful Taking, filed in the Fresno County Superior Court on August 27, 2024,

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Amendment to the Constitution of the United States and Article I, section 13, of the Constitution of California.")

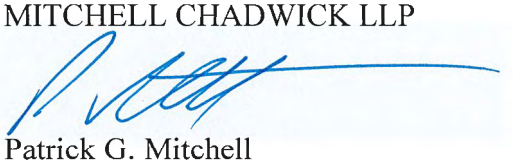
case no. 24CECG03609, Riverbend's CUP 3390 is still a valid and active permit. Therefore, Grading Permit Application No. 2025-000081, submitted by Riverbend in reliance upon CUP 3390, should be approved.

Please consider this information submitted in response to your January 22, 2025 letter and advise whether the Department of Public Works and Planning will approve Riverbend's Grading Permit Application No. 2025-000081. I look forward to your response.

Thank you for your attention to this matter.

Sincerely yours,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

Enclosures: Exhibits 1-233

Cc: Steven E. White, Department of Public Works and Planning Director
Bernard Jimenez, Department of Public Works and Planning Assistant Director
William Kettler, Deputy Director of Planning
Bryan D. Rome, Deputy County Counsel
Cavan M. Cox II, Deputy County Counsel
Herb Lang (Riverbend)
John Buada
J. Scott Miller (Mitchell Chadwick)
Buddy Mendes, Chairman, Fresno County Board of Supervisors
Garry Bredefeld, Vice Chairman, Fresno County Board of Supervisors
Supervisor Chavez
Supervisor Magsig
Supervisor Pacheco

(all cc via email)

EXHIBIT 1

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559-269-1376
e-mail: jcbuada@buada.com

December 30, 2024

Chris Motta
Fresno County Public Works and Planning
2220 Tulare St, Sixth Fl
Fresno, CA 93721

RE: Riverbend Sand & Gravel Grading Permit Application, CUP 3390

Attached is a Grading Permit application for an approximately 23-acre stockpile area of a future sand and gravel Plant Site, CUP 3390, CA Mine ID# 91-10-0031.

If you need any additional information or have any questions regarding this application, please contact me by email at jcbuada@buada.com or by cell phone at (559) 269-1376.

Sincerely,

John C. Buada
President

Cc: Pat Mitchell, Mitchell Chadwick
Scott Miller, Mitchell Chadwick

County of Fresno

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

GRADING PERMIT/VOUCHER APPLICATION

Job Address: 3677 S Riverbend Ave City: Sanger

Property Owner: Running Luck Ranch, LLC

Mail Address: 14962 E. Fantz, Parlier 93648

Email: iblang@yahoo.com Phone: 559-875-6565

APN: Portion of 333-160-01 T 30 S R 23 E Sec 4

Owner-Builder?: Yes ■ No ☐ If "Yes", please complete separate "Owner-Builder Form"

Contractor: _____ St. Lic. # _____

Mail Address: _____

Email: _____ Phone: _____

Scope of Work: Grading for Stockpile Storage (CUP 3390) Site Plan Attached: Yes ■ No ☐

Start Date: 1/3/25 End Date: 1/31/25 Engineered Grading Plan: Yes ■ No ☐

Approximate Embankment (Fill): _____ CY Approximate Excavation (Cut): 28,400 CY

Max Depth of Embankment (Fill): ___ Feet Max Depth of Excavation (Cut): ___ Feet

Fill To Support Structure: Yes ☐ No ■ Retaining Walls: Yes ☐ No ■

If "Yes" to above, is fill being placed on ex. slope of 5H:1V or steeper? Yes ☐ No ☐

Applied For a Building Permit too?: Yes ☐ No ■

If yes, PC (22-XXXX) or Amanda Number (22-XXXXXX): _____

Applicant's Interest (Owner, Grading Contractor, Engineer etc.): Owner

Applicant Signature: John C. Bonada Agent

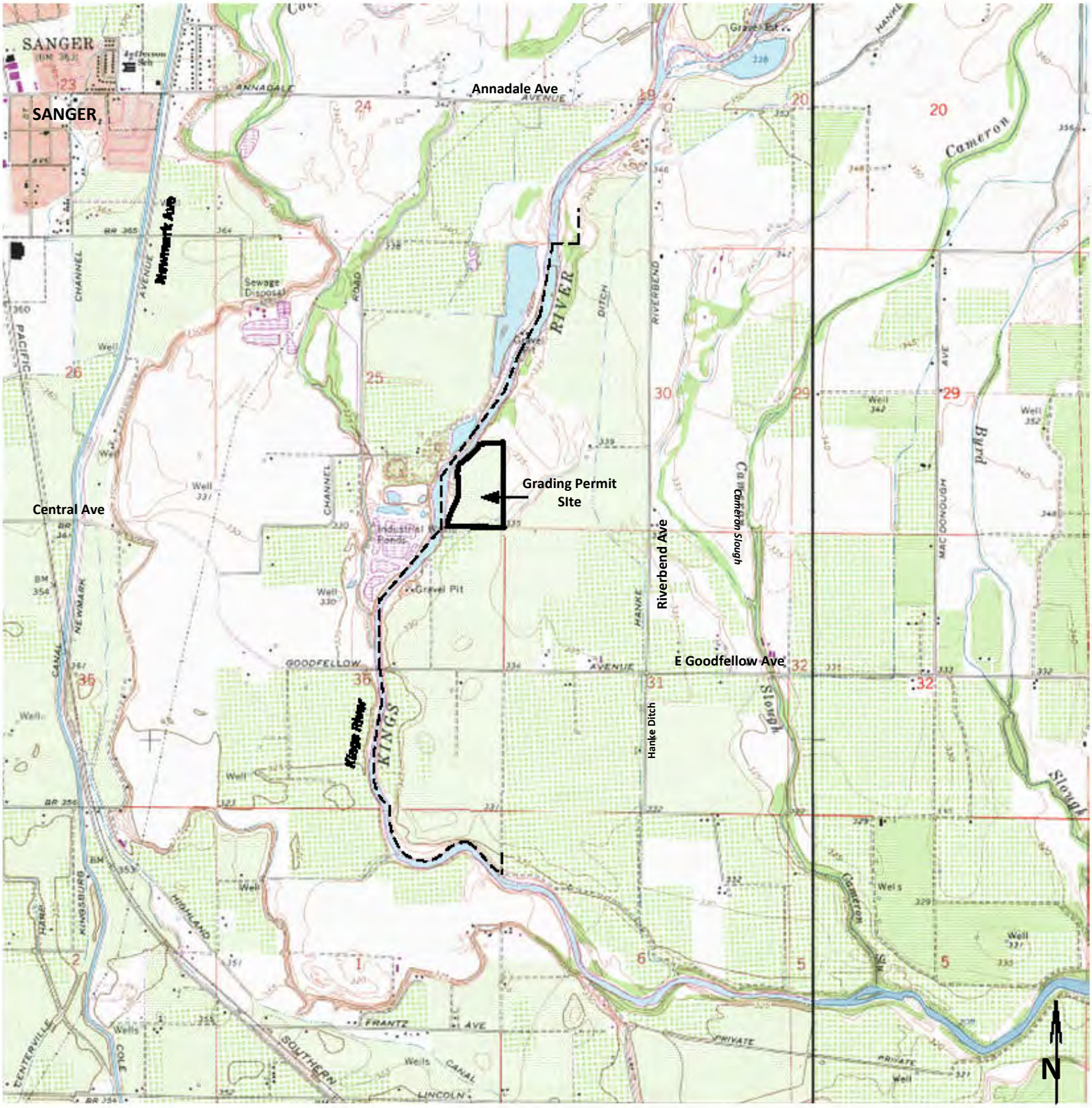
County Use Only

Flood Zone: _____ EC/MOS Required: Yes ☐ No ☐ Submitted: Yes ☐ No ☐ Date: _____

FMFCD: Yes ☐ No ☐ Drainage Issue or Blue Line/Stream: Yes ☐ No ☐

SRA: Yes ☐ No ☐ Ag Contract: Yes ☐ No ☐

Land Use Application: Yes ☐ No ☐ If yes, App # _____ Reviewed by: _____ Date: _____

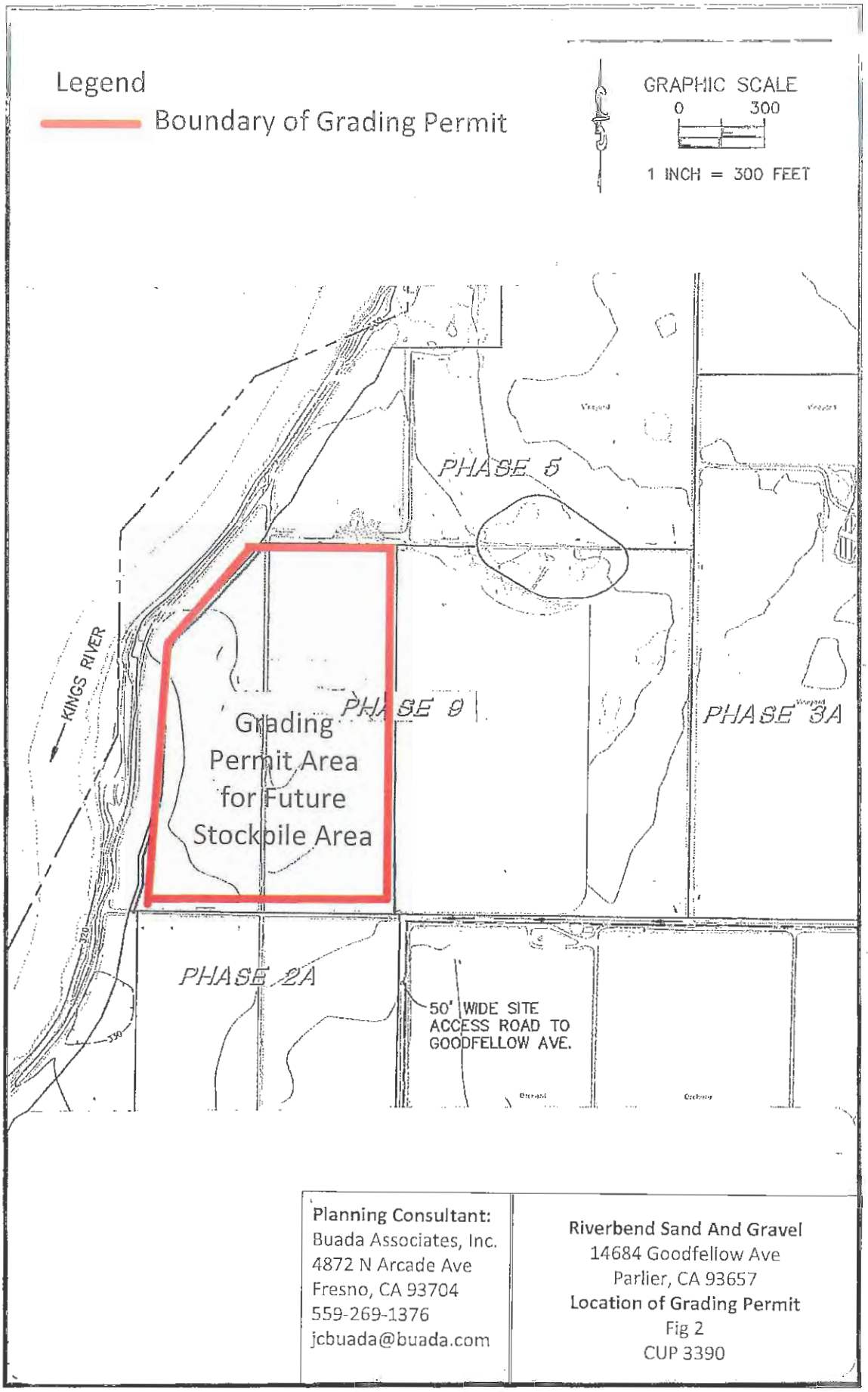


Source: USGS 7.5" Quad - Sanger

Legend:

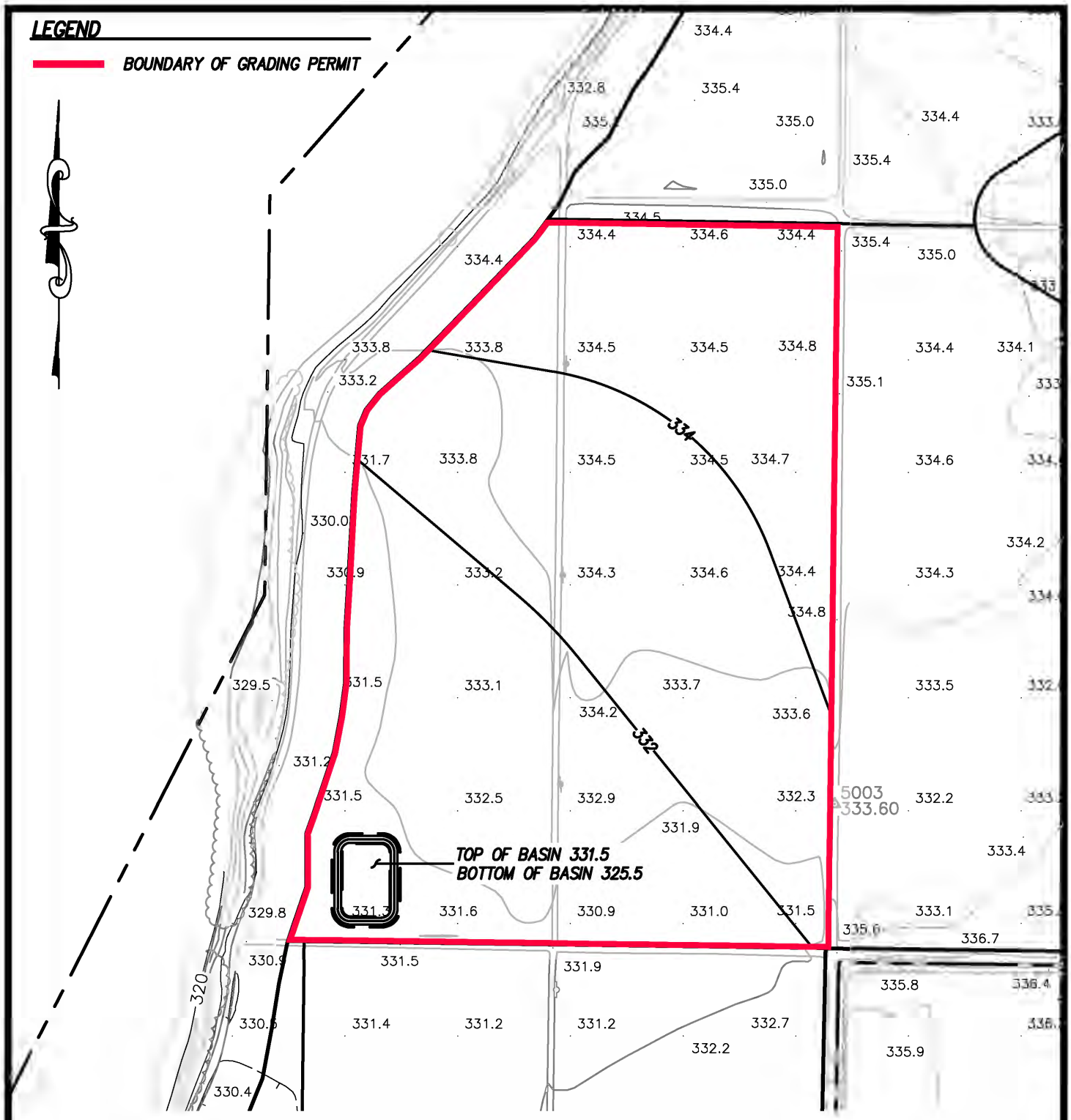
Construction Site Boundary

Planning Consultant: Buada Associates, Inc. 4872 N Arcade Ave Fresno, CA 93704 559-269-1376 jcbuada@buada.com	**Riverbend Sand and Gravel** 14684 E Goodfellow Ave Sanger, CA 93657 **Location Map** Figure 1 Grading Permit (Cup 3390)



Planning Consultant:
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

Riverbend Sand And Gravel
14684 Goodfellow Ave
Parlier, CA 93657
Location of Grading Permit
Fig 2
CUP 3390



TOPO SOURCE:
THE EXISTING GROUND DRAINS FROM NORTHEAST TO SOUTHWEST. THE GRADING FOLLOWS THE CURRENT SHEET GRADED DIRECTION AND RETENTION BASIN IS AT THE LOW SIDE. THE EXISTING GROUND IS SLIGHTLY MOUNDED IN THE CENTER.

CUT=28,400 CUBIC YARDS

SCALE: 1" = 250'

0 125 250 500

ChangConsultants
Civil Engineering•Hydrology•Hydraulics•Sedimentation
P.O. Box 9496
Rancho Santa Fe, CA 92067-4496
T: (858) 692-0760
F: (858) 832-1402
wayne@changconsultants.com • www.changconsultants.com

PLANNING CONSULTANT:
BUADA ASSOCIATES, INC.
4872 N. ARCADE AVE
FRESNO, CA 93704
559-269-1376
JCBUADA@BUADA.COM

RIVERBEND SAND AND GRAVEL
14684 E. GOODFELLOW AVE
SANGER, CA 93657
GRADING SITE PLAN
FIGURE 3
GRADING PERMIT (CUP 3390)

December 27, 2024

EXHIBIT 2

From: Scott Miller
To: Alli Cassing
Subject: FW: 3677 S. Riverbend
Date: Monday, April 7, 2025 11:15:44 AM
Attachments: image001.png

From: John Buada <jcbuada@buada.com>
Sent: Friday, January 3, 2025 11:23 AM
To: Scott Miller <smiller@mitchellchadwick.com>
Subject: Fwd: 3677 S. Riverbend

Per email below will email development engineering with grading permit application.

---------- Forwarded message ---------
From: **Finney, Rhonda** <rfinney@fresnocountyca.gov>
Date: Fri, Jan 3, 2025, 10:33 AM
Subject: 3677 S. Riverbend
To: jcbuada@buada.com <jcbuada@buada.com>

Good morning,

We received an application for a permit at 3677 S. Riverbend in Sanger Please email developmentengineering@fresnocountyca.gov to apply for a grading permit.

Thank you,

Rhonda Finney| **Program Technician**
Department of Public Works and Planning
Development Services & Capital Projects Division
2220 Tulare St. Suite A Street Level Fresno, CA 93721
Main Office: (559) 600-4560
Direct: (559) 600-9766
E-Fax (559) 455-4700
Your input matters! Customer Service Survey

Quick Links: Building & Safety Website | Apply for Building Permit - Submit Plans | Request an Inspection Online | Fresno County Ordinance Code Title 15 | Schedule of Building, Land Use and Mapping Fees | Zoning Ordinance | Zoning Information Map Lookup | Surveyor's Office Map Lookup| Reference CA Codes Online for Free

EXHIBIT 3

From:	Scott Miller
To:	Alli Cassing
Subject:	FW: Grading Permit Application 3677 S. Riverbend, Sanger, CUP 3390
Date:	Monday, April 7, 2025 11:17:07 AM
Attachments:	image001.png RSG Grading Permit Application 1-2-25.pdf

---

From: John Buada <jcbuada@buada.com>
Sent: Friday, January 3, 2025 3:59 PM
To: developmentengineering@fresnocountyca.gov; Scott Miller <smiller@mitchellchadwick.com>
Subject: Grading Permit Application 3677 S. Riverbend, Sanger, CUP 3390

Rhona,

As requested in your 1-3-25 email below, attached is a grading permit application for 3677 S. Riverbend, Sanger, CUP 3390.

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

From: **Finney, Rhonda** <rfinney@fresnocountyca.gov>
Date: Fri, Jan 3, 2025, 10:33 AM
Subject: 3677 S. Riverbend
To: jcbuada@buada.com <jcbuada@buada.com>

Good morning,

We received an application for a permit at 3677 S. Riverbend in Sanger Please email developmentengineering@fresnocountyca.gov to apply for a grading permit.

Thank you,

Rhonda Finney| **Program Technician**
Department of Public Works and Planning
Development Services & Capital Projects Division
2220 Tulare St. Suite A Street Level Fresno, CA 93721
Main Office: (559) 600-4560
Direct: (559) 600-9766
E-Fax (559) 455-4700

EXHIBIT 4

From: ~~Scott Miller~~
To: ~~Alli Cassing~~
Subject: FW: Riverbend Sand and Gravel Grading Permit Application No. 2025-000081
Date: Monday, April 7, 2025 11:14:46 AM
Attachments: ~~image004.png~~
~~2025.01.22 Riverbend Grading Permit signed.pdf~~

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, January 22, 2025 5:36 PM
To: John Buada <jcbuada@buada.com>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Cox, II, Cavan <cacox@fresnocountyca.gov>; Patrick Mitchell <pmitchell@mitchellchadwick.com>; Scott Miller <smiller@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Grading Permit Application No. 2025-000081

John,

Please see attached. A hard copy is also being mailed to your attention.

Sincerely,

Chris W. Motta| Division Manager
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

County of Fresno

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

January 22, 2025

Sent via email to: jcbuada@buada.com

John C. Buada
4872 N. Arcade Ave., Fig Garden Studio
Fresno, CA 93704

Subject: Riverbend Sand and Gravel Grading Permit Application No. 2025-000081 – 3677 S. Riverbend

Dear Mr. Buada:

Staff received your Grading Permit Application No. 2025-000081 ("Application") for an approximately 23-acre stockpile area for a future sand and gravel plant site, located at the above address and identified under Unclassified Conditional Use Permit No. 3390, CA Mine ID# 91-10-0031. We should note this Application was submitted through our web-based permit portal on January 2, 2025, but was submitted incorrectly as a construction permit. Upon review, staff modified the submittal to correct it to a grading permit.

This correspondence is to inform you that staff is considering your Application incomplete under section 65943 of the Government Code. Our preliminary analysis is that the mining project originally approved under UCUP No. 3390 did not commence in use or achieve substantial development within the time limit prescribed by the version Fresno County Zoning Ordinance ("ZO") in effect during the relevant time period. Under the ZO, approved conditional use permits must develop within two years of their approval, or applicants must seek adequate time extensions until substantial development has occurred. Because the Application is dependent on the validity of UCUP No. 3390, which has expired, the Application is facially defective.

This is not a final determination of staff for the purposes of section 868.6.020, subd. (A) of the ZO. Staff is informing you of its preliminary analysis to provide you an opportunity to augment the Application with the facts and law that support your belief that the County can approve the Application. We ask that you provide this information within ninety (90) days. If you have any questions, please contact me via email cmotta@fresnocountyca.gov or by phone at (559) 600-4227.

Sincerely,

Chris Motta, Development Services and Capital Projects Manager

cc: William Kettler, Deputy Director of Planning
Cavan M. Cox II, Deputy County Counsel
Pat Mitchell, Mitchell Chadwick
Scott Miller, Mitchell Chadwick

EXHIBIT 5

From:	Scott Miller
To:	Alli Cassing
Subject:	FW: Follow-up Regarding Riverbend Board Appeal
Date:	Monday, April 7, 2025 11:18:09 AM
Attachments:	2025.01.22 Riverbend Grading Permit.pdf

From: Cox, II, Cavan <cacox@fresnocountyca.gov>
Sent: Monday, March 24, 2025 1:35 PM
To: Scott Miller <smiller@mitchellchadwick.com>
Subject: Follow-up Regarding Riverbend Board Appeal

Scott,

Just following up on the status of this – the last thing that happened as I recall was the County sent a "preliminary" denial (attached) on the basis of an expired CUP on 1/22, inviting Riverbend to provide whatever facts or law it wanted which showed the CUP was not expired. The timeline was 90 days, which would be by April 22, 2025 – so still about a month off. I just wanted to touch base in case there were any issues.

Let me know if you have any questions or concerns with it. Thanks!

Cavan M. Cox II
Deputy County Counsel

COUNTY OF FRESNO
Office of County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: (559) 600-3479
Fax: (559) 600-3480
Email: cacox@FresnoCountyCA.gov

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EXHIBIT 6

MITCHELL CHADWICK

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

April 23, 2024

VIA U.S. MAIL AND EMAIL

Chris Motta
Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93726-0244
Email: CMotta@fresnocountyca.gov

Re: Riverbend Sand and Gravel – Vested Property Right Under CUP 3390

Dear Mr. Motta:

This letter is submitted on behalf of my client, Riverbend Sand and Gravel, LLC ("Riverbend"), regarding Riverbend's vested property right in its Conditional Use Permit No. 3390 ("CUP 3390"), which provides for aggregate mining and reclamation on 619 acres of property owned by Running Luck Ranch and located in Fresno County ("County"). Riverbend owns a vested property right given that Riverbend has performed substantial work and incurred substantial liabilities (e.g., more than $777,000) in good faith reliance on CUP 3390. Riverbend has owned this right continuously and uninterrupted since 2015, and it cannot be revoked without due process, as this would amount to a constitutional taking requiring just compensation.

I. Background

On February 26, 2015, the Fresno County Planning Commission approved CUP 3390. This decision was appealed, but then the late afternoon prior to the May 19, 2015, Board of Supervisors appeal hearing, the Appellant suddenly withdrew the appeal.[1] The Board of Supervisors unanimously dismissed the appeal, thus confirming the Planning Commission approval.

Almost two years later on February 23, 2017, my office sent a letter on behalf of Riverbend to inform the County that Riverbend's rights under CUP 3390 had vested. (See **Attachment 1**.) The February 23, 2017, letter recounted Riverbend's good faith efforts to implement CUP 3390 over

[1] The two-year substantial development period set forth in County Zoning Ordinance Section 873(I) would have run from the May 19, 2015, Board of Supervisors hearing at which time Riverbend and I were informed the appeal had been dismissed, as Riverbend had not been permitted to commence work while the CUP appeal was pending. This timing was confirmed in your letter to me dated March 21, 2017.

the two years following the May 19, 2015, final determination, including spending over $294,000 on permitting efforts, site work, fencing installation, project design, and electrical engineering work to implement CUP 3390, all of which constituted substantial development. My February 23, 2017, letter included two attachments. The first was a table of project development costs of $294,001 incurred through January 2017. (See **Attachment 2**.) The second attachment was two letters from John Buada regarding Riverbend's filed Notice of Intent and payment of the requisite fee for construction of the aggregate stockpile area in anticipation of construction pursuant to SWPPP requirements. (See **Attachment 3**.)

On February 24, 2017, the County responded to my February 23, 2017, letter via email, outlining the procedures required to obtain a formal determination of substantial development from the County.

On February 27, 2017, I sent an email on behalf of Riverbend, responding to the County's February 24, 2017, email in which I reiterated that Riverbend already had a vested property right under CUP 3390 because of its good faith efforts to substantially develop (e.g., expenditures over $294,000), and therefore did not require and was not requesting a formal determination from the County. (See **Attachment 4**.) My February 27, 2017 email explained that Section 873(I)(1) of the County Zoning Ordinance was inapplicable because substantial development had already occurred within two years of the May 19, 2017, approval; thus, there was no need for a formal determination nor an extension regarding CUP 3390.

By letter dated March 21, 2017, Chris Motta at the County responded to my February 23, 2017, letter and February 27, 2017, email (see **Attachment 5**). In that letter, the County agreed that Riverbend had expended substantial efforts to initiate its long-term project and further agreed that May 19, 2015, was the CUP 3390 approval date. However, the County incorrectly asserted that Riverbend must request a formal determination of substantial development from the County (ignoring Riverbend's vested property right in CUP 3390), which would then go through public noticing with the ability of neighboring property owners to request a hearing before the Board of Supervisors. The County further asserted that Riverbend's substantial work and incurred liabilities, all of which were done in good-faith reliance on CUP 3390, "is not equivalent to the County making a determination that substantial development for the project has been achieved, as that process is set forth in Section 873(J) of the Fresno County Zoning Ordinance." Finally, the County stated that Riverbend may request an extension to CUP 3390, disregarding Riverbend's prior statements that no extensions are needed as Riverbend already had a vested property right in CUP 3390.

On March 13, 2024, County Staff on a call with Erin Delman in my office stated that County staff thought that CUP 3390 may have expired.

As explained below, the County's position on CUP 3390 is incorrect because, first, Riverbend possesses a vested property right under CUP 3390 and has possessed that right since at least

February 2017. Second, CUP 3390 did not automatically expire under Section 873(I) of the County Zoning Ordinance because Riverbend proceeded "with a good faith intent to commence upon the proposed use" throughout the two-year term prescribed in the conditions of approval for CUP 3390 and has always had an intent to commence mining which continues through the present. Third, the County cannot revoke CUP 3390 without due process and without substantial evidence supporting the County's position. Finally, CUP 3390 involves a property right and revocation of CUP 3390 by the County would constitute a constitutional taking requiring just compensation.

II. Analysis

A. Riverbend has a vested property right in CUP 3390.

In California, vested property rights to a use permit are obtained under the common law "if a property owner has performed substantial work and incurred substantial liabilities (such as incurring material expense[2] or substantial costs[3]) in good faith reliance on a permit issued by the government."[4]

Riverbend has performed substantial work and incurred substantial liabilities totaling over $777,000 in good faith reliance on CUP 3390 issued by the County. (See **Table 1 and Attachment 6** to this letter.) Specifically, in good faith reliance on CUP 3390, Riverbend has, among other things:

1. Filed a notice of intent and paid the requisite fee for constructing the aggregate stockpile area;
2. Prepared a construction SWPPP;
3. Prepared a County site plan and paid the County's site plan review fee;
4. Prepared a Financial Assurances Cost Estimate;
5. Prepared and submitted a Traffic Mitigation Agreement to the County;
6. Installed a silt fence;
7. Flagged the locations of elderberry plants;
8. Staked the limits of construction;
9. Posted signs identifying Valley Elderberry Longhorn Beetle avoidance areas;
10. Hired electrical engineers;
11. Prepared electrical engineering plan for the site;
12. Prepared a power pole installation design plan for the site;
13. Coordinated with electrical consulting firms and PG&E to upgrade the site's power supply;
14. Purchased electrical equipment, including an inertia switch-load break switch and phase recloser;

---

[2] *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530.
[3] See *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at FN 5.
[4] *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.

15. Incurred substantial expenses related to natural gas for the site;
16. Incurred substantial expenses related to the site's processing plant; and
17. Incurred substantial expenses related to dragline design preparation for the site.
18. Engaged in detailed lengthy negotiations with four different national and multinational aggregate mining companies regarding a lease of CUP 3390, and the related property.
19. Incurred substantial consultant and legal fees (approximately $363,372) to prepare and review post-County CUP approval permit and transactional documents. (See Attachment 7.)
20. Entered into a Third Party Monitoring Agreement between the County and Buada Associates, Inc., on September 1, 2015. (Attachment 8)
21. Entered into a Mitigation and Monitoring Reimbursement Agreement with County on July 23, 2015. (Attachment 9.)
22. Indemnification Agreement with the County, signed by Riverbend and Mitchell Chadwick, January 29, 2016. (Attachment 10.)
23. Email from County re 2018 FACE Approval and FAM Submittal Instructions. (Attachment 11.)
24. Site Plan Review No. 7946 approved by County, September 14, 2015. (Attachment 12.)
25. Annual County SMARA Inspection Fees Paid from 2017 to 2023. (Attachment 13.)
26. Completed County SMARA Annual Inspection, December 22, 2016. (Attachment 14.)
27. Completed County SMARA Annual Inspection, December 22, 2017. (Attachment 15.)
28. Completed County SMARA Annual Inspection, October 2, 2018. (Attachment 16.)
29. Completed County SMARA Annual Inspection, January 24, 2020. (Attachment 17.)
30. Completed County SMARA Annual Inspection, January 26, 2021. (Attachment 18.)
31. Completed County SMARA Annual Inspection, May 12, 2021. (Attachment 19.)
32. Completed County SMARA Annual Inspection, December 17, 2021. (Attachment 20.)
33. Completed County SMARA Annual Inspection, May 3, 2022. (Attachment 21.)
34. Completed County SMARA Annual Inspection, September 22, 2022. (Attachment 22.)
35. Completed County SMARA Annual Inspection, May 30, 2023. (Attachment 23.)
36. Completed County SMARA Annual Inspection, November 28, 2023. (Attachment 24.)

37. Annual SMARA Report Fees, 2015 to 2023. (Attachment 25.)
38. New Mining Operation Report June 11, 2015. (Attachment 26.)
39. Annual SMARA Report to the DOC 2015. (Attachment 27.)
40. Annual SMARA Report to the DOC 2016. (Attachment 28.)
41. Annual SMARA Report to the DOC 2017. (Attachment 29.)
42. Annual SMARA Report to the DOC 2018. (Attachment 30.)
43. Annual SMARA Report to the DOC 2019. (Attachment 31.)
44. Annual SMARA Report to the DOC 2020. (Attachment 32.)
45. Annual SMARA Report to the DOC 2021. (Attachment 33.)
46. Annual SMARA Report to the DOC 2022-2023. (Attachment 34.)
47. State Water Resources Control Board Construction Stormwater Fees, 2017 to 2023. (Attachment 35.)
48. Stormwater Discharges with Construction Report, 2016-2017. (Attachment 36.)
49. Stormwater Discharges with Construction Report, 2017-2018. (Attachment 37.)
50. Stormwater Pollution Prevention Plan, January 20, 2017. (Attachment 38.)
51. RSJ Civil Engineering and Regional Water Quality Control Board Invoices April 1, 2017, to February 17, 2023. (Attachment 39.)
52. Stormwater Discharges with Construction Report, 2017-2018. (Attachment 40.)
53. Stormwater Discharges with Construction Report, 2018-2019. (Attachment 41.)
54. Stormwater Discharges with Construction Report, 2019-2020. (Attachment 42.)
55. Stormwater Discharges with Construction Report, 2020-2021. (Attachment 43.)
56. Stormwater Discharges with Construction Report, 2021-2022. (Attachment 44.)
57. Stormwater Discharges with Construction Report, 2022-2023. (Attachment 45.)
58. Financial Assurances Cost Estimate, June 2015. (Attachment 46.)
59. Financial Assurances Cost Estimate, 2018. (Attachment 47.)
60. Application for Irrevocable Standby Letter of Credit, June 18, 2019. (Attachment 48.)
61. Irrevocable Letter of Credit, July 16, 2019. (Attachment 49.)
62. Financial Assurances Cost Estimate, 2021-2022. (Attachment 50.)
63. Email from County re Updated FACE, June 15, 2022. (Attachment 51.)
64. Financial Assurances Cost Estimate, 2022-2023. (Attachment 52.)
65. Financial Assurances Cost Estimate, 2023-2024. (Attachment 53.)
66. Industrial Stormwater Fees, 2017 to 2024. (Attachment 54.)
67. Industrial Stormwater Invoice Fees 2016 to 2024. (Attachment 55.)
68. Stormwater Discharges with Industrial Activities Report, 2017-2018. (Attachment 56.)
69. Stormwater Discharges with Industrial Activities Report, 2018-2019. (Attachment 57.)
70. Stormwater Discharges with Industrial Activities Report, 2020-2021. (Attachment 58.)
71. Stormwater Discharges with Industrial Activities Report, 2021-2022. (Attachment 59.)

72. Attachment 60: Stormwater Discharges with Industrial Activities Report, 2022-2023. (Attachment 60.)
73. Engineering, Electrical, and Equipment Receipts, 2015 to 2018. (Attachment 61.)

Riverbend's expenditures in reliance on CUP 3390, by year, are detailed in the following table:

TABLE 1
(CUP 3390 Expenses: 02/26/2015 to Present)

Date	Amount
02/26/2015 to 02/23/2017	$510,353
02/28/2017 to 12/31/2017	$128,287
01/01/2018 to 12/31/2018	$23,022
01/01/2019 to 12/31/2019	$25,534
01/01/2020 to 12/31/2020	$43,304
01/01/2021 to 12/31/2021	$6,285
01/01/2022 to 12/31/2022	$13,134
01/01/2023 to 12/31/2023	$15,651
01/01/2024 to 03/20/2024	$$11,594
Total	$777,164

Riverbend continues to perform substantial work and incur substantial liabilities in good faith reliance on its CUP 3390. Further, the County's March 21, 2017, letter acknowledged Riverbend's substantial work and incurred substantial liabilities by stating that the "Staff does not dispute the efforts the Applicant and its team has expended to initiate this long-term project; those efforts are outlined in your February 23rd letter."

California case law supports Riverbend's vested property right in CUP 3390. In *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776 the Permittee acquired a vested property right to proceed under its use permit when the Permittee, in good faith, commenced preparatory work for drilling, constructed concrete foundations, erected a powerhouse, dug a

sump hole, laid pipelines, moved boilers into place, and erected an oil derrick at the cost of approximately $4,500. Likewise, in *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124 the Permittee proceeded with a good faith intent to commence upon the proposed use of the permit, when during the term of the permit, the Permittee purchased the land ($95,000), hired architects and engineers for requisite studies ($85,000), and continued to actively pursue the project. In *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636 the court held that Permittee proceeded with a good faith intent to complete the project by only constructing plumbing, footings, and a concrete slab for a laundry facility in a mobile home park for $2,000, where the total project value was estimated at $800,000 (i.e., had expended less than 1% of the project's value).

For these reasons, and as previously explained in Riverbend's February 23, 2017, letter and February 27, 2017, email, Riverbend has a vested property right in CUP 3390.

B. Section 873(I) and (J) of the Fresno County Zoning Ordinance do not support the County's position regarding Riverbend's vested property right in CUP 3390.

Sections 873(I) and (J) of the County Zoning Ordinance do not negate an already vested property right.

> The purpose of a statute or ordinance [e.g., Section 873(I)] providing an expiration date for a permit when work has not commenced or a use established "is to prevent one from reserving land for future purposes <u>when that person has no good faith intent</u> to presently commence upon the proposed use."[5]

1. <u>Under County Zoning Ordinance Section 873(I), subdivision 1, substantial development did occur within two years.</u>[6]

A determination that a conditional use permit <u>automatically</u> expires under an ordinance providing for automatic expiration one year after date of issuance "unless substantial evidence of use is in progress" is improper under California case law where, during the term of the permit, the permittee proceeds "with a good faith intent to commence upon the proposed use," such as expending funds (i.e., purchasing land for $95,000, spending $85,000 on architects, civil engineers, soils engineers, a survey and a topographical map), and continuing to actively pursue the project.[7]

As explained above, Riverbend has a vested property right in CUP 3390 because there is substantial evidence that Riverbend proceeded with a good faith intent to commence upon the

[5] *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636, 641 (emphasis added).
[6] Zoning Ordinance of the County of Fresno – Land Use and Planning ("County Zoning Ordinance"), Section 873(I)(1).
[7] *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1129-1131

proposed use, such as expending over $777,000 and conducting substantial work in the items listed above in Section II.A. Thus, Section 873(I)(1)'s two-year substantial development requirement was met. Additionally, the County's March 21, 2017, letter specifically did "not dispute the efforts [Riverbend] and its team . . . expended to initiate this long-term project."

Further, "[A] standard concerned only with the extent of construction, especially when a complex and expensive project is involved, is unreasonable and 'bears no necessary or direct relationship to whether a good faith intent to commence upon the use exists.'"[8] In *Morgan* the Court of Appeal held that the official abused his discretion by applying such a standard. As the Court observed, "the extent of construction alone does not invariably show whether a permittee is ready to proceed. . . . [M]uch work must be done on the drawing board, in governmental and banking offices before the pick and shovel may be wielded and mortar poured."[9] Here, the Permittee, Riverbend, was engaged in negotiations with multiple mining companies, including multi-national, national, and regional aggregate mining companies to lease and mine the site. In fact, one such company is prepared to sign a mining lease the minute we clear up this CUP issues with the County. In addition, significant on the ground activities have also occurred as listed above.

To the extent that the County's reliance here is on whether there has been "substantial development" within two years is concerned only with the extent of construction, that is misplaced under the *Morgan* case. This is a "long-term project," as the County conceded in its March 21, 2017, letter, where much of the work under CUP 3390 must be done on a drawing board before mining operations can begin.

2. There was no cessation in the occupancy or use of land by said Conditional Use Permit for a period in excess of two years.[10]

There has been no cessation in using the land subject to CUP 3390, as evidenced by: the substantial work (see Section II.A. above and Attachments 1 through 61); the $510,000 spent during the term of CUP 3390 (see Table 1 and Attachments 1, 2, 3, and 7); and the additional $266,000 spent from February 27, 2017, to 2024 (see Table 1 and Attachments 6 and 7). In addition, per the California Supreme Court, abandonment of a vested right requires an intent to abandon.[11] There has been no such intent here. In fact, as evidenced by the County's own annual inspections and Riverbend's annual SMARA filings, there is no question that there has never been an intent by Riverbend to abandon CUP 3390. (See e.g., Attachments 13-24, 25-34, and 46-53.) Therefore, the County cannot rely on Section 873(I)(2) to void CUP 3390.

[8] *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1130; citing *Morgan v. County of San Diego, supra,* 19 Cal.App.3d at p. 641.
[9] *Morgan v. County of San Diego, supra,* 19 Cal.App.3d at p. 641.
[10] County Zoning Ordinance, Section 873(I)(2).
[11] See *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 569-571.

3. There was no need for an extension.[12]

As explained in my February 23, 2017, letter and February 27, 2017, email, CUP 3390 did not need to be extended because it was vested and was substantially developed within the County's two-year timeframe. Riverbend's substantial work consisting of multiple items and expenditures of $294,0000 or $510,000 (including Attorney's and Consultant's fees) constituted a substantial development within the two-year time limitation; thus, there was never any need to extend CUP 3390 because CUP 3390 was then in 2017 and remains vested. (See Section II.A. above, Table 1,and Attachments 1 through 61.) Therefore, County Zoning Ordinance Section 873(I)(3) is inapplicable.

Finally, County Zoning Ordinance Section 873(J) is also inapplicable because there was no decision by the Director of Public Works & Development Services regarding the revocation of CUP 3390.

C. Riverbend's vested property right in CUP 3390 cannot be revoked without due process.

"In California, the common law doctrine of vested rights also limits police power in land use affairs."[13] Once "a permittee has acquired a vested property right under a permit, the permit cannot be revoked."[14]

The revocation of a use permit requires the strictest adherence to principles of due process since revocation "could have the effect of putting the [permittee] completely out of business, . . . [which is] a very harsh remedy."[15] In revoking a lawfully granted permit, "due process requires that [the government body] act only upon notice to the permittee, upon a hearing, and upon evidence substantially supporting a finding of revocation."[16]

During a phone call on March 13, 2024, the County stated that its position is that CUP 3390 may no longer be valid. However, to revoke a lawfully granted permit, due process requires that the County act only upon notice to Riverbend, upon a hearing regarding the revocation, and upon evidence substantially supporting the County's finding of revocation. None of these events has taken place. Aside from the phone call on March 13, 2024, the most recent communication from the County on these issues was a March 21, 2017, letter that only discussed how to receive a formal determination of substantial development or an extension from the County. In the meantime, annual SMARA County staff inspections have been ongoing every year. As both

[12] *Id.*, Section 873(I)(3).
[13] *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 747.
[14] *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, 784; see also *Spindler Realty Corp. v. Monning* (1966) 243 Cal.App.2d 255, 263; *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530.
[15] *Korean American Legal Advocacy Foundation v. City of Los Angele*s (1994) 23 Cal.App.4th 376, 393 at FN 5.
[16] *Ibid*.

Riverbend's February 23, 2017, letter and February 27, 2017, email explained, Riverbend already had (and still has) a vested property right to CUP 3390 and thus did not and does not need a formal determination nor an extension from the County.

D. Riverbend's vested property right in CUP 3390 is constitutionally protected.

"The [vested rights] doctrine is based on the constitutional prohibition against the taking of property."[17] A permittee who incurs substantial expense and acts in reliance on the permit acquires "a vested property right in the permit and is entitled to the protections of due process before the permit may be revoked."[18] "The owner of a property right [to mine and extract materials] in a proven [land] acquired under a permit, may not constitutionally be deprived thereof without payment of just compensation."[19]

As explained above, Riverbend has acquired a vested property right in CUP 3390, which may only be revoked with due process. Since Riverbend obtained a common law vested property right in CUP 3390 in February 2017, revocation of CUP 3390 would constitute a deprivation of Riverbend's vested property right, which is worth millions of dollars, in contravention of both the U.S. and California Constitutions.

Sincerely yours,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

cc: Daniel C. Cederborg, (Fresno County) County Counsel
William M. Kettler, (Fresno County) Development Services Manager
Jennifer Wolfe, (Fresno County) Senior Deputy County Counsel
Herb Lang, (Riverbend)
John Buada (Buada Associates)

[17] *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 747.
[18] *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at FN 5; citing *Trans–Oceanic Oil Corp. v. Santa Barbara* (1948) 85 Cal.App.2d 776, 795.
[19] See *Trans-Oceanic Oil Corp. v. City of Santa Barbara, supra,* 85 Cal.App.2d at pp. 797-98. ("The attempted revocation of [a] permit after [a permittee] had acquired a vested right, . . . constitute[s] a deprivation of [the Permittee's] property in contravention of the Fourteenth Amendment to the Constitution of the United States and Article I, section 13, of the Constitution of California.")

Enclosures:

Attachment 1: February 23, 2017, Riverbend Letter to County
Attachment 2: Table of Project development costs of $294,001 incurred through January 2017
Attachment 3: Notice of Intent and Payment of Requisite Fee for Construction of Aggregate Stockpile Area
Attachment 4: February 27, 2017, Riverbend email
Attachment 5: March 21, 2017, County Letter
Attachment 6: Table of substantial work and incurred substantial liabilities from 2017 to 2023
Attachment 7: Attorney's and Consultant's Fees from 2015 to 2024
Attachment 8: Third Party Monitoring Agreement, September 1, 2015
Attachment 9: Monitoring Agreement with the County, July 23, 2015
Attachment 10: Indemnification Agreement signed by Riverbend and Mitchell Chadwick, January 29, 2016
Attachment 11: Email from County re 2018 FACE Approval and FAM Submittal Instructions
Attachment 12: Site Plan Review No. 7946 approved by County, September 14, 2015
Attachment 13: Annual County SMARA Inspection Fees Paid from 2017 to 2023
Attachment 14: Completed County SMARA Annual Inspection, December 22, 2016
Attachment 15: Completed County SMARA Annual Inspection, December 22, 2017
Attachment 16: Completed County SMARA Annual Inspection, October 2, 2018
Attachment 17: Completed County SMARA Annual Inspection, January 24, 2020
Attachment 18: Completed County SMARA Annual Inspection, January 26, 2021
Attachment 19: Completed County SMARA Annual Inspection, May 12, 2021
Attachment 20: Completed County SMARA Annual Inspection, December 17, 2021
Attachment 21: Completed County SMARA Annual Inspection, May 3, 2022
Attachment 22: Completed County SMARA Annual Inspection, September 22, 2022
Attachment 23: Completed County SMARA Annual Inspection, May 30, 2023
Attachment 24: Completed County SMARA Annual Inspection, November 28, 2023
Attachment 25: Annual SMARA Report Fees, 2015 to 2023
Attachment 26: New Mining Operation Report June 11, 2015
Attachment 27: Annual SMARA Report to the DOC 2015
Attachment 28: Annual SMARA Report to the DOC 2016
Attachment 29: Annual SMARA Report to the DOC 2017
Attachment 30: Annual SMARA Report to the DOC 2018
Attachment 31: Annual SMARA Report to the DOC 2019
Attachment 32: Annual SMARA Report to the DOC 2020
Attachment 33: Annual SMARA Report to the DOC 2021
Attachment 34: Annual SMARA Report to the DOC 2022-2023

Attachment 35: State Water Resources Control Board Construction Stormwater Fees, 2017 to 2023
Attachment 36: Stormwater Discharges with Construction Report, 2016-2017
Attachment 37: Stormwater Discharges with Construction Report, 2017-2018
Attachment 38: Stormwater Pollution Prevention Plan, January 20, 2017
Attachment 39: RSJ Civil Engineering and Regional Water Quality Control Board Invoices April 1, 2017, to February 17, 2023
Attachment 40: Stormwater Discharges with Construction Report, 2017-2018
Attachment 41: Stormwater Discharges with Construction Report, 2018-2019
Attachment 42: Stormwater Discharges with Construction Report, 2019-2020
Attachment 43: Stormwater Discharges with Construction Report, 2020-2021
Attachment 44: Stormwater Discharges with Construction Report, 2021-2022
Attachment 45: Stormwater Discharges with Construction Report, 2022-2023
Attachment 46: Financial Assurances Cost Estimate, June 2015
Attachment 47: Financial Assurances Cost Estimate, 2018
Attachment 48: Application for Irrevocable Standby Letter of Credit, June 18, 2019
Attachment 49: Irrevocable Letter of Credit, July 16, 2019
Attachment 50: Financial Assurances Cost Estimate, 2021-2022
Attachment 51: Email from County re Updated FACE, June 15, 2022
Attachment 52: Financial Assurances Cost Estimate, 2022-2023
Attachment 53: Financial Assurances Cost Estimate, 2023-2024
Attachment 54: Industrial Stormwater Fees, 2017 to 2024
Attachment 55: Industrial Stormwater Invoice Fees 2016 to 2024
Attachment 56: Stormwater Discharges with Industrial Activities Report, 2017-2018
Attachment 57: Stormwater Discharges with Industrial Activities Report, 2018-2019
Attachment 58: Stormwater Discharges with Industrial Activities Report, 2020-2021
Attachment 59: Stormwater Discharges with Industrial Activities Report, 2021-2022
Attachment 60: Stormwater Discharges with Industrial Activities Report, 2022-2023
Attachment 61: Engineering, Electrical, and Equipment Receipts, 2015 to 2018

EXHIBIT 6-1

(attached to Exhibit 6 - April 23, 2024 Letter)

MITCHELL CHADWICK

RECEIVED
COUNTY OF FRESNO

FEB 2 3 2017

DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

February 23, 2017

VIA ELECTRONIC AND U.S. MAIL

Chris Motta
Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93726-0244

Re: Riverbend Sand and Gravel – CUP 3390: Development Initiated

Dear Chris:

This letter is on behalf of my client, Riverbend Sand and Gravel, LLC, regarding initiation of development pursuant to Conditional Use Permit No. 3390 (CUP 3390), which provides for aggregate mining and reclamation on 619 acres of property owned by Riverbend and located in Fresno County. The Fresno County Planning Commission approved CUP 3390 on February 26, 2015.[1] Since that time, Riverbend has expended substantial resources to implement the CUP, including: filing a Notice of Intent (NOI) for construction of an aggregate stockpile area pursuant to Stormwater Pollution Prevention Plan (SWPPP) requirements; installing silt fencing and Valley Elderberry protective fencing in preparation for ground clearance activities; preparing electrical engineering plans and other site plans; purchasing electrical equipment; and otherwise coordinating Project development with the County, including preparation of various agreements and payments of fees. (See Attachment A for a table of fees expended and Attachemnt B for February 20, 2017, and January 31, 2017, letters from John Buada specifying work done.)

Riverbend's efforts to implement CUP 3390 to date constitute substantial development occurring within two years of the effective date the CUP.[2] Thus, Riverbend has "vested" its permit. A permittee obtains a vested right to its permit where the permittee has proceeded to incur obligations or expenses in furtherance of that permit. (*Trans-Oceanic Oil Corp. v. City of*

[1] That approval was then appealed to the Board of Supervisors and set for a hearing on May 19, 2015. However, the appeal was retracted by the appellant on May 18, 2015, at 4:50 pm.

[2] We believe that the two years would run from the May 19, 2015, Supervisors hearing at which we were informed the appeal had been dismissed, as Riverbend was not permitted to commence work while an appeal of the CUP was pending.

3001 Lava Ridge Court, Suite 120 · Roseville, CA 95661 · Ph 916.462.8887 · Fax 916.788.0290 · www.mitchellchadwick.com

Santa Barbara (1948) 85 Cal.App.2d 776, 784; see also *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530.) Vested permits do not expire if the permittee demonstrates a good faith intent to commence work. (*Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1129-1130 ("*Fort Bragg*"); see also *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636, 641 ("*Morgan*").)

For example, in *Fort Bragg* the court held that the permittee showed a "good faith intent to commence upon the proposed use" when the permittee purchased the property and incurred expenses related to architects, engineering, soil boring, and city plan check review, despite the fact that no major construction work had occurred at the permitted site. (*Fort Bragg, supra*, 204 Cal.App.3d at 1129-30.) Similarly, in *Morgan* the court found a "good faith intent" to complete the project when the project proponent had only constructed plumbing, footings, and a concrete slab for a laundry facility in a mobile home park at a cost of $2,000, where the total project value was estimated at $800,000. (*Morgan, supra*, 19 Cal.App.3d at 641.) In this case, Riverbend has engaged in far more substantial development efforts than in *Fort Bragg* and *Morgan* and has demonstrated a good faith intent to commence operations. In fact, Riverbend's Project development costs incurred through January 2017 total about $294,000. The activities associated with these costs, described in further detail below, constitute substantial development and demonstrate that Riverbend has vested the CUP.

Permitting Efforts

In anticipation of construction, Riverbend filed a notice of intent and paid the requisite fee for construction of the aggregate stockpile area, pursuant to SWPPP requirements (illustrated on a map included as part of Attachment B). Riverbend also prepared a construction SWPPP. In addition, Riverbend prepared a Fresno County site plan and has paid the County's site plan review fee. Finally, Riverbend has also incurred expenses related to preparing various County Agreements and traffic improvement estimates, and complying with the Surface Mining and Reclamation Act (SMARA) requirements, including preparation of a Financial Assurances Cost Estimate. Today, Riverbend submitted a Traffic Mitigation Agreement to you and the County Counsel for County review.

Site Work and Installation of Fencing

On January 30, 2017, Riverbend installed a silt fence on the west side of the aggregate stockpile storage area in accordance with SWPPP requirements. In addition, locations of elderberry plants were flagged and the limits of construction staked. Bright orange fencing was installed at the 20-foot setback from the dripline of each elderberry plant. Signs were also posted every fifty feet identifying the fenced area as Valley Elderberry Longhorn Beetle avoidance areas. Photographs of the fencing and signage are attached herewith as part of Attachment B.

Project Design and Electrical Engineering Work

Riverbend's Project requires upgraded electrical infrastructure to provide power to the site, and Riverbend has incurred substantial expenses related to electrical engineering work. Electrical engineering plans and a power pole installation design have been prepared for the site, and Riverbend continues to coordinate with electrical consulting firms and PG&E to upgrade the site's power supply. In addition, Riverbend has purchased electrical equipment, including an inertia switch-loadbreak switch and phase recloser. Finally, Riverbend has incurred substantial expenses related to natural gas, the processing plant, and dragline design preparation.

Riverbend has spent over $294,000 so far to implement CUP 3390. The activities also demonstrate Riverbend's good faith intent to commence operations and constitute substantial development activities. Thus, Riverbend has vested CUP 3390. Please let me know if you have any questions or comments regarding the status of Riverbend's aggregate project under CUP 3390.

Sincerely yours,

MITCHELL CHADWICK LLP

Patrick G. Mitchell

cc: Herb Lang
John Buada

Enclosures:

Attachment A: Table of costs through January 2017.
Attachment B: Two letters from John Buada.

EXHIBIT 6-2

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand and Gravel Project
Project Development Costs Incurred Through Jan 2017

Expense	Entity	Amount
Engineering Fees to Upgrade Power Supply to site	PG&E	12,572
Indistrial Stormwater Permit Fee	St Water Resources Control Bd	1,282
Site Plan Review Fee	Fresno County	14,124
Plant Design	Cooley Equipment	7,350
Cost Estimate for Traffic Improvements	Tri-City Engineering	23,518
Inertia Switch-Loadbreak Switch, Phase Recloser	General Wholesale Electric	33,423
Electrical Engineering Plans	Fehr Engineering	29,133
Electrical Consulting	Duane Myers Consulting	20,848
Power Pole Installation Design	A-C Electric	60,000
Coordinate electrical, gas, plant design, dragline	Steve Cortner, Land Use Consulting	42,526
Coordinate Project Development Site Plan Review Preparation & Approval County Agreements New Mine Rept, SMARA Annual Rept Financial Assurances Cost Estimate Traffic Improvement Estimates and Agreement Plant Design, Dragline Search, PG&E Upgrade Industrial Storm Water Permit Construction Storm Water Permit	Buada Associates, Inc.	29,064
Construction Stormwater Permit NOI Fee	St Water Resources Control Bd	1,720
Prepare Construction Stormwater Plan	RSJ Engineeering	1,500
Construction Silt Fence	HD Supply	370
Valley Elderberry Proptective Orange Fencing	HD Supply	103
Legal Services - Co Agreements, Traffic Mitigation	Mitchell Chadwick	16,468
	Total Devlopment Costs	294,001

EXHIBIT 6-3

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC.
4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: cbuada@buada.com

February 20, 2017

Pat Mitchell
Mitchell Chadwick
3001 Lava Ridge Court
Roseville, CA 95661

RE: CUP 3390 Initiation of Construction
Riverbend Sand and Gravel
14684 E. Goodfellow Avenue, Sanger

Dear Mr. Mitchell:

The following documents the initiation of construction under CUP 3390 for Riverbend Sand and Gravel located at 14684 E. Goodfellow Avenue, Sanger. The construction site is the western 26 acres of the future sand and gravel plant to be graded and leveled in preparation for its use for storing sand and gravel stockpiles (see attached location map).

1. On January 24, 2017 a Construction Storm Water Permit Notice of Intent (NOI) was filed with State Water Resources Control Board for the construction of the aggregate stockpile storage area of CUP 3390. (attached)

2. On January 30, 2017, a silt fence was installed on the west side of the aggregate stockpile storage area away from the river in accordance with the Construction Storm Water Permit. In accordance with Mitigation Measure (MM) BIO-2 a pre-construction nesting survey was not required, since the construction of the aggregate stockpile storage area was initiated between September 1 and February 1 outside of the nesting season.

3. In accordance with MM BIO-3 the locations of elderberry plants were flagged and the limits of construction were staked. Bright colored (orange) fencing was installed at the 20 foot setback from the dripline of each elderberry plant. Signs were posted every 50 feet identifying the fenced areas as VELB (Valley Elderberry Longhorn Beetle) avoidance areas. A qualified biologist inspected the staked areas and the installation of the fencing and signs. The report documenting the above described VELB protection measures is attached.

The applicable mitigation measures BIO-2 and MM BIO-3 are shown below:

BIO-2.

1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season.

5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.

BIO-3:

2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines:

a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.

b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist.

c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."



Riverbend Sand and Gravel
14684 E Goodfellow Ave
Sanger, CA 93657
CUP 3390 - Initiation of Construction
Location Map - Aggregate Stockpile Storage Area

State Water Resources Control Board

NOTICE OF INTENT

GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY
(WQ ORDER No. 2009-0009-DWQ)

WDID: Risk Level: Level1

Property Owner Information

Type: Private Business

Name: Riverbend Sand and Gravel LLC
Address: 14962 E Fantz Ave
Address 2:
City/State/Zip: Parlier CA 93648
Contact Name: Herb Lang
Title: Manager
Phone Number: 559-875-6565
Email Address: iblang@yahoo.com

Contractor/Developer Information

Name: Riverbend Sand and Gravel LLC
Address: 14962 E Fantz Ave
Address 2:
City/State/Zip: Parlier CA 93648
Contact Name: Herb Lang
Title: Manager
Phone Number: 559-875-6565
Email Address: iblang@yahoo.com

Construction Site Information

Contact Name: Herb Lang
Title: Manager
Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Address: 14684 East Goodfellow Avenue
City/State/Zip: Sanger CA 93657
Site Phone #: 559-875-6565
County: Fresno
Email Address: iblang@yahoo.com
Latitude: 36.67537 Longitude: -119.52322
Construction Start: January 30, 2017
Total Size of Construction Area: 26 Acres
Complete Grading: April 01, 2017
Total Area to be Disturbed: 26 Acres
Final Stabilization: April 01, 2017

Risk Values

R: 9 K: 0.37 LS: 0.82 Beneficial Uses/303(d): No

Type of Construction: *Industrial
Receiving Water: Onsite Basin
Qualified SWPPP Developer: Raul Sanchez

RWQCB Jurisdiction: Region 5F - Fresno
Phone: 559-445-5116
Email: r5f_stormwater@waterboards.ca.gov

Certification

Certification #: 00143

Name: Herb Lang
Date: January 24, 2017
Title: Manager

Attachments Meta Data Information:

Attachment ID	File Name	File Description	File Hash	File Size	Date Attached	Attachment Type
1840852	Riverbend SWPPP_Risk Level 1		a47291ccf6efc7ea171e6090a0388574 8ec5de33a152ba476fd4839f468bd	7385757	2017-01-22 16:37:18.0	SWPPP

Water Boards

State Water Resources Control Board

January 24, 2017

Fee Statement
Application Id # 482612

Facility/Site
Riverbend Sand and Gravel Stoc
14684 East Goodfellow Avenue
Sanger CA 93657

Thank you for submitting Permit Registration Documents (PRDs) for the facility/site referenced above. The application fee for this submittal is $1,720.00

Please note the application fee is due upon submittal of the PRDs. Permit coverage begins on receipt of payment and a WDID number is assigned. If payment is not received by March 25, 2017 the application will be automatically returned as incomplete.

Please make checks payable to: SWRCB

Mail this Fee Statement and $1,720.00 to:

Regular Mailing Address:
SWRCB
Storm Water Section
PO Box 1977
Sacramento, CA 95812-1977

Overnight Mailing Address:
SWRCB
Storm Water Section
1001 I Street – 15th Floor
Sacramento, CA 95814

If you have questions or want to check on the status of the application, email us at stormwater@waterboards.ca.gov or call 1-866-563-3107

Thank You,
Storm Water Help Desk



Photo 1. North end of silt fence installed away the river in accordance with the construction storm water permit for the aggregate stockpile area, January 30, 2017



Photo 2. South end of silt fence installed away the river in accordance with the construction storm water permit for the aggregate stockpile area with elderberry protection fencing, January 30, 2017

BUADA ASSOCIATES, INC.
4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX/432-4097
e-mail: jcbuada@buada.com

January 31, 2017

Herb Lang
Riverbend Sand and Gravel
14962 Fantz
Parlier, CA 93648

Subject: Implementation of Valley Elderberry Longhorn Beetle Protection Measures
CUP 3390

Dear Mr. Lang,

This letter documents the Valley Elderberry Longhorn Beetle (VELB) protection measures implemented prior to the initiation of construction of the aggregate stockpile storage area at Riverbend Sand and Gravel's (Riverbend) site at 14684 E. Goodfellow Avenue, Sanger, permitted under CUP 3390 (see attached location map).

Prior to initiation of construction of the aggregate storage area, the locations of elderberry plants along the river west of and adjacent to the construction area were flagged and the limits of construction were staked. As was previously indicated in the Final EIR for CUP 3390 (certified February 2015), it was observed that the existing farm maintenance road was located immediately adjacent to the existing elderberry plants. Bright colored (orange) fencing was installed at a minimum 20 foot setback from each elderberry plant. Signs were posted every 50 feet identifying the fenced areas as VELB (Valley Elderberry Longhorn Beetle) avoidance areas (see attached photos). Biologist Nikolle Brown inspected the staked areas and the installation of the fencing and signs.

The VELB protection measures are required by Mitigation Measure (MM) BIO-2 of Fresno County Conditional Use Permit (CUP) 3309 as shown below:

BIO-2: To the maximum extent practicable, all new project activities, including expansion of existing mining operations, shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of one-inch diameter at ground level growing on or adjacent to the property. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines.

- *Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.*
- *Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group. A qualified biologist shall be present during the installation of fencing.*
- *Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines,*

and imprisonment." The signs should be clearly readable for a distance of 20 feet, and must be maintained for the duration of the project or as long as VELB are listed under Federal ESA

- *Operators shall be briefed on the need to avoid damage to elderberry plants and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of the beetle and the need to protect the elderberry plants.*

If you have any questions or need additional information, please contact me by calling 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
President

Nikolle Brown
Biologist

Cc: Pat Mitchell, Mitchell Chadwick



Photo 1. VELB protection area fencing



Photo 2. VELB protection area sign

EXHIBIT 6-4

(attached to Exhibit 6 - April 23, 2024 Letter)

Motta, Chris

From: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Sent: Monday, February 27, 2017 11:35 AM
To: Motta, Chris
Cc: Wille, Arthur
Subject: Riverbend Sand and Gravel CUP 3390

RECEIVED
COUNTY OF FRESNO

FEB 27 2017

DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION

Chris,

In response to your email on Friday, we would like to clarify the purpose of our letter to the County on behalf of Riverbend. As indicated in our letter, Riverbend has already spent over $294,000 to implement CUP 3390. The purpose of the letter was to inform the County of this substantial development and provide details of Riverbend's development for the record. Riverbend is not asking the County for a formal determination.

Since substantial development under CUP 3390 has commenced, there is no need for Riverbend to file an extension pursuant to County Zoning Ordinance section 873.I, as that provision is not applicable to Riverbend's circumstances. Section 873.I indicates an extension may be requested where "circumstances beyond the control of the applicant cause delays which do not permit compliance within the time limitation." In this case, Riverbend has commenced substantial development within two years, the timeframe specified in section 873.I.1. Thus, there is no need for Riverbend to seek an extension.

Also, as noted in our letter, we believe that the the Planning Commission approval date was not the trigger for the two year time limit. That is because the project opponents appealed the Planning Commission determination to the Supervisors, during which time the CUP could not be acted upon. Riverbend was informed that the BOS appeal was withdrawn on May 19, 2015. While the BOS appeal was pending, Riverbend was prohibited from commencing with construction on the Project. Thus, the two year time limit to commence construction in our view would commence on May 19, 2015. As discussed above and in our letter, Riverbend commenced construction within that two year timeframe.

Thanks,
Pat

EXHIBIT 6-5

(attached to Exhibit 6 - April 23, 2024 Letter)

County of Fresno

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

March 21, 2017

Patrick Mitchell
Attn: Mitchell Chadwick
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

Subject: Riverbend Sand and Gravel – Conditional Use Permit No. 3390
Substantial Development Response

Dear Pat:

Staff is in receipt of your February 23, 2017 letter and subsequent February 27, 2017 e-mail (copies enclosed) indicating that substantial development has occurred for the Riverbend Sand and Gravel Surface Mining Project ("Project"). Staff does not dispute the efforts the Applicant and its team has expended to initiate this long-term project; those efforts are outlined in your February 23rd letter. Staff also concurs with the May 19, 2015 approval date as referenced in the February 27th e-mail based upon the filed appeal and scheduled Board Hearing date which delayed project implementation until the appeal was withdrawn.

Please understand, as I outlined in a February 24, 2017 e-mail response to you, a formal determination of substantial development from the County is a process that must be requested by the Applicant and implemented through public noticing and the ability of neighboring property owners to request a hearing before the Board of Supervisors. Although the information you provided presents a useful statement of facts, it is not equivalent to the County making a determination that substantial development for the project has been achieved, as that process is set forth in Section 873.J of the Fresno County Zoning Ordinance.

In your February 27th e-mail, you stated that the Applicant "is not asking the County for a formal determination" of substantial development in accordance with the Zoning Ordinance. Nevertheless, the Applicant may request such a formal determination or a one-year time extension if it so chooses. The Applicant may contact the Current Planning Unit at (559) 600-4497 to initiate either or both processes. Strict time limitations apply to each process, and if the Applicant has questions about the deadline to apply for either or both processes, a representative of the Applicant should contact Current Planning without delay.

If you have any questions, please contact me at (559) 600-4227 or via e-mail at cmotta@co.fresno.ca.us.

Sincerely,

Chris Motta, Principal Planner

CM:ksn
G:\4360Devs&Pln\EnvPlan\EIR\EIR 6605 Riverbend Sand & Gravel\Post Approval\Correspondence\Riverbend SaG Mitchell Chadwick SubDev Response Final Form.docx

Enclosure

cc: William M. Kettler, Development Services Manager
Art Wille, Senior Deputy County Counsel
Herb Lang, Project Applicant

EXHIBIT 6-6

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand & Gravel

	Additional Vesting Expenses		3/14/24 **Amount**
2015			
6/11/2015	Dept of Conservation, Office of Mine & Reclamation (OMR)- New Mine Filing Fee		500
		Total 2015	500
2016			
6/30/2016	DOC Annual SMARA Rept Fee		131
		Total 2016	131
		Total Additional Vesting Expenses	**631**

CUP 3390 Compliance Expenses Subsequent to Vesting on 2/23/17

2017		
1/24/2017	State Water Resources Control Board (SWRCB) - Annual Construction Stormwater Rept	1,720
	Fehr Engineering Company, Inc.	324
1/30/2017	A-C Electric	60,000
2/13/2017	RSJ Civil Engineering	1,500
2/28/2017	Fehr Engineering Company, Inc.	756
3/31/2017	Fehr Engineering Company, Inc.	3,872
	A-C Electric	11,000
4/6/2017	RSJ Civil Engineering	225
5/1/2017	A-C Electric	49,000
	SWRCB - Annual Industrial Stormwater Rept	1,676
6/29/2017	Dept of Conservation (DOC) Annual SMARA Rept Fee	134
7/1/2717	A-C Electric	24,000
8/1/2017	Fehr Engineering Company, Inc.	900
10/30/2017	A-C Electric	4,000
	Total 2017	159,107

2018			
2/12/2018	SWRCB - Annual Construction Stormwater Rept		1,492
4/13/2018	SWRCB - Annual Industrial Stormwater Rept		1,400
6/28/2018	DOC Annual SMARA Rept Fee		138
10/2/2018	FCDPW&P Annual Inspection Fee		2,257
11/7/2018	Gateway Engineering, Inc.		5,500
		Total 2018	10,787
2019			
1/15/2019	SWRCB - Annual Construction Stormwater Rept		1,492
5/1/2019	SWRCB - Annual Industrial Stormwater Rept		1,400
6/27/2019	DOC Annual SMARA Rept Fee		143
9/24/2019	FCDPW&P Annual Inspection Fee		2,257
		Total 2019	5,292
2020			
2/3/2020	SWRCB - Annual Construction Stormwater Rept		1,492
5/29/2020	SWRCB - Annual Industrial Stormwater Rept		1,400
6/26/2020	DOC Annual SMARA Rept Fee		147
9/21/2020	PG&E		30,934
10/19/2020	FCDPW&P Annual Inspection Fee		2,257
		Total 2020	36,230
2021			
1/11/2021	SWRCB - Annual Construction Stormwater Rept		1,565
4/27/2021	SWRCB - Annual Industrial Stormwater Rept		1,474
6/30/2021	DOC Annual SMARA Rept Fee		150
10/12/2021	FCDPW&P Annual Inspection Fee		2,257
		Total 2021	5,446
2022			
2/9/2022	SWRCB - Annual Construction Stormwater Rept		1,848
5/2/2022	SWRCB - Annual Industrial Stormwater Rept		1,738

6/22/2022	DOC Annual SMARA Rept Fee		151
9/29/2022	FCDPW&P Annual Inspection Fee		2,257
		Total 2022	5,994
2023			
2/2/2023	SWRCB - Annual Construction Stormwater Rept		1,848
4/12/2023	SWRCB - Annual Industrial Stormwater Rept		1,738
6/29/2023	DOC Annual SMARA Rept Fee		168
10/4/2023	FCDPW&P Annual Inspection Fee		2,257
		Total 2023	6,011
		Total 2017-2023	**228,867**

EXHIBIT 6-7

(attached to Exhibit 6 - April 23, 2024 Letter)

Attorney's and Consultant's Fees	
2015-2024	$363,372

Attorney's Fees	
2015	$151,110
2016	$15,157
2017	$12,472
2018	$3,735
2019	$9,400
2020	$3,801
2021	$0
2022	$248
2023	$2,455
2024	$8,344
Total	$206,722

Consultant's Fees	
2015	$89,168
2016	$6,449
2017	$20,252
2018	$8,500
2019	$10,842
2020	$3,273
2021	$839
2022	$6,892
2023	$7,185
2024	$3,250
Total	$156,650

EXHIBIT 6-8

(attached to Exhibit 6 - April 23, 2024 Letter)

THIRD PARTY ADMINISTRATOR CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of September 2015, by and between the County of Fresno, a Political Subdivision of the State of California, hereinafter referred to as "County," and Buada Associates, Inc., whose address is 4872 N Arcade Avenue, Fresno, CA 93704, hereinafter referred to as "Consultant."

WITNESSETH

WHEREAS, on February 26, 2015, pursuant to County Resolution No. 12492, subject to the Conditions listed therein, the County Planning Commission certified Environmental Impact Report (EIR) No. 6606 for the Riverbend Sand and Gravel Project (State Clearinghouse No. 2013071097) ("Project"), approving Unclassified Conditional Use Permit ("UCUP") No. 3390, and adopting a Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan") for the Project; and

WHEREAS, Riverbend Sand and Gravel, LLC is the owner of the Project ("Applicant") and will be operating and developing the Project approved under UCUP No. 3390, consisting of a sand and gravel extraction facility on a 619-acre portion of a 833-acre site. Exhibit "A", attached hereto and incorporated herein by reference, reflects the legal description of the land in question; and

WHEREAS, the Monitoring Plan is attached hereto as Exhibit "B" and incorporated herein by reference. This Agreement is for UCUP No. 3390 and Applicant will be responsible for the Project described under UCUP No. 3390. The County Planning Commission approved a Reclamation Plan as a component of the UCUP for the Project on February 26, 2015; and

WHEREAS, Condition of Approval No. 11 of UCUP No. 3390 requires that the Applicant enter into an agreement with the County of Fresno to implement the Monitoring Plan via a third party consultant in accordance with Section 21081.6 of the

California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS, the Consultant's Proposal for Riverbend Sand and Gravel Mitigation Monitoring and Conditions Compliance, dated July 9, 2015 ("Proposal") is attached hereto as Exhibit "C" and incorporated herein by reference. The Proposal includes Tasks 1 – 3 under Scope of Services; and

WHEREAS, this Agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Approval, as provided in the Monitoring Plan (Exhibit "B"); and

WHEREAS, the Consultant represents that it is qualified, able, and willing to monitor the Project's Mitigation Measures and Conditions of Approval, which representation the County specifically relies upon.

NOW, THEREFORE, in consideration of the Covenants and Conditions set forth herein, the parties agree as follows:

1. Obligations of the Consultant

A. Services To Be Provided: Consultant will monitor Applicant's compliance with all Project Mitigation Measures and Conditions of Approval (described in Exhibit "B"), as set forth in the Proposal (Exhibit "C").

B. Reporting: Consultant will provide County a written report by e-mail within 30 days of each monitoring visit to document the site conditions. If a failure to comply with applicable Mitigation Measures or Conditions of Approval is identified, the report shall indicate the issue, the person(s) contacted, and the corrective action(s) recommended.

2. Obligations of the County

A. County shall make available to Consultant all documents, studies, and other information, not otherwise confidential or privileged, in its possession related to the Project.

B. County shall compensate Consultant as provided in Section 3 of

this Agreement.

3. Invoicing and Compensation

A. Invoices: Consultant shall submit two copies of each invoice, which shall describe the tasks performed during the period covered by the invoice. The invoice shall specify: (1) hours worked and the billing rates, as set forth in Exhibit "C", and (2) the total amount billed to-date for the Project.

B. Compensation to Consultant: In full compensation for services performed under this Agreement, County agrees to pay Consultant, and Consultant agrees to accept, compensation according to the Hourly Rate and Expense Schedule specified in Exhibit "C".

Within 45 days of receipt of a proper invoice, County shall determine whether Consultant has adequately performed to the satisfaction of County the item(s) for which Consultant seeks payment, and shall remit payment thereof to Consultant.

If County determines that Consultant has not adequately performed any such task or services, County shall inform Consultant of those acts in writing which are necessary for satisfactory completion of the item(s). Consultant shall undertake any and all work to satisfactorily complete the item(s) at no additional charge to County.

Notwithstanding any other provision in this Agreement, compensation paid to Consultant shall not exceed Nine Thousand Dollars ($9,000) annually (September 1st – August 31st) for the entire term of this Agreement. The maximum amount payable for the entire term of this Agreement is $45,000.

C. Consultant to Bear Expenses: It is understood that the Consultant shall bear all expenses incidental to the performance of his obligations under this Agreement.

4. Term

This Agreement shall become effective on September 1, 2015 and shall

terminate on August 31, 2020.

5. Termination

A. The County may immediately suspend or terminate this Agreement in whole or in part, where in the determination of the County there is:

i. A discontinuance by Applicant of operation of the Project;

ii. A failure by Applicant to timely remit reimbursement to County for an invoice submitted by Consultant to County;

iii. An illegal or improper use of funds by Consultant;

iv. A failure by Consultant to comply with any term of this Agreement;

v. A substantially incorrect or incomplete report submitted to the County by Consultant;

vi. Inadequately performed services by Consultant.

B. Consultant or County may terminate this Agreement upon 180 days prior written notice to the other party. If the Consultant terminates the Agreement, Consultant shall reimburse the County, up to a maximum of Five Thousand Dollars ($5,000), for the actual expense of issuing a Request For Proposal, engaging a new Consultant, and the new Consultant's cost in becoming familiar with the Project, its operations to date, and its compliance with the Project Monitoring Plan set forth in Exhibit "B".

C. If this Agreement is terminated as provided in this section, the Consultant shall be compensated for satisfactorily performed services completed to the date of termination based upon the compensation rates set forth in Section 3 of this Agreement.

6. Hold Harmless and Insurance

A. The Consultant shall hold the County, its Boards, Commissions, officers, agents, and employees harmless and indemnify and, at County's request, defend the County, its Boards, Commissions, officers, agents and employees, against

the payment of any and all costs and expenses (including reasonable attorney fees and court costs), claims, losses, damages, causes of action, lawsuits, and liability for bodily and personal injury to or death of any person and for injury or loss of any property resulting from, or arising out of, or in any way connected with any negligent or wrongful acts or omissions of the Consultant, its officers, agents, and employees, in performing or failing to perform any work, services, or functions provided for, or referred to, or in any way connected with any work, services, or functions to be performed under this Agreement and against the payment of any and all costs and expenses (including reasonable attorney fees and court costs), claims, losses, damages, causes of action, lawsuits and liability for bodily and personal injury to, or death of any person, and for injury or loss of any property resulting from or arising out of, or in any way occurring to any person, firm, or corporation who may be so injured by any negligent or wrongful act or omission of the Consultant, its officers, agents, and employees in performing or failing to perform any work service or functions provided for, or referred to, or in any way connected with any work, service, or functions to be performed under this Agreement.

B. Without limiting the County's right to obtain indemnification from the Consultant or any third parties, the Consultant, at its sole expense, shall maintain in full force and effect the following insurance policies throughout the term of this Agreement: (1) Commercial General Liability Insurance with limits of not less than One-Million Dollars ($1,000,000.) per occurrence and an annual aggregate of Two Million Dollars ($2,000,000.). This policy shall be issued on a per occurrence basis. County may require specific coverages including completed operations, products liability, contractual liability, Explosion-Collapse-Underground, fire legal liability, or any other liability insurance deemed necessary because of the nature of this contract; (2) Comprehensive Automobile Liability Insurance with limits for bodily injury of not less than Two Hundred Fifty Thousand Dollars ($250,000.) per person, Five-Hundred Thousand Dollars ($500,000.) per accident and for property damages of not less than

Fifty Thousand Dollars ($50,000.), or such coverage with a combined single limit of Five Hundred Thousand Dollars ($500,000.). Coverage should include owned and non-owned vehicles used in connection with this Agreement; (3) Professional Liability Insurance, if Consultant employs licensed professional staff, (e.g., Ph.D., R.N., L.C.S.W., M.F.C.C.) in providing services, with limits of not less than One Million Dollars ($1,000,000.) per occurrence, Three Million Dollars ($3,000,000.) annual aggregate; and (4) A policy of Worker's Compensation Insurance as may be required by the California Labor Code.

The General Liability and Automobile Liability Insurance policies shall name the County, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the Consultant's policies herein. This insurance shall not be canceled or changed without a minimum of 30 days advance, written notice given to County.

Prior to the commencement of performing its obligations under this Agreement, the Consultant shall provide Certificates of Insurance on the foregoing policies, as required herein, to the County's Department of Public Works and Planning, stating that such insurance coverages have been obtained and are in full force; that the County, its officers, agents, and employees shall not be responsible for any premiums on the policies; that such insurance (General Liability and Automobile Liability only) names the County, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned; that such coverages for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the Consultant's policies herein; and that this insurance

shall not be canceled or changed without a minimum 30 days advance, written notice given to the County.

In the event the Consultant fails to keep in effect at all times insurance coverages as herein provided, the County may, in addition to other remedies it may have, suspend or terminate this Agreement upon the occurrence of such event.

7. Work Product

A. Any and all reports, studies, data, or other information, prepared or assembled by the Consultant under this Agreement shall not be provided to any person, association, corporation, or other organization during the term of this Agreement without the prior written consent of the County.

B. The County shall have the unlimited authority to forever publish, disclose, distribute and otherwise use throughout the world, in whole or in part, and allow others to do so, any and all reports, studies, data, or other information prepared by the Consultant pursuant to this Agreement.

C. All documents prepared or obtained by the Consultant shall become the exclusive property of the County. Upon termination of this Agreement and prior to any compensation received from the County for unpaid services, the Consultant shall surrender to the County all work products created pursuant to this Agreement without any reservation of rights therein. Consultant may retain such documents only for so long as the County authorizes such work product to be retained to allow the completion of work as provided in Subsection 5.B of this Agreement. Consultant may retain copies of any documents prepared or obtained by the Consultant and designated as public records under the Public Records Act, and such documents may be used by the Consultant in any manner after this Agreement has been terminated.

D. The Consultant shall provide (submit, reproduce and distribute) all materials related to Tasks 1 - 3 of the Proposal. The County will require that the Consultant provide documents in both Microsoft Word Office 2010 (or newer) and

PDF file formats.

8. Independent Contractor

In performance of the work, duties, and obligations assumed by the Consultant under this Agreement, it is mutually understood and agreed that the Consultant, including any and all of the Consultant's officers, agents, and employees, will at all times be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner, or associate of the County. Furthermore, the County shall have no right to control or supervise or direct the manner or method by which the Consultant shall perform its works and function. However, the County shall retain the right to administer this Agreement so as to verify that the Consultant is performing its obligations in accordance with the terms and conditions thereof. The Consultant and the County shall comply with all applicable provisions of law and the rules and regulations, if any, of Governmental authorities having jurisdiction over matters the subject thereof.

Because of its status as an independent contractor, the Consultant shall have absolutely no right to any and all employment rights and benefits available to County employees. The Consultant shall be solely liable and responsible for providing to, or on behalf of its employees, all legally-required employees benefits. In addition, the Consultant shall be solely responsible and save the County harmless from all matters relating to payment of the Consultant's employees, including compliance with Social Security withholding, and all other regulations governing such matters. It is acknowledged that during the term of this Agreement, Consultant may be providing services to others unrelated to the County or to this Agreement.

9. Governing Law

Venue for any action arising out of, or related to this Agreement shall only be in Fresno County, California.

The rights and obligations of the parties and all interpretation and

performance of this Agreement shall be governed in all respects by the laws of the State of California.

10. Amendments

Any changes to this Agreement requested either by the County or the Consultant may only be affected if mutually agreed upon in writing by duly authorized representatives of the parties hereto. This Agreement shall not be modified or amended or any rights of a party to it waived except by such writing.

11. Compliance With Laws

The Consultant shall comply with all Federal, State, and local laws, ordinances, regulations, and Fresno County Charter Provisions applicable in the performance of its services.

12. Audits and Inspections

The Consultant shall at any time during business hours, and as often as the County may deem necessary, make available to the County for examination all of its records and data with respect to the matters covered by this Agreement. The Consultant shall, upon request by the County, permit the County to audit and inspect all of such records and data necessary to ensure the Consultant's compliance with the terms of this Agreement.

If this Agreement exceeds Ten Thousand Dollars ($10,000.), the Consultant shall be subject to the examination and audit of the Auditor General for a period of three (3) years after final payment under this Agreement (Government Code Section 8546.7).

13. Contract Administration

The Consultant shall notify its appropriate employees of the individual whom the County designates as the County Contract Administrator for this Agreement. All routine correspondence and telecommunications related to Agreement performance and related issues should be addressed as follows:

Alan Weaver, Director
Department of Public Works and Planning

Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4500
Fax: (559) 600-4548
e-mail: AWeaver@co.fresno.ca.us

14. Notices

The persons and their addresses having authority to give and receive notices under this Agreement include the following:

COUNTY:

Alan Weaver, Director
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Attn: Division Manager/Development Services

CONSULTANT:

John Buada, President
Buada Associates, Inc.
4872 N Arcade Avenue
Fresno, CA 93704

Any and all notices between the County and the Consultant provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to one of the parties, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to such party.

15. Non-Assignment

Neither party shall assign, transfer, or sub-contract this Agreement nor their rights or duties under this Agreement without the written consent of the other party.

16. Disclosure Of Self-Dealing Transactions

This provision is only applicable if the CONTRACTOR is operating as a corporation (a for-profit or non-profit corporation) or if during the term of the agreement, the CONTRACTOR changes its status to operate as a corporation.

Members of the CONTRACTOR's Board of Directors shall disclose any

self-dealing transactions that they are a party to while CONTRACTOR is providing goods or performing services under this agreement. A self-dealing transaction shall mean a transaction to which the CONTRACTOR is a party and in which one or more of its directors has a material financial interest. Members of the Board of Directors shall disclose any self-dealing transactions that they are a party to by completing and signing a Self-Dealing Transaction Disclosure Form, attached hereto as Exhibit "D" and incorporated herein by reference, and submitting it to the COUNTY prior to commencing with the self-dealing transaction or immediately thereafter.

17. Consultant's Legal Authority

Each individual executing or attesting this Agreement on behalf of the Consultant hereby covenants, warrants, and represents: (i) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of the Consultant's Corporation; and (ii) that this Agreement is binding upon such Corporation.

18. Binding Upon Successors

This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors in interest, assigns, legal representatives, and heirs.

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19. Entire Agreement

This Agreement constitutes the entire Agreement between the Consultant and County with respect to the subject matter hereof and supersedes all previous negotiations, proposals, commitments, writing, advertisements, publications, and understandings of any nature whatsoever unless expressly included in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

ATTEST:

CONSULTANT:
Buada Associates, Inc.

By: _____

Print Name: John C. Buada

Title: President
Chairman of the Board, or
President, or any Vice President

Date: 7/27/15

By: _____

Print Name: John C. Buada

Title: Secretary
Secretary (of Corporation), or
any Assistant Secretary, or
Chief Financial Officer, or
any Assistant Treasurer

Date: 7/27/15

COUNTY OF FRESNO

By: _____
Chair, Board of Supervisors

Date: Sept 1, 2015

BERNICE E. SEIDEL
Clerk to the Board of Supervisors

By: _____
Deputy

Date: September 1, 2015

PLEASE SEE ADDITIONAL SIGNATURE PAGE ATTACHED

ADDITIONAL SIGNATURE PAGE - Third Party Administrator Consultant Agreement (County of Fresno and Buada Associates, Inc.)

REVIEWED AND RECOMMENDED FOR APPROVAL

BY: _____
ALAN WEAVER, DIRECTOR
DEPARTMENT OF PUBLIC WORKS AND PLANNING

APPROVED AS TO LEGAL FORM
DANIEL C. CEDERBORG, COUNTY COUNSEL

BY: _____ 8/5/15
DEPUTY

APPROVED AS TO ACCOUNTING FORM
VICKI CROW, C.P.A.
AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

BY: _____
DEPUTY

ORG. NO.: 43600200
SUBCLASS NO.: 10000
FUND NO.: 0001
ACCOUNT NO.: 7295

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.55 FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

TABLE 1

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1**: A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2**: Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3**: The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3**: Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1**: The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions will be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups will be implemented. 3. Mixing drum vapors will be routed back to the dryer burner.	**AQ-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that	**AQ-2**: Compliance through annual County Mine Inspections. In addition, documentation demonstrating compliance with the identified off-road engine	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact AQ-3: Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?	meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	requirements shall be maintained on-site and provided to the County upon request.	
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? ***Impact AQ-3:*** Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing	**MM AQ-3**: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	**AQ-3**: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1**: 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At	**BIO-1**: Qualified biologist will conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist will conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2**: 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb	**BIO-2**: Qualified biologist will conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat	**MM BIO-3**: 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry	**BIO-3**: Qualified biologist will conduct pre-construction surveys for elderberry shrubs and oversee	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for	avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1**: Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-	**CPR-1**: Cultural site geographic coordinates will be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2**: The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2**: Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3**: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3**: Earthmoving activities shall cease and a qualified archaeologist will be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or	**MM CPR-4**: If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning	**CPR-4**: Earthmoving activities shall cease and a paleontologist will be retained to assess the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
site or unique geologic feature?	Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5**: In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6**: The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human remains.	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.		
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1**: To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid	**HWQ-1**: Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.		
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1**: The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers: a. When operating the mine and aggregates	**NO-1:** 1. Upon commencement of operation, dragline noise measurements will be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the event the measured ambient noise level exceeds the noise level standard, the standard	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residences 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence 10 along Riverbend Avenue, an 11-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence 13, the proposed 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that	shall be adjusted so as to equal the ambient noise level. Compliance will additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2**: The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.	**NO-2**: Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.	**NO-3**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Impact TRANS-2***:* Would the Project conflict with an applicable congestion management program,	**MM TRANS-1**: The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1**: The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4*:* Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2**: The Applicant will construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7*:* Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project will contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue <u>McCall Avenue</u> • SR 180 (Kings Canyon) and Jensen Avenue	**TRANS-3**: The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		• Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation will proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		associated with the Project.		Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal will be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation Administration; Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant will pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant Shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services Division.	Fresno County Dept. of Public Works & Planning Development Services Division
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the	If an amendment to the reclamation plan is required, and	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services Division
NOTES: The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the Project Applicant.				

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
1.	This Use Permit will become void, unless there has been substantial development within two years of the effective date of this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT C

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

July 9, 2015

Briza Sholars
Planner III
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: Proposal for Riverbend Sand and Gravel Mitigation Monitoring and Conditions Compliance (EIR No. 6606, UCUP No. 3390)

Dear Ms. Sholars:

The following is Buada Associates, Inc.'s ("Buada Associates") proposal for services relating to implementation of the Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan") approved and adopted in connection with the certification of Environmental Impact Report (EIR) No. 6606 for the Riverbend Sand and Gravel Project (State Clearinghouse No. 2013071097) ("Project") and approval of Unclassified Conditional Use Permit (UCUP) No. 3390 and Reclamation Plan by the Fresno County Planning Commission on February 26, 2015.

Riverbend Sand and Gravel, LLC ("Riverbend") will be operating and developing the Riverbend Sand and Gravel Project, approved under UCUP No. 3390, consisting of a sand and gravel extraction facility on a 619-acre portion of a 833-acre site. Condition 11 of the Monitoring Plan requires that Riverbend (as the Applicant) enter into an agreement with the County of Fresno to implement the Monitoring Plan via a third party consultant.

A. Scope of Services

Buada Associates will perform the following services, as an independent third party consultant, to implement monitoring of the Project's Mitigation Measures and Conditions of Approval, as provided in the Monitoring Plan:

Task 1: Monitoring to verify compliance with all Project Mitigation Measures and Conditions of Approval. Coordinate with County and/or Riverbend to collect all relevant information, and review information as necessary

Task 2: Prepare and provide the County a written report by e-mail within 30 days of each monitoring visit to document the status of compliance with all Project Mitigation Measures and Conditions of Approval.

Task 3: Attend, as necessary, up to two (2) site visits and two (2) meetings with the County and Riverbend per year.

B. Compensation and Term

Buada Associates will provide the above services on a time and materials basis, in accordance with the attached Schedule of Charges, at a cost not to exceed Nine Thousand Dollars ($9,000) annually, for a period of five (5) years. Therefore, the maximum cost for services per this proposal is $45,000.

If you need any additional information or have any questions regarding this proposal, please contact me by email at jcbuada@buada.com or by phone at (559) 432-4902.

Sincerely,

John C. Buada
President

BUADA ASSOCIATES, INC.

SCHEDULE OF CHARGES
Effective January 1, 2015

LABOR:

Labor Category	Hourly Rate
Principal	$200.00
Project Manager	$170.00
Associate Planner	$130.00
Administrative Assistant	$75.00

A 100% markup on hourly rate for expert witness services
*Adjustable on an Annual Basis

REIMBURSABLE EXPENSES (+ 10% Administration Fee)

	Cost
Copies B/W	$0.10/pg
Copies Color (8.5x11)	$0.50/pg
Copies Color (11x17)	$1.00/pg
Mileage	$0.56/mi
Auto Rental	Cost
Lodging	Cost
Meals	Cost
Parking	Cost
Map Prints	Cost
Postage	Cost
Photo	Cost
Database Search	Cost

INVOICES

Invoices will be rendered monthly, either as final or partial billing. Terms are Net 15 days. An additional late payment charge of 1.5% per month will be payable on accounts not paid within 30 days from the billing date. On accounts not paid within 60 days from the billing date services will be suspended until current.

EXHIBIT D

SELF-DEALING TRANSACTION DISCLOSURE FORM

In order to conduct business with the County of Fresno (hereinafter referred to as "County"), members of a contractor's board of directors (hereinafter referred to as "County Contractor"), must disclose any self-dealing transactions that they are a party to while providing goods, performing services, or both for the County. A self-dealing transaction is defined below:

"A self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest"

The definition above will be utilized for purposes of completing this disclosure form.

INSTRUCTIONS

(1) Enter board member's name, job title (if applicable), and date this disclosure is being made.

(2) Enter the board member's company/agency name and address.

(3) Describe in detail the nature of the self-dealing transaction that is being disclosed to the County. At a minimum, include a description of the following:

   a. The name of the agency/company with which the corporation has the transaction; and

   b. The nature of the material financial interest in the Corporation's transaction that the board member has.

(4) Describe in detail why the self-dealing transaction is appropriate based on applicable provisions of the Corporations Code.

(5) Form must be signed by the board member that is involved in the self-dealing transaction described in Sections (3) and (4).

(1) Company Board Member Information:			
Name:	John C. Buada	**Date:**	July 9, 2015
Job Title:	President		

(2) Company/Agency Name and Address:

Buada Associates, Inc.
4872 N Arcade
Fresno, CA 93704

(3) Disclosure (Please describe the nature of the self-dealing transaction you are a party to):

Not party to any self-dealing transaction.

(4) Explain why this self-dealing transaction is consistent with the requirements of Corporations Code 5233 (a):

(5) Authorized Signature

Signature:	John C. Buada	Date:	July 7, 2015

EXHIBIT 6-9

(attached to Exhibit 6 - April 23, 2024 Letter)

MITIGATION MONITORING REIMBURSEMENT AGREEMENT (COUNTY STAFF TIME) FOR RIVERBEND SAND AND GRAVEL PROJECT

IN ACCORDANCE with California Public Resources Code Section 21081.6 and Section 15097 of Title 14 of the California Code of Regulations, which require a mitigation monitoring program, this reimbursement agreement ("Agreement") is entered into on the last date signed below ("Effective Date") between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel, LLC, a Limited Liability Company ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. Riverbend proposes to construct, operate and reclaim an aggregate mine, related processing, asphalt, ready mix concrete, and recycling plant on 619 acres of land located in the County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will occur on certain real property which is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. On February 26, 2015, pursuant to County Resolution No. 12492, subject to the conditions listed therein, the County Planning Commission ("Commission") certified an Environmental Impact Report for the Project (State Clearinghouse No. 2013071097), approving Unclassified Conditional Use Permit ("CUP") No. 3390 and adopting a Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan"). The Monitoring Plan is attached hereto as **Exhibit B** and incorporated herein by reference. The Commission approved a Reclamation Plan for the Project on February 26, 2015.

C. Reviewing and administering materials related to the Monitoring Plan will require the County to incur various costs and expenses, including staff time.

D. Condition of Approval 12 for CUP No. 3390 requires Riverbend to enter into an agreement with the County to provide funding to compensate for County staff time in reviewing and administering any materials related to the Monitoring Plan.

E. Condition of Approval No. 11 for CUP 3390 requires Riverbend to compensate the County to hire a consultant to serve as a Third Party Administrator (as defined below) to administer completion of the Conditions of Approval and Mitigation Measures listed in the Monitoring Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

1. **SCOPE OF AGREEMENT**. As required by Condition of Approval 12 for CUP No. 3390, Riverbend agrees to enter into this Agreement with the County to provide funding to compensate for County staff time in reviewing and administering any materials related to the Monitoring Plan, including those prepared by the Third Party Administrator of the Monitoring Plan per Condition of Approval 11. As required by Condition of Approval 12 for CUP 3390, Riverbend shall also reimburse the County for costs incurred by the County in compensating a third party contractor to serve as the Third Party Administrator ("Third Party Administrator") to monitor Riverbend's compliance with the Conditions of Approval and Mitigation Measures listed in the Monitoring Plan.

2. **REIMBURSEMENT OBLIGATION**. Riverbend shall reimburse the County for all reasonable costs incurred by the County in connection with staff time spent reviewing and administering any materials related to the Monitoring Plan, including those prepared by the Third Party Administrator ("Eligible Costs"). As used herein, "Third Party Administrator" means any consultant, contractor, or other third party whose work-product gives rise to a cost for the County, or who is hired by the Third Party Administrator, in connection with implementation of the Monitoring Plan. County staff time will be billed per the master schedule of fee rates for actual hours worked per job classification attached hereto as **Exhibit C**. Third Party Administrator costs will be billed in accordance with the consultant agreement and subject to a not-to-exceed maximum of $45,000.

3. **PAYMENT OF ELIGIBLE COSTS**. The County shall submit to Riverbend a copy of each invoice, bill, or other evidence or reasonable substantiation that the County has incurred Eligible Costs ("Invoice"). Each such Invoice shall be paid in full by Riverbend, without deduction or offset, within forty-five (45) calendar days of the date of receipt of the Invoice.

4. **BINDING EFFECT**. This Agreement shall be construed as a covenant running with the land and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors in interest.

5. **ATTORNEYS FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorneys fees and costs.

6. **WAIVERS**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

7. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement.

8. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation

and neither Party is to be deemed the Party which prepared this Agreement for the purposes of California Civil Code Section 1654.

9. **ENTIRE AGREEMENT**. This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein. This Agreement may be amended only by a written document signed by both Parties.

10. **RECORDATION**. Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office.

11. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

12. **NOTICES**. Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang, Project Manager
Riverbend Sand and Gravel, LLC
14962 E. Fantz Avenue
Parlier, CA 93648

To the County:

Will Kettler, Division Manager
Fresno County, Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

13. **ASSIGNMENT OF CLAIMS**. To the extent the County determines that it may have claims against the third party administrator in connection with the implementation of the Monitoring Plan, the County may, upon written request by Riverbend, assign such claims to Riverbend. As used herein, "third party administrator" means any consultant, contractor, or other third party whose work-product gives rise to a cost for the County, or who is hired by the third party administrator, in connection with implementation of the Monitoring Plan. As used herein, "claims" means any and all claims, potential claims, causes of action, and potential

causes of action for breach of contract and/or professional negligence, regardless of whether such claims or causes of action accrue prior to or after the effective date of this Agreement.

14. **COUNTERPARTS**. This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed the Agreement, or any counterpart thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:

_____ Date: 1-23-15
Herb Lang, Project Manager

For THE COUNTY:

_____ Date: _____

Approved as to form:

_____ Date: _____
County Counsel

Attest:

_____ Date: _____
Bernice Seidel, County Clerk

REVIEWED AND RECOMMENDED
FOR APPROVAL

BY: _____
Alan Weaver, Director
Department of Public Works and Planning

COUNTY OF FRESNO

By: _____
Deborah A. Poochigian, Chairman
Board of Supervisors

APPROVED AS TO LEGAL FORM
DANIEL C. CEDERBORG, COUNTY COUNSEL

BY: _____
DEPUTY

ATTEST: Bernice E. Seidel, Clerk
Board of Supervisors

By: _____
Deputy

APPROVED AS TO ACCOUNTING FORM
VICKI CROW, C.P.A.
AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

BY: _____
DEPUTY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Fresno)

On 07/23/2015 (Date) before me, Chrystal L. Bailey, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Raymond Herbert Lang (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

CHRYSTAL L. BAILEY
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2090190
FRESNO COUNTY
My Comm. Exp. November 16, 2018

Signature Chrystal L. Bailey
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: MITIGATION Monitoring Agreement (County Staff Time) for Riverbend Sand & Gravel Property Document Date: 07/23/2015

Number of Pages: 1 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Raymond Herbert Lang	Signer's Name:
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☒ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing: Self	Signer Is Representing:

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EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.5S FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

TABLE 1

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX
FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1**: A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2**: Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3**: The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3**: Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1**: The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions will be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups will be implemented. 3. Mixing drum vapors will be routed back to the dryer burner.	**AQ-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that	**AQ-2**: Compliance through annual County Mine Inspections. In addition, documentation demonstrating compliance with the identified off-road engine	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact AQ-3: Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *Impact AQ-4:* Would the Project expose sensitive receptors to substantial pollution concentrations?	meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	requirements shall be maintained on-site and provided to the County upon request.	
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? *Impact AQ-3:* Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing	**MM AQ-3**: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	**AQ-3**: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
emissions which exceed quantitative thresholds for ozone precursors)? *Impact AQ-4:* Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1**: 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At	**BIO-1**: Qualified biologist will conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist will conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2:** 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb	**BIO-2:** Qualified biologist will conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat	**MM BIO-3**: 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry	**BIO-3**: Qualified biologist will conduct pre-construction surveys for elderberry shrubs and oversee	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for	avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1**: Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-	**CPR-1**: Cultural site geographic coordinates will be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2:** The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2:** Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3:** If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3:** Earthmoving activities shall cease and a qualified archaeologist will be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or	**MM CPR-4:** If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning	**CPR-4:** Earthmoving activities shall cease and a paleontologist will be retained to assess the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
site or unique geologic feature?	Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5**: In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6**: The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human remains.	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.		
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1**: To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid	**HWQ-1**: Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	Fresno County Dept. of Public Works & Planning, Development Services Division

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	working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.		
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1:** The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers: a. When operating the mine and aggregates	**NO-1:** 1. Upon commencement of operation, dragline noise measurements will be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the event the measured ambient noise level exceeds the noise level standard, the standard	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residences 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence 10 along Riverbend Avenue, an 11-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence 13, the proposed 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that	shall be adjusted so as to equal the ambient noise level. Compliance will additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2:** The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.	**NO-2:** Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.	**NO-3**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Impact TRANS-2:** Would the Project conflict with an applicable congestion management program,	**MM TRANS-1**: The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1**: The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2:** The Applicant will construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7: Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project will contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue <u>McCall Avenue</u> • SR 180 (Kings Canyon) and Jensen Avenue	**TRANS-3:** The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		• Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation will proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning

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		associated with the Project.		Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal will be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation Administration; Fresno County Dept. of Public Works & Planning

	Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant will pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant Shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services Division.	Fresno County Dept. of Public Works & Planning Development Services Division
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the	If an amendment to the reclamation plan is required, and	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services Division
NOTES: The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the Project Applicant.				

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
1.	This Use Permit will become void, unless there has been substantial development within two years of the effective date of this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT C

MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
2201. Inspection Services						
a. Encroachment Inspection Fees						
1. Plan Review	$640.00 per set of plans	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
2. Plow-in" Excavation for Installation of Underground Facilities Located Off Pavement Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than 1,001 Linear Ft.	$125.00 each					
b) Above 1,000 Linear Ft.	$125.00 each + $2.38+/100 linear ft. over 100					
3. Trench type" Excavation for Pipelines, Duct Systems, Cables Located Off Pvmt. Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than or equal to 100 Linear Ft.	$125.00 each					
b) Above 100 Linear Ft.	$125.00 + $.21 linear ft. over 100					
4. All Excavations Within Pavement Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than or equal to 100 Linear Ft.	$125.00 each					
b) Above 100 Linear Ft.	$125.00 + $.77 linear ft. over 100					
5. Excavation for Irrigation Pipeline crossing County Road	$125.00 per road crossing	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
6. Excavation for Sewer House & Water Laterals in Pavement Area	$125.00 per lateral	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
7. Tree Removal Permit	$0.00	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
8. Block Party	$0.00	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
9. Geophysical Survey	$111.00 per application	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
10 Parades	$77.00 per application	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
11 Traffic Control System	$95.00 per permit plus $25.00 per calendar day of detour/closure	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
B. Snow Removal Permits						
1. Shaver Area	$537.00 per year					
2. Tamarack Area	$537.00 per year					
3. Huntington Area	$537.00 per year					
4. Hume Area	$537.00 per year					

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
C. Transportation Permits-Extra Legal Load						
1. Blanket Permit	$27.00 per year					
2. Special Trips	$16.00 per trip					
3. Variance	$24.00 per trip					
4. Holder of Annual Permit	$6.00 per trip					
(CONTINUED)						
2203. County Surveyor Services						
A. Road--Abandonments (On-System, Maintained Roads)		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
1. Feasibility Study	$300.00					
2. General Vacation	$2,720.00					
3. Summary Vacation	$1,559.00					
B. Road--Abandonments (Off-System, Non-Maintained Roads)						
1. Feasibility Study	$300.00					
2. General Vacation	$2,720.00					
3. Summary Vacation	$1,559.00					
2204. Road Improvement Permits		Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
A. Improvement Application Fees						
1. Plan Review	$1,300.00 per set of plans					
2. Concrete Curbs/Gutters	$275.00 plus $0.77/linear-foot					
3. Sidewalks	$10.00 plus $0.105/square-foot					
4. Asphalt Concrete (HMA) Approach/ Frontage	$275.00 plus $1.15/square-yard					
5. Concrete Approach	$275.00 plus $0.23/square-foot					
6. Asphalt Concrete (HMA) Pavement	$275.00 plus $1.15/square-yard					
7. Other Rd. Impvmt. Facilities	$275.00 plus 6% of Engineer's Estimate					
2205. Miscellaneous Fees		Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
A. Access to Super Arterial Highway						
1. Application	$1,193.00 each					
2. Refund--Application Denied/Withdrn.	$200.00 each					
B. Miscellaneous Permits-Admin. Only	$68.00 each					
C. Speed Hump Study	$320.00 each					
D. Labor, Equipment, Material and Penalties						
1. Labor, Equipment and Material	Actual Cost plus 15%					
2. Penalties for unauthorized work	Double the Plan Review Fee Permit Fee & Labor, Equipment & Material charge					

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
E. Extra Encroachment Plan Review	$54.00 per review above first 2 reviews	Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
F. Extra Improvement Plan Review	$232.00 per review above first 2 reviews					
G. Permit Re-Inspection (Not Ready)	$25.00 each					
H. Permit Extra-inspect. (above 2 per permit)	$25.00 each					
I. Right of Way/Traffic Control Permission Fee	$288.00 each	Board of Supervisors	2007-08	01/04/2008	100%	Ord. # 07-048
2206. Drainage Costs and Fees	Local drainage fees required by Chapter 17.64 of Title 17 of the Fresno County Ordinance Code are calculated in accordance with a schedule of per gross acre fees. The fee applicable to any parcel of land or division shall be the product of the gross acreage of the parcel or division multiplied by the rate or rates per gross acre applicable to the land use district, local drainage area and local drainage area zone within which the parcel or division is located. The per gross acre rates and estimated total cost of the planned local drainage facilities are set forth on a separate schedule. Copies of that schedule are kept and maintained in the offices of the County Public Works Department, County Auditor-Controller/ Treasurer-Tax Collector, and Clerk to the Board of Supervisors.					
2207. Capitol Projects						
Capital Projects Div. Manager	132.63/hr	Board of Supervisors	2011-12	07/05/2012	100%	Ord. # 12-009
Architect	110.63/hr					
Staff Analyst III	84.69/hr					
Secetary IV	43.69/hr					
Engineering Technician I	52.18/hr					
Engineering Technician II	57.64/hr					
Sr. Engineering Technician	65.24/hr					
Engineer II	71.77/hr					
Engineer III	79.86/hr					
Sr. Engineer	88.35/hr					
Supervising Engineer	96.48/hr					
Sr. Staff Analyst	69.71/hr					
Field Survey Supervisor	64.27/hr					
PW Division Engineer	101.01/hr					
Chief of Field Survey	84.22/hr					
Associate Real Property Agent	60.73/hr					
Sr. Real Property Agent	74.04/hr					
Capital Projects Div. Manager	139.87/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Architect	118.61/hr					
Staff Analyst III	89.65/hr					
Secetary III	44.39/hr					
Secetary IV	44.63/hr					
Engineering Technician I	48.28/hr					
Engineering Technician II	65.62/hr					
Sr. Engineering Technician	74.28/hr					
Engineer I	54.33/hr					
Engineer II	81.92/hr					
Engineer III	90.96/hr					
Sr. Engineer	102.25/hr					
Supervising Engineer	111.74/hr					
Staff Analyst II	58.43/hr					
Staff Analyst III-Roads	75.45/hr					
Sr. Staff Analyst	82.32/hr					

SECTION 2200 – PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
Field Survey Supervisor	74.49/hr					
PW Division Engineer	122.26/hr					
Chief of Field Survey	97.54/hr					
Associate Real Property Agent	70.43/hr					
2208. Admin Services - Resources						
Principal Staff Analyst	70.01/hr	Board of Supervisors	2011-12	07/05/2012	100%	Ord. # 12-009
Staff Analyst I	44.33/hr					
Staff Analyst II	54.35/hr					
Staff Analyst III	63.10/hr					
Office Assistant II	29.51/hr					
Office Assistant III	35.51/hr					
Program Technician I	33.56/hr					
Program Technician II	44.56/hr					
Resource Manager	98.45/hr					
Principal Staff Analyst	87.45/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Staff Analyst I	49.64/hr					
Staff Analyst II	58.57/hr					
Staff Analyst III	73.01/hr					
Office Assistant II	30.69/hr					
Office Assistant III	40.44/hr					
Program Technician I	39.36/hr					
Program Technician II	52.34/hr					
Engineering Technician I	47.29/hr					
Engineering Technician II	63.19/hr					
Senior Engineer	101.33/hr					
Resource Manager	111.20/hr					
2209. Development Services						
Planner I	46.43/hr	Board of Supervisors	2013-14	11/07/2013	100%	Ord. # 13-019
Planner II	58.12/hr					
Planner III	66.28/hr					
Senior Planner	80.52/hr					
Principal Planner	87.95/hr					
Secretary IV	45.27/hr					
Office Assistant I	25.01/hr					
Development Services Manager	93.72/hr					
Planner I	50.06/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Planner II	64.55/hr					
Planner III	75.42/hr					
Senior Planner	91.55/hr					
Principal Planner	98.63/hr					
Secretary IV	49.05/hr					
Office Assistant I	26.62/hr					
Development Services Manager	109.48/hr					

EXHIBIT 6-10

(attached to Exhibit 6 - April 23, 2024 Letter)

INDEMNIFICATION AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2016, by and between the COUNTY OF FRESNO, a political subdivision of the State of California, (hereinafter "COUNTY") and Riverbend Sand and Gravel, LLC, (hereinafter "APPLICANT"), a limited liability company organized under the laws of the State of California.

W I T N E S S E T H:

WHEREAS, on or about February 26, 2015, COUNTY approved Unclassified Conditional Use Permit Application No. 3390 and Reclamation Plan for the Riverbend Sand and Gravel Project, and Associated Environmental Impact Report No. 6606 (State Clearinghouse No. 2013071097); and WHEREAS, litigation challenging the granting or issuance of land use approvals by governmental bodies is proliferating, and such litigation exposes COUNTY to potential liability for damages, costs, and attorney's fees; and

WHEREAS, in such litigation, the person or entity receiving land use approvals is designated as a real party in interest and is the party that primarily and directly benefits from the granting or issuance of the land use approvals; and

WHEREAS, the Board of Supervisors is an objective decision-making body and, therefore, has no special interest in the approval or denial of land use applications, or the outcome of litigation arising from such grant or denial, except as to those which promote important public policy; and

WHEREAS, COUNTY could incur great expense in the active defense of such litigation and, if unsuccessful, may also be required to pay the prevailing party's attorney's fees and costs; and

WHEREAS, fairness and sound fiscal policy require that the person or entity receiving the benefits of a land use approval should also bear the burden of the liability for potential injuries and the expense of such litigation; and

WHEREAS, Condition of Approval No. 13 requires the APPLICANT to enter into an agreement indemnifying COUNTY for legal costs associated with COUNTY's approval of Unclassified Conditional Use Permit No. 3390; and

WHEREAS, APPLICANT and COUNTY mutually desire to enter into this Indemnification Agreement, by which APPLICANT shall indemnify, (at COUNTY's request) defend, save and hold COUNTY harmless, in order that COUNTY shall bear no fiscal or financial burden whatsoever resulting from any litigation challenging the COUNTY's grant or issuance of land use approvals to APPLICANT.

1. DEFINITIONS.

a. "APPLICANT" means Riverbend Sand and Gravel, LLC and its heirs, assigns or successors in interest;

b. "Land Use Approval" shall include any benefit arising from any of the following: the certification of an Environmental Impact Report ("EIR") No. 6606 (State Clearinghouse No. 2013071097), the issuance of Unclassified Conditional Use Permit No. 3390; and the approval of Reclamation Plan prepared pursuant to the Surface Mining and Reclamation Act ("SMARA") for the Riverbend Sand and Gravel Project. "Land use approval" does not include a ministerial permit;

c. "COUNTY" shall mean the County of Fresno, a political subdivision of the State of California; and,

d. "Project" means the use of the land authorized by the Land Use Approval: Unclassified Conditional Use Permit No. 3390.

2. HOLD HARMLESS.

The APPLICANT hereby agrees to save, indemnify, hold harmless and, at COUNTY's request, defend COUNTY, its officers, agents, and employees, the Fresno County Board of Supervisors, each member of the Fresno County Board of Supervisors, the Fresno County Planning Commission, from and against all expenses, demands, liabilities, claims, costs (including but not limited to court costs and

attorney's fees), or damages of any nature whatsoever occurring or resulting to COUNTY, including, but not limited to, an award of attorney's fees and costs to the person, organization or entity bringing the cause of action, or their officers, agents, and employees, arising from, resulting from, or in connection with any COUNTY action in granting, issuing or approving Land Use Approvals for the Project.

When defending COUNTY, APPLICANT shall pay all attorneys' fees and costs related to the defense in any action brought against the COUNTY and the APPLICANT, except for any fees and costs incurred by the COUNTY in defense of any action, as provided in section 4 of this agreement. APPLICANT shall defend COUNTY through counsel selected by APPLICANT (including but not limited to in-house counsel) and shall keep the COUNTY fully informed as to the progress of such defense. COUNTY shall cooperate fully with APPLICANT in the defense of the claim.

3. NOTIFICATIONS AND COOPERATION BY COUNTY.

COUNTY shall NOTIFY applicant within seven (7) COUNTY business days of its receipt of any demand, claim, action, proceeding, or litigation in which COUNTY is to be indemnified and held harmless by APPLICANT. If COUNTY requests that APPLICANT defend COUNTY, it shall notify APPLICANT of such request in writing within ten (10) COUNTY business days of its receipt of any such demand, claim, action, proceeding, or litigation. COUNTY shall cooperate fully in such defense.

4. COUNTY PARTICIPATION IN DEFENSE.

Nothing contained herein shall prohibit COUNTY, in its sole discretion, from participating in the defense of any demand, claim, action, proceeding, or litigation over and above representation by outside counsel, or from participating in the defense of any demand, claim, action, proceeding, or litigation. If COUNTY elects to also defend, it shall do so in good faith and COUNTY shall bear its attorney's fees and cost. Except as otherwise provided in this paragraph, in no event shall COUNTY's participation in

the defense of any demand, claim, action, proceeding, or litigation affect the obligations imposed upon APPLICANT in section 2 of this Agreement.

5. REIMBURSEMENT OF COUNTY'S COSTS RE: ADMINISTRATIVE RECORD.

COUNTY acknowledges that it will make all reasonable efforts to look to Petitioner bringing action for payment of costs associated with preparation of administrative record as provided by law. However, only if the Petitioner refuses to pay within 90 days, APPLICANT agrees to reimburse COUNTY for its actual cost incurred, including, but not limited to, COUNTY staff and attorney time expended, for certifying and/or preparing the administrative record in connection with any litigation related to the subject matter of this Indemnification Agreement. To the extent administrative record reimbursement and related costs are recovered by the COUNTY in any litigation, APPLICANT shall be reimbursed to the extent of any such recovery.

6. COVENANT NOT TO SUE.

(a) Upon issuance of a building permit for the Project, APPLICANT on behalf of itself, and its successors, and assigns, hereby fully releases COUNTY, its successors, and all other persons and associations, known or unknown, from all claims and causes of action, as a result of the above-described land use approval and covenants not to sue relating to such claims.

(b) APPLICANT acknowledges and agrees that this release applies to all claims that APPLICANT may have against COUNTY arising out of the above-described land use approval for injuries, damages, or losses to APPLICANT's person and property, real or personal, whether those injuries, damages, or losses are known or unknown, foreseen or unforeseen, or patent or latent.

(c) APPLICANT acknowledges and warrants that APPLICANT's execution of this release is free and voluntary.

(d) This release pertains to a disputed claim and does not constitute an admission of liability by COUNTY for the above-described land use approval.

(e) The provisions of paragraph 8 herein below, shall not apply to this covenant not to sue.

7. LEGAL AUTHORITY

Each individual executing or attesting this Agreement hereby covenants, warrants, and represents: (1) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of their respective organization in accordance with the articles of incorporation or charter and bylaws; (2) that this Agreement is binding upon each agency; and (3) that each agency is duly organized and legally existing in good standing in the State of California.

8. SEVERABILITY.

If any provision of this Agreement is determined to be illegal, invalid, void, or unenforceable in a final judgment by a court of competent jurisdiction, each and every other provision hereof shall remain in full force and effect, unless this severability provision would deny one or more of the parties to the Agreement of the material benefits of the Agreement, in which case the entire Agreement shall have no force and effect.

9. APPLICABLE LAW.

This Agreement is made and entered into in the State of California and shall be deemed to have been executed and delivered within the State of California, and the rights and obligations of the parties hereunder shall be governed by, and construed, and enforced in accordance with the laws of the State of California.

10. CONSTRUCTION OF CONTRACT.

The parties hereby acknowledge that they and their respective counsel have cooperated in the drafting and preparation of this agreement, for which reason this agreement shall not be construed against any party as the drafter thereof.

IN WITNESS WHEREOF, APPLICANT and COUNTY hereby execute this Agreement.

APPLICANT:
Riverbend Sand and Gravel, LLC

By _____

Print Name: Herb Lang

Title: Project Manager

Date: 1/29/16

COUNTY OF FRESNO

By _____
Chair, Board of Supervisors

Date: _____

BERNICE E. SEIDEL, Clerk
Board of Supervisors

By _____

Date: _____

APPROVED AS TO LEGAL FORM:

By _____

Attorney for APPLICANT

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG, COUNTY COUNSEL

By _____

REVIEWED AND RECOMMENDED FOR APPROVAL:

ALAN WEAVER , Director
Department of Public Works and Planning

By _____

EXHIBIT 6-11

(attached to Exhibit 6 - April 23, 2024 Letter)

John Buada

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, April 17, 2019 1:46 PM
To: John Buada
Cc: Allen, Glenn
Subject: 2018 FACE Approval and FAM Submittal Instructions

Follow Up Flag: Follow up
Flag Status: Flagged

Hi John,

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation, Division of Mine Reclamation, Attn: Rhonda Law at the following email address: Rhonda.law@conseervation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me via email or telephone at (559) 600-4251. Thank you.

Roy Jimenez, Jr.| **Planner**
Department of Public Works and Planning | Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 6-12

(attached to Exhibit 6 - April 23, 2024 Letter)

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

September 14, 2015

Buada Associates, Inc.
Attn: John Buada
4872 N. Arcada Ave.
Fresno, CA 93704

Dear Mr. Buada:

SUBJECT: SITE PLAN REVIEW NO. 7946

Site Address:	14684 E. Goodfellow Ave
APN:	333-061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Zoning District:	AE-20 (Limited Agricultural District)
Use Approved:	Allow a sand and gravel extraction and construction and operation of aggregate processing, ready-mix concrete, asphalt, and portable recycle concrete plants and related facilities.
Legal Description of Site:	See Appendix B of the approved Reclamation Plan for Conditional Use Permit No. 3390.

The Department of Public Works and Planning (Department) has reviewed your application and determined that the required findings can be made and hereby approves Site Plan Review No. 7946 subject to the following conditions.

CONDITIONS OF APPROVAL

Approval of this application is subject to conditions as required by Section 858 and 874 of the Fresno County Zoning Ordinance and Conditional Use Permit No. 3390.

The required improvements are listed below and on the approved plans. An inspection is required prior to the issuance of a Certificate of Occupancy to assure compliance with these conditions and the approved Site Plan. Please call (559) 600-4560, Fresno County Department of Public Works and Planning, Building and Safety Section, to arrange for this inspection when required improvements are completed.

Unless otherwise specified in an individual condition, prior to any excavation, any required, including but not limited to, Dedication of Right-of-Way, Financial Assurances, Required Development Clearances, On and Off-Site Improvements, and those items listed under Miscellaneous shall be completed/satisfied. (Note: Some conditions may be applicable to future phases as noted in each condition.) As used herein, the "Owner" refers to Running Luck Ranch, LLP, and any of its agents.

I. FINANCIAL ASSURANCES

CUP 3390 approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director. (COA 1)

To ensure that the reclamation will proceed in accordance with the approved Reclamation Plan, security shall be required which will be released upon satisfactory performance. Security may be posed in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board (SMGB) as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation being an alternative payee.

Cost estimates for the Financial Assurances shall be submitted to the Department for review and approval prior to the Owner securing Financial Assurances. The Director of the Department of Public Works and Planning (Director) shall forward a copy of the cost estimates together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation (DOC) for review. If the DOC does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of the Fresno County Zoning Ordinance, Surface Mining and Reclamation Act (SMARA), and State regulations.

The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed

areas as may be required subject to adjustments for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professional retained by the Owner and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of the physical activities necessary to implement the approved Reclamation Plan, the costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with he approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten (10) percent shall be added to the cost of the Financial Assurances.

In projecting the costs of Financial Assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the Owner and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.

The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required for reclamation in accordance with the approved Reclamation Plan.

The amount of the Financial Assurances required for any one year shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the Owner may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during this Department's annual inspection and accepted thereafter if further adjustment is not required. Any changes shall be completed and submitted within 30 days of notice from the County.

Revisions to Financial Assurances shall be submitted to this Department for approval by July 1st each year. If an amendment to the reclamation plan is required, and upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to

review the amended reclamation plan, in accordance with the provisions of SMARA. (858G, COA's 2 and 14)

II. REQUIRED DEVELOPMENT CLEARANCES

A. The owner(s) shall execute and record an agreement, binding upon his successors, heirs or assigns, which shall permit the County to enter the property to enforce completion of the Reclamation Plan. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (858 J.2)

B. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Owner shall enter into an agreement with the County of Fresno to implement a mitigation measure and conditions of approval monitoring and reporting program to be administered by a third party in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the conditions specified herein which incorporate the adopted mitigation measures. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-11)

C. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-12)

D. An agreement shall be entered into indemnifying the County for legal costs associated with its approval of Unclassified Conditional Use Permit No. 3287. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-13)

E. An Engineered Grading and Drainage plan shall be submitted to the Department of Public Works and Planning demonstrating how surface runoff and drainage will be controlled in accordance with Fresno County Improvements Standards. The plan must include calculation of runoff quantities generated by this development and capacity of proposed facilities. The plan must also include detailed erosion control measures designed for not less than the 20 year/1 hour Intensity storm event.

Contact the Grading Engineer for Grading and Drainage Plan requirements at (559) 600-4022.

(Compliance with this condition is satisfied. An Engineered Surface Water and Drainage Plan that complies with the requirements specified herein was approved by the Office of Mine Reclamation and was incorporated into the Reclamation Plan that was approved by the Planning Commission on February 26, 2015.)

F. All driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. A complete listing of materials, costs, and quantities in place, shall be submitted to this Department for approval. A Plan Check Fee, based upon the estimated costs, will be collected upon submittal of design plans and cost estimate. . The balance of the Plan Check Fee must be paid upon approval of the cost estimate.

G. Owner shall design and install fire protection measures as required by the Fresno County Fire Protection District, which may include but are not limited to water flow requirements, water storage, fire pumps, fire hydrants, fire sprinkler systems, fire alarm systems and road access. All structures and other applicable facilities shall comply with California Code of Regulations Title 24 – Fire Code. **In addition to the two (2) construction sets submitted to Building Safety Section for review (Plan Check), three (3) sets of construction plans shall be submitted to the Site Plan Review section and date stamped prior to Fire District review.** These plans will be forwarded to the Fire District for their review. It will be the responsibility of the Owner to contact the Fire Protection District for required fire protection improvements. Contact the Fire District at (559) 493-4359 for information.

Note:

Two (2) sets of construction plans are required to be approved and stamped by the Fire District prior to building permit issuance; allow sufficient time for Fire District review.

H. The State Water Resource Control Board (Fresno District) has determined the Project facilities meet the definition of a public water system, therefor; the applicant shall file an application for a Domestic Water Supply Permit from the Regional Water Quality Control Board. Contact the Central Valley office at 559.447.3300 or 1685 “E” Street, Fresno, Ca. 93706 for additional information. (COA 15)

I. A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board. (COA 15)

J. Due to the proposed project disturbing more than five acres of land, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board. (Note 7)

K. Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information. (Note 2)

L. The Owner shall obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from SJVAPCD prior to the issuance of permits. The Owner shall also adhere to the equipment descriptions and conditions contained within the Authority to Construct (ATC) and Permit to Operate (PTO) authorizations issued by the SJVAPCD. (Note 8)

III. OFF-SITE IMPROVEMENTS (County)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into a traffic mitigation agreement with the County (for non-SR 180 improvements. The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR).* (MM TRANS-1)

B. The necessary permits for off-site improvements shall be obtained from the Department of Public Works and Planning, Road Maintenance and Operations Division, and shall be installed in accordance with County Improvement Standards. For requirements contact RM&O at (559) 600-4240.

C. Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

D. The Owner shall be responsible for relocating those utilities within the road right-of-way to the correct alignment and grade affected by the developer's improvements.

E. The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***:

Project Driveway at Goodfellow

- Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue.
- Westbound acceleration lane for trucks exiting the site. (MM TRANS-2)

F. The Project shall contribute its fair share cost for the purposes of improving the structural section of the impacted street segments.

Central Avenue

- McCall Avenue and Bethel Avenue
- Bethel Avenue and Academy Avenue
- Academy Avenue and Newmark Avenue
- Newmark Avenue and Riverbend Avenue

McCall Avenue

- SR 180 (Kings Canyon) and Jensen Avenue
- Jensen and North Avenue
- North Avenue and Central Avenue (MM TRANS-3)

IV. OFF-SITE IMPROVEMENTS (CALTRANS)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into a traffic mitigation agreements with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR)*. (MM TRANS-1)

B. For those improvements under the jurisdiction of the California Department of Transportation (Caltrans), payment of this project's proportionate share shall be made to Caltrans and verification of payment shall be submitted to this Department.

V. ON-SITE IMPROVEMENTS

A. Parking, circulation, and loading areas shall be identified on improvement plans and reviewed and approved by the Department prior to construction. Parking for the physically disabled shall be provided as required by applicable laws.

B. Active storage, parking, and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative and repeated as necessary to prevent the creation of dust by vehicles.

C. The driveway shall be concrete or asphalt concrete paved a minimum width of 24 feet for the first 100 feet off of the edge of the road right-of-way.

D. The gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater and shall not swing outward.

E. A 45 degree (45°) corner cut-off shall be maintained at any proposed or existing driveway accessing the County right-of-way.

F. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.

G. A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue.

The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase (MM AES-1)

H. Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening. (MM AES-2)

I. The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding landscape and vegetation. (MM AES-3)

VI. Construction

A. Qualified biologist shall conduct pre-construction surveys for elderberry shrubs and oversee avoidance and/or implementation of additional mitigation measures as specified.

1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines.

2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines:

a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.

b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist.

c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: “This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.”

d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs.

e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB. (MM BIO-3)

VII. MISCELLANEOUS

A. Qualified biologist shall conduct pre-demolition surveys for bats as follows:

1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active.

2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15).

3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site. (MM BIO-1)

B. Qualified biologist shall conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities as follows:

1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season.

2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above:

    a. A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours.

    b. California Department of Fish & Wildlife (CDFW) shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities.

    c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned.

5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures. (MM BIO-2)

C. The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant (execution of agreement) to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources. (MM CPR-2)

D. The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance. (MM NO-3)

E. Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 485-7500 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.

VIII. OPERATIONAL REQUIREMENTS

A. The processing plant and ready-mix plant shall annually renew or as required by the SJVAPCD renew their air quality permits and comply with their conditions. (Note 9)

B. Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9).

The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. (MM AES-4)

C. The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule:

- Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE.

- Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE.

- Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.

- Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE.

All ACE's entered into as described here shall have ownership transferred to an qualified Land Trust within 5 years of being established.

Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project. (MM AG-1)

D. The following design features will mitigate VOC, SVOC, and/or SO_2 emissions:

1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions shall be used to the extent feasible.

2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups shall be implemented.

3. Mixing drum vapors shall be routed back to the dryer burner. (MM AQ-1)

E. Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.

Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards. (MM AQ-2)

F. Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485). (MM AQ-3)

G. Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County. (MM CPR-1)

H. To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades. (MM HWQ-1)

I. The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant:

1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.

2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers:

    a. When operating the mine and aggregates plant only:

i. 600 ft. from R3, R4, R5, R7, R9, R10.
ii. 900 ft. from R8.
iii. 725 ft. from R13.
iv. 925 ft. from R14.

b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant.

i. 600 ft. from R3, R4, R5.
ii. 750 ft. from R7, R9, R10.
iii. 1,050 from ft. R8.
iv. 850 ft. from R13.
v. 975 ft. from R14.

3. Prior to mining within 900 feet of Residence Nos. 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

4. Prior to mining within 900 feet of Residence No. 10 along Riverbend Avenue, an 11-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

5. Prior to mining within 900 feet of Residence No. 13, the proposed 8-foot tall berm shall be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue.

6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that the dragline cooling exhaust fans do not directly face the residence. (MM NO-1)

J. The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8:

1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures:

a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7.

b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in an 8 dBA reduction in noise from the aggregate plant.

2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards. (MM NO-2)

K. The Owner shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden). (COA 5)

L. The Owner shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year. (COA-6)

IX. NOTES

A. All conditions of approval for CUP application 3390 shall be implemented including, but not limited too, mitigation measures and conditions of approval adopted by the County. (COA 4)

B. The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance. (COA 4)

C. Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission. (COA 3)

D. Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.

E. Fresno County shall conduct an inspection of the operation once each calendar year to determine if the operation is in compliance with the requirements of Public Resources Code Chapter 9, commencing with Section 2710. The inspection shall be completed in compliance with the provisions of SMARA and may include, but shall not be limited to adherence to reclamation requirements of the approved Reclamation Plan. The County will also inspect for compliance with conditions of approval and mitigation measures of CUP 3390 as specified herein. An inspection fee shall be paid prior to each inspection. Currently the inspection fee is $2,257.00, subject to change.

F. The Applicant shall comply with Fresno County noise standards applicable to construction activities associated with the Project. (COA 7)

G. At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal shall be filed with the Department of Public Works and Planning. (COA 8)

H. The Applicant shall comply with all applicable County recycling requirements. (COA 9)

I. The Applicant shall comply with all applicable federal, state, and local regulatory requirements. (COA 10)

J. The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD. (COA 16)

K. The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. (Note 10)

L. The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances. (Note 11)

M. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. (MM CPR-3)

N. If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any

necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law. (MM CPR-4)

O. In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find. (MM CPR-5)

P. The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed steps in Public Resources Code §5097.98, which include but are not limited to the following:

- The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American.
- The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods.
- The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations. (MM CPR-6)

Q. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes. (Note 4)

R. Required site improvements may be bonded in accordance with the provisions of Section 874-C-2 of the Fresno County Zoning Ordinance.

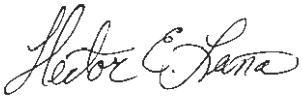
S. Conditional Use Permit No. 3390 will become void, unless there has been substantial development within two years of the effective date of this approval. (Note 1)

T. This Site Plan Review approval shall expire concurrently with Conditional Use Permit No. 3390.

This approval is final, unless appealed to the Fresno County Planning Commission. In this event, you must submit a fee of $508.00 and file a written appeal setting forth your reasons for such appeal to the Commission. Such appeal shall be filed with the Director of the Department of Public Works and Planning within 15 days after the mailing of this decision and shall be addressed to:

Department of Public Works and Planning
Development Services Division
Attention: Hector Luna
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

If you have any questions, please contact me at (559) 600-4216.

Regards, 

Hector Luna, Staff Analyst
Development Services Division

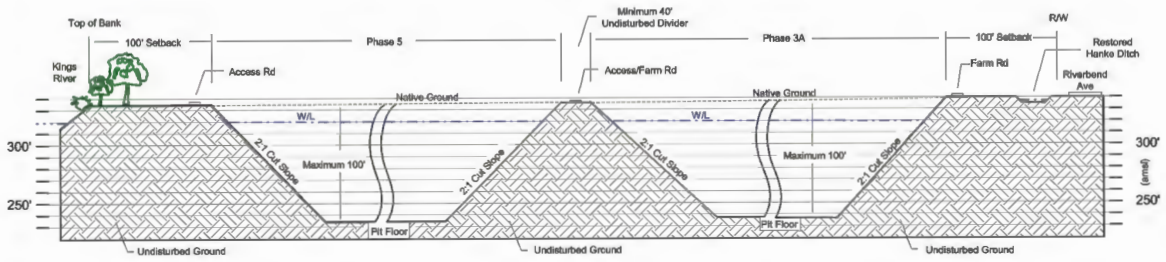
Initial: HEL
G:\4360Devs&Pln\BLD_SFTY\Zoning\S.P.R\7900-7999\7946 Riverbend\SPR 7946 Approval Letter.doc

c: Fresno County Department of Community Health, Environmental Health System
Fresno County Fire Protection District; 210 S. Academy Ave.; Sanger, CA 93657

Enclosure

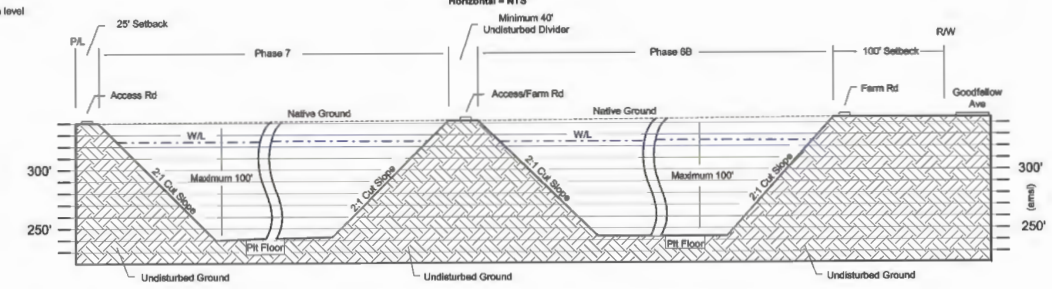
Excavation Cross-Section A-A'

Vertical Scale 1" = 100'
Horizontal = NTS



Excavation Cross-Section B-B'

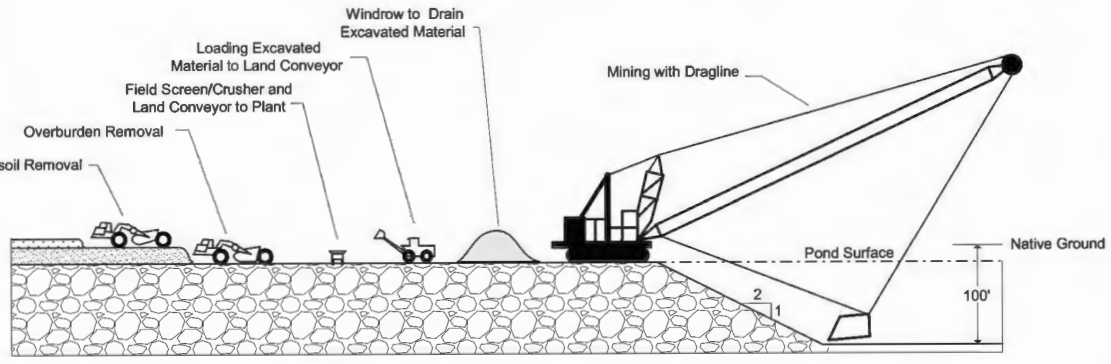
Vertical Scale 1" = 100'
Horizontal = NTS



NOTES:
P/L = property line
R/W = right-of-way
W/L = water level
amsl = above mean sea level

ILLUSTRATION OF MINING WITH DRAGLINE

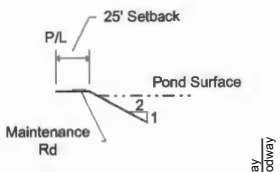
Not to Scale



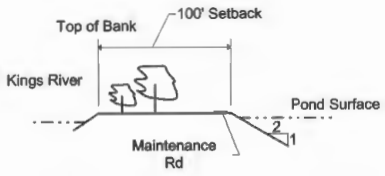
TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale

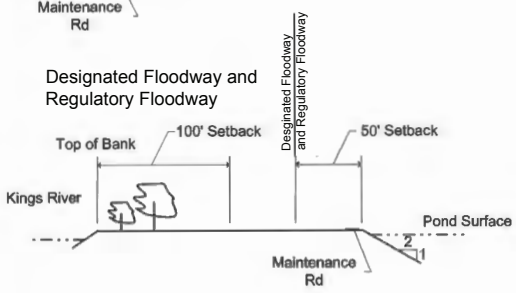
Property Line



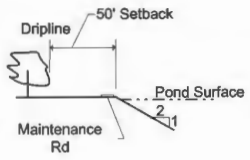
Kings River



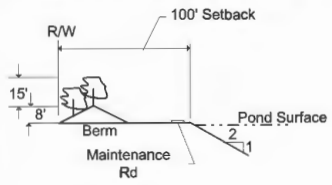
Designated Floodway and Regulatory Floodway



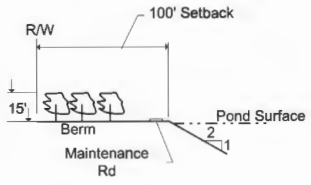
Riparian Vegetation or Mature Oak



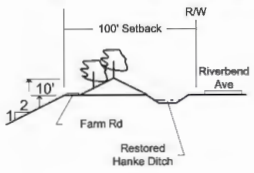
Goodfellow Ave w/Visual & Sound Berm



Goodfellow Ave w/Orchard-Like Screen



Riverbend Ave w/Visual & Sound Berm

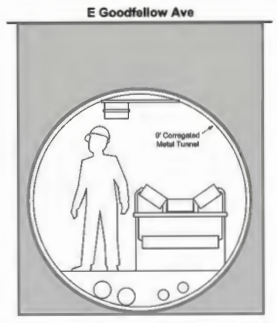


Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	619			

1. Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
2. Gross acres, includes farm roads.
3. Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.
4. To be used for portable plant during mining of plant site (Phase 9)

E Goodfellow Ave



A conveyor tunnel will be constructed under Goodfellow Avenue to transport mined material from Phases 6-B south of Goodfellow Avenue to the plant site. The tunnel will be constructed prior to the initiation of mining in Phase 6A in approximately 2054. Construction will require an Encroachment Permit issued by the Fresno County Department of Public Works and Planning Road Maintenance and Operations Division. Construction plans prepared by a Registered Civil Engineer shall be required to show compliance with all applicable standards, codes, and ordinance in affect at the time the permit is issued to insure the integrity of the road and the safety of the public and employees. The tunnel will be a corrugated metal tunnel or equivalent. Approximate dimensions will be nine feet in circumference by 75 feet long.

Detail B - Conveyor Tunnel Under Goodfellow Ave
NTS

GRAPHIC SCALE
500 0 250 500 1,000
ORIGINAL 1 INCH = 500 FEET

FRSNO COUNTY PUBLIC WORKS AND PLANNING DEPARTMENT

APPROVED PLAN

	SPR# 7946	MV#	B/P
DRA#	OTHER	DATE: 09/14/2015	BY: HEL

NOTE:
1) THIS APPROVAL IS SUBJECT TO ALL CONDITIONS NOTED HEREON AND IN THE APPROVAL LETTER
2) ALL IMPROVEMENTS MUST BE INSPECTED AND APPROVED BY THE DEVELOPMENT SERVICES DIVISION

Detail A - Typical Plant Site Layout

GENERAL NOTES:

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR.
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY DICTATE CHANGES IN MINING METHODS.
3. SLOPES WILL BE MINED AT 2:1 (H:V).
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE.
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 50 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE
   - WHICHEVER IS GREATER;
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXPCEPT FOR THE VISUAL/SOUND BERMS.
7. LOCATION OF TOPSOIL STOCKPLES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- VISUAL/SOUND BERM (HEIGHT PER PLAN)
- ORCHARD-LIKE VISUAL SCREEN

RIVERBEND SAND AND GRAVEL
14692 E. Fantz Ave.
Parlier, CA 93648
559-875-6565

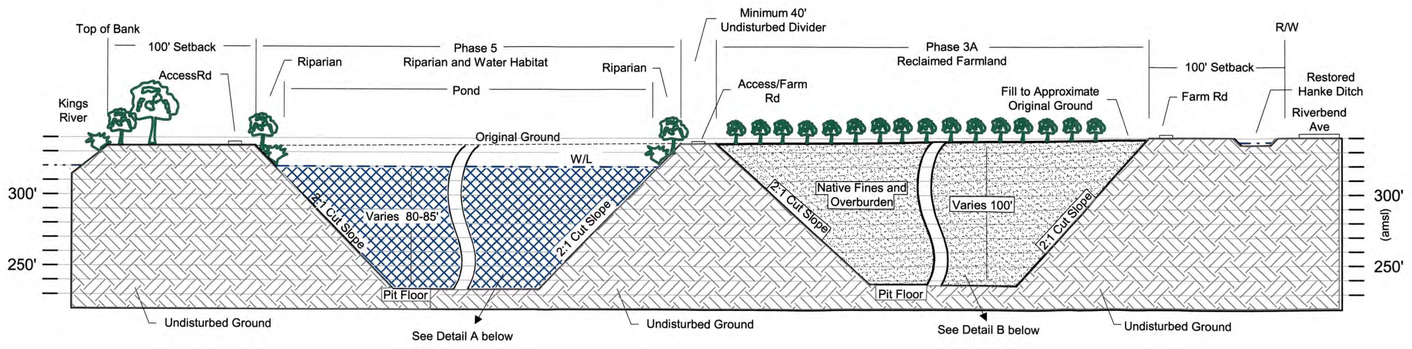
SITE PLAN REVIEW – SHEET 2 OF 3
MINE PLAN
RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4872 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

	Date	Revision
D		
C		
B	11/17/14	ADD X-SECS, REV. TUNNEL DETAIL/SETBACKS
A	1/29/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

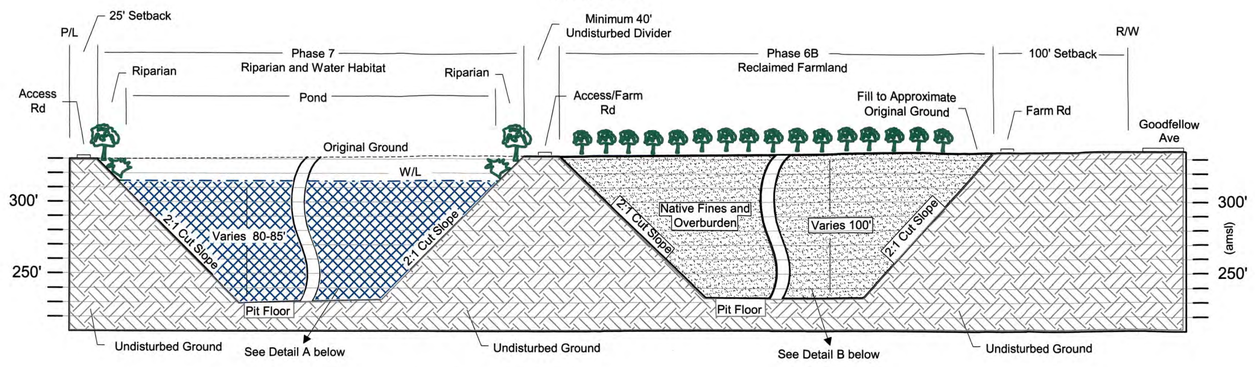
Reclamation Cross-Section A-A'

Vertical Scale 1" = 100'
Horizontal = NTS

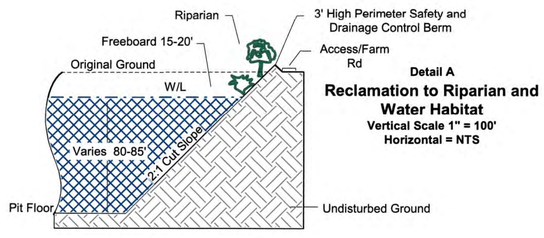


Reclamation Cross-Section B-B'

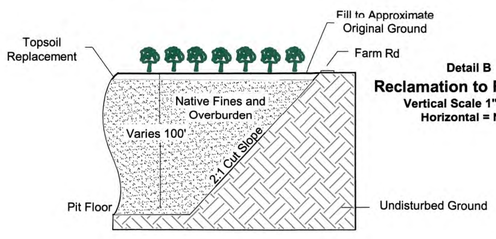
Vertical Scale 1" = 100'
Horizontal = NTS



NOTES:
P/L = property line
R/W = right-of-way
W/L = water level
amsl = above mean sea level



Detail A
Reclamation to Riparian and Water Habitat
Vertical Scale 1" = 100'
Horizontal = NTS

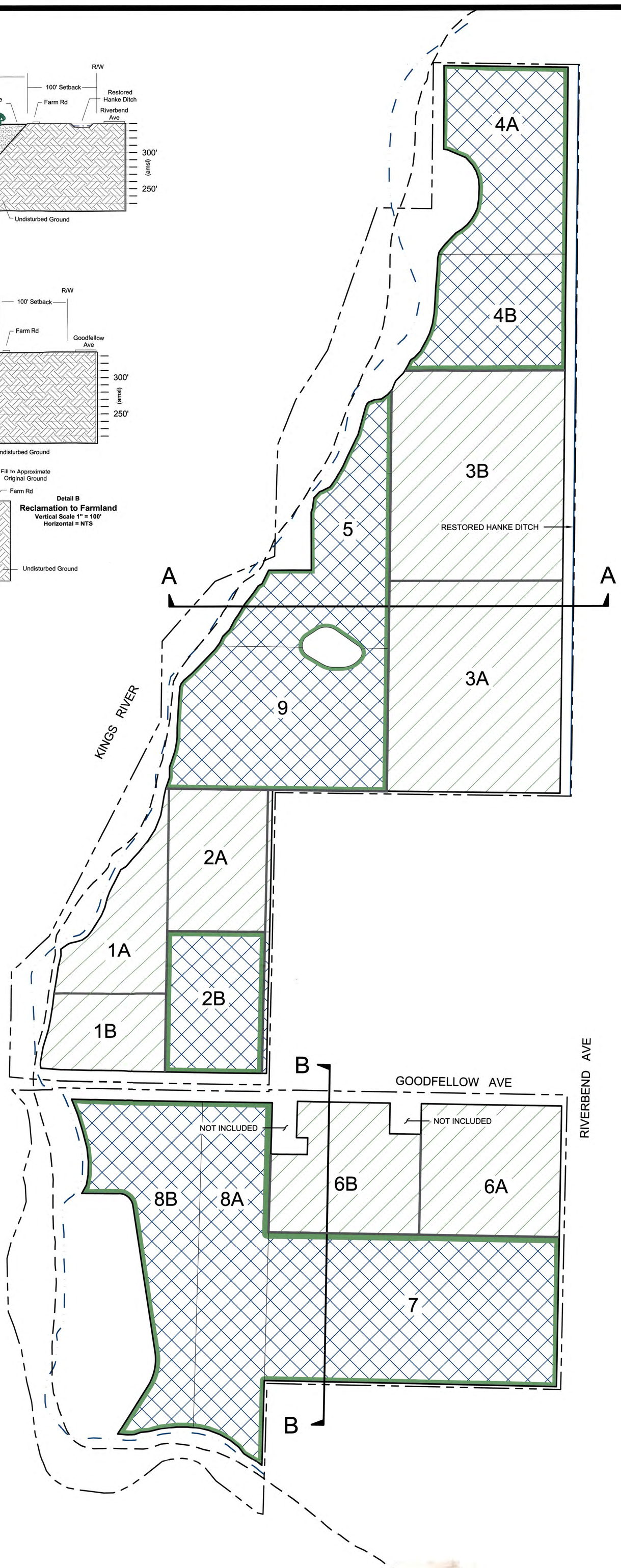


Detail B
Reclamation to Farmland
Vertical Scale 1" = 100'
Horizontal = NTS

Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2, 3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	**619**	**268**	**318**	**33**	

1. Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
2. Gross acres, includes farm roads.
3. Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
4. To be used for portable plant during mining of plant site (Phase 9)



GRAPHIC SCALE
500 0 250 500 1,000
ORIGINAL 1 INCH = 500 FEET

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES:

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPT.
APPROVED PLAN
SPR # 7946 | MV# | B/P
DRA # | OTHER | DATE 09/14/15 | BY: HEL
NOTE: 1) THIS APPROVAL IS SUBJECT TO ALL CONDITIONS NOTED HEREON AND IN THE APPROVAL LETTER
2) ALL IMPROVEMENTS MUST BE INSPECTED AND APPROVED BY THE DEVELOPMENT SERVICES DIVISION

RECEIVED
COUNTY OF FRESNO
NOV 15 2015
DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION
SPR7946

RIVERBEND SAND AND GRAVEL 14692 E. Fantz Ave. Parlier, CA 93648 559-875-6565	**SITE PLAN REVIEW – SHEET 3 OF 3** **RECLAMATION PLAN** **RIVERBEND SAND AND GRAVEL**

BUADA ASSOCIATES
4872 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

	Date	Revision
D		
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

EXHIBIT 6-13

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand and Gravel
Annual County SMARA Inspection Fees Paid

Date	Amount
2017	$2,257
2018	$2,257
2019	$2,257
2020	$2,257
2021	$2,257
2022	$2,257
2023	$2,257
Total	$13,542

EXHIBIT 6-14

(attached to Exhibit 6 - April 23, 2024 Letter)

County of Fresno

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

February 14, 2017

Herb Lang
14962 E. Fantz
Parlier, CA 93648

Dear Herb Lang:

SUBJECT: SMARA ANNUAL INSPECTION MMRC-1 REPORT

I have enclosed a copy of your 2016 Surface Mining Inspection Report (MRRC-1) for Riverbend Sand and Gravel, LLC, MINE ID #91-10-0031 (Riverbend Sand & Gravel)

The inspection was completed on December 22, 2016. If not already submitted please send a copy of your updated Financial Assurance Cost Estimate (FACE) for review. If already approved please submit a copy of your updated Financial Assurance Mechanism (FAM) to our office.

If you have any questions, please contact me at (559) 600-4022.

Augustine C. Ramirez Senior Engineer
Development Services Division

Enclosures: MMRC-1

ACR:JP

G://4360Devs&Pln\Wtr_Geol_Nat Res\SMARA\Current Mining Forms (Templates)\Letter to Operator of completed inspection report.doc

County of Fresno

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

February 6, 2017

Reporting Unit
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: Thursday, December 22, 2016
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is attached.

Sincerely,

Augustine C. Ramirez
Senior Engineer
Development Services Division

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-16	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Augustine C. Ramirez		(559) 600-4022
Title	**Organization**	
Senior Engineer	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
auramirez@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2015

VI. Is this Operation on Federal Land? Check One: ☐Yes ☑No If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-16	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

WE HAVE NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 3 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☐ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-16

Weather Code(s):
CR

Duration of Inspection: .5

Start Time: 11:30

End Time: 12:00

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspectors Signature:	If inspector is a contractor for the lead agency give license type and number.
0	Date Signed: 2/3/17	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-15

(attached to Exhibit 6 - April 23, 2024 Letter)

Subject: Riverbend Sand and Gravel Inspection Report

From: glallen@co.fresno.ca.us
To: iblang@yahoo.com; jcbuada@yahoo.com
Cc: chguzman@co.fresno.ca.us; RJJimenez@co.fresno.ca.us
Date: Monday, March 19, 2018, 4:39:12 PM PDT

Good afternoon,

Please find attached the annual inspection report for Riverbend Sand and Gravel. Please feel free to contact me if you have any questions or comments.

Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672

Customer Service Survey- Tell us how we're doing.

Surface Mining Inspection Report.pdf
3.5MB

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-17	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Glenn Allen		(559) 600-9672
Title	**Organization**	
Division Manager	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
glallen@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2016

VI. Is this Operation on Federal Land? Check One: ☐Yes ☑No If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-17	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-17

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks & Glenn Allen (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed: 3-19-18	

DISTRIBUTION: Lead Agency sends copies of inspection notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-16

(attached to Exhibit 6 - April 23, 2024 Letter)

County of Fresno

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

February 27, 2019

Rhonda Law, Reporting Unit Analyst
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Dear Mrs. Law:

SUBJECT: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: October 2, 2018
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is enclosed.

Sincerely,

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2018\Surface Mining Inspection Report Cover.docx

Enclosures

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	10/02/2018	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade Avenue		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno, Department of Public Works and Planning		
Inspector		**Telephone**
Roy Jimenez Jr.		(559) 600-4251
Title	**Organization**	
Planner	Water and Natural Resources Division	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
rjjimenez@fresnocountyca.gov		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2017

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	☐Yes	☑No
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 10/02/2018	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196,901.00
■ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: 12/17/2018, $259,309.00 Pending Review
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
10/02/2018

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
County Staff: Roy Jimenez and Glenn Allen

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Roy Jimenez Date Signed: 2/27/2019	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-17

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05 / 05 /20 20

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93721 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 01 / 24 /20 20

(II) Upon completion of the annual inspection, were aspects of this surfacing mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☑ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☑ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

*(Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☑ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☑ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

*(Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☑ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☑ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☑ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☑ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☑ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: John Buada
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
MRRC-1 (2019) Page 1 of 6

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:	Riverbend Sand and Gravel

II. Mine Operator: Herb Lange		
Mailing Address: 14962 E. Fantz Avenue		
City: Parlier	State: CA	ZIP Code: 93648
Name of Onsite Contact Person: Herb Lange	Email Address: iblang@yahoo.com	Telephone: (559) 875-6565

III. SMARA Lead Agency Name: County of Fresno, Dept. Public Works and Planning		
Inspector's Name: Roy Jimenez Jr.		
Name of Entity or Organization: Water and Natural Resources Division		
Inspector's Mailing Address: 2220 Tulare Street, 6th Floor		
City: Fresno	State: CA	ZIP Code: 93721
E-mail Address: rjjimenez@fresnocountyca.gov	Telephone: (559) 600-4251	

IV. Approved Documents	
Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 2-26-2090
Vested Right: ☑ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 3390	Date Approved: 2-26-2015
Interim Management Plan: ☑Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land?	Check One: ☐ Yes ☑ No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: ☐ Yes ☑ No
Inspecting Agency Code(s):	Reason for Inspection:
Land Use Designation/Zoning for Surface Mine Operation:	

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 02/27/2019 Amount: $ $259,309.00

☑ Other Information?	Explanation: No FAM required at this time

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☑ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approximately 26 acres of farmland has been removed to allow construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds are proposed for operation.	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None.	Non-operational.
M) Other Reclamation Plan Requirements	None.	Non-operational.

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☑ No

B. Describe areas of the operation that have been disturbed since the last inspection:

No new areas have been disturbed since last inspection.

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

None.

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries: None.

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent.

G. Describe any limitations encountered during the inspection:

None.

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☑ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☑ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

None.

L. Duration of Inspection: 30 minutes
Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	**N. Status of Mine Code(s):**
CR	NP

O. Inspection Attendees and Affiliations
Roy Jimenez Jr. County Staff

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	**Inspectors Signature:**	**If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:**
18072	Roy Jimenez	
Certification Expiration Date: June 25, 2023	**Date Signed:** 05/05/2020	

EXHIBIT 6-18

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/12/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93621 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 01/26/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

05/12/2021 ___
CA Mine ID Number: 91- 10-0031

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2021.05.12 09:49:48 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 6-19

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/12/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93621 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 01/26/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

05/12/2021 ___
CA Mine ID Number: 91- 10-0031

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2021.05.12 09:49:48 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 6-20

(attached to Exhibit 6 - April 23, 2024 Letter)

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:	Riverbend Sand and Gravel

II. Mine Operator: Herb Lange		
Mailing Address: 14962 E. Fantz Avenue		
City: Parlier	State: CA	ZIP Code: 93648
Name of Onsite Contact Person: Herb Lange	Email Address: iblang@yahoo.com	Telephone: (559) 875-6565

III. SMARA Lead Agency Name: County of Fresno, Dept. Public Works and Planning		
Inspector's Name: Roy Jimenez Jr.		
Name of Entity or Organization: Water and Natural Resources Division		
Inspector's Mailing Address: 2220 Tulare Street, 6th Floor		
City: Fresno	State: CA	ZIP Code: 93721
E-mail Address: rjjimenez@fresnocountyca.gov	Telephone: (559) 600-4251	

IV. Approved Documents	
Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 2-26-2090
Vested Right: ☑ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 3390	Date Approved: 2-26-2015
Interim Management Plan: ☑Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land?	Check One: ☐ Yes ☑ No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: ☐ Yes ☑ No
Inspecting Agency Code(s):	Reason for Inspection:
Land Use Designation/Zoning for Surface Mine Operation:	

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 07/08/2021 Amount: $ $259,309.00

☑ Other Information?	Explanation: No FAM Required at this time

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☑ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approximately 26 acres of farmland has been removed to allow construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds are proposed for operation.	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None.	Non-operational.
M) Other Reclamation Plan Requirements	None.	Non-operational.

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☑ No

B. Describe areas of the operation that have been disturbed since the last inspection:

No new areas have been disturbed since last inspection.

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

None.

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries: None.

Date Inspection Conducted:	CA Mine ID Number:
December 17, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent.

G. Describe any limitations encountered during the inspection:

None.

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

None

L. Duration of Inspection:

Start Time: 10:00 am Finish Time: 11:00 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
18072	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2022.05.03 14:41:09 -07'00'	
Certification Expiration Date: 06/25/2023	**Date Signed:** 05/03/2022	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

   Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

   Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

   Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

   The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance "Other" and "Explanation" blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism~~(s)~~ currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism~~(s)~~ on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. **BLOCK VII**:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation's horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section ~~VIII~~VII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items ~~1~~A through ~~12~~L may be listed in Item ~~13~~M, under "Other Reclamation Plan Requirements."

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section ~~VIII~~VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or "NA" in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a "Yes" or "No" box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a "Yes" or "No" box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 6-21

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/03/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93621 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 12/17/2021

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2022.05.03 14:40:05 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 6-22

(attached to Exhibit 6 - April 23, 2024 Letter)

DEPARTMENT OF PUBLIC WORKS & PLANNING

COUNTY OF FRESNO
2220 TULARE - 6TH FLOOR
FRESNO, CA 93721
(559) 600-4287

To:
RIVERBEND SAND AND GRAVEL ID 91-10-0031
ATTN: HERB LANG
14962 E FANTZ
PARLIER, CA 93648

PAID
9-29-22
2257.00
CK# 2340

Date:	09/22/2022
Customer No:	040031
Invoice No:	0000000000019061
Total Due:	**$2,257.00**

ANNUAL SMARA MINE INSPECTION 2022
TERMS: Due upon receipt

Description	Quantity	Unit Cost	Unit of Meas	Total Cost
ANNUAL SMARA MINE INSPECTION 2022	1	2,257.00		2,257.00

Prepared by: JLG

CLIENT #040031 ANNUAL SMARA MINE INSPECTION 2022 ID #91-10-0031
0001 / 10000 / 4360 / 0300 / 3195

TERMS: Due upon receipt

RIVERBEND SAND AND GRAVEL ID 91-10-003

DEPARTMENT OF PUBLIC WORKS & PLANNING
COUNTY OF FRESNO
2220 TULARE - 6TH FLOOR
FRESNO, CA 93721
(559) 600-4287

Customer No:	040031
Invoice No:	0000000000019061
TOTAL DUE	**$2,257.00**

Reminder: Please include customer # **Amount of remittance:** 05 Sh

EXHIBIT 6-23

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/30/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93721 (Lead Agency City, State, Zip Code)

Mine Name: Reverbend Sand & Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 12/12/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2023.05.30 14:59:34 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Senior Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 6-24

(attached to Exhibit 6 - April 23, 2024 Letter)

RECEIVED
By Mike Luksic at 2:41 pm, Mar 07, 2024

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:
Riverbend Sand and Gravel

II. Mine Operator:
Herb Lang

Mailing Address:
14962 E Fantz Avenue

City:	State:	ZIP Code:
Parlier	CA	93648

Name of Onsite Contact Person:	Email Address:	Telephone:
Herb Lang	iblang@yahoo.com	(559) 875-6565

III. SMARA Lead Agency Name:
County of Fresno, Dept. of Public Works and Planning

Inspector's Name:
Roy Jimenez Jr.

Name of Entity or Organization:
Water and Natural Resources Division

Inspector's Mailing Address:
2220 Tulare Street, 6th Floor

City:	State:	ZIP Code:
Fresno	CA	93721

E-mail Address:	Telephone:
rjjimenez@fresnocountyca.gov	(559) 600-4251

IV. Approved Documents

Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 02/26/2090
Vested Right: ☒ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number:	Date Approved: 02/26/2015
Interim Management Plan: ☒Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land? Check One: ☐ Yes ☒ No

Are there any Federal authorizations associated with this operation? Check One: ☐ Yes ☒ No
If yes, explain:

Inspecting Agency Code(s):	Reason for Inspection: AI

Land Use Designation/Zoning for Surface Mine Operation:
Agriculture

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 06/29/2023 Amount: $ 259,309.00

☐ Other Information?	Explanation: No FAM required at this time.

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☒ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approx 26-ac of farmland has been removed to allow for construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None	None
M) Other Reclamation Plan Requirements	None	None

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☒ No

B. Describe areas of the operation that have been disturbed since the last inspection:

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:

None

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent

G. Describe any limitations encountered during the inspection:

None

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

N/A

L. Duration of Inspection:

Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
181464	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2024.03.07 13:20:57 -08'00'	
Certification Expiration Date: 11/09/2028	**Date Signed:** 03/07/2024	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT
FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

   Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

   Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

   Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

   The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance “Other” and “Explanation” blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism(s) currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism(s) on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. **BLOCK VII**:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation’s horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section VIIIVII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items 1A through 12L may be listed in Item 13M, under “Other Reclamation Plan Requirements.”

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or “NA” in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a “Yes” or “No” box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a “Yes” or “No” box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 6-25

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand and Gravel
Annual SMARA Report Fees Paid

Date	Amount
2015	$131
2016	$134
2017	$138
2018	$143
2019	$147
2020	$150
2021	$151
2022	$168
2023	$168
Total	$1,162

EXHIBIT 6-26

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

June 11, 2015

Beth Hendrickson
Reclamation Unit
Office of Mine Reclamation
801 "K" Street
Sacramento, CA 95814

RE: Riverbend Sand and Gravel
New Mine Operator Report
Request for Mine ID #

Dear Ms. Hendrickson:

Conditional Use Permit (CUP) 3390 and the Reclamation Plan for the Riverbend Sand and Gravel project was approved by the Fresno County Planning Commission on February 26, 2015. The Commission's decision was appealed to the Fresno County Board of Supervisors. The appeal was withdrawn just prior to the Supervisor's hearing on May 19, 2015, therefore, the Commission's approval was final.

As required by 14 CCR § 3697(a), Riverbend Sand and Gravel, LLC (Riverbend) is submitting the enclosed:

- New Mine Operator Report
- Initial Reporting Fee of $500.00

Riverbend is therefore requesting a Mine ID# for the Riverbend Sand and Gravel mine.

If you have any questions or need any additional information please contact me by email at jcbuada@buada.com, by phone at 559-432-4902 or by mail at 4872 N Arcade Ave, Fresno, CA 93704; or you may contact Riverbend's Manager, Herb Lang, by email at iblang@yahoo.com, by phone at 559-875-875-6565 or by mail at 14962 E Fantz, Parlier, CA 93648-9734.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel, LLC

State of California
DEPARTMENT OF CONSERVATION
NEW MINING OPERATION REPORT
OMR-3 Page 1 (Revised 4/96)

FOR OMR USE ONLY
CA MINE ID#_____

1. Mine Name: Riverbend Sand and Gravel	Operated by: Riverbend Sand and Gravel, LLC	
Site Contact Person: Herb Lang	Mine Street Address/City: 14684 E Goodfellow Ave, Sanger	Telephone: 559-875-6565
Mine Mailing Address: 14962 E Fantz	City: Parlier	State/ZIP Code: CA, 93648-9734
2. Owner of Operation: Riverbend Sand and Gravel, LLC	Mailing Address: 14692 E Fantz	City: Parlier
State/Zip Code: CA, 93648-9734	Country (if other than U.S.A.)	Telephone: 559-875-6565

Was this operation purchased during reporting year?

☐ Yes. If yes, date of purchase _____. X No.

3. Designated Agent's Name: John C. Buada, Buada Associates, Inc.	Mailing Address: 4872 N Arcade Ave, Fresno, CA 93704	
City: Fresno	ZIP Code: 93704	Telephone: 559-432-4902

4. Landowner: Running Luck Ranch, LLC	Assessor's Parcel #: 333, 061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Mailing Address: 14692 E Fantz	Telephone: 559-875-6565
City/State/ZIP Code: CA 93648-9734	Country (if other than U.S.A.)

5. SMARA Lead Agency (city OR county ONLY): Fresno County

Reclamation Plan

Approved on May, 19, 2015 (date). Attach copy with amendments, conditions, and **PROOF** of approval.

Number of acres subject to Reclamation Plan 619

IF APPLICABLE, INFORMATION REQUIRED IN ITEMS 6 THROUGH 9 MUST BE PROVIDED FOR EACH SEPARATE PLOT

6. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' or 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION

Latitude	Longitude	Section	Township	Range	Base Meridian	Quad Name	County
36 40.209N	119 31.228W	25&26-14/21, 1 -15/22, 19, 30&31-14/23			MDB&M	Sanger	Fresno

7. Type **Code(s) of Mining Operation** 6 **SEE EXHIBIT A FOR TYPE CODES**

8. **CHECK ALL THAT APPLY**

X Permitted: 619 Acres & Permit # CUP 3390

☐ Federal Lands: _____ Acres & Permit/ID # _____

DISTRIBUTION: White—State Yellow—Lead Agency Pink—Operator

96 88263

State of California
DEPARTMENT OF CONSERVATION
NEW MINING OPERATION REPORT
OMR-3 Page 2 (Revised 4/96)

FOR OMR USE ONLY
CA MINE ID#_____

9. $ 8,121,150 Current total assessed value of mining operation as established by County Assessor's Office

10. ☐ YES: Financial Assurances approved by Lead Agency. Attach copy and proof of approval.
Complete below for approved Financial Assurances:

Amount	Type	Date Posted	Expiration Date or Renewal Date (if applicable)

Financial Assurance to be submitted and approved prior to County approval of the Site Plan Review

X NO: Financial Assurances NOT approved by Lead Agency. Check reason below:

X Financial Assurances pending with Lead Agency. FACE submitted 6/1/15 _____ (date). ATTACH PROOF OF SUBMITTAL

☐ Financial Assurances appealed to SMGB. Submitted on _____ (date). ATTACH PROOF OF SUBMITTAL

11. COMMODITIES SEE EXHIBIT B FOR COMMODITIES

A: PRIMARY COMMODITY TO BE PRODUCED BY MINING OPERATION

Sand and Gravel

B: ALL OTHER COMMODITIES TO BE PRODUCED BY MINING OPERATION

12. REPORTING FEE

AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS SECTION 3697, THE REPORTING FEE FOR NEW MINING OPERATIONS, TOGETHER WITH THE INITIAL REPORT, IS DUE AND PAYABLE WITHIN 30 DAYS OF PERMIT APPROVAL. THE STATE MINING AND GEOLOGY BOARD, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 2207, ESTABLISHES A SCHEDULE OF FEES TO BE PAID BY MINING OPERATIONS: THE SCHEDULE OF FEES MAY VARY ANNUALLY.

Please call our office at (916) 323-9198, or write to the address below, for information on the appropriate fee required.

ENCLOSE THE REQUIRED FEE OF $ $500

SUBMITTED BY:

Your Name (Please print) John C. Buada, Buada Associates, Inc.

Your Mailing Address 4872 N Arcade Ave

City/State/ZIP Fresno, CA 93704

Your Telephone Number 559-432-4902

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6/11/15

I am:
☐ OWNER ☐ LESSOR ☐ LESSEE X AGENT ☐ MANAGER ☐ OPERATOR OR

☐ OTHER PERSON (specify title _____)

Please mail Initial Report, reporting fee, and ALL required attachment to:

DEPARTMENT OF CONSERVATION
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

DISTRIBUTION: White—State Yellow—Lead Agency Pink—Operator

96 88262

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

9538

6/11/2015

PAY TO THE ORDER OF DOC Office of Mine Reclamation $ **500.00

Five Hundred and 00/100********** DOLLARS

DOC Office of Mine Reclamation

MEMO Riverbend Sand and Gravel
New Mine Rpt

AUTHORIZED SIGNATURE

⑈009538⑈ ⑆321171184⑆ 20561492 8⑈

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

June 11, 2015

Augustine Ramirez
Fresno County Development Services
2220 Tulare Ave
Fresno, CA 93720

RE: Riverbend Sand and Gravel
2015 Financial Assurance Cost Estimate

Enclosed is the 2015 Financial Assurance Cost Estimate for the Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Office of Mine Reclamation (OMR) for OMR's 45-day review.

Since this is a new mine operation a California Mine ID# has not yet been assigned. A New Mine Operation Report has been filed with OMR and a Mine ID# has been requested.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel

CC: Herb Lang

Attachment:

- Riverbend Sand and Gravel 2015 FACE Mine ID 15-10-____:

EXHIBIT 6-27

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
2015 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 1

CA MINE ID# 91-10-0031
MINE NAME Riverbend Sand and Grave
SMARA Lead Agency Fresno County
☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	559-875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address	4872 N Arcade	
John Buada	Email Address	jcbuada@buada.com	
City Fresno	Zip Code 93704	Telephone 559-432-4902 Ext.	

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.

(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation: Riverbend Sand and Gravel, LLC — Telephone: 559-875-6565 Ext.
Mailing Address: 14962 E Fantz — Email Address: iblang@yahoo.com
City: Parlier — State/ZIP Code: CA 93648-9734 — Country (If other than U.S.A.):
Was this operation purchased by you during the 2015 reporting year? ☐ Yes. Date of purchase: _____ ☑ No.
Was this operation sold by you during the 2015 reporting year? ☐ Yes. Date of sale: _____ ☑ No.

☐ N.C.

4. Landowner: Running Luck Ranch — Assessor's Parcel No.(s): 333, 061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Mailing Address: 14962 E Fantz — Telephone: 559-875-6565 Ext.
City/State/ZIP Code: Parlier, CA 93648-9734 — Country (If other than U.S.A.):

5. Status of Mining Operation DURING THE 2015 REPORTING YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☑ Newly permitted; date permitted: 2-26-15
- ☐ Active.
- ☐ Idle; date operation became idle: _____

If idle, complete the following:

- ☐ Copy of approved Interim Management Plan is attached.
- ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE 2015 REPORTING YEAR **CHECK 1 ONLY**

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

Date reclamation was certified complete: _____
Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2015 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 2

CA MINE ID# 91-10-0031

7. Was an inspection completed by the Lead Agency during the 2015 reporting year?

☐ Yes. Date of Inspection: _____
☑ No. Explain on page 4.

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: 619

☑ Yes: Approval date of the reclamation plan: 2-26-15
☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.
☐ Approval pending. Date submitted to the Lead Agency: _____
☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to reclamation plan during the 2015 reporting year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE 2015 REPORTING YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the reporting 2015 year. Date approved: _____
☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the 2015 reporting year?

☐ Yes. Date of approval: _____
☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____
☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the 2015 reporting year?

☐ Yes. Date of approval: _____
☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____
☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____
☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☐ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County
36 40.209N	119 31.228W	25&26-14/21, 1 -15/22, 19, 30&31-14/23	Sanger	Fresn

☐ N.C.

11. Code type(s) of mining operation: 6 - Open Pit

SEE EXHIBIT A FOR CODE TYPE(S)

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

25&26-14/21, 1 -15/22, 19, 30&31-14/23

State of California
DEPARTMENT OF CONSERVATION

2015 MINING OPERATION ANNUAL REPORT

MRRC-2 Page 3

CA MINE ID# 91-10-0031

12. DISTURBED ACREAGE — COMPLETE ENTIRE SECTION

1. 0 — Approximate disturbed acreage on January 1, 2015. (This figure should match the figure from item 12, line 5 on your 2014 annual report. If it does not match, explain on page 4.)
2. 0 — Approximate acreage disturbed **during** 2015.
3. 0 — **(ADD LINE 1 TO LINE 2)**
4. 0 — Approximate disturbed acreage **reclaimed** during 2015.
5. 0 — **(SUBTRACT LINE 4 FROM LINE 3)** Approximate disturbed acreage **remaining** on December 31, 2015.

13. CHECK ALL THAT APPLY

☐ N.C.

- ☑ Acres permitted: 619
- ☐ Acres vested (acres disturbed prior to January 1, 1976): _____
- ☐ Acres on federal lands: _____

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 8,121,150

☐ N.C.

15. COMMODITIES AND PRODUCTION* — SEE EXHIBIT B

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

PRODUCED MINERALS — List All Commodities (from Exhibit B)	Category Number (from Exhibit B)	TOTAL PRODUCTION — Amount of Production	CHECK ONE — Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** SAND AND GRAVEL	1	0	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE — SEE EXHIBIT C

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ $ 131.00

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** $ _____

D. SILVER FEE (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** $ _____

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ $ 131.00 **(Attach one check for total)**

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2015 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93794 Telephone Number: 559-432-4902

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1)

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6-30-16

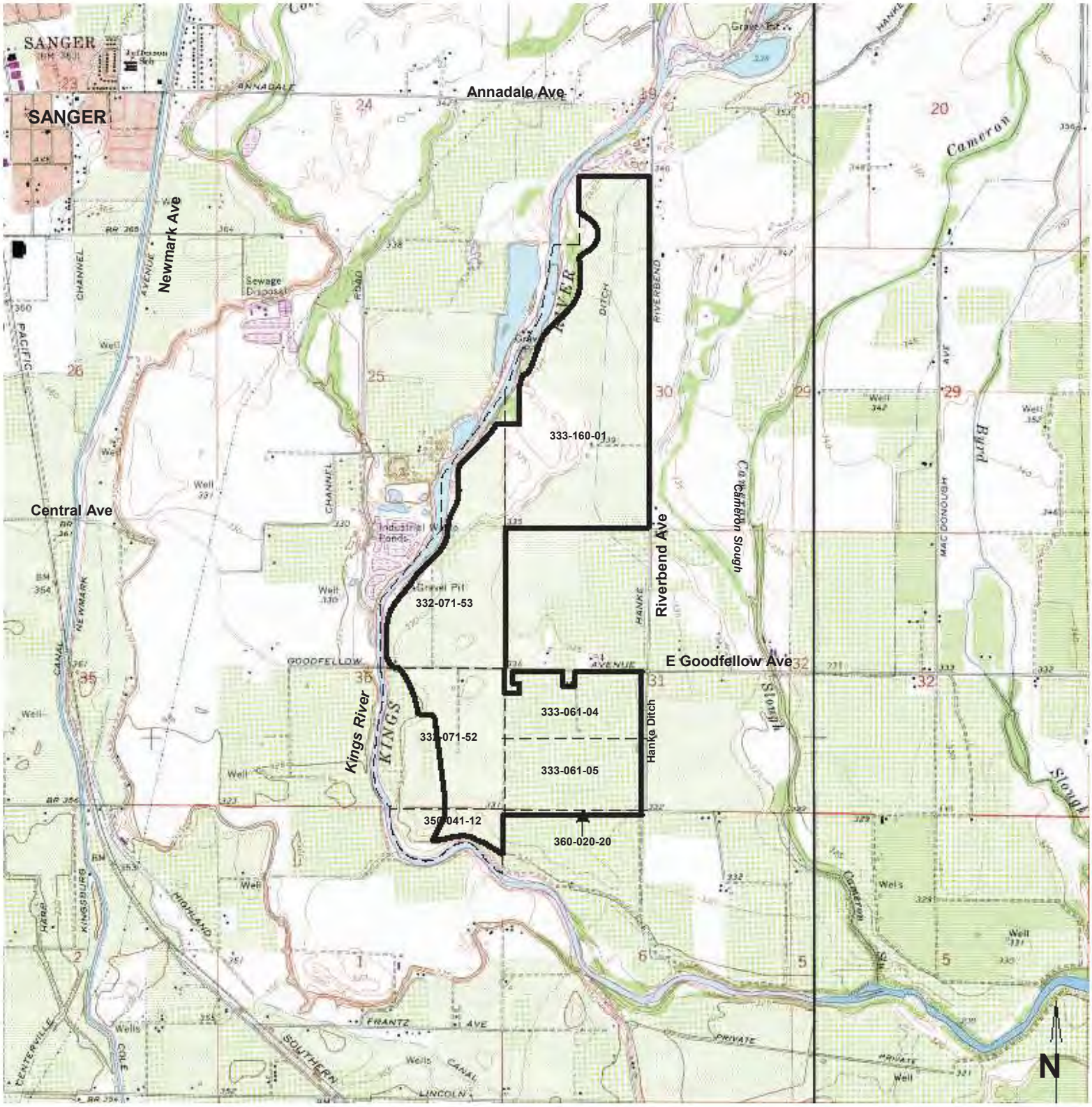
TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee, gold and silver fee and required attachments to:

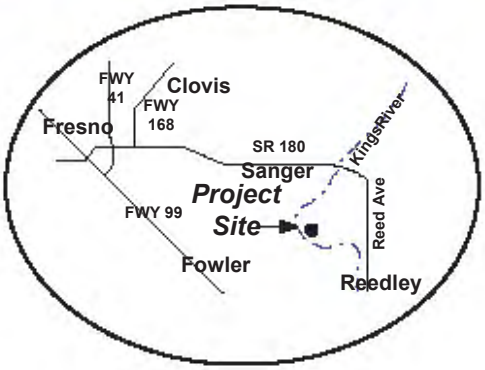
ATTN: Reporting Unit
Office of Mine Reclamation
Department of Conservation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

7. Not yet in operation
8a. 2-26-15 is the correct date. Incorrect date was entered on New Mine Operation filed 6-11-15.
9a. Not yet in operation
9b. Not yet in operation



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel
Mine ID # 91-10-0031
Location Map

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

9665

6/30/16

PAY TO THE ORDER OF DEPARTMENT OF CONSERVATION/OMR $ 131.00

ONE HUNDRED THIRTY-ONE and 00/100 DOLLARS

MEMO MINE ID# 10-0031

John C. Buada
AUTHORIZED SIGNATURE

⑈009665⑈ ⑆321171184⑆ 20561492 8⑈

EXHIBIT 6-28

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX/432-4097
e-mail: jcbuada@buada.com

June 29, 2017

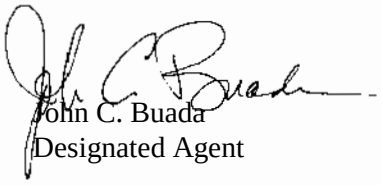
Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

RE: 2016 Mining Operation Annual Reports, Riverbend Sand and Gravel

Enclosed is the following Mining Annual Report for the following facility:

Mine Name	Mine ID#	2016 Status	Enclosed Fee
Riverbend Sand and Gravel	91-10-0031	Newly Permitted, Not Yet In Operation	$134.00

Sincerely,



John C. Buada
Designated Agent

CC: Herb Lang

Enclosures:

- 91-10-0010:
  - Check for Filing Fee
  - 2015 Mining Operation Annual Report
  - USGS Location Map
  - Approved Reclamation Plan

9768

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

6/29/2017

PAY TO THE ORDER OF Department of Conservation/OMR $ **134.00

One Hundred Thirty-Four and 00/100********** DOLLARS

Department of Conservation/OMR

MEMO Mine ID# 91-10-0031

AUTHORIZED SIGNATURE

⑈009768⑈ ⑆321171184⑆ 20561492 8⑈

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 1

CA MINE ID# 91- 10-0031

MINE NAME Riverbend Sand and Gravel

SMARA Lead Agency Fresno County

☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	559-875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N Arcade	
John Buada	Email Address jcbuada@buada.com	
City Fresno	Zip Code 93704	Telephone 559-432-4902 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.

(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☑ N.C. 3. Owner of Mining Operation | Telephone Ext.

Mailing Address | Email Address

City | State/ZIP Code | Country (If other than U.S.A.)

Was this operation purchased by you during the 2016 reporting year? ☐ Yes. Date of purchase: _____ ☐ No.

Was this operation sold by you during the 2016 reporting year? ☐ Yes. Date of sale: _____ ☐ No.

☑ N.C. 4. Landowner | Assessor's Parcel No.(s)

Mailing Address | Telephone Ext.

City/State/ZIP Code | Country (If other than U.S.A.)

5. Status of Mining Operation DURING THE 2016 REPORTING YEAR (See form instructions for definitions) CHECK 1 ONLY

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:

  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE 2016 REPORTING YEAR CHECK 1 ONLY

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 2

CA MINE ID# **91-** 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/22/2016

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):
Date Requested: 12/22/2017

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: _____

☐ Yes. Approval date of the reclamation plan: _____

☐ No. Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the 2016 reporting year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE 2016 REPORTING YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the reporting 2016 year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the 2016 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the 2016 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☑ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 3

CA MINE ID# 91- 10-0031

☑ N.C.

11. Code type(s) of mining operation: _____ SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE COMPLETE ENTIRE SECTION

1. 0 Approximate disturbed acreage on January 1, 2016. (This figure should match the figure from item 12, line 5 on your 2015 Annual Report. If it does not match, explain on page 4.)
2. 0 Approximate acreage disturbed **during** 2016.
3. 0 **(ADD LINE 1 TO LINE 2)**
4. 0 Approximate disturbed acreage **reclaimed** during 2016.
5. 0 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate disturbed acreage **remaining** on December 31, 2016.

☑ N.C.

13. CHECK ALL THAT APPLY

☐ Acres permitted: _____
☐ Acres vested (acres disturbed prior to January 1, 1976): _____
☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9,274,521

15. COMMODITIES AND PRODUCTION* SEE EXHIBIT B

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** SAND AND GRAVEL	1	0	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE SEE EXHIBIT C

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ $ 134.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: Department of Conservation (onginal) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ Ounce(s) of gold) X ($5.00 per ounce) = $ _____

D. SILVER FEE (_____ Ounce(s) of silver) X ($0.10 per ounce) = $ _____

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ _____ (Attach one check for total)

---

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc.

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93704 Telephone Number: 559-432-4902

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C Buada **DATE** 6-29-17

TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

9a. Not yet in operation
9b. Not yet in operation

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

County of Fresno

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

February 14, 2017

Herb Lang
14962 E. Fantz
Parlier, CA 93648

Dear Herb Lang:

SUBJECT: SMARA ANNUAL INSPECTION MMRC-1 REPORT

I have enclosed a copy of your 2016 Surface Mining Inspection Report (MRRC-1) for Riverbend Sand and Gravel, LLC, MINE ID #91-10-0031 (Riverbend Sand & Gravel)

The inspection was completed on December 22, 2016. If not already submitted please send a copy of your updated Financial Assurance Cost Estimate (FACE) for review. If already approved please submit a copy of your updated Financial Assurance Mechanism (FAM) to our office.

If you have any questions, please contact me at (559) 600-4022.

Augustine C. Ramirez Senior Engineer
Development Services Division

Enclosures: MMRC-1

ACR:JP

G://4360Devs&Pln\Wtr_Geol_Nat Res\SMARA\Current Mining Forms (Templates)\Letter to Operator of completed inspection report.doc

County of Fresno

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

February 6, 2017

Reporting Unit
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: Thursday, December 22, 2016
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is attached.

Sincerely,

Augustine C. Ramirez
Senior Engineer
Development Services Division

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-16	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Augustine C. Ramirez		(559) 600-4022
Title	**Organization**	
Senior Engineer	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
auramirez@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2015

VI. Is this Operation on Federal Land? Check One: ☐Yes ☑No If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-16	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

WE HAVE NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 3 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☐ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-16

Weather Code(s):
CR

Duration of Inspection: .5

Start Time: 11:30

End Time: 12:00

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspectors Signature:	If inspector is a contractor for the lead agency give license type and number.
0	Date Signed: 2/3/17	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-29

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269/1376
e-mail: jcbuada@buada.com

June 28, 2018

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

RE: 2017 Mining Operation Annual Report, Riverbend Sand and Gravel, CA ID#91-10-0031

Enclosed is the following Mining Annual Report for the following facility:

Mine Name	Mine ID#	2017 Status	Enclosed Fee
Riverbend Sand and Gravel	91-10-0031	Not Yet In Operation	$138.00

Sincerely,

John C. Buada
Designated Agent

CC: Herb Lang

Enclosures:

- Mining Operation Annual Report CA ID#91-10-0031
  - Check for Filing Fee
  - 2017 Mining Operation Annual Report

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

9894

6/28/2018

PAY TO THE ORDER OF Department of Conservation/DMR | $ **138.00

One Hundred Thirty-Eight and 00/100********** DOLLARS

Department of Conservation/DMR

MEMO

Mine ID# 91-10-0031

AUTHORIZED SIGNATURE

⑈009894⑈ ⑆321171184⑆ 20561492 8⑈

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 1

CA MINE ID# 91-10-0031
MINE NAME Riverbend Sand & Gravel
SMARA Lead Agency Fresno County
☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	559-875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N Arcade	
John Buada	Email Address jcbuada@buada.com	
City	Zip Code	Telephone
Fresno	93704	559-269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☑ N.C.

3. Owner of Mining Operation		Telephone Ext.
Mailing Address	Email Address	
City	State/ZIP Code	Country (If other than U.S.A.)
Was this operation purchased by you during the 2017 reporting year? ☐ Yes. Date of purchase: _____ ☐ No.	Was this operation sold by you during the 2017 reporting year? ☐ Yes. Date of sale: _____ ☐ No.	

☑ N.C.

4. Landowner	Assessor's Parcel No.(s)
Mailing Address	Telephone Ext.
City/State/ZIP Code	Country (If other than U.S.A.)

5. Status of Mining Operation DURING THE 2017 REPORTING YEAR (See form instructions for definitions) CHECK 1 ONLY

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____
  - If idle, complete the following:
    - ☐ Copy of approved Interim Management Plan is attached.
    - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE 2017 REPORTING YEAR CHECK 1 ONLY

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.
  - Date reclamation was certified complete: _____
  - Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
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CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/22/2017

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):

Date Requested: _____

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: _____

☐ Yes: Approval date of the reclamation plan: _____

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the 2017 reporting year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE 2017 REPORTING YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the reporting 2017 year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the 2017 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the 2017 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☑ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

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CA MINE ID# 91- 10-0031

☑ N.C.

11. Code type(s) of mining operation: _____ SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0 Approximate disturbed acreage on January 1, 2017. (This figure should match the figure from item 12, line 5 on your 2016 Annual Report. If it does not match, explain on page 4.)
2. 0 Approximate acreage disturbed **during** 2017.
3. 0 **(ADD LINE 1 TO LINE 2)**
4. 0 Approximate disturbed acreage **reclaimed** during 2017.
5. 0 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate disturbed acreage **remaining** on December 31, 2017.

☑ N.C.

13. **CHECK ALL THAT APPLY**

☐ Acres permitted: _____

☐ Acres vested (acres disturbed prior to January 1, 1976): _____

☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 8,925,876

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** SAND AND GRAVEL	B	0	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ $ 138.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

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DEPARTMENT OF CONSERVATION
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CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. **GOLD FEE** (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** $ _____

D. **SILVER FEE** (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** $ _____

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ _____ **(Attach one check for total)**

---

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc.

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93704 Telephone Number: 559-269-1376

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6/28/2018

TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

9(a): Not yet in operation
9(b): Not yet in operation

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

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MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-17	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Glenn Allen		(559) 600-9672
Title	**Organization**	
Division Manager	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
glallen@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2016

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below: ☐Yes ☑No	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-17	CA MINE ID#: 91- 10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No	☐Yes ☐No	☐Yes ☐No
Date of Change:	If not, describe status of new operators Financial Assurance Mechanism:	

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
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SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-17

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks & Glenn Allen (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed: 3-19-18	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-30

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269/1376
e-mail: jcbuada@buada.com

June 27, 2019

Department of Conservation
Department of Mine Reclamation
Reporting Unit
801 K Street, MS 09-06
Sacramento, CA 95814-3529

RE: 2018 Mining Operation Annual Report, Riverbend Sand and Gravel, CA ID#91-10-0031

Enclosed is the following Mining Annual Report for the following facility:

Mine Name	Mine ID#	2017 Status	Enclosed Fee
Riverbend Sand and Gravel	91-10-0031	Not Yet In Operation	$143.00

Sincerely,

John C. Buada
Designated Agent

CC: Herb Lang

Enclosures:

- Mining Operation Annual Report CA ID#91-10-0031
  - Check for Filing Fee
  - 2018 Mining Operation Annual Inspection Report

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269-1376
e-mail: jcbuada@buada.com

June 27, 2019

Roy Jiminez
Fresno County Development Services
2220 Tulare, Sixth Fl
Fresno, CA 97322

RE: 2018 Mining Operation Annual Report, Riverbend Sand and Gravel

Enclosed is the 2018 Mining Operation Annual Report for the following facility:

Mine Name	Mine ID#	2017 Status
Riverbend Sand and Gravel	91-10-0031	Not Yet In Operation

Sincerely,

John C. Buada
Designated Agent

CC: Herb Lang

State of California
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CA MINE ID# 91-10-0031
MINE NAME Riverbend Sand & Gravel
SMARA Lead Agency Fresno County
☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	(559) 875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address	
John Buada	Email Address	jcbuada@buada.com
City: Fresno	Zip Code: 93704	Telephone: (559) 269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation		Telephone Ext.
Mailing Address	Email Address	
City	State/ZIP Code	Country (If other than U.S.A.)
Was this operation purchased by you during the Calendar Year? ☐ Yes. Date of purchase: _____ ☐ No.	Was this operation sold by you during the Calendar Year? ☐ Yes. Date of sale: _____ ☐ No.	

☐ N.C.

4. Landowner	Assessor's Parcel No.(s)
Mailing Address	Telephone Ext.
City/State/ZIP Code	Country (If other than U.S.A.)

5. Status of Mining Operation DURING THE CALENDAR YEAR (See form instructions for definitions) CHECK 1 ONLY

- ☑ Newly permitted; date permitted: 02/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____
  - If idle, complete the following:
    - ☐ Copy of approved Interim Management Plan is attached.
    - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE CALENDAR YEAR CHECK 1 ONLY

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.
  - Date reclamation was certified complete: _____
  - Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
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CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 10/02/2018

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):

Date Requested: _____

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: _____

☐ Yes: Approval date of the reclamation plan: _____

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the Calendar Year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE CALENDAR YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the Calendar Year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☑ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

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CA MINE ID# 91- 10-0031

☑ N.C.

11. Code type(s) of mining operation: _____ SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE COMPLETE ENTIRE SECTION

1. 0.00 Approximate disturbed acreage on the **Previous Calendar Year.** (This figure should match the figure from item 12, line 5 on your previous Annual Report. If it does not match, explain on page 4.)
2. 0.00 Approximate acreage disturbed during the **Calendar Year.**
3. 0.00 **(ADD LINE 1 TO LINE 2)**
4. 0.00 Approximate disturbed acreage **reclaimed** during the **Calendar Year**.
5. 0.00 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate **disturbed** acreage remaining on December 31 of the **Calendar Year**.

☑ N.C.

13. CHECK ALL THAT APPLY

☐ Acres permitted: _____
☐ Acres vested (acres disturbed prior to January 1, 1976): _____
☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9,236,678.00

15. COMMODITIES AND PRODUCTION* SEE EXHIBIT B

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** Sand and Gravel	No. 1	0.00	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE SEE EXHIBIT C

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A (Newly Permitted)

B. REPORTING FEE ..... $ 143.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
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CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** $ 0.00

D. SILVER FEE (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** $ 0.00

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ _____ **(Attach one check for total)**

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc.

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93704 Telephone Number: (559) 269-1376

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER _____ **DATE** 06/27/2019

TITLE OF SUBMITTER Designated Agent **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

9(a): Updated FACE filed with County 12/17/18. Approved by County 4/17/19
9(b): Updated FACE filed with County 12/17/18. Approved by County 4/17/19

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank, N.A.
90-7118/3211

10000

6/27/2019

PAY TO THE ORDER OF Department of Conservation/DMR | $ **143.00

One Hundred Forty-Three and 00/100********** DOLLARS

Department of Conservation/DMR

AUTHORIZED SIGNATURE

MEMO
Mine ID# 91-10-0031

⑈010000⑈ ⑆321171184⑆ 20561492 8⑈

County of Fresno

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

February 27, 2019

Rhonda Law, Reporting Unit Analyst
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Dear Mrs. Law:

SUBJECT: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: October 2, 2018
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is enclosed.

Sincerely,

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2018\Surface Mining Inspection Report Cover.docx

Enclosures

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	10/02/2018	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade Avenue		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno, Department of Public Works and Planning		
Inspector		**Telephone**
Roy Jimenez Jr.		(559) 600-4251
Title	**Organization**	
Planner	Water and Natural Resources Division	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
rjjimenez@fresnocountyca.gov		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2017

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	☐Yes	☑No
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 10/02/2018	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196,901.00
■ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: 12/17/2018, $259,309.00 Pending Review
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
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OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
10/02/2018

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
County Staff: Roy Jimenez and Glenn Allen

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed: 2/27/2019	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 6-31

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
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MRRC-2 Page 1

CA MINE ID# **91-** 10-0031

MINE NAME RIVERBEND SAND AND GRAVEL, LLC

SMARA Lead Agency County of Fresno

☐ City ☐ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
RIVERBEND SAND AND	14692 E. FANTZ AVENUE	(559) 875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	PARLIER/CA/936489734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address	Telephone
JOHN C. BUADA	4872 N ARCADE AVENUE	
	Email Address jcbuada@buada.com	
City FRESNO	Zip Code 93704	(559) 269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation	Telephone
RIVERBEND SAND AND GRAVEL, LLC	(559) 875-6565 Ext.
Mailing Address	**Email Address**
14692 E. FANTZ AVENUE	iblang@yahoo.com
City	**State/ZIP Code** / **Country (If other than U.S.A.)**
PARLIER	CA/936489734

Was this operation purchased by you during the Calendar Year? ☐ Yes. Date of purchase: _____ ☐ No.

Was this operation sold by you during the Calendar Year? ☐ Yes. Date of sale: _____ ☐ No.

☐ N.C.

4. Landowner	Assessor's Parcel No.(s)
RUNNING LUCK RANCH, LLC	Listed on the final page of this document
Mailing Address	**Telephone**
14692 E FANTZ	(559) 875-6565 Ext.
City/State/ZIP Code	**Country (If other than U.S.A.)**
PARLIER/CA/93648-9734	

5. Status of Mining Operation DURING THE CALENDAR YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☐ Newly permitted; date permitted: 02/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:

  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE CALENDAR YEAR **CHECK 1 ONLY**

- ☐ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
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CA MINE ID# **91-** 10-0031

7. Inspections

(a) Date of the most recent inspection: 01/24/2020

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☐ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):
Date Requested: 11/24/2020

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: 619.00

☐ Yes: Approval date of the reclamation plan: 02/26/2015

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the Calendar Year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE CALENDAR YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the Calendar Year. Date approved: _____

☐ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: 04/30/2020

☐ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☐ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)
LC	$259,309.0	07/17/2019		

☐ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County
36.6856	-119.516	25 - 15S - 14E - Mount Diablo	Sanger	Fresno

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
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CA MINE ID# **91-** 10-0031

☐ N.C.

11. Code type(s) of mining operation: 6

SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0.00 Approximate disturbed acreage on the **Previous Calendar Year**. (This figure should match the figure from item 12, line 5 on your previous Annual Report. If it does not match, explain on page 4.)
2. 0.00 Approximate acreage disturbed during the **Calendar Year**.
3. 0.00 **(ADD LINE 1 TO LINE 2)**
4. 0.00 Approximate disturbed acreage **reclaimed** during the **Calendar Year**.
5. 0.00 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate **disturbed** acreage remaining on December 31 of the **Calendar Year**.

☐ N.C.

13. **CHECK ALL THAT APPLY**

☑ Acres permitted: 619.00

☐ Acres vested (acres disturbed prior to January 1, 1976): _____

☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9,236,678.00

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** Sand And Gravel	No. 1	0.00	☐	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ 147.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
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MRRC-2 Page 4

CA MINE ID# **91-** 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (0.00 **Ounce(s) of gold) X ($5.00 per ounce) =** **$** 0.00

D. SILVER FEE (0.00 **Ounce(s) of silver) X ($0.10 per ounce) =** **$** 0.00

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = **$** 147.00 **(Attach one check for total)**

---

17. **SUBMITTED BY**

Name (Please print): JOHN C. BUADA, BUADA ASSOCIATES , INC.

Mailing Address: 4872 N ARCADE AVENUE

City/State/ZIP Code: FRESNO/CA/93704 Telephone Number: (559) 269-1376 Ext:

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 06/24/2020

TITLE OF SUBMITTER Designated Agent **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

EXHIBIT 6-32

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
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CA MINE ID# 91- 10-0031
MINE NAME RIVERBEND SAND AND GRAVEL, LLC
SMARA Lead Agency County of Fresno
☐ City ☐ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
RIVERBEND SAND AND GRAVEL, LLC	14692 E. FANTZ AVENUE	(559) 875-6565 Ext.
Site Contact Person	City/State/ZIP Code	Email Address
Herb Lang	PARLIER/CA/936489734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address	Telephone
JOHN C. BUADA	4872 N ARCADE AVENUE	
	Email Address jcbuada@buada.com	
City FRESNO	Zip Code 93704	(559) 269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation		Telephone
RIVERBEND SAND AND GRAVEL, LLC		(559) 875-6565 Ext.
Mailing Address	Email Address	
14692 E. FANTZ AVENUE	iblang@yahoo.com	
City	State/ZIP Code	Country (If other than U.S.A.)
PARLIER	CA/936489734	

Was this operation purchased by you during the Calendar Year? ☐ Yes. Date of purchase: _____ ☐ No.
Was this operation sold by you during the Calendar Year? ☐ Yes. Date of sale: _____ ☐ No.

☐ N.C.

4. Landowner	Assessor's Parcel No.(s)
RUNNING LUCK RANCH, LLC	Listed on the final page of this document
Mailing Address	Telephone
14692 E FANTZ	(559) 875-6565 Ext.
City/State/ZIP Code	Country (If other than U.S.A.)
PARLIER/CA/93648-9734	

5. Status of Mining Operation DURING THE CALENDAR YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☐ Newly permitted; date permitted: 02/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:

  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE CALENDAR YEAR **CHECK 1 ONLY**

- ☐ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
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FOR CALENDAR YEAR 2019
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CA MINE ID# **91-** 10-0031

7. Inspections

(a) Date of the most recent inspection: 01/24/2020

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☐ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):
Date Requested: 11/24/2020

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: 619.00

☐ Yes: Approval date of the reclamation plan: 02/26/2015

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the Calendar Year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE CALENDAR YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the Calendar Year. Date approved: _____

☐ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: 04/30/2020

☐ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: 07/17/2019

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☐ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)
LC	$ 259,309.00	07/17/2019		

☐ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County
36.6856	-119.516	25 - 15S - 14E - Mount Diablo	Sanger	Fresno

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 19
MRRC-2 Page 3

CA MINE ID# **91-** 10-0031

☐ N.C.

11. Code type(s) of mining operation: 6

SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0.00 Approximate disturbed acreage on the **Previous Calendar Year**. (This figure should match the figure from item 12, line 5 on your previous Annual Report. If it does not match, explain on page 4.)
2. 0.00 Approximate acreage disturbed during the **Calendar Year**.
3. 0.00 **(ADD LINE 1 TO LINE 2)**
4. 0.00 Approximate disturbed acreage **reclaimed** during the **Calendar Year**.
5. 0.00 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate **disturbed** acreage remaining on December 31 of the **Calendar Year**.

☐ N.C.

13. **CHECK ALL THAT APPLY**

☑ Acres permitted: 619.00

☐ Acres vested (acres disturbed prior to January 1, 1976): _____

☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9,236,678.00

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** Sand And Gravel	No. 1	0.00	☐	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ 147.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2019
MRRC-2 Page 4

CA MINE ID# **91-** 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (0.00 **Ounce(s) of gold) X ($5.00 per ounce) =** **$** 0.00

D. SILVER FEE (0.00 **Ounce(s) of silver) X ($0.10 per ounce) =** **$** 0.00

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = **$** 147.00 **(Attach one check for total)**

---

17. **SUBMITTED BY**

Name (Please print): JOHN C. BUADA, BUADA ASSOCIATES , INC.

Mailing Address: 4872 N ARCADE AVENUE

City/State/ZIP Code: FRESNO/CA/93704 Telephone Number: (559) 269-1376

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 06/24/2020

TITLE OF SUBMITTER Designated Agent **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

EXHIBIT 6-33

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 21
MRRC-2 Page 1

CA MINE ID# **91-** 10-0031

MINE NAME RIVERBEND SAND AND GRAVEL, LLC

SMARA Lead Agency County of Fresno

☐ City ☐ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
RIVERBEND SAND AND GRAVEL, LLC	14692 E. FANTZ AVENUE	(559) 875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	PARLIER CA 93648	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N ARCADE AVENUE	
JOHN C. BUADA	Email Address jcbuada@buada.com	
City FRESNO	Zip Code 93704	Telephone (559) 269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation		Telephone
RIVERBEND SAND AND GRAVEL, LLC		(559) 875-6565 Ext.
Mailing Address	**Email Address**	
14692 E. FANTZ AVENUE	iblang@yahoo.com	
City	**State/ZIP Code**	**Country (If other than U.S.A.)**
PARLIER	CA/93648	

Was this operation purchased by you during the Calendar Year? ☐ Yes. Date of purchase: _____ ☑ No.

Was this operation sold by you during the Calendar Year? ☐ Yes. Date of sale: _____ ☑ No.

☐ N.C.

4. Landowner	Assessor's Parcel No.(s)
RUNNING LUCK RANCH, LLC	332-071-52 & 53 333-160-01 360-020-20
Mailing Address	**Telephone**
14692 E FANTZ	(559) 875-6565 Ext.
City/State/ZIP Code	**Country (If other than U.S.A.)**
PARLIER/CA/93648-9734	

5. Status of Mining Operation DURING THE CALENDAR YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:

  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE CALENDAR YEAR **CHECK 1 ONLY**

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 21
MRRC-2 Page 2

CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/17/2021

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):

Date Requested: 12/16/2022

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: 619.00

☑ Yes: Approval date of the reclamation plan: 2/26/2015

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the Calendar Year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE CALENDAR YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the Calendar Year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

☑ Yes. Date of approval: 6/15/2022

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☐ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?

☑ Yes. Date of approval: 6/15/2022

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☐ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)
LC	259309.00	7/17/2019		

☐ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County
36.6856	-119.516	25-15S-14E-MOUNT DIABLO	SANGER	FRESNO

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 21
MRRC-2 Page 3

CA MINE ID# **91-** 10-0031

☐ N.C.

11. Code type(s) of mining operation: OPEN PIT — **SEE EXHIBIT A FOR CODE TYPE(S)**

12. DISTURBED ACREAGE — **COMPLETE ENTIRE SECTION**

1. 0.00 Approximate disturbed acreage on the **Previous Calendar Year**. (This figure should match the figure from item 12, line 5 on your previous Annual Report. If it does not match, explain on page 4.)
2. 0.00 Approximate acreage disturbed during the **Calendar Year**.
3. 0.00 **(ADD LINE 1 TO LINE 2)**
4. 0.00 Approximate disturbed acreage **reclaimed** during the **Calendar Year**.
5. 0.00 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate **disturbed** acreage remaining on December 31 of the **Calendar Year**.

☐ N.C.

13. **CHECK ALL THAT APPLY**

☒ Acres permitted: 619.00
☐ Acres vested (acres disturbed prior to January 1, 1976): _____
☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9236248.00

15. COMMODITIES AND PRODUCTION* — **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** Sand And Gravel	No. 1	0.00	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE — **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... **$** 151.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 21
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** **$** 0.00

D. SILVER FEE (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** **$** 0.00

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = **$** 151.00 **(Attach one check for total)**

---

17. **SUBMITTED BY**

Name (Please print): JOHN C. BUADA, BUADA ASSOCIATES , INC.

Mailing Address: 4872 N ARCADE AVENUE

City/State/ZIP Code: FRESNO/CA/93704 Telephone Number: (559) 269-1376

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6/20/2022

TITLE OF SUBMITTER Designated Agent **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
715 P Street, MS 19-05
Sacramento, CA 95814

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

--Section 4 remaining parcels--
350-041-12 333, 061-04 & 05

EXHIBIT 6-34

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 22
MRRC-2 Page 1

CA MINE ID# **91-** 10-0031

MINE NAME RIVERBEND SAND AND GRAVEL, LLC

SMARA Lead Agency County of Fresno

☐ City ☐ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
RIVERBEND SAND AND GRAVEL, LLC	14692 E. FANTZ AVENUE	(559) 875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	PARLIER CA 93648	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N ARCADE AVENUE	
JOHN C. BUADA	Email Address jcbuada@buada.com	
City FRESNO	Zip Code 93704	Telephone (559) 269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☐ N.C.

3. Owner of Mining Operation		Telephone
RIVERBEND SAND AND GRAVEL, LLC		(559) 875-6565 Ext.
Mailing Address	Email Address	
14692 E. FANTZ AVENUE	iblang@yahoo.com	
City	State/ZIP Code	Country (If other than U.S.A.)
PARLIER	CA/93648	US

Was this operation purchased by you during the Calendar Year? ☐ Yes. Date of purchase: _____ ☑ No.

Was this operation sold by you during the Calendar Year? ☐ Yes. Date of sale: _____ ☑ No.

☐ N.C.

4. Landowner	Assessor's Parcel No.(s)
RUNNING LUCK RANCH, LLC	332-071-52 & 53 333-160-01 360-020-20
Mailing Address	Telephone
14692 E FANTZ	(559) 875-6565 Ext.
City/State/ZIP Code	Country (If other than U.S.A.)
PARLIER/CA/93648-9734	US

5. Status of Mining Operation DURING THE CALENDAR YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:

  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE CALENDAR YEAR **CHECK 1 ONLY**

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 22
MRRC-2 Page 2

CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/22/2022

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):

Date Requested: 12/22/2023

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: 619.00

☑ Yes: Approval date of the reclamation plan: 2/26/2015

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the Calendar Year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE CALENDAR YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the Calendar Year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the Calendar Year?

☑ Yes. Date of approval: 6/29/2023

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☐ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the Calendar Year?

☑ Yes. Date of approval: 6/29/2023

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☐ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)
LC	259309.00	7/17/2019		

☐ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County
36.6856	-119.516	25-15S-14E-MOUNT DIABLO	SANGER	FRESNO

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 22
MRRC-2 Page 3

CA MINE ID# 91- 10-0031

☐ N.C.

11. Code type(s) of mining operation: OPEN PIT **SEE EXHIBIT A FOR CODE TYPE(S)**

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0.00 Approximate disturbed acreage on the **Previous Calendar Year**. (This figure should match the figure from item 12, line 5 on your previous Annual Report. If it does not match, explain on page 4.)
2. 0.00 Approximate acreage disturbed during the **Calendar Year**.
3. 0.00 **(ADD LINE 1 TO LINE 2)**
4. 0.00 Approximate disturbed acreage **reclaimed** during the **Calendar Year**.
5. 0.00 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate **disturbed** acreage remaining on December 31 of the **Calendar Year**.

☐ N.C.

13. **CHECK ALL THAT APPLY**

☒ Acres permitted: 619.00
☐ Acres vested (acres disturbed prior to January 1, 1976): _____
☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 8122137.00

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** Sand And Gravel	No. 1	0.00	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... **$** 168.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 20 22
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** **$** 0.00

D. SILVER FEE (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** **$** 0.00

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = **$** 168.00 **(Attach one check for total)**

17. **SUBMITTED BY**

Name (Please print): JOHN C. BUADA, BUADA ASSOCIATES , INC.

Mailing Address: 4872 N ARCADE AVENUE

City/State/ZIP Code: FRESNO/CA/ Telephone Number: (559) 269-1376 Ext:

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6/29/2023

TITLE OF SUBMITTER Designated Agent **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
715 P Street, MS 19-05
Sacramento, CA 95814

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

--Section 4 remaining parcels--
350-041-12 333-061-04 & 05

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

EXHIBIT 6-35

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand and Gravel
Construction Stormwater Fees

Date	Amount	Notes
2017 (NOI)	$1720	SWRCB
2017	$1,725	Monitoring Fees
2018	$1,492	SWRCB
2019	$1,492	SWRCB
2020	$1,492	SWRCB
2021	$1,565	SWRCB
2022	$1,848	SWRCB
2023	$1,848	SWRCB
Total	$13,182	

EXHIBIT 6-36

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
STATE WATER RESOURCES CONTROL BOARD

2016-2017

RISK LEVEL 1 ANNUAL REPORT

FOR
STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITIES (RISK LEVEL 1)

Reporting Period July 1, 2016 through June 30, 2017

In compliance with the Construction General Permit (CGP) an annual report is required to be submitted electronically via SMARTS by September 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company.

If you have any questions, please contact your Regional Board Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at: *http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml*.
To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. *Property Owner Information:*

Site WDID No: 5F10C378836

Owner's Name: Riverbend Sand and Gravel LLC
Physical Address: 14962 E Fantz Ave
City: Parlier

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
CA Zip: 93648 Phone: 559-875-6565

B. *Site Information:*

Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Mailing Address: 14684 East Goodfellow Avenue
City: Sanger

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
State: CA Zip: 93657 Phone: 559-875-6565

FORM 1
SPECIFIC INFORMATION

C. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) [CGP Section XIV]

1. Has a SWPPP been prepared by a Qualified SWPPP Developer (QSD) for the construction project?

☒ **YES** ☐ **NO**

2. Does the SWPPP include a Construction Site Monitoring Program (CSMP) section/element?

☒ **YES** ☐ **NO**

3. Are these documents kept onsite?

☒ **YES** ☐ **NO**

D. GOOD SITE MANAGEMENT "HOUSEKEEPING" [CGP Attachment C, Section B]

1. Were required good site management "housekeeping" measures for construction materials fully implemented on-site?

☒ **YES** ☐ **NO** ☐ **NA**

a. Was an inventory of the products used and/or expected to be used conducted?

☒ **YES** ☐ **NO**

2. Were required good site management "housekeeping" measures for waste management fully implemented on-site?

☒ **YES** ☐ **NO**

a. Is there a spill response and implementation element of the SWPPP?

☒ **YES** ☐ **NO**

3. Were required good site management "housekeeping" measures for vehicle storage and maintenance fully implemented on-site?

☒ **YES** ☐ **NO**

4. Were required good site management "housekeeping" measures for landscape materials fully implemented on-site?

☒ **YES** ☐ **NO** ☐ **NA**

5. Was a list of potential pollutant sources developed?

☒ **YES** ☐ **NO**

6. Were good site management "housekeeping" measures to control air deposition of site materials and from site operations implemented on-site?

☒ **YES** ☐ **NO**

E. NON-STORM WATER MANAGEMENT [CGP Attachment C, Section C]

1. Were measures to control all non-storm water discharges during construction implemented?

☒ **YES** ☐ **NO**

2. Were vehicles washed in such a manner as to prevent non-storm water discharges to surface waters or to MS4 drainage systems?

☒ **YES** ☐ **NO** ☐ **NA**

3. Were streets cleaned in such a manner as to prevent unauthorized non-storm water discharges from reaching surface waters or MS4 drainage systems?

☒ **YES** ☐ **NO**

F. EROSION CONTROLS [CGP Attachment C, Section D]

1. Were required erosion controls fully implemented on your site?

☒ **YES** ☐ **NO**

G. SEDIMENT CONTROLS [CGP Attachment C, Section E]

1. Were required sediment controls fully implemented on your site?

☒ **YES** ☐ **NO**

H. RUN-ON AND RUN-OFF CONTROLS [CGP Attachment C, Section F]

1. Was all site run-on and run-off effectively managed?

☒ **YES** ☐ **NO**

Section I - Not applicable to Risk Level 1

J. INSPECTION, MAINTENANCE AND REPAIR [CGP Attachment C, Section G]

1. Were all site inspections, maintenance, and repairs performed or supervised by a Qualified SWPPP Practitioner (QSP)?

☒ **YES** ☐ **NO**

2. Were site inspections conducted weekly and at least once each 24-hour period during extended storm events?

☒ **YES** ☐ **NO**

3. Were post rain event inspections conducted?

☒ **YES** ☐ **NO**

4. Do your inspection forms/ checklists meet the minimum criteria listed in **CGP Attachment C, Section G.5**?

☒ **YES** ☐ **NO**

5. During any site inspection was BMP maintenance or repairs required?

☐ **YES** (Provide description in **Form 3**) ☒ **NO**

6. If BMP maintenance/repair or design change was needed, did implementation begin within 72 hours?

☐ **YES** ☒ **NO** ☐ **NA**

K. VISUAL MONITORING [CGP Attachment C, Section I.3]

1. Were all storm water discharges that occurred at all discharge locations observed within 2 business days (48 hours) after each qualifying rain event (producing precipitation of ½ inch or more at the time of discharge?

☒ **YES** ☐ **NO**

2. Were all storm water discharges that occurred from storage or containment systems visually observed prior to discharge?

☐ **YES** ☒ **NO**

3. Were the time, date, and rain gauge reading recorded for each qualifying rain event?

☒ **YES** ☐ **NO**

4. Within 2 business days (48 hours) prior to each predicted qualifying rain event, were visual inspections conducted in compliance with **CGP Attachment C, Section I.3.e&f**?

☒ **YES** ☐ **NO**

5. Are all visual inspection records retained on-site?

☒ **YES** ☐ **NO**

***Section L - Not applicable to Risk Level** 1

M. NON-STORM WATER DISCHARGE MONITORING [CGP Attachment C, Section I.6]

1. Were all drainage areas monitored for authorized/ unauthorized non-storm water discharges quarterly? (Complete **Form 2**)

   ☒ **YES** ☐ **NO**

2. Did visual observations indicate any authorized/ unauthorized non-storm water discharges?

   ☐ **YES** ☒ **NO** Skip to next Section

3. Were effluent samples taken of the authorized/ unauthorized non-storm water discharge? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)

   ☐ **YES** ☐ **NO** Skip to next Section ☒ **NA**

4. Were the effluent samples sent to a laboratory certified for such analyses by the State Department of Health Services?

   ☐ **YES** ☐ **NO** ☒ **NA**

5. Were unauthorized non-storm water discharges eliminated?

   ☐ **YES** ☐ **NO** ☒ **NA**

N. NON-VISIBLE POLLUTANT MONITORING [CGP Attachment C, Section I.7]

1. Were any breaches, malfunctions, leakages, or spills observed during a visual inspection?

   ☐ **YES** ☒ **NO** Skip to next Section

2. How many potential discharges of non-visible pollutants were identified? _____

3. For each discharge event (of non-visible pollutants), were samples collected in compliance with **CGP Attachment C, Section I.7.d**? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)

   ☐ **YES** ☐ **NO** ☒ **NA**

4. For each discharge event was a comparison sample collected (uncontaminated sample that did not come into contact with the pollutant)? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)

   ☐ **YES** ☐ **NO** ☒ **NA**

Section O - Not applicable to Risk Level 1

P. RECORDS [CGP Attachment C, Section I.9]

1. Are all records of all storm water monitoring information retained on-site?

☒ **YES** ☐ **NO**

Section Q - Not applicable to Risk Level 1

Section R - Not applicable to Risk Level 1

Section S - Not applicable to Risk Level 1

T. TRAINING

1. Was a Qualified SWPPP Practitioner (QSP) in reasonable charge of SWPPP implementation?

☒ **YES** ☐ **NO**

If **Yes**, Provide Name and Certificate Number: Raul Sanchez 00143

2. Were all individuals conducting BMP installation, inspection, maintenance and repairs trained appropriately?

☒ **YES** ☐ **NO**

3. Are complete training records kept on-site and available upon request?

☒ **YES** ☐ **NO**

ANNUAL REPORT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Signature: _____ Date: 08/29/2017

Title: _____

DESCRIPTION OF ANALYTICAL PARAMETERS

The Construction Activities Storm Water General Permit (General Permit) requires you to analyze storm water samples for at least two parameters. These are pH and turbidity. In addition, you must monitor for any other pollutants which you believe to be present in your storm water discharge (i.e. non-visible pollutants) as a result of construction site materials.

pH (required) - is a numeric measure of the hydrogen-ion concentration. The neutral, or acceptable, range is within 6.5 to 8.5 (Numeric Action Level-NAL range). At values less than 6.5, the water is considered acidic; above 8.5 it is considered alkaline or basic. The Numeric Effluent Limitation (NEL) for pH is 6.0-9.0. An example of an acidic substance is vinegar, and an alkaline or basic substance is liquid antacid. Pure rainfall tends to have a pH of a little less than 7. There may be sources of materials or construction activities which could increase or decrease the pH of your storm water discharge.

Turbidity (required) - is the cloudiness of water quantified by the degree to which light traveling through a water column is scattered by the suspended organic and inorganic particles it contains. The turbidity test is reported in Nephelometric Turbidity Units (NTU) or Jackson Turbidity Units (JTU). The NAL for turbidity in this General Permit is 250 NTU. The NEL is 500 NTU

Suspended Sediment Concentration (SSC) - is the measure of the concentration of suspended solid material in a water sample by measuring the dry weight of all of the solid material from a known volume of a collected water sample. Results are reported in mg/L.

Benthic Macroinvertebrate Bioassessment – evaluation of animals without backbones, living in or on sediments or other substrates, of a size large enough to be seen by the unaided eye, and which can be retained by a U.S. Standard No. 30 sieve (28 openings per inch, 0.595-mm openings) to assess the biological conditions (health) of a waterbody.

See Storm Water Contacts at

http://www.waterboards.ca.gov/waterboards_map.shtml

FORM 2- VISUAL OBSERVATIONS OF AUTHORIZED & UNAUTHORIZED NON-STORM WATER DISCHARGES (NSWDs)

* Dry weather visual observations are required of each authorized NSWD.
- Observe each authorized NSWD source, impacted drainage area, and discharge location.
- Make additional copies of this form as necessary.

U. AUTHORIZED NSWDs DISCHARGED

WERE ANY AUTHORIZED NSWDs DISCHARGED OBSERVED FROM JULY-SEPTEMBER?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY AUTHORIZED NSWDs DISCHARGED OBSERVED FROM OCTOBER-DECEMBER?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY AUTHORIZED NSWDs DISCHARGED OBSERVED FROM JANUARY-MARCH?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY AUTHORIZED NSWDs DISCHARGED OBSERVED FROM APRIL-JUNE?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**

V. UNAUTHORIZED NSWDs DISCHARGED

WERE ANY UNAUTHORIZED NSWDs DISCHARGED OBSERVED FROM JULY-SEPTEMBER?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY UNAUTHORIZED NSWDs DISCHARGED OBSERVED FROM OCTOBER-DECEMBER?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY UNAUTHORIZED NSWDs DISCHARGED OBSERVED FROM JANUARY-MARCH?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**
WERE ANY UNAUTHORIZED NSWDs DISCHARGED OBSERVED FROM APRIL-JUNE?	☐ **YES (If Yes, fill out side 2)** ☒ **NO**

2016-2017

ANNUAL REPORT

FORM 2 - QUARTERLY VISUAL OBSERVATIONS OF AUTHORIZED NON-STORM WATER DISCHARGES (NSWDs)

Quarter	Date/Time(HH:MM)	Source and Location of Authorized NSWD	Name of Authorized NSWD	Authorized NSWD Characteristics at Source	Authorized NSWD Characteristics at Drainage Area and Discharge Location	Revised or New BMPs Description and Implementation Date

2016-2017

ANNUAL REPORT

FORM 2 - QUARTERLY VISUAL OBSERVATIONS OF UNAUTHORIZED NON-STORM WATER DISCHARGES (NSWDs)

Quarter	Date/Time(HH:MM)	Source and Location of Unauthorized NSWD	Name of Unauthorized NSWD	Unauthorized NSWD Characteristics at Source	Unauthorized NSWD Characteristics at Drainage Area and Discharge Location	Revised or New BMPs Description and Implementation Date

2016-2017

ANNUAL REPORT

FORM 3

July-Sept Quarter	Oct-Dec Quarter	Jan-March Quarter?	April-June Quarter

2016-2017

ANNUAL REPORT

EXPLANATIONS SPECIFIED FOR VARIOUS YES/NO QUESTIONS IN THE REPORT

Explanation Question	Explanation Text
J6	No BMP maintenance/repair or design change was needed
K2	No discharge from storage or containment systems
M3	No discharge from project site
M4	No discharge from project site
M5	No discharge from project site
N3	No discharge from project limits
N4	No discharge from project limits

Attachments:

Attachment Title	Description	Date Uploaded	Attachment Type	Attachment Hash	Doc Part No/Total Parts

EXHIBIT 6-37

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
STATE WATER RESOURCES CONTROL BOARD

2017-2018

ANNUAL REPORT

FOR
STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITIES

Reporting Period July 1, 2017 through June 30, 2018

In compliance with the Construction General Permit (CGP) an annual report is required to be submitted electronically via SMARTS by September 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company.

If you have any questions, please contact your Regional Board Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at: *http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml*
To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. *Property Owner Information:*

Site WDID No: 5F10C378836

Owner's Name: Riverbend Sand and Gravel LLC
Physical Address: 14962 E Fantz Ave
City: Parlier
Contact Person: Herb Lang
e-mail: iblang@yahoo.com
CA Zip: 93648 Phone: 559-875-6565

B. *Site Information:*

Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Mailing Address: 14684 East Goodfellow Avenue
City: Sanger
Contact Person: Herb Lang
e-mail: iblang@yahoo.com
State: CA Zip: 93657 Phone: 559-875-6565

C. *General Information:*

Was Construction active for three months or longer within this annual reporting period?: No

Explanation:
Waiting for financing.

Certification:

Name: Herb Lang
Date: 2018-08-27 17:51:07.252
Title: Manager

EXHIBIT 6-38

(attached to Exhibit 6 - April 23, 2024 Letter)

Storm Water Pollution Prevention Plan

For:

RIVERBEND SAND AND GRAVEL
STOCKPILE STORAGE AREA

Prepared for:
Running Luck Ranch, LLC.
Mr. Herb Lang, Manager
14962 East Fantz Avenue
Parlier, CA 93648
(559) 875-6565

Contractor:
Riverbend Sand and Gravel, LLC
14962 East Fantz Avenue
Parlier, CA 93648
Mr. Herb Lang, Manager
(559) 875-6565

Project Site Location/Address:
14684 East Goodfellow Avenue
Sanger, CA 93657

Contractor's Qualified SWPPP Practitioner (QSP)
Mr. Raul Sanchez, P.E., QSP #00143
(559) 313-1161

SWPPP Prepared by:
RSJ Civil Engineering
6938 East Andrews Avenue
Fresno, CA 93727
(559) 313-1161
Mr. Raul Sanchez Jr. P.E., QSD #00143

SWPPP Preparation Date:
01/20/2017

Estimated Project Dates:
Start of Construction: 01-30-2017 Completion of Construction: 04-01-2017

WDID No.: 5F10CXXXXXX

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Section 100
SWPPP Certifications and Approval

100.1 SWPPP Certification by Preparer

Project Name: **RIVERBEND SAND AND GRAVEL**

Project Number: **17-122**

"I certify under a penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Preparer's Signature	Date
Raul Sanchez Jr. P.E., QSD	559-313-1161
Preparer's Name and Title	Telephone Number

100.2 Owner Approval and Certification of SWPPP

Owner's (or Authorized Representative)
Approval and Certification of the
Storm Water Pollution Prevention Plan

Project Name: **RIVERBEND SAND AND GRAVEL**

Project Number: **17-122**

"I certify under a penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Owner (or Authorized Representative) Signature	Date
Mr. Herb Lang, Manager	559-875-6565
Name and Title	Telephone Number

100.3 Annual Compliance Certification

The General Permit requires that all permittees prepare, certify and electronically submit an Annual Report no later than September 1 each year. Reporting requirements are identified in Section XVI of the General Permit and include (but are not limited to) providing a summary of:

1) Sampling and analysis results including laboratory reports, analytical methods and reporting limits and chain of custody forms (Risk Levels 2 and 3);
2) Corrective actions and compliance activities, including those not implemented;
3) Violations of the General Permit;
4) Date, time, place, and name(s) of the inspector(s) for all sampling, inspections, and field measurement activities;
5) Visual observation and sample collection exception records; and
6) Training documentation for all personnel responsible for General Permit compliance activities.

100.4 Notice of Termination (NOT)

To terminate coverage under the General Permit, a Notice of Termination (NOT) must be submitted electronically via SMARTS. A "final site map" and photos are required to be submitted with the NOT. Filing a NOT certifies that all General Permit requirements have been met. The NOT is submitted when the construction project is completed and with 90 days of meeting all General Permit requirements for termination and final stabilization (Section II.D) including:

- The site will not pose any additional sediment discharge risk that it did prior to construction activity.
- All construction related equipment, materials and any temporary BMPs no longer needed are removed from site.
- Post-construction storm water management measures are installed and not long-term maintenance plan that is designed for a minimum of five years has been developed.

The NOT must demonstrate through photos, Revised Universal Soil Loss Equation (RUSLE) results, or results of testing and analysis that the project meets all of the requirements of Section II.D.1 of the General Permit by one of the following methods:

- 70% final cover method (no computational proof required); or
- RUSLE-RUSLE2 method (computational proof required); or
- Custom method (discharger demonstrates that site complies with final stabilization).

Section 200
SWPPP Amendments

200.1 SWPPP Amendment Certification and Approval

The General Permit requires that SWPPP be amended or revised by QSD (Section XIV.A) and that the SWPPP include a listing of the date of initial preparation and the date of each amendment. Amendments must be signed by a QSD (Section VII.B.6). It is recommended that all amendments be dated, directly attached to the SWPPP, and logged in SWPPP section 200.2.

This SWPPP shall be amended:

- Whenever there is a change in construction or operations which may affect the discharge of pollutants to surface waters, groundwater(s), or a municipal separate storm sewer system (MS4); or
- If any condition of the Permits is violated or the general objective of reducing or eliminating pollutants in storm water discharges has not been achieved. If the RWQCB determines that a Permit violation has occurred, the SWPPP shall be amended and implemented within 3-calendar days after notification by the RWQCB;
- During mandatory quarterly visual observation (inspection), if deemed necessary.
- When deemed necessary by the Owner.

The following items will be included in each amendment:

- Who requested the amendment?
- The location of proposed change.
- The reason for change.
- The original BMP proposed, if any.
- The new BMP proposed.

The amendments for this SWPPP, along with the Owner's Certification and the Owner approval, can be found in the following pages. Amendments are listed in the Amendment Log in section 200.2

SWPPP Amendment No.

Project Name: **RIVERBEND SAND AND GRAVEL**

Project Number: **17-122**

Preparer Certification of the Storm Water Pollution Prevention Plan Amendment

"I certify under a penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Preparer's Signature	Date
Raul Sanchez Jr. P.E., QSD	559-313-1161
Preparer's Name and Title	Telephone Number

Owner (or Owner's Authorized Representative) Approval of the Storm Water Pollution Prevention Plan Amendment

"I certify under a penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Owner (or Authorized Representative) Signature	Date
Mr. Herb Lang, Manager	559-875-6565
Name and Title	Telephone Number

200.2 Amendment Log

Project Name: **RIVERBEND SAND AND GRAVEL**

Project Number: **17-122**

Amendment No.	Date	Brief Description of Amendment	Prepared By

Section 300
Introduction and Project Description

300.1 Introduction

This SWPPP has been prepared to comply with the California's General Permit for Storm Water Discharges Association with Construction and Land Disturbance Activities (General Permit). A copy of the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ for the General Permit and a copy of the General Permit has been included in Attachment C of this document.

300.2 Project Description

The project construction site is located one half mile north of Goodfellow Avenue and east of the Kings River in the County of Fresno. The proposed construction will consist of grading 26 acres of fallow land for use as a sand and gravel stockpile storage area. The project will include: rough and final grading.

300.3 Risk Determination and Unique Site Features

Based on the NPDES Rainfall Erosivity Calculator and the SMARTS Sediment Calculator, this site has a LOW Sediment generation Risk. In addition, this site has a LOW receiving water Risk. Therefore, the site is determined to be a Risk Level 1 site based on the Combined Risk Level Matrix. The site has no unique features.

300.4 Construction Site Estimates

The following are estimates of the construction site:

Construction site area	26.00	acres
Percentage impervious area before construction	100	%
Runoff coefficient before construction	0.35	
Percentage impervious area after construction	100	%
Runoff coefficient after construction	0.35	
Anticipated storm water flow on to the construction site	0.0	cfs

300.5 Project Schedule/Water Pollution Control Schedule

Estimated Construction Start: 01/30/2017

Install Applicable Construction Best Management Practices (BMP's): 01/30/2017

Grading Activities: 01/30/2017 through 04/01/2017

Estimated Construction Finish: 04/01/2017

File Notice of Termination: 04/01/2017

300.6 Contact Information/List of Responsible Parties

The Qualified SWPPP Practitioner (QSP) assigned to this project is:

Raul Sanchez Jr., QSD/QSP #00143

The QSP shall have primary responsibility and significant authority for the implementation, maintenance, inspection and amendments to the approved SWPPP. The QSP will be available at all times throughout the duration of the project. Duties of the QSP include but are not limited to:

- Ensuring full compliance with the SWPPP and the Permit
- Implementing all elements of the SWPPP, including but not limited to:
  - Implementation of prompt and effective erosion and sediment control measures
  - Implementing all non-storm water management, and materials and waste management activities such as: monitoring discharges (dewatering, diversion devices); general site clean-up; vehicle and equipment cleaning, fueling and maintenance; spill control; ensuring that no materials other than storm water are discharged in quantities which will have an adverse effect on receiving waters or storm drain systems; etc.
- Pre-storm inspections
- Storm event inspections
- Post-storm inspections
- Routine inspections as specified in the project's specifications or described in the SWPPP
- Updates/Amendments to the SWPPP, as needed
- Preparing annual compliance certification for owner's, or owner's authorized representative, signature

- Ensuring elimination of all unauthorized discharges
- The QSP shall be assigned authority by the Contractor to mobilize crews in order to make immediate repairs to the control measures
- Coordinate with the Contractor to assure all of the necessary corrections/repairs are made immediately, and that the project complies with the SWPPP, the Permit and approved plans at all times
- Submitting Notices of Discharge and reports of Illicit Connections or Illegal Discharges

Section 400
References

The following documents are made a part of this SWPPP by reference:

- Permit Registration Documents (see attachment B - WPCD's), dated January 20, 2017, prepared by RSJ Civil Engineering were submitted to the State Water Resources Control Board via SMARTS.

- State Water Resources Control Board Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity.

- California Stormwater BMP Handbook – Construction, January 2003

- Construction Storm Water Sampling and Analysis Guidance Document (October 2001)

Section 500
Body of SWPPP

500.1 Objectives

The discharger shall ensure that the SWPPP for all traditional project sites are developed and amended or revised by a QSD. The SWPPP shall be designed to address the following objectives:

- All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all others activities associated with construction activity are controlled;
- Where not otherwise required to be under a Regional Water Quality Control Board (RWQCB) permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
- Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity to the Best Available Technology/Best Control Technology (BAT/BCT) standard;
- Calculation and design details as well as BMP controls for site run-on are complete and correct;
- Stabilization BMPs are installed to reduce or eliminate pollutants after construction is completed.
- Identify post-construction BMPs, which are those measures to be installed during construction that are intended to reduce or eliminate pollutants after construction is completed (post-construction BMPs are required for all sites by section XIII.B.). Note that post construction BMPs should be developed early in the project planning/design process and reports or drawings related to permanent BMP design should be referenced as needed.
- Identify and provide methods to implement BMP inspection, visual monitoring, Rain Event Action Plan (REAP) and Construction Site Monitoring Program (CSMP).

This SWPPP conforms to the required elements of the General Permit No. CAS000002 issued by the State of California, State Water Resources Control Board (SWRCB). This SWPPP will be modified and amended to reflect any amendments to the Permit or any changes in construction or operations that may affect the discharge of pollutants from the construction site to surface waters, groundwater's, or the municipal separate storm sewer system (MS4). The SWPPP will also be amended if it is in violation of any condition of the Permit or has not achieved the general objective of reducing pollutants in storm water discharges. The SWPPP shall be readily available on-site for the duration of the project and a copy of all records shall be kept on file for 5 years from the date generated or date submitted, whichever is last.

500.2 Vicinity Map

The construction project vicinity map showing the project location, surface water boundaries, geographic features, construction site perimeter, and general topography, is located in Attachment A. The project's construction drawing's title sheet provides more detail regarding the project location.

500.3 Pollutant Source Identification and BMP Selection

500.3.1 Schedule for BMP Implementation

Identify the schedule for deployment of BMPs. BMPs must be implemented, modified, and maintained to reflect the phase of construction and the weather conditions. In order to be effective, some BMPs must be installed before the site is disturbed (e.g., to provide protection during grading operations or to reduce or minimize pollution from historic areas of contamination during construction).

500.3.2 Inventory of Potential Construction Site Pollutant Sources

The following is a list of construction materials that will be used and activities that will be performed that will have the potential to contribute pollutants, other than sediment, to storm water runoff (control practices for each activity are identified in the Water Pollution Control Drawings (WPCDs) and/or in Sections 500.3.5 through 500.3.10:

- Earthmoving: excavation, tiling, and grading
-
-
-

Construction activities that have the potential to contribute sediment to storm water discharges include:

- Grading Activities
- Soil Stockpiling
- Material Delivery and Storage
- General Contractor Construction Equipment
-
-

-

Attachment D lists all Best Management Practices (BMPs) that have been selected for implementation in this project. Implementation and location of BMPs are shown on the WPCDs in Attachment B. Narrative descriptions of BMPs to be used during the project are listed by category in each of the following SWPPP sections. Attachment D includes a list, and/or copies of the fact sheets of all the BMPs selected for this project.

500.3.3 Existing (pre-construction) Control Measures

The following are existing (pre-construction) control measures encountered within the project site:

- Existing site conditions will be inspected prior to any demolition or construction activities.
- Applicable BMP's will be applied to addresss any asbestos and or petroleum products detected.
- Any applicable BMP will be applied to any discovery made during construction.
-
-
-

500.3.4 Nature of Fill Material and Existing Data Describing the Soil

The existing project site consist of an olive orchard. The site is relatively flat. Groundwater levels are in the immediate range from 16 to 20 feet below the ground surface. Top soil excavated during grading will be used as fill material.

Existing site features that, as a result of past usage, may contribute pollutants to storm water (e.g., toxic materials that are known to have been treated, stored, disposed, spilled, or leaked onto the construction site) include:

- No known spilled or leaked contaminates have been made aware of by the County, the prior property owner, or through the initial site evaluation and geotechnical investigation.
-
-
-

500.3.5 Erosion Control

Erosion control, also referred to as soil stabilization, consists of source control measures that are designed to prevent soil particles from detaching and becoming transported in storm water runoff. Erosion control BMPs protects the soil surface by covering and/or binding soil particles. This project will incorporate erosion control measures required by the contract documents, and other measures selected by the Contractor, SWPPP Manager, or Owner. This project will implement the following practices for effective temporary and final erosion control during construction:

1) Preserve existing vegetation where required and when feasible.

2) Apply temporary erosion control to remaining active and non-active areas as required by the California Stormwater BMPs Handbook – Construction, and the contract documents. Reapply as necessary to maintain effectiveness.

3) Implement temporary erosion control measures at regular intervals to achieve and maintain the contract's disturbed soil area requirements. Implement erosion control prior to a qualified rain event.

4) Stabilize non-active areas as soon as feasible after the cessation of construction activities.

5) Control erosion in concentrated flow paths by applying erosion control blankets, erosion control seeding, and lining swales as required in the contract documents.

Sufficient erosion control materials will be maintained on-site to allow implementation in conformance with Permit requirements and described in this SWPPP. This includes implementation requirements for active areas and non-active areas that require deployment before the onset of rain.

Implementation and locations of temporary erosion control BMPs are shown on the Water Pollution Control Drawings (WPCDs) in Attachment B and/or described in this section. The BMP Consideration Checklist in Attachment D indicates the BMPs that will be implemented to control erosion on the construction site; these are:

- EC-1, Scheduling
- EC-2, Preservation of Existing Vegetation
-
-
-
-

500.3.6 Sediment Control

Sediment controls are structural measures that are intended to complement and enhance the selected erosion control measures and reduce sediment discharges from active construction areas. Sediment controls are designed to intercept and settle out soil particles that have been detached and transported by the force of water. This project will incorporate sediment control measures required by the contract documents, and other measures selected by the Contractor, QSP, or Owner.

Sufficient quantities of temporary sediment control materials will be maintained on-site throughout the duration of the project, to allow implementation of temporary sediment controls in the event of predicted rain, and for rapid response to failures or emergencies, in conformance with other Permit requirements and as described in this SWPPP. This includes implementation requirements for active areas and non-active areas before the onset of rain.

Implementation and locations of temporary sediment control BMPs are shown on the Water Pollution Control Drawings (WPCDs) in Attachment B. The BMP Consideration Checklist in Attachment D indicates all the BMPs that will be implemented to control sediment on the construction site; these are:

- SE-1, Silt Fence
- SE-7, Street Sweeping & Vacuuming
-
-
-
-
-

Temporary sediment controls will be implemented at the draining perimeter of disturbed soils areas and at any downstream storm drains prior to predicted rain events. This is to ensure that unexpected storm activity does not contribute to sediment runoff from the project site.

500.3.7 Tracking Control

The following BMPs have been selected to reduce sediment tracking from the construction site onto private or public roads:

- SE-7, Street Sweeping and Vacuuming
-

-

500.3.8 Wind Erosion Control

The following BMPs have been selected to control dust from the construction site:

- WE-1, Wind Erosion Control
-
-

500.3.9 Non-Storm Water Control

An inventory of construction activities and potential non-storm water discharges is provided in Section 5.3.2. The BMP Consideration Checklist in Attachment D and the following list indicates the BMPs that have been selected to control non-storm water pollution on the construction site. Implementation and locations of some non-storm water control BMPs are shown on the Water Pollution Control Drawings (WPCDs) in Attachment B. A narrative description of each BMP follows.

- NS-1, Water Conservation
- NS-6, Illicit Connection/Illegal Discharge Detection and Reporting
- NS-7, Potable Water / Irrigation
- NS-8, Vehicle and Equipment Cleaning
- NS-9, Vehicle and Equipment Fueling
- NS-10, Vehicle and Equipment Maintenance
-
-
-

500.3.10 Waste Management and Materials Pollution Control

An inventory of construction activities, materials, and wastes is provided in Section 5.3.2. The BMP Consideration Checklist in Attachment D and the following list indicates the BMPs that have been

selected to handle materials and control construction site wastes. A narrative description of each BMP follows.

- WM-1, Material Delivery and Storage
- WM-2, Material Use
- WM-3, Stockpile Management
- WM-4, Spill Prevention and Control
- WM-5, Solid Waste Management
- WM-6, Hazardous Waste Management
- WM-9, Sanitary/Septic Waste Management
-
-
-

500.4 Water Pollution Control Drawings (WPCDs)

The Water Pollution Control Drawings can be found in Attachment B of the SWPPP.

500.5 Construction BMP Maintenance, Inspection, and Repair

Dischargers shall ensure that all inspections, maintenance and repair activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger.

The required frequency of BMP inspections depends on the type of BMP that is implemented. The General Permit (Attachments D and E) requires routine weekly inspections and daily inspections during rain events of all BMPs.

Inspections will be conducted as follows:

- Prior to a forecast storm
- after a rain event that causes runoff from the construction site
- at 24-hour intervals during extended rain events

- at any other time(s) or intervals of time specified in the contract documents

Completed inspection checklists will be kept with the SWPPP. Any corrective actions must be implemented within 72 hours after a deficiency is discovered. SWPPP amendments should be prepared by the QSD if warranted by the problem encountered and corrective action required.

A tracking or follow-up procedure shall follow any inspection that identifies deficiencies in BMPs. A program for Maintenance, Inspection and Repair of BMPs is shown in Attachment E.

500.6 Post-Construction Storm Water Management

500.6.1 Post-Construction Control Practices

The following are the post-construction BMPs that are to be used at this construction site after all construction is complete:

- Street Sweeping and vacumming per owner's standard schedules or at the request of the governing agency.
-
-
-
-
-

500.6.2 Operation/Maintenance after Project Completion

The post-construction BMPs that are described above will be funded and maintained by the owner in which this SWPPP Document was created for.

500.7 Training

The General Permit requires (Section VII) that all elements of the SWPPP be developed by a QSD and implemented by a QSP. The QSP may delegate tasks to trained employees provided adequate supervision and oversight is provided.

Section 300.6 shows the name of the Contractor's QSP. This person has received the following training:

- Certificate of Training, QSP #00143 – California General Permit

- California Licensed Civil Engineer, RCE 74875
- San Joaquin Valley Air Pollution Control District, Dust Control Training
-

The training log showing formal and informal training of various Contractor personnel is shown in Attachment H.

This SWPPP was prepared by Raul Sanchez Jr. P.E., QSD #00143.

500.8 List of Subcontractors

All contractors and subcontractors will be notified of the requirement for storm water management measures during the project. A list of contractors will be maintained and included in the SWPPP. If subcontractors change during the project, the list will be updated accordingly. The subcontractor notification letter and log is included in the SWPPP as Attachment G.

500.9 Other Plans/Permits

Attachment C includes copies of other local, state, and federal plans and permits. Following is a list of the plans and permits included in Attachment C:

- State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activity.

Section 600
Monitoring Program and Reports

600.1 Purpose

All dischargers subject to the General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of the General Permit (Attachments D and E; Section I.1.a). The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists, a description of the project site's watershed, including drainage patterns and all site discharge locations. The CSMP shall be developed prior to the commencement of construction activities, and revised as necessary to reflect project revisions.

600.2 Site Inspections

The QSP will inspect the site prior to a forecast storm, after a rain event that causes runoff from the construction site, at 24-hour intervals during extended rain events, and as specified in the contract documents. The results of all inspections and assessments will be documented. Copies of the completed inspection checklists will be maintained with the SWPPP. Site inspections conducted for monitoring purposes will be performed using the inspection checklist shown in Attachment F.

The name(s) and contact number(s) of the assigned inspection personnel are listed below:

Assigned inspector: Mr. Raul Sanchez, QSP Contact phone: (559) 313-1161

600.3 Non-Compliance Reporting

The General Permit identifies several areas of non-compliance reporting. It is the responsibility of the permittee to properly document reportable discharges or other violations of the General Permit. Exceedances and violations should be reporting using the SMARTS system and include the following:

- Numeric Action Level (NAL) exceedances (NAL Exceedance Report upon request of the RWQCB);
- Numeric Effluent Limitation (NEL) Violation Report
- Self-reporting of any other discharge violations or to comply with RWQCB enforcement actions; and
- Discharges which contain a hazardous substance in excess of reportable quantities established in 40 CFR&& 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.

In the event of exceedance of a NAL, document the subsequent site evaluation in the SWPPP (Section V.C.4). It is recommended that documentation of all reportable exceedances be included in

the SWPPP. Include the results of a NAL exceedance site evaluation along with other non-compliance events in SWPPP Attachment I.

If a discharge occurs or if the project receives a written notice of non-compliance, the Contractor will immediately notify the Owner and will file a written report to the Owner within 7 days of the discharge or notice. The Owner is responsible for filing a written report to the Regional Water Quality Control Board (RWQCB) within 30 days or identification of non-compliance. Corrective measures will be implemented immediately following the discharge, notice or order. A sample Notice of Non-Compliance (NONC) form is provided in Attachment I. All discharges will be documented on a Discharge Reporting Log using the example form in Attachment L.

The report to the Owner and to the RWQCB will contain the following items:

- The date, time, location, nature of operation, and type of unauthorized discharge, including the cause or nature of the notice or order,
- The control measures (BMPs) deployed before the discharge event, or prior to receiving notice or order,
- The date of deployment and type of control measures (BMPs) deployed after the discharge event, or after receiving the notice or order, including additional measures installed or planned to reduce or prevent re-occurrence, and
- An implementation and maintenance schedule for any affected BMPs

600.4 Record Keeping and Reports

The General Permit (Sections I.J.69 and IV.G) requires that all dischargers maintain a paper or electronic copy for all required records for three years from the date generated or date submitted, whichever is last. These records must be available at the construction site until construction is completed. The discharger shall furnish the RWQCB, SWRCB, or US Environmental Protection Agency (EPA), within a reasonable time, any requested information to determine compliance with this General Permit.

Records shall be retained for a minimum of three years for the following items:

- Site inspections
- Compliance certifications
- Discharge reports
- Approved Permit Registration Documents and amendments

600.5 Sampling and Analysis Plan for Sediment

This project does not have the potential to discharge directly to a water body listed as impaired due to Sedimentation/Siltation and/or Turbidity pursuant to Clean Water Act, Section 303(d).

600.6 Sampling and Analysis Plan for Non-Visible Pollutants

This Sampling and Analysis Plan (SAP) for Non-Visible Pollutants describes the sampling and analysis strategy and schedule for monitoring non-visible pollutants in storm water discharges from the project site and off-site activities directly related to the project, in accordance with the requirements of the General Permit, including SWRCB Resolution 2001-046.

600.6.1 Scope of Monitoring Activities

The following construction materials, wastes or activities, as identified in Section 500.3.2, are potential sources of non-visible pollutants to storm water discharges from the project. Storage, use, and operational locations are shown on the WPCDs in Attachment B.

- Sealants
- Waste Storage
- Vehicle & Equipment Maintenace
- Cleaning Products

The following existing site features, as identified in Section 500.3.4, are potential sources of non-visible pollutants to storm water discharges from the project. Locations of existing site features contaminated with non-visible pollutants are shown on the WPCDs in Attachment B.

- N/A
-
-

The following soil amendments have the potential to change the chemical properties, engineering properties, or erosion resistance of the soil and will be used on the project site. Locations of soil amendment application are shown on the WPCDs in Attachment B.

- N/A
-
-

The project has the potential to receive storm water run-on with the potential to contribute non-visible pollutants to storm water discharges from the project. Locations of such run-on to the project site are shown on the WPCDs in Attachment B.

- The Project has a low probability of receiving storm water run-on,which will contribute non-visible pollutatnts.

-
-

Sampling for non-visible pollutants will be conducted when (1) a breach, leakage, malfunction, or spill is observed; and (2) the leak or spill has not been cleaned up prior to the rain event; and (3) there is the potential for discharge of non-visible pollutants to surface waters or drainage system.

600.6.2 Monitoring Strategy

Sampling Schedule

Samples for the applicable non-visible pollutant(s) and a sufficiently large uncontaminated background sample shall be collected during the first two hours of discharge from rain events that result in a sufficient discharge for sample collection. Samples shall be collected during daylight hours (sunrise to sunset) and shall be collected regardless of the time of year, status of the construction site, or day of the week.

In conformance with the U.S. Environmental Protection Agency definition, a minimum of 72 hours of dry weather will be used to distinguish between separate rain events.

Collection of discharge samples for non-visible pollutant monitoring will be triggered when any of the following conditions are observed during the required inspections conducted before or during rain events:

- Materials or wastes containing potential non-visible pollutants are not stored under watertight conditions. Watertight conditions are defined as (1) storage in a watertight container, (2) storage under a watertight roof or within a building, or (3) protected by temporary cover and containment that prevents storm water contact and runoff from the storage area.

- Materials or wastes containing potential non-visible pollutants are stored under watertight conditions, but (1) a breach, malfunction, leakage, or spill is observed, (2) the leak or spill is not cleaned up prior to the rain event, and (3) there is the potential for discharge of non-visible pollutants to surface waters or a storm sewer system.

- An operational activity, including but not limited to those in Section 600.6.1, with the potential to contribute non-visible pollutants (1) was occurring during or within 24 hours prior to the rain event, (2) applicable BMPs were observed to be breached, malfunctioning, or improperly implemented, and (3) there is the potential for discharge of non-visible pollutants to surface waters or a storm sewer system.

- Soil amendments that have the potential to change the chemical properties, engineering properties, or erosion resistance of the soil have been applied, and there is the potential for discharge of non-visible pollutants to surface waters or a storm sewer system.

- Storm water runoff from an area contaminated by historical usage of the site has been observed to combine with storm water runoff from the site, and there is the potential for discharge of non-visible pollutants to surface waters or a storm sewer system.

Sampling Locations

Sampling locations are based on proximity to planned non-visible pollutant storage, occurrence or use; accessibility for sampling, personnel safety; and other factors in accordance with the applicable requirements in the Permit. Planned sampling locations are shown on the WPCDs in Attachment B and include the following:

- 0 sampling locations have been identified for the collection of samples of runoff that drain areas where soil amendments that have the potential to change the chemical properties, engineering properties, or erosion resistance of the soil will be applied.

- Sample location number(s) is located .

- 0 sampling locations have been identified for the collection of samples of runoff that drain areas contaminated by historical usage of the site.

- Sample location number(s) is located .

- 0 sampling locations have been identified for the collection of samples of run-on to the project site with the potential to combine with discharges being sampled for non-visible pollutants. These samples are intended to identify sources of potential non-visible pollutants that originate off the project site.

- 0 Sample location number(s) are located .

- A location has been identified for the collection of an uncontaminated sample of runoff as a background sample for comparison with the samples being analyzed for non-visible pollutants. This location was selected such that the sample will not have come in contact with (1) operational or storage areas associated with the materials, wastes, and activities identified in Section 500.3.2; (2) potential non-visible pollutants due to historical use of the site as identified in Section 500.3.4; (3) areas in which soil amendments that have the potential to change the chemical properties, engineering properties, or erosion resistance of the soil have been applied; or (4) disturbed soils areas.

- 1 Sample location number(s) S-1 is located on the northern construction limits.

If an operational activity or storm water inspection conducted 24 hours prior to or during a rain event identifies the presence of a material storage, waste storage, or operations area with spills or the potential for the discharge of non-visible pollutants to surface waters or a storm sewer system that was an unplanned location and has not been identified on the WPCDs, sampling locations will be selected using the same rationale as that used to identify planned locations.

600.6.3 Monitoring Preparation

Samples on the project site will be collected by the following Contractor sampling personnel:

Name/Telephone Number:	Mr. Raul Sanchez – (559) 313-1161
Name/Telephone Number:	Approved Testing Facility (Krazan or an approved equal)
Alternate(s)/Telephone Number:	
Alternate(s)/Telephone Number:	

Prior to the rainy season, all sampling personnel and alternates will review the SAP. Qualifications of designated Contractor personnel describing environmental sampling training and experience are provided in Attachment G.

An adequate stock of monitoring supplies and equipment for monitoring non-visible pollutants will be available on the project site prior to a sampling event. Monitoring supplies and equipment will be stored in a cool-temperature environment that will not come into contact with rain or direct sunlight. Sampling personnel will be available to collect samples in accordance with the sampling schedule.

Supplies maintained at the project site will include, but are not limited to, surgical gloves, sample collection equipment, coolers, appropriate number and volume of sample bottles, identification labels, re-sealable storage bags, paper towels, personal rain gear, ice, Sampling Activity Log forms, and Chain of Custody (COC) forms. The Contractor will obtain and maintain the field-testing instruments, as identified in Section 600.6.6, for analyzing samples in the field by Contractor sampling personnel.

Safety practices for sample collection will be in accordance with the Construction Stormwater Sampling ans Analysis Guiadance Socument (October 2001).

Samples on the project site will be collected by the following T.B.D. (Krazan or an approved equal):

Company Name:	Krazan and Associates, Inc.
Address:	215 West Dakota Avenue
	Clovis, CA 93612
Telephone Number:	559-348-2200
Point of Contact:	David Jarosz, P.E.

Qualifications of designated Contractor personnel describing environmental sampling training and experience are provided in Attachment G.

QSP will contact Krazan and Associates, Inc. 48 hours prior to a predicted rain event and if one of the triggering conditions is identified during an inspection before, during, or after a storm event to ensure that adequate sample collection personnel, supplies and field test equipment for monitoring

non-visible pollutants are available and will be mobilized to collect samples on the project site in accordance with the sampling schedule.

Krazan and Associates, Inc. will obtain and maintain the field-testing instruments, as identified in Section 600.6.6, for analyzing samples in the field by their sampling personnel.

600.6.4 Analytical Constituents

Identification of Non-Visible Pollutants

Table 600-2 lists the specific sources and types of potential non-visible pollutants on the project site and the applicable water quality indicator constituent(s) for that pollutant.

Table 600-2

Potential Non-Visible Pollutants and Water Quality Indicator Constituents

Pollutant Source	Pollutant	Water Quality Indicator Constituent
Earthmoving	Aluminum, Sulfate, Elemental Sulfur, Organic & Inorganic Fertilizers, Herbicides, , Pesticides, Lime	Aluminum, TDS, Sulfate, Nitrate, Phosphate, Organic Nitrogen, Potassium, TOC, COD, pH, Alkalinity Aluminum, TDS, Sulfate, Nitrate, Phosphate, Organic Nitrogen, Potassium, TOC, COD, pH, Alkalinity

600.6.5 Sample Collection and Handling

Sample Collection Procedures

Samples of discharge will be collected at the designated sampling locations shown on the WPCDs for observed breaches, malfunctions, leakages, spills, operational areas, soil amendment application areas, and historical site usage areas that triggered the sampling event.

Grab samples will be collected and preserved in accordance with the methods identified in the Table 600-3, “Sample Collection, Preservation and Analysis for Monitoring Non-Visible Pollutants,” provided in Section 600.6.6. Only personnel trained in proper water quality sampling will collect samples.

Samples will be collected by placing a separate lab-provided sample container directly into a stream of water downgradient and within close proximity to the potential non-visible pollutant discharge location. This separate lab-provided sample container will be used to collect water, which will be

transferred to sample bottles for laboratory analysis. The upgradient and uncontaminated background samples shall be collected first prior to collecting the downgradient to minimize cross-contamination. The sampling personnel will collect the water upgradient of where they are standing. Once the separate lab-provided sample container is filled, the water sample will be poured directly into sample bottles provided by the laboratory for the analyte(s) being monitored.

To maintain sample integrity and prevent cross-contamination, sampling collection personnel will:

- Wear a clean pair of surgical gloves prior to the collection and handling of each sample at each location.
- Not contaminate the inside of the sample bottle by not allowing it to come into contact with any material other than the water sample.
- Discard sample bottles or sample lids that have been dropped onto the ground prior to sample collection.
- Not leave the cooler lid open for an extended period of time once samples are placed inside.
- Not sample near a running vehicle where exhaust fumes may impact the sample.
- Not touch the exposed end of a sampling tube, if applicable.
- Avoid allowing rainwater to drip from rain gear or other surfaces into sample bottles.
- Not eat, smoke, or drink during sample collection.
- Not sneeze or cough in the direction of an open sample bottle.
- Minimize the exposure of the samples to direct sunlight, as sunlight may cause biochemical transformation of the sample to take place.
- Decontaminate sampling equipment prior to sample collection using a TSP-soapy water wash, distilled water rinse, and final rinse with distilled water.
- Dispose of decontamination water/soaps appropriately; i.e., not discharge to the storm drain system or receiving water.

Sample Handling Procedures

Immediately following collection, sample bottles for laboratory analytical testing will be capped, labeled, documented on a Chain of Custody form provided by the analytical laboratory, sealed in a re-sealable storage bag, placed in an ice-chilled cooler, at as near to 4 degrees Celsius as practicable, and delivered within 24 hours to the following California state-certified laboratory:

Laboratory Name:	T.B.D. (Krazan or an approved equal)
Address:	215 West Dakota Avenue
	Clovis, CA 93612
Telephone Number:	559-348-2200
Point of Contact:	David Jarosz, P.E.

Immediately following collection, samples for field analysis will be tested in accordance with the field instrument manufacturer's instructions and results recorded on the Sampling Activity Log.

Sample Documentation Procedures

All original data documented on sample bottle identification labels, Chain of Custody forms, Sampling Activity Logs, and Inspection Checklists will be recorded using waterproof ink. These will be considered accountable documents. If an error is made on an accountable document, the individual will make corrections by lining through the error and entering the correct information. The erroneous information will not be obliterated. All corrections will be initialed and dated. Copies of the Sampling Activity Log and Chain of Custody form are provided in Attachment J.

Sampling and field analysis activities will be documented using the following:

- Sample Bottle Identification Labels: Sampling personnel will attach an identification label to each sample bottle. At a minimum, the following information will be recorded on the label, as appropriate:

  - Project name
  - Project number
  - Unique sample identification number and location.
    [Project Number]- [Six-digit sample collection date]-[Location]
    (*Example:* 0G5304-081801-Inlet472).
    Quality assurance/quality control (QA/QC) samples shall be identified similarly using a unique sample number or designation
    (*Example:* 0G5304-081801-DUP1).
    - Collection date/time (No time applied to QA/QC samples
    - Analysis constituent

- Sampling Activity Logs: A log of sampling events will identify:

  - Sampling date
  - Separate times for collected samples and QA/QC samples recorded to the nearest minute
  - Unique sample identification number and location
  - Analysis constituent
  - Names of sampling personnel

- Weather conditions (including precipitation amount)
- Field analysis results
- Other pertinent data

- Chain of Custody (COC) forms: All samples to be analyzed by a laboratory will be accompanied by a COC form provided by the laboratory. Only the sample collectors will sign the COC form over to the lab. COC procedures will be strictly adhered to for QA/QC purposes.

- Storm Water Quality Construction Inspection Checklists: When applicable, the Contractor's storm water inspector will document on the checklist that samples for non-visible pollutants were taken during a rain event.

600.6.6 Sample Analysis

Samples will be analyzed for the applicable constituents using the analytical methods identified in Table 600-3, "Sample Collection, Preservation and Analysis for Monitoring Non-Visible Pollutants" in this section.

Table 600-3
Sample Collection, Preservation and Analysis for Monitoring Non-Visible Pollutants

Constituent	Analytical Method	Minimum Sample Volume	Sample Bottle	Sample Preservation	Reporting Limit	Maximum Holding Time
Notes:						

For samples collected for field analysis, collection, analysis and equipment calibration will be in accordance with the field instrument manufacturer's specifications.

The following field instrument(s) will be used to analyze the following constituents:

Field Instrument	Constituent
PH Meter	Acidity
Turbidity Meter	Turbidity

- The instrument(s) will be maintained in accordance with manufacturer's instructions.
- The instrument(s) will be calibrated before each sampling and analysis event.
- Maintenance and calibration records will be maintained with the SWPPP.

600.6. 7 Quality Assurance/Quality Control

For an initial verification of laboratory or field analysis, duplicate samples will be collected at a rate of 10 percent or 1 duplicate per sampling event. The duplicate sample will be collected, handled, and analyzed using the same protocols as primary samples. A duplicate sample will be collected at each location immediately after the primary sample has been collected. Duplicates will be collected where contamination is likely, not on the background sample. Duplicate samples will not influence any evaluations or conclusions; however, they will be used as a check on laboratory quality assurance.

600.6.8 Data Management and Reporting

A copy of all water quality analytical results and QA/QC data will be included in the on-site SWPPP within 5 days of sampling (for field analyses) and within 30 days (for laboratory analyses).

Lab reports and COCs will be reviewed for consistency between lab methods, sample identifications, dates, and times for both primary samples and QA/QC samples. All data, including COC forms and Sampling Activity Logs, shall be kept with the SWPPP.

600.6.9 Data Evaluation

An evaluation of the water quality sample analytical results, including figures with sample locations, the water quality analytical results, and the QA/QC data, will be included in the on-site SWPPP.

Should the runoff/downgradient sample show an increased level of the tested analyte relative to the background sample, the BMPs, site conditions, and surrounding influences will be assessed to determine the probable cause for the increase. As determined by the site and data evaluation,

appropriate BMPs will be repaired or modified to mitigate discharges of non-visual pollutant concentrations. Any revisions to the BMPs will be recorded as an amendment to the SWPPP.

600.6.10 Change of Conditions

Whenever SWPPP monitoring, pursuant to Section B of the General Permit, indicates a change in site conditions that might affect the appropriateness of sampling locations or introduce additional non-visible pollutants of concern, testing protocols will be revised accordingly. All such revisions will be recorded as amendments to the SWPPP.

Attachment A
Vicinity Map



VICINITY MAP

RIVERBEND SAND AND GRAVEL

NOT TO SCALE

PREPARED FOR:
RUNNING LUCK RANCH, LLC.
MR. HERB LANG
14962 EAST FANTZ AVENUE
SANGER, CA 93648

RSJ CIVIL ENGINEERING
6938 E. ANDREWS AVENUE
FRESNO, CA 93727

Attachment B

Water Pollution Control Drawings (WPCDs)

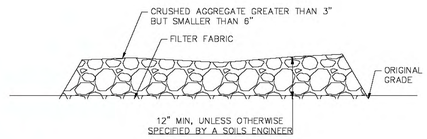


CONTRACTOR NOTES:

1. CONTRACTOR WILL BE RESPONSIBLE FOR COMPLYING WITH THE STORM WATER DISCHARGE GENERAL PERMIT AND SHALL IMPLEMENT BMP'S AS INDICATED ON THIS PLAN, AT A MINIMUM.
2. CONTRACTOR TAKES FULL RESPONSIBILITY FOR IMPLEMENTING, MONITORING, REPORTING, AND ADDING ANY ADDITIONAL BMP'S DURING CONSTRUCTION FOR COMPLIANCE WITH THE GENERAL PERMIT AT THEIR SOLE EXPENSE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A QUALIFIED SWPPP PRACTITIONER (QSP) FOR THE DURATION OF THE PROJECT AND UNTIL THE NOTICE OF TERMINATION IS APPROVED.
4. CONTRACTOR WILL BE RESPONSIBLE FOR PREPARING THE NOTICE OF TERMINATION AND ANNUAL REPORT ON THE STATE WATER BOARD'S SMARTS WEBSITE. THE OWNER (LRP) WILL BE RESPONSIBLE FOR REVIEWING AND SUBMITTING THE NOTICE OF TERMINATION AND ANNUAL REPORT WITHIN SAID WEBSITE.

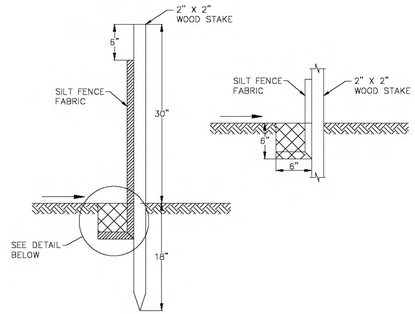
NOTES:

1. ALL EROSION CONTROL MEASURES AND TECHNIQUES SHALL BE INSTALLED AND MAINTAINED PER THE CALIFORNIA STORM WATER BEST MANAGEMENT PRACTICES HANDBOOK, LATEST EDITION.
2. DUST CONTROL SHALL BE PROVIDED FOR ALL AREAS AFFECTED BY CONSTRUCTION.
3. CONTRACTOR SHALL SEQUENCE WORK TO REDUCE SOIL EROSION BY WIND, RAIN AND RUNOFF.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ALL ROADS FREE OF DUST AND MUD AT ALL TIMES. AT THE COMPLETION OF EACH DAY, CONTRACTOR WILL BE RESPONSIBLE FOR CLEANING ANY DUST, MUD OR DEBRIS FROM THE ROADS.
5. TOTAL DISTURBED AREA = 26.00 ACRES
6. ENTRANCE ROAD FROM GOODFELLOW AVENUE IS AN EXISTING STABILIZED ROAD. IF TRACK-OUT IS DISCOVERED ON GOODFELLOW AVENUE, STREET SWEEPING AND VACUUMING WILL REMOVE TRACK-OUT. SHOULD MUD OR SEDIMENT TRACK-OUT PERSIST ON GOODFELLOW AVENUE, CONTRACTOR SHALL IMPLEMENT TC-1, STABILIZED CONSTRUCTION ENTRANCE.



STABILIZED CONSTRUCTION ENTRANCE/EXIT, TC-1

NOT TO SCALE



SILT FENCE, SE-1

NOT TO SCALE

SCALE: NTS

REGISTERED PROFESSIONAL ENGINEER
RAUL SANCHEZ JR
No. 74875
CIVIL
STATE OF CALIFORNIA

LEGEND:

WE-1	WIND EROSION CONTROL
SE-1	SILT FENCE
SE-7	STREET SWEEPING & VACUUMING
SP 1	UNCONTAMINATED SAMPLE LOCATION

Ref. & Rev.	PROJECT TITLE: STORM WATER POLLUTION PREVENTION PLAN RIVERBEND SAND AND GRAVEL STOCKPILE STORAGE AREA 14684 EAST GOODFELLOW AVENUE SANGER, CA 93657	Job No. 17-122
	RSJ CIVIL ENGINEERING - 6938 EAST ANDREWS AVENUE, FRESNO, CA 93727 - (559) 313-1161	Sheet No. 1

Attachment C

Storm Water Regional Water Quality Control Board
General Construction Permit

The State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, 2009-0009-DWQ can be found at the following site:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Facility Information

- Start Date: 01/30/2017
- End Date: 04/01/2017
- Address: 14684 E Goodfellow Ave, Sanger, CA 93657
- Latitude: 36.6754
- Longitude: -119.5232

Erosivity Index Calculator Results

An erosivity index value Of **9.00** has been determined for the construction period of **01/30/2017 - 04/01/2017**.

A rainfall erosivity factor of 5.0 or greater has been calculated for your site and period of construction. **You do NOT qualify for a waiver from NPDES permitting requirements**.

Start Over

CERTIFICATE OF TRAINING

CALIFORNIA CONSTRUCTION GENERAL PERMIT

QUALIFIED SWPPP DEVELOPER (QSD)
AND
QUALIFIED SWPPP PRACTITIONER (QSP)

Raul Sanchez

Sep 12, 2016 - Dec 10, 2018

Certificate # 00143

CASQA
CALIFORNIA STORMWATER QUALITY ASSOCIATION

California Stormwater Quality Association and
California Construction General Permit Training Team

Attachment D

BMP Consideration Checklist

CONSTRUCTION SITE BMPs CONSIDERATION CHECKLIST					
The BMPs listed here should be considered for every project. Those BMPs that are not included in the SWPPP must be checked as "Not Used" with a brief statement describing why it is not being used.					
EROSION CONTROL BMPs					
BMP No.	**BMP**	**CONSIDERED FOR PROJECT**	**CHECK IF USED**	**CHECK IF NOT USED**	**IF NOT USED, STATE REASON**
EC-1	Scheduling		X		
EC-2	Preservation of Existing Vegetation		X		
EC-3	Hydraulic Mulch			X	NOT APPLICABLE
EC-4	Hydroseeding			X	NOT APPLICABLE
EC-5	Soil Binders			X	NOT APPLICABLE
EC-6	Straw Mulch			X	NOT APPLICABLE
EC-7	Geotextiles & Mats			X	NOT APPLICABLE
EC-8	Wood Mulching			X	NOT APPLICABLE
EC-9	Earth Dikes & Drainage Swales			X	NOT APPLICABLE
EC-10	Velocity Dissipation Devices			X	NOT APPLICABLE
EC-11	Slope Drains			X	NOT APPLICABLE
EC-12	Streambank Stabilization			X	NOT APPLICABLE
EC-13	Polyacrylamide			X	NOT APPLICABLE

CONSTRUCTION SITE BMPs CONSIDERATION CHECKLIST

The BMPs listed here should be considered for every project. Those BMPs that are not included in the SWPPP must be checked as "Not Used" with a brief statement describing why it is not being used.

BMP No.	BMP	CONSIDERED FOR PROJECT	CHECK IF USED	CHECK IF NOT USED	IF NOT USED, STATE REASON
SEDIMENT CONTROL BMPs					
SE-1	Silt Fence		X		
SE-2	Sediment Basin			X	NOT APPLICABLE
SE-3	Sediment Trap			X	NOT APPLICABLE
SE-4	Check Dam			X	NOT APPLICABLE
SE-5	Fiber Rolls			X	
SE-6	Gravel Bag Berm			X	NOT APPLICABLE
SE-7	Street Sweeping and Vacuuming		X		
SE-8	Sand Bag Barrier			X	NOT APPLICABLE
SE-9	Straw Bale Barrier			X	NOT APPLICABLE
SE-10	Storm Drain Inlet Protection			X	
SE-11	Chemical Treatment			X	NOT APPLICABLE
WIND EROSION CONTROL BMPs					
WE-1	Wind Erosion Control		X		
TRACKING CONTROL BMPs					
TR-1	Stabilized Construction Entrance/Exit		X		
TR-2	Stabilized Construction Roadway	X			
TR-3	Entrance/Outlet Tire Wash	X			

CONSTRUCTION SITE BMPs
CONSIDERATION CHECKLIST

The BMPs listed here should be considered for every project. Those BMPs that are not included in the SWPPP must be checked as "Not Used" with a brief statement describing why it is not being used.

NON-STORM WATER MANAGEMENT BMPs

BMP No.	BMP	CONSIDERED FOR PROJECT	CHECK IF USED	CHECK IF NOT USED	IF NOT USED, STATE REASON
NS-1	Water Conservation Practices		X		
NS-2	Dewatering Operations			X	NOT APPLICABLE
NS-3	Paving and Grinding Operations			X	
NS-4	Temporary Stream Crossing			X	NOT APPLICABLE
NS-5	Clear Water Diversion			X	NOT APPLICABLE
NS-6	Illicit Connection/ Discharge		X		
NS-7	Potable Water/Irrigation		X		
NS-8	Vehicle and Equipment Cleaning		X		
NS-9	Vehicle and Equipment Fueling		X		
NS-10	Vehicle and Equipment Maintenance		X		
NS-11	Pile Driving Operations			X	NOT APPLICABLE
NS-12	Concrete Curing			X	
NS-13	Concrete Finishing			X	
NS-14	Material and Equipment Use Over Water			X	NOT APPLICABLE
NS-15	Demolition Adjacent to Water			X	NOT APPLICABLE
NS-16	Temporary Batch Plants			X	NOT APPLICABLE

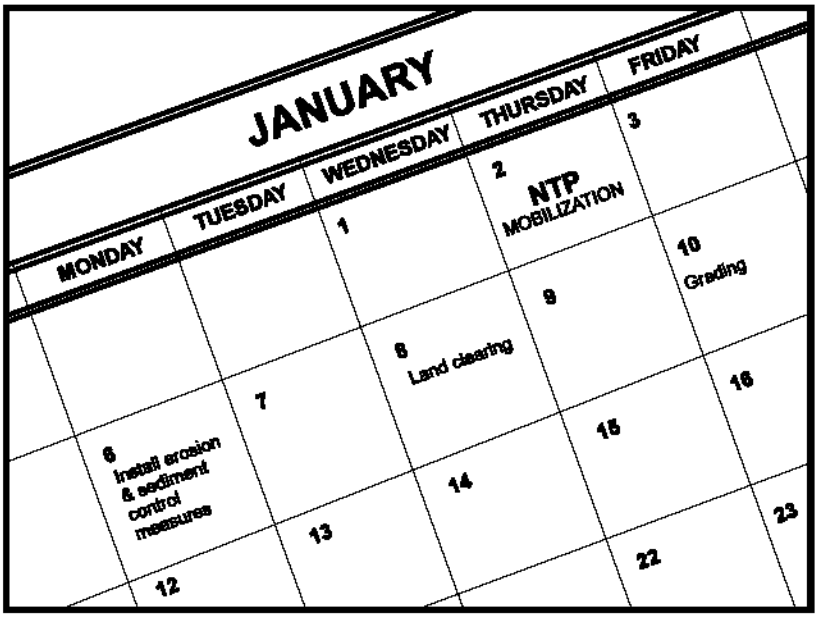
CONSTRUCTION SITE BMPs CONSIDERATION CHECKLIST

The BMPs listed here should be considered for every project. Those BMPs that are not included in the SWPPP must be checked as "Not Used" with a brief statement describing why it is not being used.

WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMPs

BMP No.	BMP	CONSIDERED FOR PROJECT	CHECK IF USED	CHECK IF NOT USED	IF NOT USED, STATE REASON
WM-1	Material Delivery and Storage		X		
WM-2	Material Use		X		
WM-3	Stockpile Management		X		
WM-4	Spill Prevention and Control		X		
WM-5	Solid Waste Management		X		
WM-6	Hazardous Waste Management			X	
WM-7	Contaminated Soil Management			X	NOT APPLICABLE
WM-8	Concrete Waste Management			X	
WM-9	Sanitary/Septic Waste Management		X		
WM-10	Liquid Waste Management			X	NOT APPLICABLE

Scheduling EC-1



Objectives

EC	Erosion Control	☑
SE	Sediment Control	☒
TR	Tracking Control	☒
WE	Wind Erosion Control	☒
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

Scheduling is the development of a written plan that includes sequencing of construction activities and the implementation of BMPs such as erosion control and sediment control while taking local climate (rainfall, wind, etc.) into consideration. The purpose is to reduce the amount and duration of soil exposed to erosion by wind, rain, runoff, and vehicle tracking, and to perform the construction activities and control practices in accordance with the planned schedule.

Suitable Applications

Proper sequencing of construction activities to reduce erosion potential should be incorporated into the schedule of every construction project especially during rainy season. Use of other, more costly yet less effective, erosion and sediment control BMPs may often be reduced through proper construction sequencing.

Limitations

- Environmental constraints such as nesting season prohibitions reduce the full capabilities of this BMP.

Implementation

- Avoid rainy periods. Schedule major grading operations during dry months when practical. Allow enough time before rainfall begins to stabilize the soil with vegetation or physical means or to install sediment trapping devices.
- Plan the project and develop a schedule showing each phase of construction. Clearly show how the rainy season relates to soil

disturbing and re-stabilization activities. Incorporate the construction schedule into the SWPPP.

- Include on the schedule, details on the rainy season implementation and deployment of:
  - Erosion control BMPs
  - Sediment control BMPs
  - Tracking control BMPs
  - Wind erosion control BMPs
  - Non-stormwater BMPs
  - Waste management and materials pollution control BMPs
- Include dates for activities that may require non-stormwater discharges such as dewatering, sawcutting, grinding, drilling, boring, crushing, blasting, painting, hydro-demolition, mortar mixing, pavement cleaning, etc.
- Work out the sequencing and timetable for the start and completion of each item such as site clearing and grubbing, grading, excavation, paving, foundation pouring utilities installation, etc., to minimize the active construction area during the rainy season.
  - Sequence trenching activities so that most open portions are closed before new trenching begins.
  - Incorporate staged seeding and re-vegetation of graded slopes as work progresses.
  - Schedule establishment of permanent vegetation during appropriate planting time for specified vegetation.
- Non-active areas should be stabilized as soon as practical after the cessation of soil disturbing activities or one day prior to the onset of precipitation.
- Monitor the weather forecast for rainfall.
- When rainfall is predicted, adjust the construction schedule to allow the implementation of soil stabilization and sediment treatment controls on all disturbed areas prior to the onset of rain.
- Be prepared year round to deploy erosion control and sediment control BMPs. Erosion may be caused during dry seasons by un-seasonal rainfall, wind, and vehicle tracking. Keep the site stabilized year round, and retain and maintain rainy season sediment trapping devices in operational condition.
- Apply permanent erosion control to areas deemed substantially complete during the project's defined seeding window.

Costs

Construction scheduling to reduce erosion may increase other construction costs due to reduced economies of scale in performing site grading. The cost effectiveness of scheduling techniques should be compared with the other less effective erosion and sedimentation controls to achieve a cost effective balance.

Inspection and Maintenance

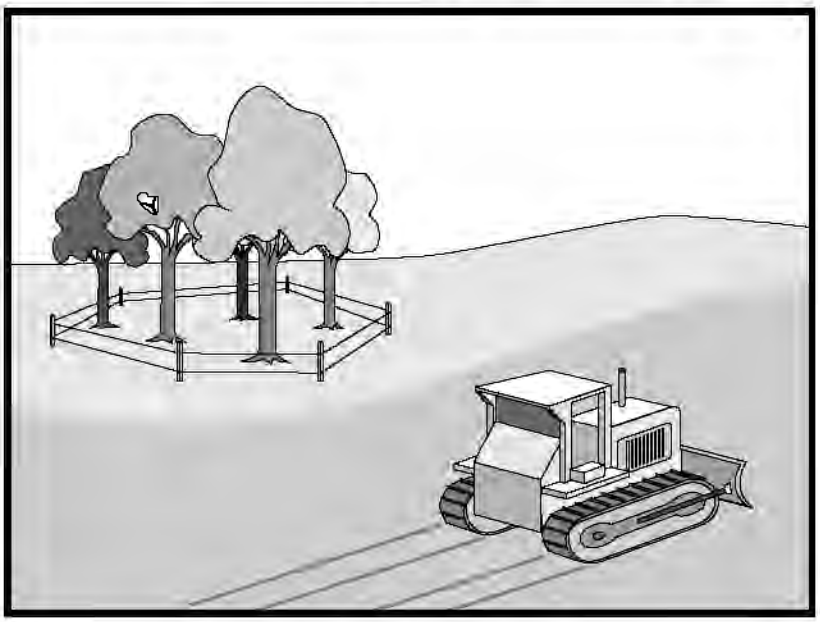
- Verify that work is progressing in accordance with the schedule. If progress deviates, take corrective actions.
- Amend the schedule when changes are warranted.
- Amend the schedule prior to the rainy season to show updated information on the deployment and implementation of construction site BMPs.

References

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-005), U.S. Environmental Protection Agency, Office of Water, September 1992.

Preservation Of Existing Vegetation EC-2



Objectives

EC	Erosion Control	☑
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

Carefully planned preservation of existing vegetation minimizes the potential of removing or injuring existing trees, vines, shrubs, and grasses that protect soil from erosion.

Suitable Applications

Preservation of existing vegetation is suitable for use on most projects. Large project sites often provide the greatest opportunity for use of this BMP. Suitable applications include the following:

- Areas within the site where no construction activity occurs, or occurs at a later date. This BMP is especially suitable to multi year projects where grading can be phased.
- Areas where natural vegetation exists and is designated for preservation. Such areas often include steep slopes, watercourse, and building sites in wooded areas.
- Areas where local, state, and federal government require preservation, such as vernal pools, wetlands, marshes, certain oak trees, etc. These areas are usually designated on the plans, or in the specifications, permits, or environmental docnments.
- Where vegetation designated for ultimate removal can be temporarily preserved and be utilized for erosion control and sediment control.

EC-2 Preservation Of Existing Vegetation

Limitations

- Requires forward planning by the owner/developer, contractor, and design staff.
- Limited opportunities for use when project plans do not incorporate existing vegetation into the site design.
- For sites with diverse topography, it is often difficult and expensive to save existing trees while grading the site satisfactory for the planned development.

Implementation

The best way to prevent erosion is to not disturb the land. In order to reduce the impacts of new development and redevelopment, projects may be designed to avoid disturbing land in sensitive areas of the site (e.g., natural watercourses, steep slopes), and to incorporate unique or desirable existing vegetation into the site's landscaping plan. Clearly marking and leaving a buffer area around these unique areas during construction will help to preserve these areas as well as take advantage of natural erosion prevention and sediment trapping.

Existing vegetation to be preserved on the site must be protected from mechanical and other injury while the land is being developed. The purpose of protecting existing vegetation is to ensure the survival of desirable vegetation for shade, beautification, and erosion control. Mature vegetation has extensive root systems that help to hold soil in place, thus reducing erosion. In addition, vegetation helps keep soil from drying rapidly and becoming susceptible to erosion. To effectively save existing vegetation, no disturbances of any kind should be allowed within a defined area around the vegetation. For trees, no construction activity should occur within the drip line of the tree.

Timing

- Provide for preservation of existing vegetation prior to the commencement of clearing and grubbing operations or other soil disturbing activities in areas where no construction activity is planned or will occur at a later date.

Design and Layout

- Mark areas to be preserved with temporary fencing. Include sufficient setback to protect roots.
  - Orange colored plastic mesh fencing works well.
  - Use appropriate fence posts and adequate post spacing and depth to completely support the fence in an upright position.
- Locate temporary roadways, stockpiles, and layout areas to avoid stands of trees, shrubs, and grass.
- Consider the impact of grade changes to existing vegetation and the root zone.
- Maintain existing irrigation systems where feasible. Temporary irrigation may be required.
- Instruct employees and subcontractors to honor protective devices. Prohibit heavy equipment, vehicular traffic, or storage of construction materials within the protected area.

Costs

There is little cost associated with preserving existing vegetation if properly planned during the project design, and these costs may be offset by aesthetic benefits that enhance property values. During construction, the cost for preserving existing vegetation will likely be less than the cost of applying erosion and sediment controls to the disturbed area. Replacing vegetation inadvertently destroyed during construction can be extremely expensive, sometimes in excess of $10,000 per tree.

Inspection and Maintenance

During construction, the limits of disturbance should remain clearly marked at all times. Irrigation or maintenance of existing vegetation should be described in the landscaping plan. If damage to protected trees still occurs, maintenance guidelines described below should be followed:

- Verify that protective measures remain in place. Restore damaged protection measures immediately.
- Serious tree injuries shall be attended to by an arborist.
- Damage to the crown, trunk, or root system of a retained tree shall be repaired immediately.
- Trench as far from tree trunks as possible, usually outside of the tree drip line or canopy. Curve trenches around trees to avoid large roots or root concentrations. If roots are encountered, consider tunneling under them. When trenching or tunneling near or under trees to be retained, place tunnels at least 18 in. below the ground surface, and not below the tree center to minimize impact on the roots.
- Do not leave tree roots exposed to air. Cover exposed roots with soil as soon as possible. If soil covering is not practical, protect exposed roots with wet burlap or peat moss until the tunnel or trench is ready for backfill.
- Cleanly remove the ends of damaged roots with a smooth cut.
- Fill trenches and tunnels as soon as possible. Careful filling and tamping will eliminate air spaces in the soil, which can damage roots.
- If bark damage occurs, cut back all loosened bark into the undamaged area, with the cut tapered at the top and bottom and drainage provided at the base of the wood. Limit cutting the undamaged area as much as possible.
- Aerate soil that has been compacted over a trees root zone by punching holes 12 in. deep with an iron bar, and moving the bar back and forth until the soil is loosened. Place holes 18 in. apart throughout the area of compacted soil under the tree crown.
- Fertilization
  - Fertilize stressed or damaged broadleaf trees to aid recovery.
  - Fertilize trees in the late fall or early spring.

- Apply fertilizer to the soil over the feeder roots and in accordance with label instructions, but never closer than 3 ft to the trunk. Increase the fertilized area by one-fourth of the crown area for conifers that have extended root systems.

- Retain protective measures until all other construction activity is complete to avoid damage during site cleanup and stabilization.

References

County of Sacramento Tree Preservation Ordinance, September 1981.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

Water Quality Management Plan for The Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Water Conservation Practices NS-1



Objectives

EC	Erosion Control	☒
SE	Sediment Control	☒
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:

☑ Primary Objective

☒ Secondary Objective

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

Water conservation practices are activities that use water during the construction of a project in a manner that avoids causing erosion and the transport of pollutants offsite. These practices can reduce or eliminate non-stormwater discharges.

Suitable Applications

Water conservation practices are suitable for all construction sites where water is used, including piped water, metered water, trucked water, and water from a reservoir.

Limitations

- None identified.

Implementation

- Keep water equipment in good working condition.
- Stabilize water truck filling area.
- Repair water leaks promptly.
- Washing of vehicles and equipment on the construction site is discouraged.
- Avoid using water to clean construction areas. If water must be used for cleaning or surface preparation, surface should be swept and vacuumed first to remove dirt. This will minimize amount of water required.

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CALIFORNIA STORMWATER QUALITY ASSOCIATION

- Direct construction water runoff to areas where it can soak into the ground or be collected and reused.
- Authorized non-stormwater discharges to the storm drain system, channels, or receiving waters are acceptable with the implementation of appropriate BMPs.
- Lock water tank valves to prevent unauthorized use.

Costs

The cost is small to none compared to the benefits of conserving water.

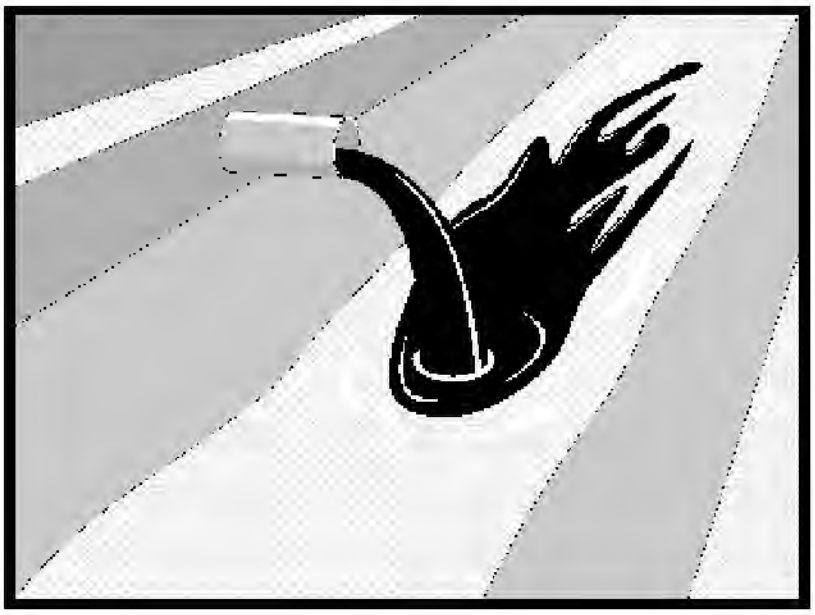
Inspection and Maintenance

- Inspect and verify that activity based BMPs are in place prior to the commencement of authorized non-stormwater discharges.
- Inspect BMPs subject to non-stormwater discharges daily while non-stormwater discharges are occuring.
- Repair water equipment as needed to prevent unintended discharges.
  - Water trucks
  - Water reservoirs (water buffalos)
  - Irrigation systems
  - Hydrant connections

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Illicit Connection/Discharge NS-6



Description and Purpose

Procedures and practices designed for construction contractors to recognize illicit connections or illegally dumped or discharged materials on a construction site and report incidents.

Suitable Applications

This best management practice (BMP) applies to all construction projects. Illicit connection/discharge and reporting is applicable anytime an illicit connection or discharge is discovered or illegally dumped material is found on the construction site.

Limitations

Illicit connections and illegal discharges or dumping, for the purposes of this BMP, refer to discharges and dumping caused by parties other than the contractor. If pre-existing hazardous materials or wastes are known to exist onsite, they should be identified in the SWPPP and handled as set forth in the SWPPP.

Implementation

Planning

- Review the SWPPP. Pre-existing areas of contamination should be identified and documented in the SWPPP.
- Inspect site before beginning the job for evidence of illicit connections, illegal dumping or discharges. Document any pre-existing conditions and notify the owner.

Objectives

EC	Erosion Control	
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	☑
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

CASQA
CALIFORNIA STORMWATER QUALITY ASSOCIATION

- Inspect site regularly during project execution for evidence of illicit connections, illegal dumping or discharges.
- Observe site perimeter for evidence for potential of illicitly discharged or illegally dumped material, which may enter the job site.

Identification of Illicit Connections and Illegal Dumping or Discharges

- **General –** unlabeled and unidentifiable material should be treated as hazardous.
- **Solids** - Look for debris, or rubbish piles. Solid waste dumping often occurs on roadways with light traffic loads or in areas not easily visible from the traveled way.
- **Liquids** - signs of illegal liquid dumping or discharge can include:
  - Visible signs of staining or unusual colors to the pavement or surrounding adjacent soils
  - Pungent odors coming from the drainage systems
  - Discoloration or oily substances in the water or stains and residues detained within ditches, channels or drain boxes
  - Abnormal water flow during the dry weather season
- **Urban Areas** - Evidence of illicit connections or illegal discharges is typically detected at storm drain outfall locations or at manholes. Signs of an illicit connection or illegal discharge can include:
  - Abnormal water flow during the dry weather season
  - Unusual flows in sub drain systems used for dewatering
  - Pungent odors coming from the drainage systems
  - Discoloration or oily substances in the water or stains and residues detained within ditches, channels or drain boxes
  - Excessive sediment deposits, particularly adjacent to or near active offsite construction projects
- **Rural Areas** - Illicit connections or illegal discharges involving irrigation drainage ditches are detected by visual inspections. Signs of an illicit discharge can include:
  - Abnormal water flow during the non-irrigation season
  - Non-standard junction structures
  - Broken concrete or other disturbances at or near junction structures

Reporting

Notify the owner of any illicit connections and illegal dumping or discharge incidents at the time of discovery. For illicit connections or discharges to the storm drain system, notify the local stormwater management agency. For illegal dumping, notify the local law enforcement agency.

Cleanup and Removal

The responsibility for cleanup and removal of illicit or illegal dumping or discharges will vary by location. Contact the local stormwater management agency for further information.

Costs

Costs to look for and report illicit connections and illegal discharges and dumping are low. The best way to avoid costs associated with illicit connections and illegal discharges and dumping is to keep the project perimeters secure to prevent access to the site, to observe the site for vehicles that should not be there, and to document any waste or hazardous materials that exist onsite before taking possession of the site.

Inspection and Maintenance

- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect the site regularly to check for any illegal dumping or discharge.
- Prohibit employees and subcontractors from disposing of non-job related debris or materials at the construction site.
- Notify the owner of any illicit connections and illegal dumping or discharge incidents at the time of discovery.

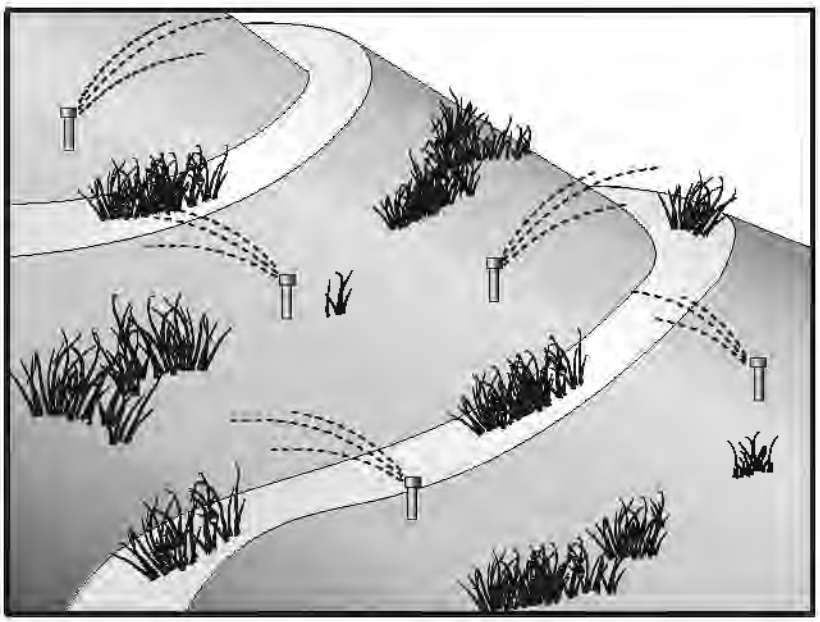
References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

Potable Water/Irrigation NS-7



Objectives

EC	Erosion Control	
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	
Metals	☑
Bacteria	
Oil and Grease	
Organics	☑

Potential Alternatives

None

Description and Purpose

Potable Water/Irrigation consists of practices and procedures to manage the discharge of potential pollutants generated during discharges from irrigation water lines, landscape irrigation, lawn or garden watering, planned and unplanned discharges from potable water sources, water line flushing, and hydrant flushing.

Suitable Applications

Implement this BMP whenever potable water or irrigation water discharges occur at or enter a construction site.

Limitations

None identified.

Implementation

- Direct water from offsite sources around or through a construction site, where feasible, in a way that minimizes contact with the construction site.
- Discharges from water line flushing should be reused for landscaping purposes where feasible.
- Shut off the water source to broken lines, sprinklers, or valves as soon as possible to prevent excess water flow.
- Protect downstream stormwater drainage systems and watercourses from water pumped or bailed from trenches excavated to repair water lines.

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- Inspect irrigated areas within the construction limits for excess watering. Adjust watering times and schedules to ensure that the appropriate amount of water is being used and to minimize runoff. Consider factors such as soil structure, grade, time of year, and type of plant material in determining the proper amounts of water for a specific area.

Costs

Cost to manage potable water and irrigation are low and generally considered to be a normal part of related activities.

Inspection and Maintenance

- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect BMPs subject to non-stormwater discharges daily while non-stormwater discharges occur.
- Repair broken water lines as soon as possible.
- Inspect irrigated areas regularly for signs of erosion and/or discharge.

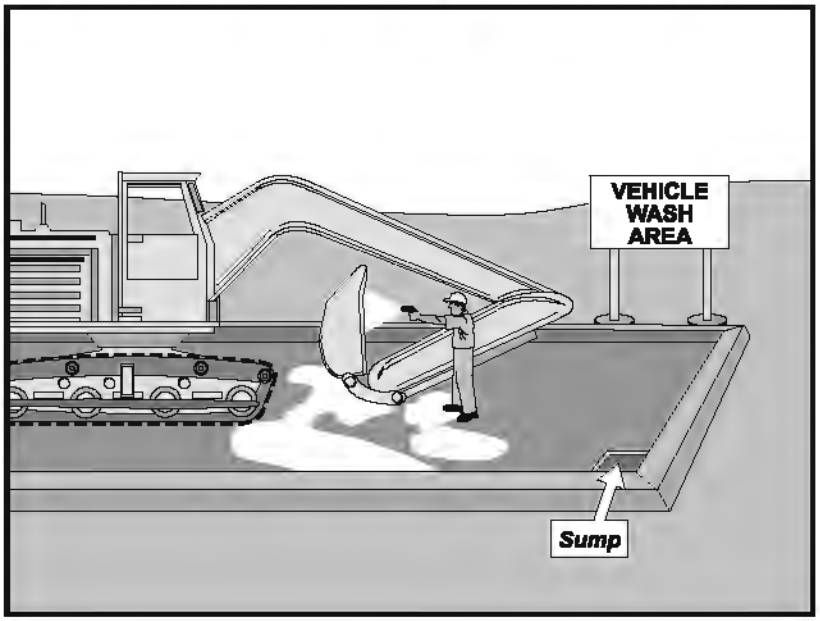
References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

Vehicle and Equipment Cleaning NS-8



Objectives

EC	Erosion Control	
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	
Metals	
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

Description and Purpose

Vehicle and equipment cleaning procedures and practices eliminate or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning operations. Procedures and practices include but are not limited to: using offsite facilities; washing in designated, contained areas only; eliminating discharges to the storm drain by infiltrating the wash water; and training employees and subcontractors in proper cleaning procedures.

Suitable Applications

These procedures are suitable on all construction sites where vehicle and equipment cleaning is performed.

Limitations

Even phosphate-free, biodegradable soaps have been shown to be toxic to fish before the soap degrades. Sending vehicles/equipment offsite should be done in conjunction with TR-1, Stabilized Construction Entrance/Exit.

Implementation

Other options to washing equipment onsite include contracting with either an offsite or mobile commercial washing business. These businesses may be better equipped to handle and dispose of the wash waters properly. Performing this work offsite can also be economical by eliminating the need for a separate washing operation onsite.

If washing operations are to take place onsite, then:

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- Use phosphate-free, biodegradable soaps.
- Educate employees and subcontractors on pollution prevention measures.
- Do not permit steam cleaning onsite. Steam cleaning can generate significant pollutant concentrates.
- Cleaning of vehicles and equipment with soap, solvents or steam should not occur on the project site unless resulting wastes are fully contained and disposed of. Resulting wastes should not be discharged or buried, and must be captured and recycled or disposed according to the requirements of WM-10, Liquid Waste Management or WM-6, Hazardous Waste Management, depending on the waste characteristics. Minimize use of solvents. Use of diesel for vehicle and equipment cleaning is prohibited.
- All vehicles and equipment that regularly enter and leave the construction site must be cleaned offsite.
- When vehicle and equipment washing and cleaning must occur onsite, and the operation cannot be located within a structure or building equipped with appropriate disposal facilities, the outside cleaning area should have the following characteristics:
  - Located away from storm drain inlets, drainage facilities, or watercourses
  - Paved with concrete or asphalt and bermed to contain wash waters and to prevent runon and runoff
  - Configured with a sump to allow collection and disposal of wash water
  - No discharge of wash waters to storm drains or watercourses
  - Used only when necessary
- When cleaning vehicles and equipment with water:
  - Use as little water as possible. High-pressure sprayers may use less water than a hose and should be considered
  - Use positive shutoff valve to minimize water usage
  - Facility wash racks should discharge to a sanitary sewer, recycle system or other approved discharge system and must not discharge to the storm drainage system, watercourses, or to groundwater

Costs

Cleaning vehicles and equipment at an offsite facility may reduce overall costs for vehicle and equipment cleaning by eliminating the need to provide similar services onsite. When onsite cleaning is needed, the cost to establish appropriate facilities is relatively low on larger, long-duration projects, and moderate to high on small, short-duration projects.

Inspection and Maintenance

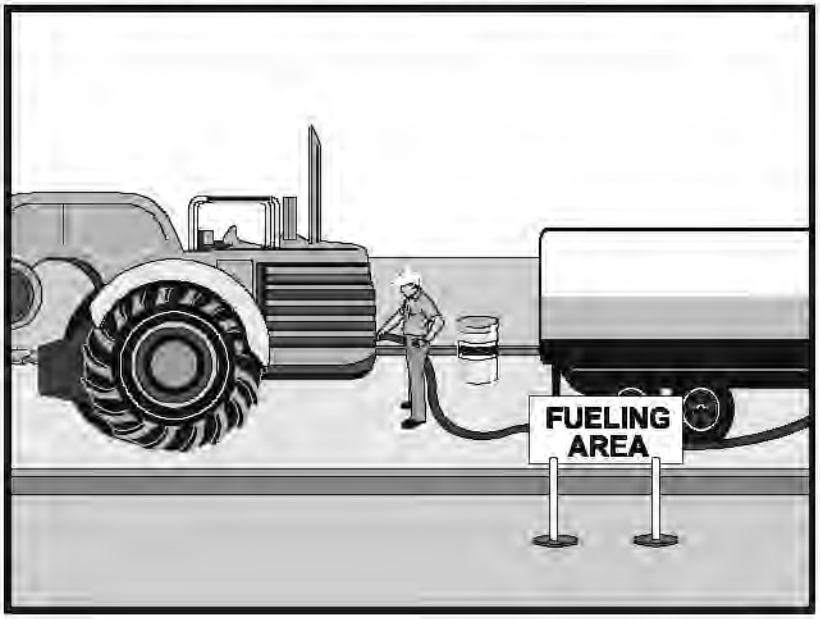
- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect BMPs subject to non-stormwater discharges daily while non-stormwater discharges occur.
- Inspection and maintenance is minimal, although some berm repair may be necessary.
- Monitor employees and subcontractors throughout the duration of the construction project to ensure appropriate practices are being implemented.
- Inspect sump regularly and remove liquids and sediment as needed.
- Prohibit employees and subcontractors from washing personal vehicles and equipment on the construction site.

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Swisher, R.D. Surfactant Biodegradation, Marcel Decker Corporation, 1987.

Vehicle and Equipment Fueling NS-9



Objectives

EC	Erosion Control	
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	☑
Organics	

Potential Alternatives

None

Description and Purpose

Vehicle equipment fueling procedures and practices are designed to prevent fuel spills and leaks, and reduce or eliminate contamination of stormwater. This can be accomplished by using offsite facilities, fueling in designated areas only, enclosing or covering stored fuel, implementing spill controls, and training employees and subcontractors in proper fueling procedures.

Suitable Applications

These procedures are suitable on all construction sites where vehicle and equipment fueling takes place.

Limitations

Onsite vehicle and equipment fueling should only be used where it is impractical to send vehicles and equipment offsite for fueling. Sending vehicles and equipment offsite should be done in conjunction with TR-1, Stabilized Construction Entrance/ Exit.

Implementation

- Use offsite fueling stations as much as possible. These businesses are better equipped to handle fuel and spills properly. Performing this work offsite can also be economical by eliminating the need for a separate fueling area at a site.
- Discourage "topping-off" of fuel tanks.

- Absorbent spill cleanup materials and spill kits should be available in fueling areas and on fueling trucks, and should be disposed of properly after use.
- Drip pans or absorbent pads should be used during vehicle and equipment fueling, unless the fueling is performed over an impermeable surface in a dedicated fueling area.
- Use absorbent materials on small spills. Do not hose down or bury the spill. Remove the adsorbent materials promptly and dispose of properly.
- Avoid mobile fueling of mobile construction equipment around the site; rather, transport the equipment to designated fueling areas. With the exception of tracked equipment such as bulldozers and large excavators, most vehicles should be able to travel to a designated area with little lost time.
- Train employees and subcontractors in proper fueling and cleanup procedures.
- When fueling must take place onsite, designate an area away from drainage courses to be used. Fueling areas should be identified in the SWPPP.
- Dedicated fueling areas should be protected from stormwater runon and runoff, and should be located at least 50 ft away from downstream drainage facilities and watercourses. Fueling must be performed on level-grade areas.
- Protect fueling areas with berms and dikes to prevent runon, runoff, and to contain spills.
- Nozzles used in vehicle and equipment fueling should be equipped with an automatic shutoff to control drips. Fueling operations should not be left unattended.
- Use vapor recovery nozzles to help control drips as well as air pollution where required by Air Quality Management Districts (AQMD).
- Federal, state, and local requirements should be observed for any stationary above ground storage tanks.

Costs

- All of the above measures are low cost except for the capital costs of above ground tanks that meet all local environmental, zoning, and fire codes.

Inspection and Maintenance

- Vehicles and equipment should be inspected each day of use for leaks. Leaks should be repaired immediately or problem vehicles or equipment should be removed from the project site.
- Keep ample supplies of spill cleanup materials onsite.
- Immediately clean up spills and properly dispose of contaminated soil and cleanup materials.

References

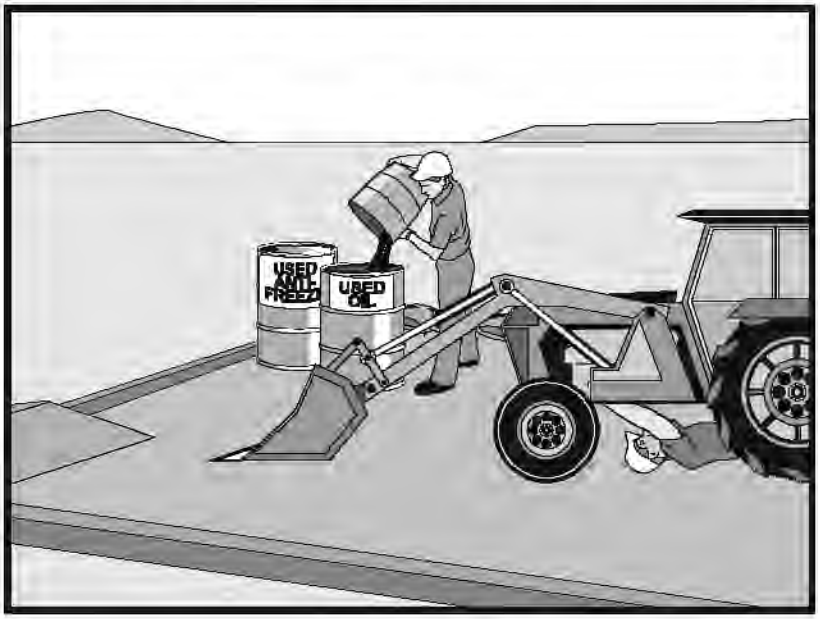
Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance, Working Group Working Paper; USEPA, April 1992.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

Vehicle & Equipment Maintenance NS-10



Objectives		
EC	Erosion Control	
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	☑
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Objective**
☒ **Secondary Objective**

Targeted Constituents	
Sediment	
Nutrients	☑
Trash	☑
Metals	
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

Description and Purpose

Prevent or reduce the contamination of stormwater resulting from vehicle and equipment maintenance by running a "dry and clean site". The best option would be to perform maintenance activities at an offsite facility. If this option is not available then work should be performed in designated areas only, while providing cover for materials stored outside, checking for leaks and spills, and containing and cleaning up spills immediately. Employees and subcontractors must be trained in proper procedures.

Suitable Applications

These procedures are suitable on all construction projects where an onsite yard area is necessary for storage and maintenance of heavy equipment and vehicles.

Limitations

Onsite vehicle and equipment maintenance should only be used where it is impractical to send vehicles and equipment offsite for maintenance and repair. Sending vehicles/equipment offsite should be done in conjunction with TR-1, Stabilized Construction Entrance/Exit.

Outdoor vehicle or equipment maintenance is a potentially significant source of stormwater pollution. Activities that can contaminate stormwater include engine repair and service, changing or replacement of fluids, and outdoor equipment storage and parking (engine fluid leaks). For further information on vehicle or equipment servicing, see NS-8, Vehicle and Equipment Cleaning, and NS-9, Vehicle and Equipment Fueling.

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NS-10 Vehicle & Equipment Maintenance

Implementation

- Use offsite repair shops as much as possible. These businesses are better equipped to handle vehicle fluids and spills properly. Performing this work offsite can also be economical by eliminating the need for a separate maintenance area.
- If maintenance must occur onsite, use designated areas, located away from drainage courses. Dedicated maintenance areas should be protected from stormwater runon and runoff, and should be located at least 50 ft from downstream drainage facilities and watercourses.
- Drip pans or absorbent pads should be used during vehicle and equipment maintenance work that involves fluids, unless the maintenance work is performed over an impermeable surface in a dedicated maintenance area.
- Place a stockpile of spill cleanup materials where it will be readily accessible.
- All fueling trucks and fueling areas are required to have spill kits and/or use other spill protection devices.
- Use adsorbent materials on small spills. Remove the absorbent materials promptly and dispose of properly.
- Inspect onsite vehicles and equipment daily at startup for leaks, and repair immediately.
- Keep vehicles and equipment clean; do not allow excessive build-up of oil and grease.
- Segregate and recycle wastes, such as greases, used oil or oil filters, antifreeze, cleaning solutions, automotive batteries, hydraulic and transmission fluids. Provide secondary containment and covers for these materials if stored onsite.
- Train employees and subcontractors in proper maintenance and spill cleanup procedures.
- Drip pans or plastic sheeting should be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is planned to be idle for more than 1 hour.
- For long-term projects, consider using portable tents or covers over maintenance areas if maintenance cannot be performed offsite.
- Consider use of new, alternative greases and lubricants, such as adhesive greases, for chassis lubrication and fifth-wheel lubrication.
- Properly dispose of used oils, fluids, lubricants, and spill cleanup materials.
- Do not place used oil in a dumpster or pour into a storm drain or watercourse.
- Properly dispose of or recycle used batteries.
- Do not bury used tires.
- Repair leaks of fluids and oil immediately.

Vehicle & Equipment Maintenance NS-10

Listed below is further information if you must perform vehicle or equipment maintenance onsite.

Safer Alternative Products

- Consider products that are less toxic or hazardous than regular products. These products are often sold under an "enviroumentally friendly" label.
- Consider use of grease substitutes for lubrication of truck fifth-wheels. Follow manufacturers label for details on specific uses.
- Consider use of plastic friction plates on truck fifth-wheels in lieu of grease. Follow manufacturers label for details on specific uses.

Waste Reduction

Parts are often cleaned using solvents such as trichloroethylene, trichloroethane, or methylene chloride. Many of these cleaners are listed in California Toxic Rule as priority pollutants. These materials are harmful and must not contaminate stormwater. They must be disposed of as a hazardous waste. Reducing the number of solvents makes recycling easier and reduces hazardous waste management costs. Often, one solvent can perform a job as well as two different solvents. Also, if possible, eliminate or reduce the amount of hazardous materials and waste by substituting non-hazardous or less hazardous materials. For example, replace chlorinated organic solvents with non-chlorinated solvents. Non-chlorinated solvents like kerosene or mineral spirits are less toxic and less expensive to dispose of properly. Check the list of active ingredients to see whether it contains chlorinated solvents. The "chlor" term indicates that the solvent is chlorinated. Also, try substituting a wire brush for solvents to clean parts.

Recycling and Disposal

Separating wastes allows for easier recycling and may reduce disposal costs. Keep hazardous wastes separate, do not mix used oil solvents, and keep chlorinated solvents (like,-trichloroethane) separate from non-chlorinated solvents (like kerosene and mineral spirits). Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around. Provide cover and secondary containment until these materials can be removed from the site.

Oil filters can be recycled. Ask your oil supplier or recycler about recycling oil filters.

Do not dispose of extra paints and coatings by dumping liquid onto the ground or throwing it into dumpsters. Allow coatings to dry or harden before disposal into covered dumpsters.

Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries, even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

Costs

All of the above are low cost measures. Higher costs are incurred to setup and maintain onsite maintenance areas.

NS-10 Vehicle & Equipment Maintenance

Inspection and Maintenance

- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect BMPs subject to non-stormwater discharges daily while non-stormwater discharges occur.
- Keep ample supplies of spill cleanup materials onsite.
- Maintain waste fluid containers in leak proof condition.
- Vehicles and equipment should be inspected on each day of use. Leaks should be repaired immediately or the problem vehicle(s) or equipment should be removed from the project site.
- Inspect equipment for damaged hoses and leaky gaskets routinely. Repair or replace as needed.

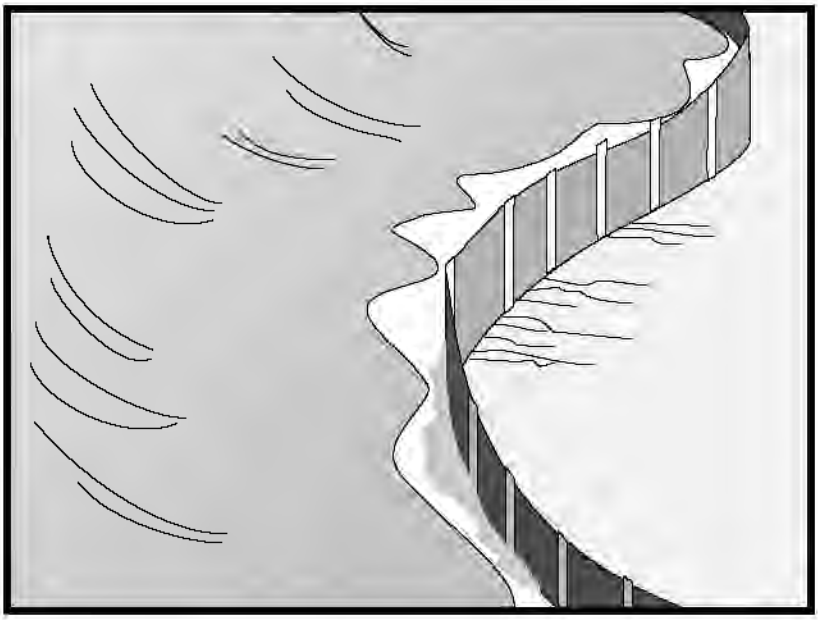
References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Coastal Nonpoint Pollution Control Program; Program Development and Approval Guidance, Working Group, Working Paper; USEPA, April 1992.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Silt Fence SE-1



Objectives

EC	Erosion Control	☑
SE	Sediment Control	
TR	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-5 Fiber Rolls

SE-6 Gravel Bag Berm

SE-8 Sandbag Barrier

SE-9 Straw Bale Barrier

Description and Purpose

A silt fence is made of a filter fabric that has been entrenched, attached to supporting poles, and sometimes backed by a plastic or wire mesh for support. The silt fence detains sediment-laden water, promoting sedimentation behind the fence.

Suitable Applications

Silt fences are suitable for perimeter control, placed below areas where sheet flows discharge from the site. They should also be used as interior controls below disturbed areas where runoff may occur in the form of sheet and rill erosion. Silt fences are generally ineffective in locations where the flow is concentrated and are only applicable for sheet or overland flows. Silt fences are most effective when used in combination with erosion controls. Suitable applications include:

- Along the perimeter of a project.
- Below the toe or down slope of exposed and erodible slopes.
- Along streams and channels.
- Around temporary spoil areas and stockpiles.
- Below other small cleared areas.

Limitations

- Do not use in streams, channels, drain inlets, or anywhere flow is concentrated.

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- Do not use in locations where ponded water may cause flooding.
- Do not place fence on a slope, or across any contour line. If not installed at the same elevation throughout, silt fences will create erosion.
- Filter fences will create a temporary sedimentation pond on the upstream side of the fence and may cause temporary flooding. Fences not constructed on a level contour will be overtopped by concentrated flow resulting in failure of the filter fence.
- Improperly installed fences are subject to failure from undercutting, overlapping, or collapsing.
  - Not effective unless trenched and keyed in.
  - Not intended for use as mid-slope protection on slopes greater than 4:1 (H:V).
  - Do not allow water depth to exceed 1.5 ft at any point.

Implementation

General

A silt fence is a temporary sediment barrier consisting of filter fabric stretched across and attached to supporting posts, entrenched, and, depending upon the strength of fabric used, supported with plastic or wire mesh fence. Silt fences trap sediment by intercepting and detaining small amounts of sediment-laden runoff from disturbed areas in order to promote sedimentation behind the fence.

Silt fences are preferable to straw bale barriers in many cases. Laboratory work at the Virginia Highway and Transportation Research Council has shown that silt fences can trap a much higher percentage of suspended sediments than can straw bales. While the failure rate of silt fences is lower than that of straw bale barriers, there are many instances where silt fences have been improperly installed. The following layout and installation guidance can improve performance and should be followed:

- Use principally in areas where sheet flow occurs.
- Don't use in streams, channels, or anywhere flow is concentrated. Don't use silt fences to divert flow.
- Don't use below slopes subject to creep, slumping, or landslides.
- Select filter fabric that retains 85% of soil by weight, based on sieve analysis, but that is not finer than an equivalent opening size of 70.
- Install along a level contour, so water does not pond more than 1.5 ft at any point along the silt fence.
- The maximum length of slope draining to any point along the silt fence should be 200 ft or less.
- The maximum slope perpendicular to the fence line should be 1:1.

- Provide sufficient room for runoff to pond behind the fence and to allow sediment removal equipment to pass between the silt fence and toes of slopes or other obstructions. About 1200 ft^2 of ponding area should be provided for every acre draining to the fence.
- Turn the ends of the filter fence uphill to prevent stormwater from flowing around the fence.
- Leave an undisturbed or stabilized area immediately down slope from the fence where feasible.
- Silt fences should remain in place until the disturbed area is permanently stabilized.

Design and Layout

Selection of a filter fabric is based on soil conditions at the construction site (which affect the equivalent opening size (EOS) fabric specification) and characteristics of the support fence (which affect the choice of tensile strength). The designer should specify a filter fabric that retains the soil found on the construction site yet that it has openings large enough to permit drainage and prevent clogging. The following criteria is recommended for selection of the equivalent opening size:

1. If 50 percent or less of the soil, by weight, will pass the U.S. Standard Sieve No. 200, select the EOS to retain 85 % of the soil. The EOS should not be finer than EOS 70.
2. For all other soil types, the EOS should be no larger than the openings in the U.S. Standard Sieve No. 70 except where direct discharge to a stream, lake, or wetland will occur, then the EOS should be no larger than Standard Sieve No. 100.

To reduce the chance of clogging, it is preferable to specify a fabric with openings as large as allowed by the criteria. No fabric should be specified with an EOS smaller than U.S. Standard Sieve No. 100. If 85% or more of a soil, by weight, passes through the openings in a No. 200 sieve, filter fabric should not be used. Most of the particles in such a soil would not be retained if the EOS was too large and they would clog the fabric quickly if the EOS were small enough to capture the soil.

The fence should be supported by a plastic or wire mesh if the fabric selected does not have sufficient strength and bursting strength characteristics for the planned application (as recommended by the fabric manufacturer). Filter fabric material should contain ultraviolet inhibitors and stabilizers to provide a minimum of six months of expected usable construction life at a temperature range of 0 °F to 120 °F.

- Layout in accordance with attached figures.
- For slopes steeper than 2:1 (H:V) and that contain a high number of rocks or large dirt clods that tend to dislodge, it may be necessary to install additional protection immediately adjacent to the bottom of the slope, prior to installing silt fence. Additional protection may be a chain link fence or a cable fence.
- For slopes adjacent to sensitive receiving waters or Environmentally Sensitive Areas (ESAs), silt fence should be used in conjunction with erosion control BMPs.

Materials

- Silt fence fabric should be woven polypropylene with a minimum width of 36 in. and a minimum tensile strength of 100 lb force. The fabric should conform to the requirements in ASTM designation D4632 and should have an integral reinforcement layer. The reinforcement layer should be a polypropylene, or equivalent, net provided by the manufacturer. The permittivity of the fabric should be between 0.1 sec^{-1} and 0.15 sec^{-1} in conformance with the requirements in ASTM designation D4491.

- Wood stakes should be commercial quality lumber of the size and shape shown on the plans. Each stake should be free from decay, splits or cracks longer than the thickness of the stake or other defects that would weaken the stakes and cause the stakes to be structurally unsuitable.

- Staples used to fasten the fence fabric to the stakes should be not less than 1.75 in. long and should be fabricated from 15 gauge or heavier wire. The wire used to fasten the tops of the stakes together when joining two sections of fence should be 9 gauge or heavier wire. Galvanizing of the fastening wire will not be required.

- There are new products that may use prefabricated plastic holders for the silt fence and use bar reinforcement instead of wood stakes. If bar reinforcement is used in lieu of wood stakes, use number four or greater bar. Provide end protection for any exposed bar reinforcement.

Installation Guidelines

Silt fences are to be constructed on a level contour. Sufficient area should exist behind the fence for ponding to occur without flooding or overtopping the fence.

- A trench should be excavated approximately 6 in. wide and 6 in. deep along the line the proposed silt fence.

- Bottom of the silt fence should be keyed-in a minimum of 12 in.

- Posts should be spaced a maximum of 6 ft apart and driven securely into the ground a minimum of 18 in. or 12 in. below the bottom of the trench.

- When standard strength filter fabric is used, a plastic or wire mesh support fence should be fastened securely to the upslope side of posts using heavy–duty wire staples at least 1 in. long. The mesh should extend into the trench. When extra-strength filter fabric and closer post spacing are used, the mesh support fence may be eliminated. Filter fabric should be purchased in a long roll, then cut to the length of the barrier. When joints are necessary, filter cloth should be spliced together only at a support post, with a minimum 6 in. overlap and both ends securely fastened to the post.

- The trench should be backfilled with compacted native material.

- Construct silt fences with a setback of at least 3 ft from the toe of a slope. Where a silt fence is determined to be not practicable due to specific site conditions, the silt fence may be constructed at the toe of the slope, but should be constructed as far from the toe of the slope as practicable. Silt fences close to the toe of the slope will be less effective and difficult to maintain.

- Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/3 the height of the barrier; in no case should the reach exceed 500 ft.

Costs

- Average annual cost for installation and maintenance (assumes 6 month useful life): $7 per lineal foot ($850 per drainage acre). Range of cost is $3.50 - $9.10 per lineal foot.

Inspection and Maintenance

- Inspect BMPs prior to forecast rain, daily during extended rain events, after rain events, weekly during the rainy season, and at two-week intervals during the non-rainy season.
- Repair undercut silt fences.
- Repair or replace split, torn, slumping, or weathered fabric. The lifespan of silt fence fabric is generally 5 to 8 months.
- Silt fences that are damaged and become unsuitable for the intended purpose should be removed from the site of work, disposed of, and replaced with new silt fence barriers.
- Sediment that accumulates in the BMP must be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when the sediment accumulation reaches one-third of the barrier height. Sediment removed during maintenance may be incorporated into earthwork on the site or disposed at an appropriate location.
- Silt fences should be left in place until the upstream area is permanently stabilized. Until then, the silt fence must be inspected and maintained.
- Holes, depressions, or other ground disturbance caused by the removal of the silt fences should be backfilled and repaired.

References

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Goverments, May 1995.

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Southeastern Wisconsin Regional Planning Commission (SWRPC). Costs of Urban Nonpoint Source Water Pollution Control Measures. Technical Report No. 31. Southeastern Wisconsin Regional Planning Commission, Waukesha, WI. 1991

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Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Silt Fence

SE-1

PLAN

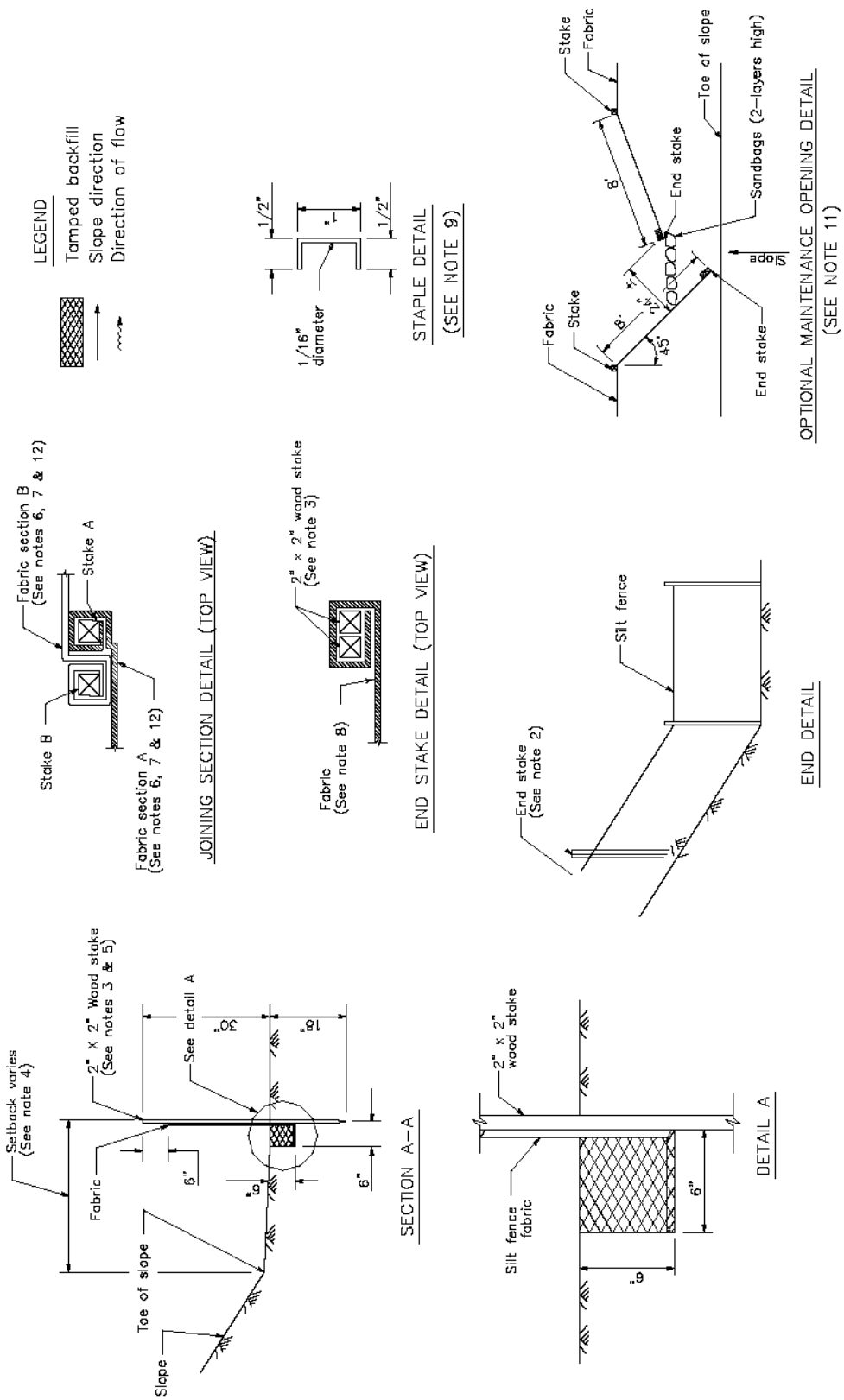
SILT FENCE

NOTES

1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/3 the height of the linear barrier, in no case shall the reach length exceed 500'.
2. The last 8'–0" of fence shall be turned up slope.
3. Stake dimensions are nominal.
4. Dimension may vary to fit field condition.
5. Stakes shall be spaced at 8'–0" maximum and shall be positioned on downstream side of fence.
6. Stakes to overlap and fence fabric to fold around each stake one full turn. Secure fabric to stake with 4 staples.
7. Stakes shall be driven tightly together to prevent potential flow–through of sediment at joint. The tops of the stakes shall be secured with wire.
8. For end stake, fence fabric shall be folded around two stakes one full turn and secured with 4 staples.
9. Minimum 4 staples per stake. Dimensions shown are typical.
10. Cross barriers shall be a minimum of 1/3 and a maximum of 1/2 the height of the linear barrier.
11. Maintenance openings shall be constructed in a manner to ensure sediment remains behind silt fence.
12. Joining sections shall not be placed at sump locations.
13. Sandbag rows and layers shall be offset to eliminate gaps.

CROSS BARRIER DETAIL

SECTION C–C


LEGEND
Tamped backfill
Slope direction
Direction of flow
1/2"
1"
1/2"
1/16" diameter
STAPLE DETAIL
(SEE NOTE 9)
Fabric section B (See notes 6, 7 & 12)
Stake A
Stake B
Fabric section A (See notes 6, 7 & 12)
JOINING SECTION DETAIL (TOP VIEW)
2" x 2" wood stake (See note 3)
Fabric (See note 8)
END STAKE DETAIL (TOP VIEW)
Stake
Fabric
Toe of slope
6'
End stake
Sandbags (2-layers high)
Slope
Fabric
Stake
8'
4'
45°
End stake
OPTIONAL MAINTENANCE OPENING DETAIL
(SEE NOTE 11)
Silt fence
End stake (See note 2)
END DETAIL
Setback varies (See note 4)
2" X 2" Wood stake (See notes 3 & 5)
See detail A
Fabric
6"
6"
6"
Toe of slope
Slope
SECTION A-A
2" x 2" wood stake
Silt fence fabric
6"
DETAIL A

Street Sweeping and Vacuuming SE-7



Objectives

EC	Erosion Control	
SE	Sediment Control	☒
TR	Tracking Control	☑
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	☑
Metals	
Bacteria	
Oil and Grease	☑
Organics	

Potential Alternatives

None

Description and Purpose

Street sweeping and vacuuming includes use of self-propelled and walk-behind equipment to remove sediment from streets and roadways, and to clean paved surfaces in preparation for final paving. Sweeping and vacuuming prevents sediment from the project site from entering storm drains or receiving waters.

Suitable Applications

Sweeping and vacuuming are suitable anywhere sediment is tracked from the project site onto public or private paved streets and roads, typically at points of egress. Sweeping and vacuuming are also applicable during preparation of paved surfaces for final paving.

Limitations

Sweeping and vacuuming may not be effective when sediment is wet or when tracked soil is caked (caked soil may need to be scraped loose).

Implementation

- Controlling the number of points where vehicles can leave the site will allow sweeping and vacuuming efforts to be focused, and perhaps save money.
- Inspect potential sediment tracking locations daily.
- Visible sediment tracking should be swept or vacuumed on a daily basis.

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- Do not use kick brooms or sweeper attachments. These tend to spread the dirt rather than remove it.
- If not mixed with debris or trash, consider incorporating the removed sediment back into the project

Costs

Rental rates for self-propelled sweepers vary depending on hopper size and duration of rental. Expect rental rates from $58/hour (3 yd^3 hopper) to $88/hour (9 yd^3 hopper), plus operator costs. Hourly production rates vary with the amount of area to be swept and amount of sediment. Match the hopper size to the area and expect sediment load to minimize time spent dumping.

Inspection and Maintenance

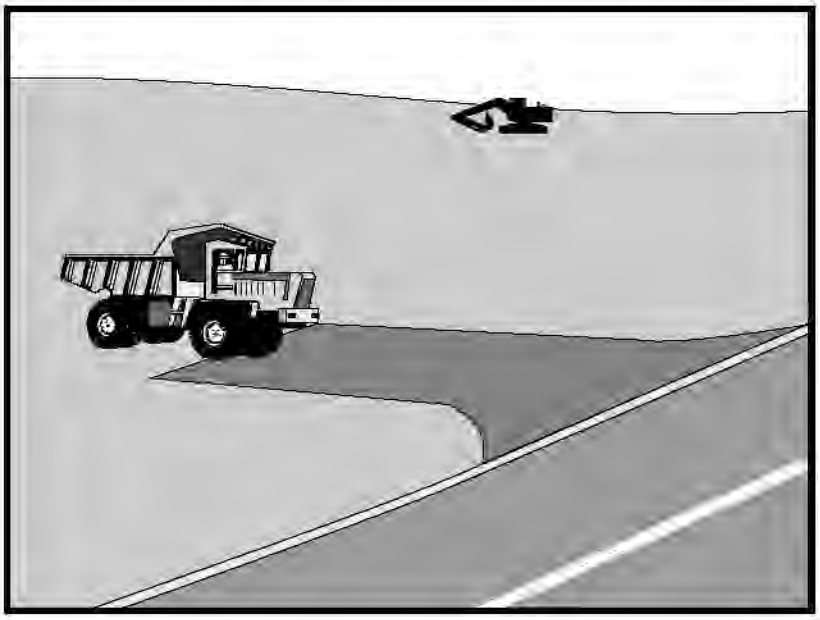
- Inspect BMPs prior to forecast rain, daily during extended rain events, after rain events, weekly during the rainy season, and at two-week intervals during the non-rainy season.
- When actively in use, points of ingress and egress must be inspected daily.
- When tracked or spilled sediment is observed outside the construction limits, it must be removed at least daily. More frequent removal, even continuous removal, may be required in some jurisdictions.
- Be careful not to sweep up any unknown substance or any object that may be potentially hazardous.
- Adjust brooms frequently; maximize efficiency of sweeping operations.
- After sweeping is finished, properly dispose of sweeper wastes at an approved dumpsite.

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Labor Surcharge and Equipment Rental Rates, State of California Department of Transportation (Caltrans), April 1, 2002 – March 31, 2003.

Stabilized Construction Entrance/Exit TC-1



Objectives

EC	Erosion Control	☒
SE	Sediment Control	☒
TC	Tracking Control	☑
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

A stabilized construction access is defined by a point of entrance/exit to a construction site that is stabilized to reduce the tracking of mud and dirt onto public roads by construction vehicles.

Suitable Applications

Use at construction sites:

- Where dirt or mud can be tracked onto public roads.
- Adjacent to water bodies.
- Where poor soils are encountered.
- Where dust is a problem during dry weather conditions.

Limitations

- Entrances and exits require periodic top dressing with additional stones.
- This BMP should be used in conjunction with street sweeping on adjacent public right of way.
- Entrances and exits should be constructed on level ground only.
- Stabilized construction entrances are rather expensive to construct and when a wash rack is included, a sediment trap of some kind must also be provided to collect wash water runoff.

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Stabilized Construction Entrance/Exit TC-1

Implementation

General

A stabilized construction entrance is a pad of aggregate underlain with filter cloth located at any point where traffic will be entering or leaving a construction site to or from a public right of way, street, alley, sidewalk, or parking area. The purpose of a stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public rights of way or streets. Reducing tracking of sediments and other pollutants onto paved roads helps prevent deposition of sediments into local storm drains and production of airborne dust.

Where traffic will be entering or leaving the construction site, a stabilized construction entrance should be used. NPDES permits require that appropriate measures be implemented to prevent tracking of sediments onto paved roadways, where a significant source of sediments is derived from mud and dirt carried out from unpaved roads and construction sites.

Stabilized construction entrances are moderately effective in removing sediment from equipment leaving a construction site. The entrance should be built on level ground. Advantages of the Stabilized Construction Entrance/Exit is that it does remove some sediment from equipment and serves to channel construction traffic in and out of the site at specified locations. Efficiency is greatly increased when a washing rack is included as part of a stabilized construction entrance/exit.

Design and Layout

- Construct on level ground where possible.
- Select 3 to 6 in. diameter stones.
- Use minimum depth of stones of 12 in. or as recommended by soils engineer.
- Construct length of 50 ft minimum, and 30 ft minimum width.
- Rumble racks constructed of steel panels with ridges and installed in the stabilized entrance/exit will help remove additional sediment and to keep adjacent streets clean.
- Provide ample turning radii as part of the entrance.
- Limit the points of entrance/exit to the construction site.
- Limit speed of vehicles to control dust.
- Properly grade each construction entrance/exit to prevent runoff from leaving the construction site.
- Route runoff from stabilized entrances/exits through a sediment trapping device before discharge.
- Design stabilized entrance/exit to support heaviest vehicles and equipment that will use it.
- Select construction access stabilization (aggregate, asphaltic concrete, concrete) based on longevity, required performance, and site conditions. Do not use asphalt concrete (AC) grindings for stabilized construction access/roadway.

- If aggregate is selected, place crushed aggregate over geotextile fabric to at least 12 in. depth, or place aggregate to a depth recommended by a geotechnical engineer. A crushed aggregate greater than 3 in. but smaller than 6 in. should be used.
- Designate combination or single purpose entrances and exits to the construction site.
- Require that all employees, subcontractors, and suppliers utilize the stabilized construction access.
- Implement SE-7, Street Sweeping and Vacuuming, as needed.
- All exit locations intended to be used for more than a two-week period should have stabilized construction entrance/exit BMPs.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMPs are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect local roads adjacent to the site daily. Sweep or vacuum to remove visible accumulated sediment.
- Remove aggregate, separate and dispose of sediment if construction entrance/exit is clogged with sediment.
- Keep all temporary roadway ditches clear.
- Check for damage and repair as needed.
- Replace gravel material when surface voids are visible.
- Remove all sediment deposited on paved roadways within 24 hours.
- Remove gravel and filter fabric at completion of construction

Costs

Average annual cost for installation and maintenance may vary from $1,200 to $4,800 each, averaging $2,400 per entrance. Costs will increase with addition of washing rack, and sediment trap. With wash rack, costs range from $1,200 - $6,000 each, averaging $3,600 per entrance.

References

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Goverments, May 1995.

National Management Measures to Control Nonpoint Source Pollution from Urban Areas, USEPA Agency, 2002.

Proposed Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Work Group Working Paper, USEPA, April 1992.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

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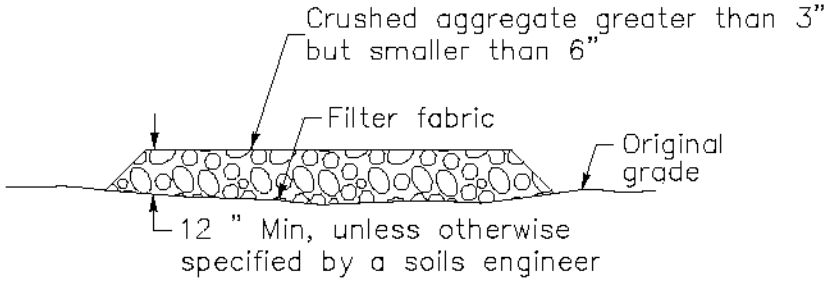
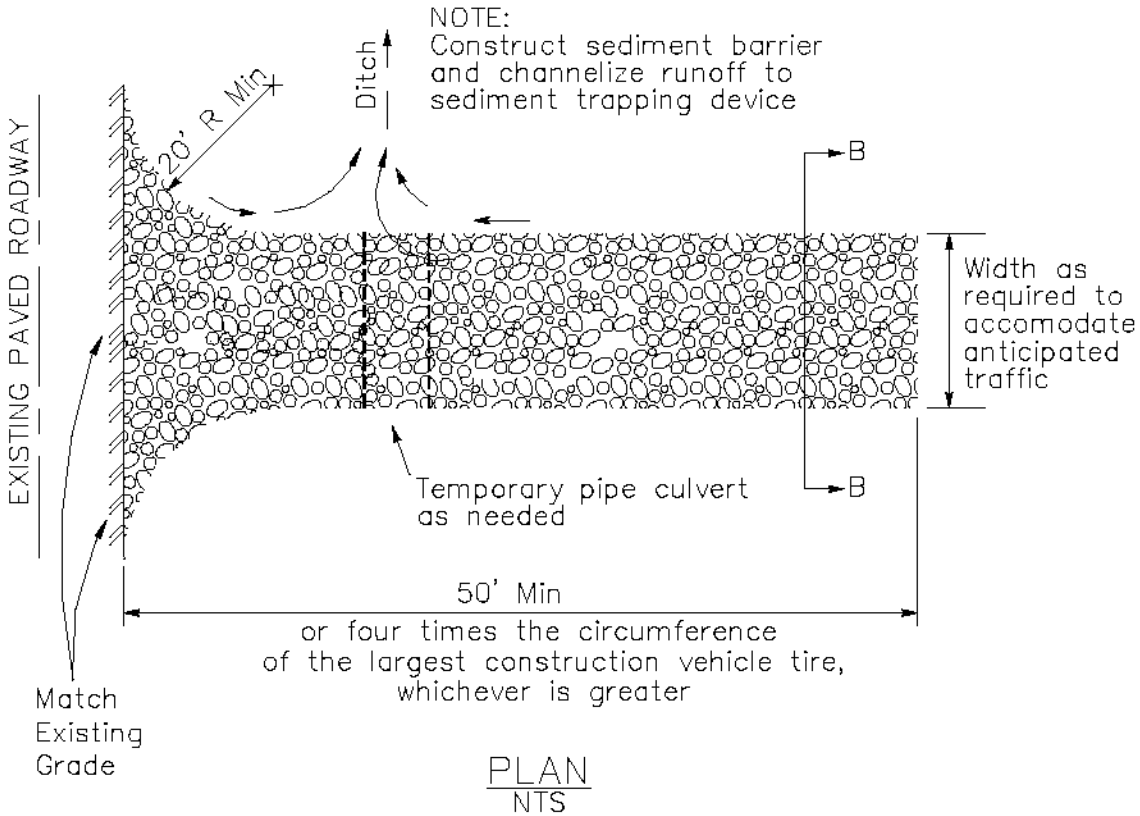
Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Stabilized Construction Entrance/Exit TC-1

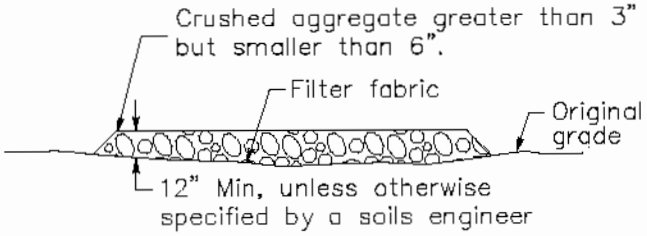


SECTION B–B
NTS



PLAN
NTS

Stabilized Construction Entrance/Exit TC-1



SECTION B–B
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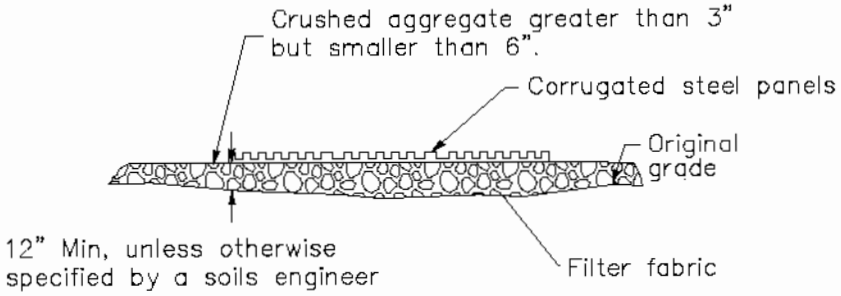
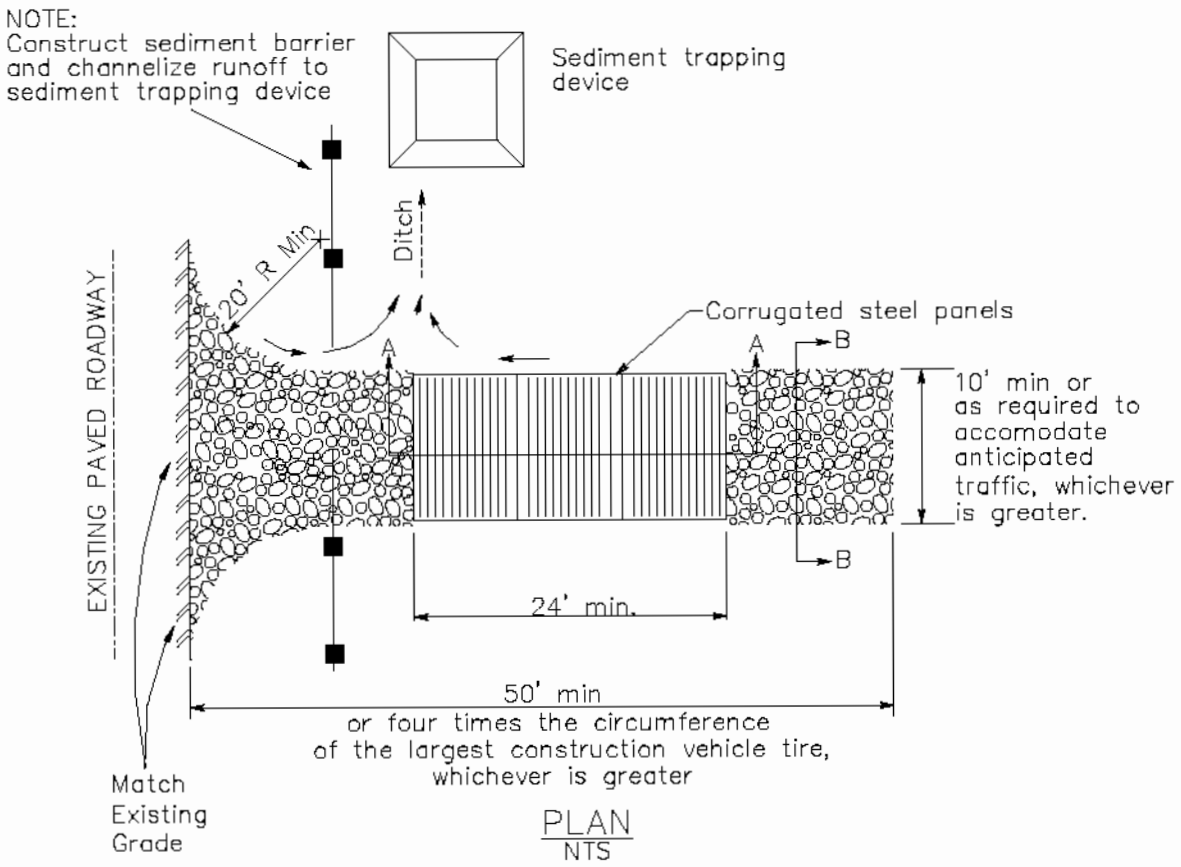


SECTION A–A
NOT TO SCALE



PLAN
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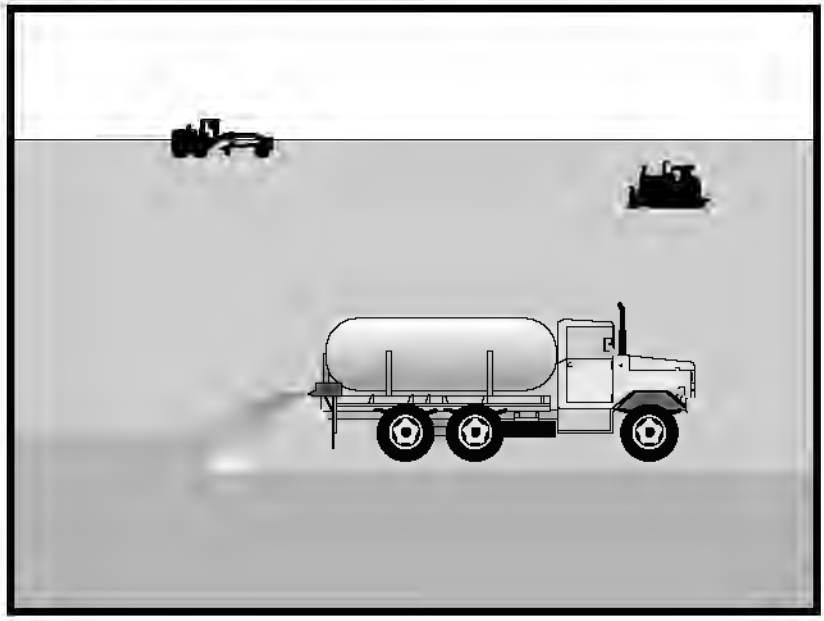
Wind Erosion Control WE-1



Objectives

EC	Erosion Control	
SE	Sediment Control	☒
TC	Tracking Control	
WE	Wind Erosion Control	☑
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

Wind erosion or dust control consists of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities. Covering small stockpiles or areas is an alternative to applying water or other dust palliatives.

Suitable Applications

Wind erosion control BMPs are suitable during the following construction activities:

- Construction vehicle traffic on unpaved roads
- Drilling and blasting activities
- Sediment tracking onto paved roads
- Soils and debris storage piles
- Batch drop from front-end loaders
- Areas with unstabilized soil
- Final grading/site stabilization

Limitations

- Watering prevents dust only for a short period and should be applied daily (or more often) to be effective.
- Over watering may cause erosion.

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- Oil or oil-treated subgrade should not be used for dust control because the oil may migrate into drainageways and/or seep into the soil.
- Effectiveness depends on soil, temperature, humidity, and wind velocity.
- Chemically treated sub grades may make the soil water repellant, interfering with long-term infiltration and the vegetation/re-vegetation of the site. Some chemical dust suppressants may be subject to freezing and may contain solvents and should be handled properly.
- Asphalt, as a mulch tack or chemical mulch, requires a 24-hour curing time to avoid adherence to equipment, worker shoes, etc. Application should be limited because asphalt surfacing may eventually migrate into the drainage system.
- In compacted areas, watering and other liquid dust control measures may wash sediment or other constituents into the drainage system.

Implementation

General

California's Mediterranean climate, with short wet seasons and long hot dry seasons, allows the soils to thoroughly dry out. During these dry seasons, construction activities are at their peak, and disturbed and exposed areas are increasingly subject to wind erosion, sediment tracking and dust generated by construction equipment.

Dust control, as a BMP, is a practice that is already in place for many construction activities. Los Angeles, the North Coast, and Sacramento, among others, have enacted dust control ordinances for construction activities that cause dust to be transported beyond the construction project property line.

Recently, the State Air Resources Control Board has, under the authority of the Clean Air Act, started to address air quality in relation to inhalable particulate matter less than 10 microns (PM-10). Approximately 90 percent of these small particles are considered to be dust. Existing dust control regulations by local agencies, municipal departments, public works department, and public health departments are in place in some regions within California.

Many local agencies require dust control in order to comply with local nuisance laws, opacity laws (visibility impairment) and the requirements of the Clean Air Act. The following are measures that local agencies may have already implemented as requirements for dust control from contractors:

- Construction and Grading Permits: Require provisions for dust control plans.
- Opacity Emission Limits: Enforce compliance with California air pollution control laws.
- Increase Overall Enforcement Activities: Priority given to cases involving citizen complaints.
- Maintain Field Application Records: Require records of dust control measures from contractor;
- Stormwater Pollution Prevention Plan: (SWPPP): Integrate dust control measures into SWPPP.

Dust Control Practices

Dust control BMPs generally stabilize exposed surfaces and minimize activities that suspend or track dust particles. The following table shows dust control practices that can be applied to site conditions that cause dust. For heavily traveled and disturbed areas, wet suppression (watering), chemical dust suppression, gravel asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, and haul truck covers can be employed as dust control applications. Permanent or temporary vegetation and mulching can be employed for areas of occasional or no construction traffic. Preventive measures would include minimizing surface areas to be disturbed, limiting onsite vehicle traffic to 15 mph, and controlling the number and activity of vehicles on a site at any given time.

SITE CONDITION	DUST CONTROL PRACTICES								
	Permanent Vegetation	Mulching	Wet Suppression (Watering)	Chemical Dust Suppression	Gravel or Asphalt	Silt Fences	Temporary Gravel Construction Entrances/Equipment Wash Down	Haul Truck Covers	Minimize Extent of Disturbed Area
Disturbed Areas not Subject to Traffic	X	X	X	X	X				X
Disturbed Areas Subject to Traffic			X	X	X		X		X
Material Stock Pile Stabilization			X	X		X			X
Demolition			X				X	X	
Clearing/ Excavation			X	X		X			X
Truck Traffic on Unpaved Roads			X	X	X		X	X	
Mud/Dirt Carry Out					X		X		

Additional preventive measures include:

- Schedule construction activities to minimize exposed area (EC-1, Scheduling).
- Quickly stabilize exposed soils using vegetation, mulching, spray-on adhesives, calcium chloride, sprinkling, and stone/gravel layering.
- Identify and stabilize key access points prior to commencement of construction.
- Minimize the impact of dust by anticipating the direction of prevailing winds.
- Direct most construction traffic to stabilized roadways within the project site.
- Water should be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.
- All distribution equipment should be equipped with a positive means of shutoff.
- Unless water is applied by means of pipelines, at least one mobile unit should be available at all times to apply water or dust palliative to the project.

- If reclaimed waste water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water should not be conveyed in tanks or drain pipes that will be used to convey potable water and there should be no connection between potable and non-potable supplies. Non-potable tanks, pipes, and other conveyances should be marked, "NON-POTABLE WATER - DO NOT DRINK."
- Materials applied as temporary soil stabilizers and soil binders also generally provide wind erosion control benefits.
- Pave or chemically stabilize access points where unpaved traffic surfaces adjoin paved roads.
- Provide covers for haul trucks transporting materials that contribute to dust.
- Provide for wet suppression or chemical stabilization of exposed soils.
- Provide for rapid clean up of sediments deposited on paved roads. Furnish stabilized construction road entrances and vehicle wash down areas.
- Stabilize inactive construction sites using vegetation or chemical stabilization methods.
- Limit the amount of areas disturbed by clearing and earth moving operations by scheduling these activities in phases.

For chemical stabilization, there are many products available for chemically stabilizing gravel roadways and stockpiles. If chemical stabilization is used, the chemicals should not create any adverse effects on stormwater, plant life, or groundwater.

Costs

Installation costs for water and chemical dust suppression are low, but annual costs may be quite high since these measures are effective for only a few hours to a few days.

Inspection and Maintenance

- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Check areas protected to ensure coverage.
- Most dust control measures require frequent, often daily, or multiple times per day attention.

References

Best Management Practices and Erosion Control Manual for Construction Sites, Flood Control District of Maricopa County, Arizona, September 1992.

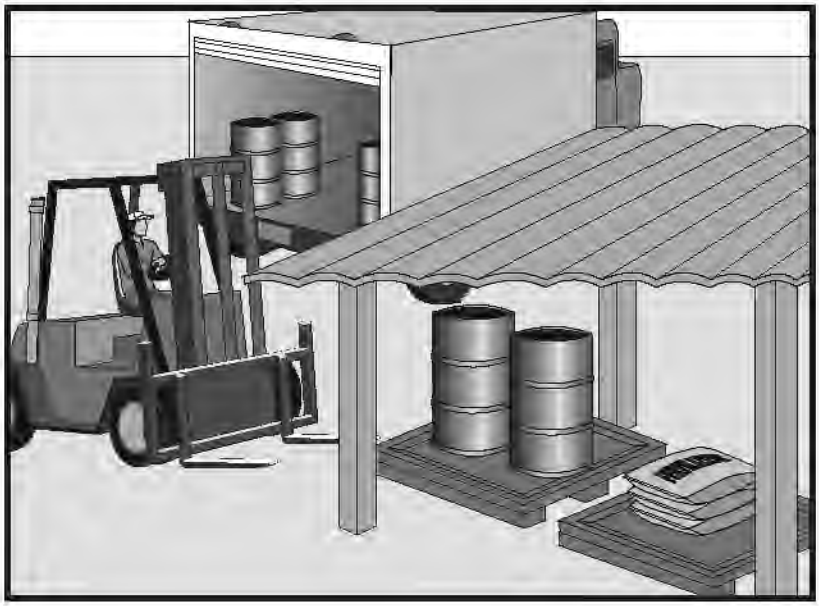
California Air Pollution Control Laws, California Air Resources Board, 1992.

Caltrans, Standard Specifications, Sections 10, "Dust Control"; Section 17, "Watering"; and Section 18, "Dust Palliative".

Prospects for Attaining the State Ambient Air Quality Standards for Suspended Particulate Matter (PM10), Visibility Reducing Particles, Sulfates, Lead, and Hydrogen Sulfide, California Air Resources Board, April 1991.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Material Delivery and Storage WM-1



Objectives		
EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:
☑ **Primary Objective**
☒ **Secondary Objective**

Targeted Constituents	
Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

Description and Purpose

Prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

This best management practice covers only material delivery and storage. For other information on materials, see WM-2, Material Use, or WM-4, Spill Prevention and Control. For information on wastes, see the waste management BMPs in this section.

Suitable Applications

These procedures are suitable for use at all construction sites with delivery and storage of the following materials:

- Soil stabilizers and binders
- Pesticides and herbicides
- Fertilizers
- Detergents
- Plaster
- Petrolenm products such as fuel, oil, and grease
- Asphalt and concrete components

- Hazardous chemicals such as acids, lime, glues, adhesives, paints, solvents, and curing compounds
- Concrete compounds
- Other materials that may be detrimental if released to the environment

Limitations

- Space limitation may preclude indoor storage.
- Storage sheds often must meet building and fire code requirements.

Implementation

The following steps should be taken to minimize risk:

- Temporary storage area should be located away from vehicular traffic.
- Material Safety Data Sheets (MSDS) should be supplied for all materials stored.
- Construction site areas should be designated for material delivery and storage.
- Material delivery and storage areas should be located near the construction entrances, away from waterways, if possible.
  - Avoid transport near drainage paths or waterways.
  - Surround with earth berms. See EC-9, Earth Dikes and Drainage Swales.
  - Place in an area which will be paved.
- Storage of reactive, ignitable, or flammable liquids must comply with the fire codes of your area. Contact the local Fire Marshal to review site materials, quantities, and proposed storage area to determine specific requirements. See the Flammable and Combustible Liquid Code, NFPA30.
- An up to date inventory of materials delivered and stored onsite should be kept.
- Hazardous materials storage onsite should be minimized.
- Hazardous materials should be handled as infrequently as possible.
- During the rainy season, consider storing materials in a covered area. Store materials in secondary containments such as earthen dike, horse trough, or even a children's wading pool for non-reactive materials such as detergents, oil, grease, and paints. Small amounts of material may be secondarily contained in "bus boy" trays or concrete mixing trays.
- Do not store chemicals, drnms, or bagged materials directly on the ground. Place these items on a pallet and, when possible, in secondary containment.

- If drums must be kept uncovered, store them at a slight angle to reduce ponding of rainwater on the lids to reduce corrosion. Domed plastic covers are inexpensive and snap to the top of drums, preventing water from collecting.
- Chemicals should be kept in their original labeled containers.
- Employees and subcontractors should be trained on the proper material delivery and storage practices.
- Employees trained in emergency spill cleanup procedures must be present when dangerous materials or liquid chemicals are unloaded.
- If significant residual materials remain on the ground after construction is complete, properly remove materials and any contaminated soil. See WM-7, Contaminated Soil Management. If the area is to be paved, pave as soon as materials are removed to stabilize the soil.

Material Storage Areas and Practices

- Liquids, petroleum products, and substances listed in 40 CFR Parts 110, 117, or 302 should be stored in approved containers and drums and should not be overfilled. Containers and drums should be placed in temporary containment facilities for storage.
- A temporary containment facility should provide for a spill containment volume able to contain precipitation from a 25 year storm event, plus the greater of 10% of the aggregate volume of all containers or 100% of the capacity of the largest container within its boundary, whichever is greater.
- A temporary containment facility should be impervious to the materials stored therein for a minimum contact time of 72 hours.
- A temporary containment facility should be maintained free of accumulated rainwater and spills. In the event of spills or leaks, accumulated rainwater and spills should be collected and placed into drums. These liquids should be handled as a hazardous waste unless testing determines them to be non-hazardous. All collected liquids or non-hazardous liquids should be sent to an approved disposal site.
- Sufficient separation should be provided between stored containers to allow for spill cleanup and emergency response access.
- Incompatible materials, such as chlorine and ammonia, should not be stored in the same temporary containment facility.
- Throughout the rainy season, each temporary containment facility should be covered during non-working days, prior to, and during rain events.
- Materials should be stored in their original containers and the original product labels should be maintained in place in a legible condition. Damaged or otherwise illegible labels should be replaced immediately.

- Bagged and boxed materials should be stored on pallets and should not be allowed to accumulate on the ground. To provide protection from wind and rain throughout the rainy season, bagged and boxed materials should be covered during non-working days and prior to and during rain events.
- Stockpiles should be protected in accordance with WM-3, Stockpile Management.
- Materials should be stored indoors within existing structures or sheds when available.
- Proper storage instructions should be posted at all times in an open and conspicuous location.
- An ample supply of appropriate spill clean up material should be kept near storage areas.
- Also see WM-6, Hazardous Waste Management, for storing of hazardous materials.

Material Delivery Practices

- Keep an accurate, up-to-date inventory of material delivered and stored onsite.
- Arrange for employees trained in emergency spill cleanup procedures to be present when dangerous materials or liquid chemicals are unloaded.

Spill Cleanup

- Contain and clean up any spill immediately.
- Properly remove and dispose of any hazardous materials or contaminated soil if significant residual materials remain on the ground after construction is complete. See WM-7, Contaminated Soil Management.
- See WM-4, Spill Prevention and Control, for spills of chemicals and/or hazardous materials.

Cost

- The largest cost of implementation may be in the construction of a materials storage area that is covered and provides secondary containment.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation.
- Keep an ample supply of spill cleanup materials near the storage area.
- Keep storage areas clean, well organized, and equipped with ample cleanup supplies as appropriate for the materials being stored.
- Repair or replace perimeter controls, contaiument structures, covers, and liners as needed to maintain proper function.

References

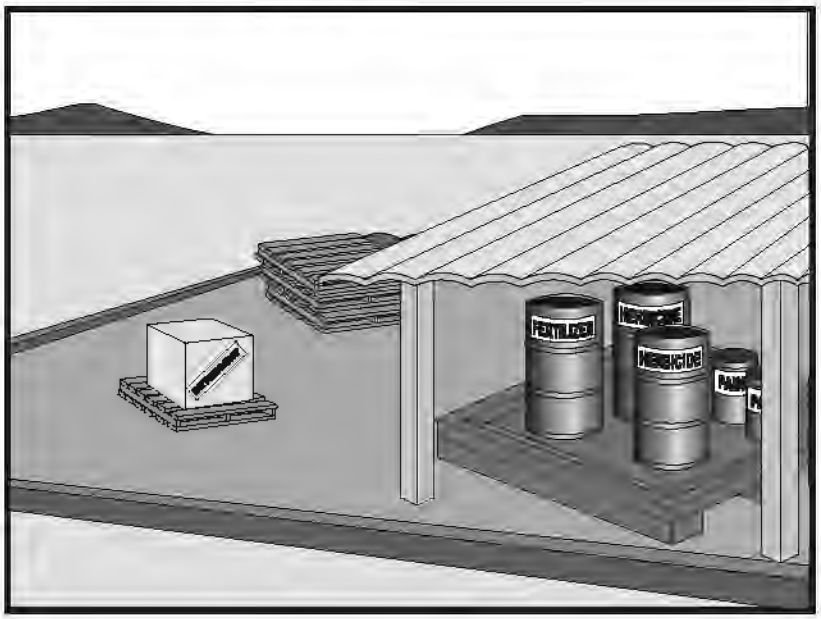
Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance, Working Group Working Paper; USEPA, April 1992.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

Material Use WM-2



Objectives

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

Description and Purpose

Prevent or reduce the discharge of pollutants to the storm drain system or watercourses from material use by using alternative products, minimizing hazardous material use onsite, and training employees and subcontractors.

Suitable Applications

This BMP is suitable for use at all construction projects. These procedures apply when the following materials are used or prepared onsite:

- Pesticides and herbicides
- Fertilizers
- Detergents
- Plaster
- Petroleum products such as fuel, oil, and grease
- Asphalt and other concrete components
- Other hazardous chemicals such as acids, lime, glues, adhesives, paints, solvents, and curing compounds
- Concrete compounds
- Other materials that may be detrimental if released to the enviroument

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Limitations

Safer alternative building and construction products may not be available or suitable in every instance.

Implementation

The following steps should be taken to minimize risk:

- Minimize use of hazardous materials onsite.
- Follow manufacturer instructions regarding uses, protective equipment, ventilation, flammability, and mixing of chemicals.
- Train personnel who use pesticides. The California Department of Pesticide Regulation and county agricultural commissioners license pesticide dealers, certify pesticide applicators, and conduct onsite inspections.
- Do not over-apply fertilizers, herbicides, and pesticides. Prepare only the amount needed. Follow the recommended usage instructions. Over-application is expensive and environmentally harmful. Unless on steep slopes, till fertilizers into the soil rather than hydro seeding. Apply surface dressings in several smaller applications, as opposed to one large application, to allow time for infiltration and to avoid excess material being carried offsite by runoff. Do not apply these chemicals just before it rains.
- Train employees and subcontractors in proper material use.
- Supply Material Safety Data Sheets (MSDS) for all materials.
- Dispose of latex paint and paint cans, used brushes, rags, absorbent materials, and drop cloths, when thoroughly dry and are no longer hazardous, with other construction debris.
- Do not remove the original product label; it contains important safety and disposal information. Use the entire product before disposing of the container.
- Mix paint indoors or in a containment area. Never clean paintbrushes or rinse paint containers into a street, gutter, storm drain, or watercourse. Dispose of any paint thinners, residue, and sludge(s) that cannot be recycled, as hazardous waste.
- For water-based paint, clean brushes to the extent practicable, and rinse to a drain leading to a sanitary sewer where permitted, or into a concrete washout pit or temporary sediment trap. For oil-based paints, clean brushes to the extent practicable, and filter and reuse thinners and solvents.
- Use recycled and less hazardous products when practical. Recycle residual paints, solvents, non-treated lnmber, and other materials.
- Use materials only where and when needed to complete the construction activity. Use safer alternative materials as much as possible. Reduce or eliminate use of hazardous materials onsite when practical.

- Require contractors to complete the "Report of Chemical Spray Forms" when spraying herbicides and pesticides.
- Keep an ample supply of spill clean up material near use areas. Train employees in spill clean up procedures.
- Avoid exposing applied materials to rainfall and runoff unless sufficient time has been allowed for them to dry.

Costs

All of the above are low cost measures.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two–week intervals in the non-rainy season to verify continued BMP implementation.
- Maintenance of this best management practice is minimal.
- Spot check employees and subcontractors throughout the job to ensure appropriate practices are being employed.

References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance, Working Group Working Paper; USEPA, April 1992.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

Stockpile Management WM-3



Objectives

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Description and Purpose

Stockpile Management procedures and practices are designed to reduce or eliminate air and stormwater pollution from stockpiles of soil, paving materials such as portland cement concrete (PCC) rubble, asphalt concrete (AC), asphalt concrete rubble, aggregate base, aggregate sub base or pre-mixed aggregate, asphalt minder (so called "cold mix" asphalt), and pressure treated wood.

Suitable Applications

Implement in all projects that stockpile soil and other materials.

Limitations

None identified.

Implementation

Protection of stockpiles is a year-round requirement. To properly manage stockpiles:

- Locate stockpiles a minimum of 50 ft away from concentrated flows of stormwater, drainage courses, and inlets.
- Protect all stockpiles from stormwater runon using a temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale barriers.

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

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- Implement wind erosion control practices as appropriate on all stockpiled material. For specific information, see WE-1, Wind Erosion Control.
- Manage stockpiles of contaminated soil in accordance with WM-7, Contaminated Soil Management.
- Place bagged materials on pallets and under cover.

Protection of Non-Active Stockpiles

Non-active stockpiles of the identified materials should be protected further as follows:

Soil stockpiles

- During the rainy season, soil stockpiles should be covered or protected with soil stabilization measures and a temporary perimeter sediment barrier at all times.
- During the non-rainy season, soil stockpiles should be covered or protected with a temporary perimeter sediment barrier prior to the onset of precipitation.

Stockpiles of Portland cement concrete rubble, asphalt concrete, asphalt concrete rubble, aggregate base, or aggregate sub base

- During the rainy season, the stockpiles should be covered or protected with a temporary perimeter sediment barrier at all times.
- During the non-rainy season, the stockpiles should be covered or protected with a temporary perimeter sediment barrier prior to the onset of precipitation.

Stockpiles of "cold mix"

- During the rainy season, cold mix stockpiles should be placed on and covered with plastic or comparable material at all times.
- During the non-rainy season, cold mix stockpiles should be placed on and covered with plastic or comparable material prior to the onset of precipitation.

Stockpiles/Storage of pressure treated wood with copper, chromium, and arsenic or ammonical, copper, zinc, and arsenate

- During the rainy season, treated wood should be covered with plastic or comparable material at all times.
- During the non-rainy season, treated wood should be covered with plastic or comparable material at all times and cold mix stockpiles should be placed on and covered with plastic or comparable material prior to the onset of precipitation.

Protection of Active Stockpiles

Active stockpiles of the identified materials should be protected further as follows:

- All stockpiles should be protected with a temporary linear sediment barrier prior to the onset of precipitation.
- Stockpiles of "cold mix" should be placed on and covered with plastic or comparable material prior to the onset of precipitation.

Costs

All of the above are low cost measures.

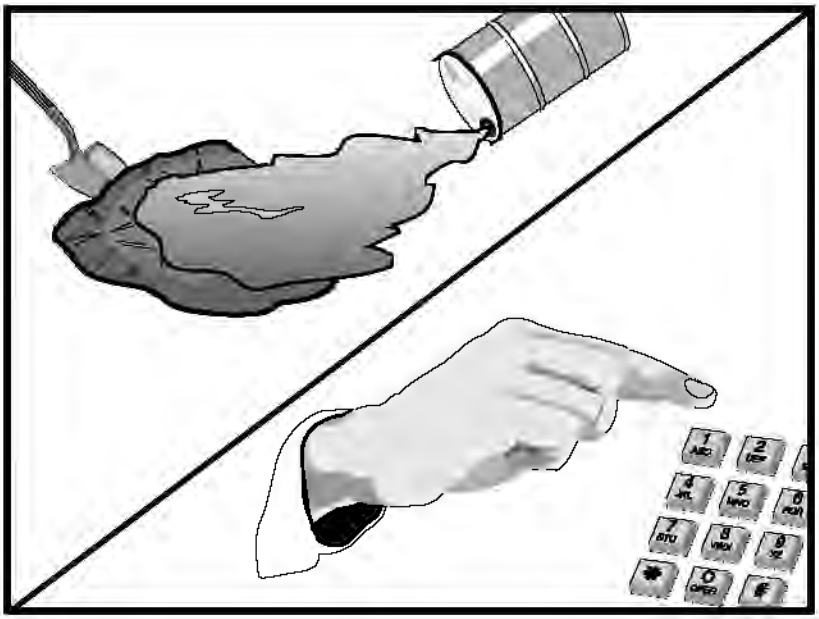
Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation
- Repair and/or replace perimeter controls and covers as needed to keep them functioning properly.

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Spill Prevention and Control WM-4



Description and Purpose

Prevent or reduce the discharge of pollutants to drainage systems or watercourses from leaks and spills by reducing the chance for spills, stopping the source of spills, containing and cleaning up spills, properly disposing of spill materials, and training employees.

This best management practice covers only spill prevention and control. However, WM-1, Materials Delivery and Storage, and WM-2, Material Use, also contain useful information, particularly on spill prevention. For information on wastes, see the waste management BMPs in this section.

Suitable Applications

This BMP is suitable for all construction projects. Spill control procedures are implemented anytime chemicals or hazardous substances are stored on the construction site, including the following materials:

- Soil stabilizers/binders
- Dust palliatives
- Herbicides
- Growth inhibitors
- Fertilizers
- Deicing/anti-icing chemicals

Objectives

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

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- Fuels
- Lubricants
- Other petroleum distillates

Limitations

- In some cases it may be necessary to use a private spill cleanup company.
- This BMP applies to spills caused by the contractor and subcontractors.
- Procedures and practices presented in this BMP are general. Contractor should identify appropriate practices for the specific materials used or stored onsite

Implementation

The following steps will help reduce the stormwater impacts of leaks and spills:

Education

- Be aware that different materials pollute in different amounts. Make sure that each employee knows what a "significant spill" is for each material they use, and what is the appropriate response for "significant" and "insignificant" spills.
- Educate employees and subcontractors on potential dangers to humans and the envirounment from spills and leaks.
- Hold regular meetings to discuss and reinforce appropriate disposal procedures (incorporate into regular safety meetings).
- Establish a continuing education program to indoctrinate new employees.
- Have contractor's superintendent or representative oversee and enforce proper spill prevention and control measures.

General Measures

- To the extent that the work can be accomplished safely, spills of oil, petroleum products, substances listed under 40 CFR parts 110,117, and 302, and sanitary and septic wastes should be contained and cleaned up immediately.
- Store hazardous materials and wastes in covered containers and protect from vandalism.
- Place a stockpile of spill cleanup materials where it will be readily accessible.
- Train employees in spill prevention and cleanup.
- Designate responsible individuals to oversee and enforce control measures.
- Spills should be covered and protected from stormwater runon during rainfall to the extent that it doesn't compromise clean up activities.
- Do not bury or wash spills with water.

- Store and dispose of used clean up materials, contaminated materials, and recovered spill material that is no longer suitable for the intended purpose in conformance with the provisions in applicable BMPs.
- Do not allow water used for cleaning and decontamination to enter storm drains or watercourses. Collect and dispose of contaminated water in accordance with WM-10, Liquid Waste Management.
- Contain water overflow or minor water spillage and do not allow it to discharge into drainage facilities or watercourses.
- Place proper storage, cleanup, and spill reporting instructions for hazardous materials stored or used on the project site in an open, conspicuous, and accessible location.
- Keep waste storage areas clean, well organized, and equipped with ample cleanup supplies as appropriate for the materials being stored. Perimeter controls, containment structures, covers, and liners should be repaired or replaced as needed to maintain proper function.

Cleanup

- Clean up leaks and spills immediately.
- Use a rag for small spills on paved surfaces, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be sent to either a certified laundry (rags) or disposed of as hazardous waste.
- Never hose down or bury dry material spills. Clean up as much of the material as possible and dispose of properly. See the waste management BMPs in this section for specific information.

Minor Spills

- Minor spills typically involve small quantities of oil, gasoline, paint, etc. which can be controlled by the first responder at the discovery of the spill.
- Use absorbent materials on small spills rather than hosing down or burying the spill.
- Absorbent materials should be promptly removed and disposed of properly.
- Follow the practice below for a minor spill:
  - Contain the spread of the spill.
  - Recover spilled materials.
  - Clean the contaminated area and properly dispose of contaminated materials.

Semi-Significant Spills

- Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

- Spills should be cleaned up immediately:
  - Contain spread of the spill.
  - Notify the project foreman immediately.
  - If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
  - If the spill occurs in dirt areas, immediately contain the spill by constructing an earthen dike. Dig up and properly dispose of contaminated soil.
  - If the spill occurs during rain, cover spill with tarps or other material to prevent contaminating runoff.

Significant/Hazardous Spills

- For significant or hazardous spills that cannot be controlled by personnel in the immediate vicinity, the following steps should be taken:
  - Notify the local emergency response by dialing 911. In addition to 911, the contractor will notify the proper county officials. It is the contractor's responsibility to have all emergency phone numbers at the construction site.
  - Notify the Governor's Office of Emergency Services Warning Center, (916) 845-8911.
  - For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 110,119, and 302, the contractor should notify the National Response Center at (800) 424-8802.
  - Notification should first be made by telephone and followed up with a written report.
  - The services of a spills contractor or a Haz-Mat team should be obtained immediately. Construction personnel should not attempt to clean up until the appropriate and qualified staffs have arrived at the job site.
  - Other agencies which may need to be consulted include, but are not limited to, the Fire Department, the Public Works Department, the Coast Guard, the Highway Patrol, the City/County Police Department, Department of Toxic Substances, California Division of Oil and Gas, Cal/OSHA, etc.

Reporting

- Report significant spills to local agencies, such as the Fire Department; they can assist in cleanup.
- Federal regulations require that any significant oil spill into a water body or onto an adjoining shoreline be reported to the National Response Center (NRC) at 800-424-8802 (24 hours).

Use the following measures related to specific activities:

Vehicle and Equipment Maintenance

- If maintenance must occur onsite, use a designated area and a secondary containment, located away from drainage courses, to prevent the runon of stormwater and the runoff of spills.
- Regularly inspect onsite vehicles and equipment for leaks and repair immediately
- Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment onsite.
- Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
- Place drip pans or absorbent materials under paving equipment when not in use.
- Use absorbent materials on small spills rather than hosing down or burying the spill. Remove the absorbent materials promptly and dispose of properly.
- Promptly transfer used fluids to the proper waste or recycling drnms. Don't leave full drip pans or other open containers lying around
- Oil filters disposed of in trashcans or dumpsters can leak oil and pollute stormwater. Place the oil filter in a funnel over a waste oil-recycling drum to drain excess oil before disposal. Oil filters can also be recycled. Ask the oil supplier or recycler about recycling oil filters.
- Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

Vehicle and Equipment Fueling

- If fueling must occur onsite, use designate areas, located away from drainage courses, to prevent the runon of stormwater and the runoff of spills.
- Discourage "topping off" of fuel tanks.
- Always use secondary containment, such as a drain pan, when fueling to catch spills/ leaks.

Costs

Prevention of leaks and spills is inexpensive. Treatment and/ or disposal of contaminated soil or water can be quite expensive.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect BMPs subject to non-stormwater discharge daily while non-stormwater discharges occur.

- Keep ample supplies of spill control and cleanup materials onsite, near storage, unloading, and maintenance areas.
- Update your spill prevention and control plan and stock cleanup materials as changes occur in the types of chemicals onsite.

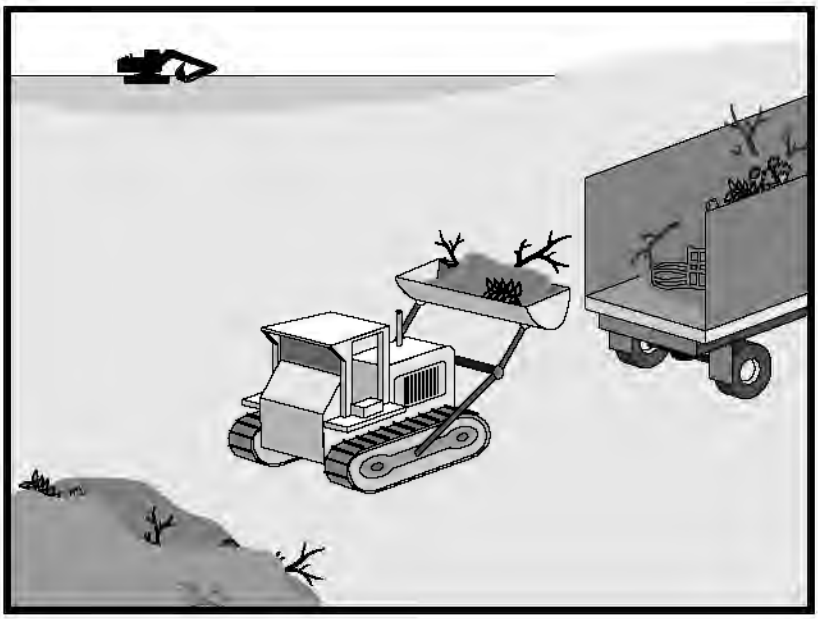
References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

Solid Waste Management WM-5



Objectives

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

Description and Purpose

Solid waste management procedures and practices are designed to prevent or reduce the discharge of pollutants to stormwater from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.

Suitable Applications

This BMP is suitable for construction sites where the following wastes are generated or stored:

- Solid waste generated from trees and shrubs removed during land clearing, demolition of existing structures (rubble), and building construction
- Packaging materials including wood, paper, and plastic
- Scrap or surplus building materials including scrap metals, rubber, plastic, glass pieces and masonry products
- Domestic wastes including food containers such as beverage cans, coffee cups, paper bags, plastic wrappers, and cigarettes
- Construction wastes including brick, mortar, timber, steel and metal scraps, pipe and electrical cuttings, non-hazardous equipment parts, styrofoam and other materials used to transport and package construction materials

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- Highway planting wastes, including vegetative material, plant containers, and packaging materials

Limitations

Temporary stockpiling of certain construction wastes may not necessitate stringent drainage related controls during the non-rainy season or in desert areas with low rainfall.

Implementation

The following steps will help keep a clean site and reduce stormwater pollution:

- Select designated waste collection areas onsite.
- Inform trash-hauling contractors that you will accept only watertight dumpsters for onsite use. Inspect dumpsters for leaks and repair any dumpster that is not watertight.
- Locate containers in a covered area or in a secondary containment.
- Provide an adequate number of containers with lids or covers that can be placed over the container to keep rain out or to prevent loss of wastes when it is windy.
- Plan for additional containers and more frequent pickup during the demolition phase of construction.
- Collect site trash daily, especially during rainy and windy conditions.
- Remove this solid waste promptly since erosion and sediment control devices tend to collect litter.
- Make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.
- Do not hose out dumpsters on the construction site. Leave dumpster cleaning to the trash hauling contractor.
- Arrange for regular waste collection before containers overflow.
- Clean up immediately if a container does spill.
- Make sure that construction waste is collected, removed, and disposed of only at authorized disposal areas.

Education

- Have the contractor's superintendent or representative oversee and enforce proper solid waste management procedures and practices.
- Instruct employees and subcontractors on identification of solid waste and hazardous waste.
- Educate employees and subcontractors on solid waste storage and disposal procedures.

- Hold regular meetings to discuss and reinforce disposal procedures (incorporate into regular safety meetings).
- Require that employees and subcontractors follow solid waste handling and storage procedures.
- Prohibit littering by employees, subcontractors, and visitors.
- Minimize production of solid waste materials wherever possible.

Collection, Storage, and Disposal

- Littering on the project site should be prohibited.
- To prevent clogging of the storm drainage system, litter and debris removal from drainage grates, trash racks, and ditch lines should be a priority.
- Trash receptacles should be provided in the contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods.
- Litter from work areas within the construction limits of the project site should be collected and placed in watertight dumpsters at least weekly, regardless of whether the litter was generated by the contractor, the public, or others. Collected litter and debris should not be placed in or next to drain inlets, stormwater drainage systems, or watercourses.
- Dumpsters of sufficient size and number should be provided to contain the solid waste generated by the project.
- Full dumpsters should be removed from the project site and the contents should be disposed of by the trash hauling contractor.
- Construction debris and waste should be removed from the site biweekly or more frequently as needed.
- Construction material visible to the public should be stored or stacked in an orderly manner.
- Stormwater runon should be prevented from contacting stored solid waste through the use of berms, dikes, or other temporary diversion structures or through the use of measures to elevate waste from site surfaces.
- Solid waste storage areas should be located at least 50 ft from drainage facilities and watercourses and should not be located in areas prone to flooding or ponding.
- Except during fair weather, construction and highway planting waste not stored in watertight dumpsters should be securely covered from wind and rain by covering the waste with tarps or plastic.
- Segregate potentially hazardous waste from non-hazardous construction site waste.
- Make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.

- For disposal of hazardous waste, see WM-6, Hazardous Waste Management. Have hazardous waste hauled to an appropriate disposal and/or recycling facility.
- Salvage or recycle useful vegetation debris, packaging and surplus building materials when practical. For example, trees and shrubs from land clearing can be used as a brush barrier, or converted into wood chips, then used as mulch on graded areas. Wood pallets, cardboard boxes, and construction scraps can also be recycled.

Costs

All of the above are low cost measures.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect BMPs subject to non-stormwater discharge daily while non-stormwater discharges occur
- Inspect construction waste area regularly.
- Arrange for regular waste collection.

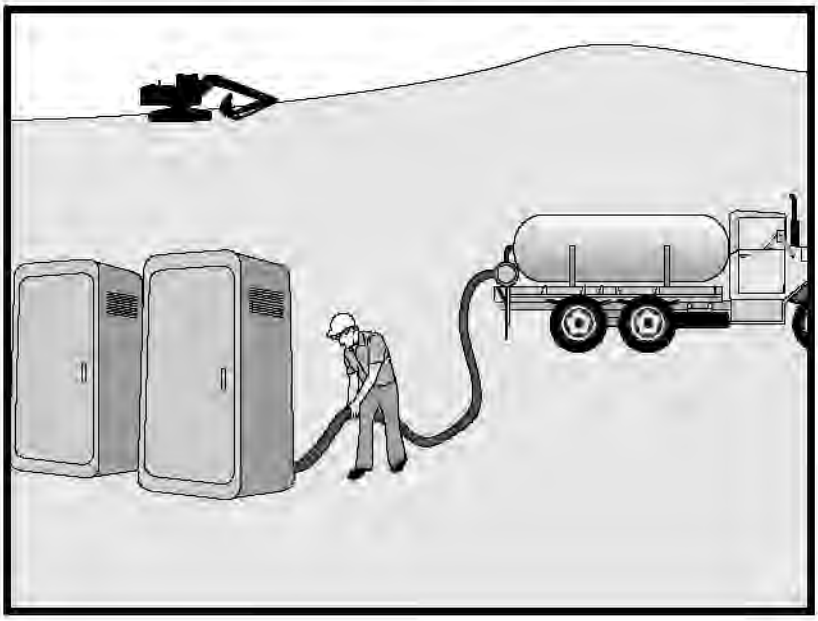
References

Processes, Procedures and Methods to Control Pollution Resulting from All Construction Activity, 430/9-73-007, USEPA, 1973.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

Sanitary/Septic Waste Management WM-9



Objectives

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	☑

Legend:

☑ **Primary Objective**

☒ **Secondary Objective**

Targeted Constituents

Sediment	
Nutrients	☑
Trash	☑
Metals	
Bacteria	☑
Oil and Grease	
Organics	☑

Potential Alternatives

None

Description and Purpose

Proper sanitary and septic waste management prevent the discharge of pollutants to stormwater from sanitary and septic waste by providing convenient, well-maintained facilities, and arranging for regular service and disposal.

Suitable Applications

Sanitary septic waste management practices are suitable for use at all construction sites that use temporary or portable sanitary and septic waste systems.

Limitations

None identified.

Implementation

Sanitary or septic wastes should be treated or disposed of in accordance with state and local requirements. In many cases, one contract with a local facility supplier will be all that it takes to make sure sanitary wastes are properly disposed.

Storage and Disposal Procedures

- Temporary sanitary facilities should be located away from drainage facilities, watercourses, and from traffic circulation. When subjected to high winds or risk of high winds, temporary sanitary facilities should be secured to prevent overturning.
- Wastewater should not be discharged or buried within the project site.

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WM-9 Sanitary/Septic Waste Management

- Sanitary and septic systems that discharge directly into sanitary sewer systems, where permissible, should comply with the local health agency, city, county, and sewer district requirements.
- Only reputable, licensed sanitary and septic waste haulers should be used.
- Sanitary facilities should be located in a convenient location.
- Untreated raw wastewater should never be discharged or buried.
- Temporary septic systems should treat wastes to appropriate levels before discharging.
- If using an onsite disposal system (OSDS), such as a septic system, local health agency requirements must be followed.
- Temporary sanitary facilities that discharge to the sanitary sewer system should be properly connected to avoid illicit discharges.
- Sanitary and septic facilities should be maintained in good working order by a licensed service.
- Regular waste collection by a licensed hauler should be arranged before facilities overflow.

Education

- Educate employees, subcontractors, and suppliers on sanitary and septic waste storage and disposal procedures.
- Educate employees, subcontractors, and suppliers of potential dangers to humans and the envirounent from sanitary and septic wastes.
- Instruct employees, subcontractors, and suppliers in identification of sanitary and septic waste.
- Hold regular meetings to discuss and reinforce disposal procedures (incorporate into regular safety meetings).
- Establish a continuing education program to indoctrinate new employees.

Costs

All of the above are low cost measures.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and of two-week intervals in the non-rainy season to verify continued BMP implementation.
- Arrange for regular waste collection.
- If high winds are expected, portable sanitary facilities must be secured with spikes or weighed down to prevent over turning.

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

Attachment E

Program for Maintenance, Inspection, and Repair of Construction Site BMPs

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP		
BEST MANAGEMENT PRACTICES (BMPs)	**INSPECTION FREQUENCY (all controls)**	**MAINTENANCE/REPAIR PROGRAM**
TEMPORARY EROSION CONTROL BMPs		
EC-1, Schedule	Update when construction schedule changes and specifically prior to the wet season.	■ Submit SWPPP Amendments. ■ Modify BMP's as required. ■
EC-2, Preservation of Existing Vegetation	As Necessary	■ Do not disturb surrounding lands vegetation whenever possible.
TEMPORARY SEDIMENT CONTROL BMPs		
SE-1, Silt Fence	As Necessary	■ Inspect prior to forecast rain and daily during extended rain events. ■ Repair undercut silt fences. ■ Accumulated sediment must be periodically removed to maintain effectiveness.
SE-7, Street Sweeping and Vacuuming	As needed, prior to, or just after a storm event.	■ Schedule regular street vacuuming. ■ Sweep additionally when necessary.
WIND EROSION CONTROL BMPs		
WE-1, Wind Erosion Control	As Necessary. When high winds are forecasted.	■ Dampen loose and unconsolidated dirt to prevent airborne sediment. ■ Always cover large areas of stockpiled soil with plastic or tarp. ■ Minimize traffic across disturbed areas.
TRACKING CONTROL BMPs		
TC-1, Stabilized Construction Entrance/Exit	Monthly. Always check condition of entrance/exit prior, during, and after a storm event.	■ As necessary, sweep/vacuum access point areas. ■ Keep access area clear of loose dirt, miscellaneous material. ■ Replace crushed aggregate as necessary. ■ Check for aggregate spread into major roadways and clean.
NON-STORM WATER MANAGEMENT BMPs		
NS-1, Water Conservation Practices		■ Maintain equipment to prevent leaks and unintended discharges.

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP		
BEST MANAGEMENT PRACTICES (BMPs)	**INSPECTION FREQUENCY (all controls)**	**MAINTENANCE/REPAIR PROGRAM**
NS-6, Illicit Connection/Discharge	Daily	■ Inspect the site regularly to check for illegal dumping or discharge. ■ Prohibit employees or subcontractors from disposing of non-job related debris or materials at the construction site.
NS-7, Potable Water/Irrigation	As Necessary	■ Repair broken water lines as soon as possible. ■ Inspect irrigated areas for signs of erosion and/or discharge.
NS-8, Vehicle and Equipment Cleaning	Daily	■
NS-9, Vehicle and Equipment Fueling	Daily	■ Immediately clean up spills ■ Properly dispose of contaminated soils.
NS-10, Vehicle and Equipment Maintenance	Daily	■
WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMPs		
WM-1, Material Delivery and Storage	When materials are delivered and moved from specified storage area.	■ Keep storage area dry. ■ Fence area if appropriate ■ Assure that delivered materials have secondary protection from storm water runoff.
WM-2, Material Use	As Necessary, before, during, and after storm events.	■ Maintenance of this BMP is minimal. ■ Spot check employees and subcontractors to ensure practices.
WM-3, Stockpile Management	As Necessary, before, during, and after storm events.	■ Keep Surface watered when windy. ■ Cover stockpile with plastic or tarp
WM-4, Spill Prevention	As Necessary	■ Clean any spilled substance that could pollute system. ■ Test area spilled for contaminants
WM-5, Solid Waste Management	As Necessary, before, during, and after storm events.	■ Place all solid waste in secure refuse containers or areas. ■ Assure that solid waste areas are covered during rainy season and emptied on a timely basis.
WM-9, Sanitary/Septic Waste Management	As Necessary	■ Schedule regular cleaning of area. ■ Always have a secondary protection measure underneath the portapotties direct impingement into soil where it might go undetected.

Attachment F

Construction Inspection Checklist

Risk Level 1, 2, 3 ***Visual Inspection Field Log Sheet***						
Date and Time of Inspection:				Report Date:		
Inspection Type:	☐ Weekly	☐ Before predicted rain	☐ During rain event	☐ Following qualifying rain event	☐ Contained stormwater release	☐ Quarterly non-stormwater

Site Information	
Construction Site Name:	
Construction stage and completed activities:	Approximate area of exposed site:

Weather and Observations			
Date Rain Predicted to Occur:		Predicted % chance of rain:	
Estimate storm beginning: _____ (date and time)	Estimate storm duration:_____ (hours)	Estimate time since last storm: _____ (days or hours)	Rain gauge reading:_____ (inches)

Observations: If yes identify location		
Odors	Yes ☐	No ☐
Floating material	Yes ☐	No ☐
Suspended Material	Yes ☐	No ☐
Sheen	Yes ☐	No ☐
Discolorations	Yes ☐	No ☐
Turbidity	Yes ☐	No ☐

Site Inspections			
Outfalls or BMPs Evaluated		**Deficiencies Noted**	
(add additional sheets or attached detailed BMP Inspection Checklists)			
Photos Taken:	Yes ☐	No ☐	Photo Reference IDs:

Corrective Actions Identified (note if SWPPP/REAP change is needed)

Inspector Information	
Inspector Name:	Inspector Title:
Signature:	Date:

Attachment G

Subcontractor Notification Letter and Notification Log

SWPPP Notification

Company
Address
City, State, ZIP

Dear Sir/Madam,

Please be advised that the California State Water Resources Control Board has adopted the General Permit (General Permit) for Storm Water Discharges Associated with Construction Activity (CAS000002). The goal of these permits is prevent the discharge of pollutants associated with construction activity from entering the storm drain system, ground and surface waters.

[Owner] has developed a Storm Water Pollution Prevention Plan (SWPPP) in order to implement the requirements of the Permits.

As a subcontractor, you are required to comply with the SWPPP and the Permits for any work that you perform on site. Any person or group who violates any condition of the Permits may be subject to substantial penalties in accordance with state and federal law. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP and the Permits. A copy of the Permits and the SWPPP are available for your review at the construction office. Please contact me if you have further questions.

Sincerely,

Name
Title

SUBCONTRACTOR NOTIFICATION LOG

Project Name: Riverbend Sand and Gravel

Project Number/Location: 17-122 / 14684 E Goodfellow Ave, Sanger, CA 93657

SUBCONTRACTOR COMPANY NAME	CONTACT NAME	ADDRESS	PHONE NUMBER	PAGER/ FIELD PHONE	DATE NOTIFICATION LETTER SENT	TYPE OF WORK

USE ADDITIONAL PAGES AS NECESSARY

Attachment H

Trained Contractor Personnel Log

Storm Water Management Training Log

Project Name: Riverbend Sand and Gravel

Project Number/Location: 17-122 / 14684 E Goodfellow Avenue, Sanger, CA 93657

Storm Water Management Topic: (check as appropriate)

- ❑ Erosion Control
- ❑ Sediment Control
- ❑ Wind Erosion Control
- ❑ Tracking Control
- ❑ Non-storm water management
- ❑ Waste Management and Materials Pollution Control
- ❑ Storm Water Sampling

Specific Training Objective: _____

Location: _____ Date: _____

Instructor: _____ Telephone: _____

Course Length (hours): _____

Attendee Roster (attach additional forms if necessary)

Name	Company	Phone

Name	Company	Phone

COMMENTS:

Attachment I

Notice of Non-Compliance

To:
Date:

Subject: Notice of Non-Compliance

Project Name:	Riverbend Sand and Gravel
Project Number/Location:	17-122/14684 E Goodfellow Avenue, Sanger, CA 93657

In accordance with the NPDES Statewide Permit for Storm Water Discharges Associated with Construction Activity, the following instance of discharge is noted:

Date, time, and location of discharge

Nature of the operation that caused the discharge

Initial assessment of any impact cause by the discharge

Existing BMP(s) in place prior to discharge event

Date of deployment and type of BMPs deployed after the discharge.

Steps taken or planned to reduce, eliminate and/or prevent recurrence of the discharge

Implementation and maintenance schedule for any affected BMPs

If further information or a modification to the above schedule is required, notify the contact person below.

Name of Contact Person	Title
Company	Telephone Number
Signature	Date

Attachment J

Sampling Activity Log

RAIN EVENT GENERAL INFORMATION				
Project Name	Riverbend Sand and Gravel			
Project Number	17-122			
Contractor				
Sampler's Name				
Signature				
Date of Sampling				
Season (Check Applicable)	❒ Rainy		❒ Non-Rainy	
Storm Data	Storm Start Date & Time:		Storm Duration (hrs):	
	Time elapsed since last storm (Circle Applicable Units)	Min. Hr. Days	Approximate Rainfall Amount (inches)	

For rainfall information: http://cdec.water.ca.gov/weather.html or http://www.wrh.noaa.gov/wrhq/nwspage.html

SAMPLE LOG		
Sample Identification	**Sample Location**	**Sample Collection Date and Time**

Specific sample locations descriptions may include: 100 ft upstream from discharge at eastern boundary, runoff from northern waste storage area, downgradient of inlet located near the intersection of A Street and B avenue, etc.

FIELD ANALYSIS		
❑Yes	❑ No	
Sample Identification	**Test**	**Result**

Attachment K

Pollutant Testing Guidance Table

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Asphalt Products	Hot Asphalt	Yes - Rainbow Surface or Brown Suspension	Visually Observable - No Testing Required		
	Asphalt Emulsion				
	Liquid Asphalt (tack coat)				
	Cold Mix				
	Crumb Rubber	Yes – Black, solid material	Visually Observable - No Testing Required		
	Asphalt Concrete (Any Type)	Yes - Rainbow Surface or Brown Suspension	Visually Observable - No Testing Required		
Cleaning Products	Acids	No	**pH** Acidity Anions (acetic acid, phosphoric acid, sulfuric acid, nitric acid, hydrogen chloride)	pH Meter Acidity Test Kit	EPA 150.1 (pH)
					SM 2310B (Acidity)
					EPA 300.0 (Anion)
	Bleaches	No	Residual Chlorine	Chlorine	SM 4500-CL G (Res. Chlorine)
	Detergents	Yes - Foam	Visually Observable - No Testing Required		
	TSP	No	Phosphate	Phosphate	EPA 365.3 (Phosphate)
	Solvents	No	**VOC**	None	EPA 601/602 or EPA 624 (VOC)
			SVOC	None	EPA 625 (SVOC)

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Portland Concrete Cement & Masonry Products	Portland Cement (PCC)	Yes - Milky Liquid	Visually Observable - No Testing Required		
	Masonry products	No	**pH**	pH Meter Alkalinity or Acidity Test Kit	EPA 150.1 (pH)
			Alkalinity		SM 2320 (Alkalinity)
	Sealant (Methyl Methacrylate - MMA)	No	Methyl Methacrylate	None	EPA 625 (SVOC)
			Cobalt		EPA 200.8 (Metal)
			Zinc		
	Incinerator Bottom Ash Bottom Ash Steel Slag Foundry Sand Fly Ash Municipal Solid Waste	No	**Aluminum** **Calcium** **Vanadium** **Zinc**	Calcium Test	EPA 200.8 (Metal) EPA 200.7 (Calcium)
	Mortar	Yes - Milky Liquid	Visually Observable - No Testing Required		
	Concrete Rinse Water	Yes - Milky Liquid	Visually Observable - No Testing Required		
	Non-Pigmented Curing Compounds	No	Acidity	pH Meter Alkalinity or Acidity Test Kit	SM 2310B (Acidity)
			Alkalinity		SM 2320 (Alkalinity)
			pH		EPA 150.1 (pH)
			VOC		EPA 601/602 or EPA 624 (VOC)
			SVOC		EPA 625 (SVOC)

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Landscaping and Other Products	Aluminum Sulfate	No	Aluminum	TDS Meter Sulfate	EPA 200.8 (Metal)
			TDS		EPA 160.1 (TDS)
			Sulfate		EPA 300.0 (Sulfate)
	Sulfur-Elemental	No	Sulfate	Sulfate	EPA 300.0 (Sulfate)
	Fertilizers-Inorganic [4]	No	Nitrate	Nitrate	EPA 300.0 (Nitrate)
			Phosphate	Phosphate	EPA 365.3 (Phosphate)
			Organic Nitrogen	None	EPA 351.3 (TKN)
			Potassium	None	EPA 200.8 (Metal)
	Fertilizers-Organic	No	TOC	Nitrate	EPA 415.1 (TOC)
			Nitrate		EPA 300.0 (Nitrate)
			Organic Nitrogen		EPA 351.3 (TKN)
			COD		EPA 410.4 (COD)
	Natural Earth (Sand, Gravel, and Topsoil)	Yes - Cloudiness and turbidity	Visually Observable - No Testing Required		
	Herbicide	No	Herbicide	None	Check lab for specific herbicide or pesticide
	Pesticide		**Pesticide**		
	Lime		Alkalinity	pH Meter Alkalinity or Acidity Test Kit	SM 2320 (Alkalinity)
			pH		EPA 150.1 (pH)

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Painting Products	Paint	Yes	Visually Observable - No Testing Required		
	Paint Strippers	No	VOC	None	EPA 601/602 or EPA 624 (VOC)
			SVOC	None	EPA 625 (SVOC)
	Resins	No	COD	None	EPA 410.4 (COD)
			SVOC		EPA 625 (SVOC)
	Sealants	No	COD	None	EPA 410.4 (COD)
	Solvents	No	COD	None	EPA 410.4 (COD)
			VOC		EPA 601/602 or EPA 624 (VOC)
			SVOC		EPA 625 (SVOC)
	Lacquers, Varnish, Enamels, and Turpentine	No	COD	None	EPA 410.4 (COD)
			VOC		EPA 601/602 or EPA 624 (VOC)
			SVOC		EPA 625 (SVOC)
	Thinners	No	VOC	None	EPA 601/602 or EPA 624 (VOC)
			COD		EPA 410.4 (COD)
Portable Toilet Waste Products	Portable Toilet Waste	Yes	Visually Observable - No Testing Required		

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Contaminated Soil [5]	Aerially Deposited Lead[3]	No	Lead	None	EPA 200.8 (Metal)
	Petroleum	Yes – Rainbow Surface Sheen and Odor	Visually Observable - No Testing Required		
	Other	No	Contaminant Specific	Contaminant Specific	Contaminant Specific
Line Flushing Products	Chlorinated Water	No	Total chlorine	Chlorine	SM 4500-CL G (Res. Chlorine)
Adhesives	Adhesives	No	COD	None	EPA 410.4 (COD)
			Phenols	Phenol	EPA 420.1 (Phenol)
			SVOC	None	EPA 625 (SVOC)
Dust Palliative Products	Salts (Magnesium Chloride, Calcium Chloride, and Natural Brines)	No	Chloride	Chloride	EPA 300.0 (Chloride)
			TDS	TDS Meter	EPA 160.1 (TDS)
			Cations (Sodium, Magnesium, Calcium)	None	EPA 200.7 (Cations)
Vehicle	Antifreeze and Other Vehicle Fluids	Yes - Colored Liquid	Visually Observable - No Testing Required		
	Batteries	No	Sulfuric Acid	None	EPA 300.0 (Sulfate)
			Lead	None	EPA 200.8 (Metal)
			pH	pH Meter Alkalinity or Acidity Test Kit	EPA 150.1 (pH)
	Fuels, Oils, Lubricants	Yes - Rainbow Surface Sheen and Odor	Visually Observable - No Testing Required		

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Soil Amendment/Stabilization Products	Polymer/Copolymer [6, 7]	No	Organic Nitrogen	None	EPA 351.3 (TKN)
			BOD	None	EPA 405.1 (BOD)
			COD	None	EPA 410.4 (COD)
			DOC	None	EPA 415.1 (DOC)
			Nitrate	Nitrate	EPA 300.0 (Nitrate)
			Sulfate	Sulfate	EPA 300.0 (Sulfate)
			Nickel	None	EPA 200.8 (Metal)
	Straw/Mulch	Yes - Solids	Visually Observable - No Testing Required		
	Lignin Sulfonate	No	Alkalinity	Alkalinity	SM 2320 (Alkalinity)
			TDS	TDS Meter	EPA 160.1 (TDS)
	Psyllium	No	COD	None	EPA 410.4 (COD)
			TOC		EPA 415.1 (TOC)
	Guar/Plant Gums	No	COD	None	EPA 410.4 (COD)
			TOC		EPA 415.1 (TOC)
			Nickel		EPA 200.8 (Metal)
	Gypsum	No	pH	pH Meter Alkalinity or Acidity Test Kit	EPA 150.1 (pH)
			Calcium	Calcium	EPA 200.7 (Calcium)
			Sulfate	Sulfate	EPA 300.0 (Sulfate)
			Aluminum	None	EPA 200.8 (Metal)
			Barium		
			Manganese		
			Vanadium		

Attachment K
Pollutant Testing Guidance Table [1]

Category	Construction Site Material	Visually Observable?	Pollutant Indicators [2]	Suggested Analyses Field [3]	Laboratory
Treated Wood Products	Ammoniacal-Copper-Zinc-Arsenate (ACZA) Copper-Chromium-Arsenic (CCA) Ammoniacal-Copper-Arsenate (ACA) Copper Naphthenate	No	Arsenic	Total Chromium	EPA 200.8 (Metal)
			Total Chromium		
			Copper		
			Zinc		
	Creosote	Yes - Rainbow Surface or Brown Suspension	Visually Observable - No Testing Required		

Notes:

1. 1 If specific pollutant is known, analyze only for that specific pollutant. See MSDS to verify.
2. For each construction material, test for one of the pollutant indicators. Bolded pollutant indicates lowest analysis cost or best indicator. However, the composition of the specific construction material, if known, is the first criterion for selecting which analysis to use.
3. See www.hach.com, www.lamotte.com, www.ysi.com and www.chemetrics.com for some of the test kits
4. If the type of inorganic fertilizer is unknown, analyze for all pollutant indicators listed.
5. Only if special handling requirements are required in the contract documents for aerially deposited lead (ADL)
6. If used with a dye or fiber matrix, it is considered visually observable and no testing is required.
7. Based upon research conducted by the State of California Department of Transportation (Caltrans), the following copolymers/polymers do not discharge pollutants and water quality sampling and analysis is **not** required: Super Tak™, M-Binder™, Fish Stik™, Pro40dc™, Fisch-Bond™, and Soil Master WR™.

Attachment L

Discharge Reporting Log

Project Name: Riverbend Sand and Gravel

Project Number: 17-122

Date	Material(s) Discharged	Estimated Quantity	Observed By

EXHIBIT 6-39

(attached to Exhibit 6 - April 23, 2024 Letter)

INVOICE

RSJ Civil Engineering

Raul Sanchez

Phone (559)313-1161
rtsanchezjr@hotmail.com

INVOICE # [122B]
DATE: APRIL 1, 2017

TO Herb Lang, Manager
Running Luck Ranch, LLC.
14962 East Fantz Avenue
Parlier, CA 93648
(559) 875-6565

JOB	PAYMENT TERMS	DUE DATE
Riverbend Sand and Gravel SWPPP 14684 East Goodfellow Avenue, Sanger, CA	Due on receipt	May 1, 2017

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
3	Perform Weekly SWPPP Monitoring and Reporting Services (Dates: 03/17, 03/24, and 03/31/2017)	$ 75.00/Visit	$ 225.00
		SUBTOTAL	$ 225.00
		SALES TAX	Included
		TOTAL	$ 225.00

Make all checks payable to RSJ Civil Engineering
Remit Payment to: 6938 East Andrews Avenue, Fresno, CA 93727
THANK YOU FOR YOUR BUSINESS!

INVOICE

RSJ Civil Engineering

Raul Sanchez

Phone (559)313-1161
rtsanchezjr@hotmail.com

INVOICE # [122A]
DATE: FEBRUARY 1, 2017

TO Herb Lang, Manager
Running Luck Ranch, LLC.
14962 East Fantz Avenue
Parlier, CA 93648
(559) 875-6565

JOB	PAYMENT TERMS	DUE DATE
Riverbend Sand and Gravel SWPPP 14684 East Goodfellow Avenue, Sanger, CA	Due on receipt	March 1, 2017

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Prepare Storm Water Pollution Prevention Plan	$ 1,500.00/LS	$ 1,500.00

SUBTOTAL	$ 1,500.00
SALES TAX	Included
TOTAL	$ 1,500.00

Make all checks payable to RSJ Civil Engineering
Remit Payment to: 6938 East Andrews Avenue, Fresno, CA 93727
THANK YOU FOR YOUR BUSINESS!

EXHIBIT 6-40

(attached to Exhibit 6 - April 23, 2024 Letter)

Water Boards Storm Water Multiple Application & Report Tracking System

Help Logout

You are logged-in as: **Herb Lang**
If this account does not belong to you, please log out.

Navigate To:

Storm Water Annual Report Monitoring (SWARM)

Site Name:	Riverbend Sand and Gravel Stockpile Storage Area	**Owner:**	Riverbend Sand and Gravel LLC	**WDID:**	5F10C378836
Report Period:	2017-18	**Report Status:**	Submitted	**Risk:**	Level1

General Info | Form 1 | Form 2 | Form 3 | Daily Averages Summary | Attachments | Certification | Status History | Back To Report Main

Back To NOI Summary

Your electronic event Report has been successfully received by the State Water Resources Control Board's database and is hereby certified. Your confirmation information for this certification is as follows:

WDID	5F10C378836
Report Period	2017-18
Certifier Name	Herb Lang
Date Certified	08/27/2018
Certification ID	969132

Please print out this screen as proof of certification. You will not be allowed to make any further changes to the certified report. If you need to correct any information you must contact your Regional Board representative.

All records must be retained for 5 years from the date of the report or monitoring activity.

Print Annual Report

Back Next

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EXHIBIT 6-41

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
STATE WATER RESOURCES CONTROL BOARD

2018-2019

ANNUAL REPORT

FOR
STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITIES

Reporting Period July 1, 2018 through June 30, 2019

In compliance with the Construction General Permit (CGP) an annual report is required to be submitted electronically via SMARTS by September 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company.

If you have any questions, please contact your Regional Board Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at: *http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml*
To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. *Property Owner Information:*

Site WDID No: 5F10C378836

Owner's Name: Riverbend Sand and Gravel LLC
Physical Address: 14962 E Fantz Ave
City: Parlier

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
CA Zip: 93648 Phone: 559-875-6565

B. *Site Information:*

Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Mailing Address: 14684 East Goodfellow Avenue
City: Sanger

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
State: CA Zip: 93657 Phone: 559-875-6565

C. *General Information:*

Was Construction active for three months or longer within this annual reporting period?: No

Explanation:
Waiting for financing

Certification:

Name: Herb Lang
Title: Manager

Date: 2019-08-30 06:20:33.203

EXHIBIT 6-42

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
STATE WATER RESOURCES CONTROL BOARD

2019-2020

ANNUAL REPORT

FOR
STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITIES

Reporting Period July 1, 2019 through June 30, 2020

In compliance with the Construction General Permit (CGP) an annual report is required to be submitted electronically via SMARTS by September 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company.

If you have any questions, please contact your Regional Board Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at: *http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml*
To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. *Property Owner Information:*

Site WDID No: 5F10C378836

Owner's Name: Riverbend Sand and Gravel LLC
Physical Address: 14962 E Fantz Ave
City: Parlier

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
CA Zip: 93648 Phone: 559-875-6565

B. *Site Information:*

Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Mailing Address: 14684 East Goodfellow Avenue
City: Sanger

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
State: CA Zip: 93657 Phone: 559-875-6565

C. *General Information:*

Was Construction active for three months or longer within this annual reporting period?: No

Explanation:
Waiting for financing.

Certification:

Name: Herb Lang
Title: Manager

Date: 2020-06-29 17:06:46.435

EXHIBIT 6-43

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
STATE WATER RESOURCES CONTROL BOARD

2020-2021

ANNUAL REPORT

FOR
STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITIES

Reporting Period July 1, 2020 through June 30, 2021

In compliance with the Construction General Permit (CGP) an annual report is required to be submitted electronically via SMARTS by September 1 of each year. This document must be certified and signed, under penalty of perjury, by the appropriate official of your company.

If you have any questions, please contact your Regional Board Storm Water Permit Contact. The names, telephone numbers and e-mail addresses of the Regional Board contacts, as well as the Regional Board office addresses can be found at: *http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml*
To find your Regional Board information, match the first digit of your WDID number with the corresponding number that appears in parenthesis on the first line of each Regional Board office.

GENERAL INFORMATION:

A. *Property Owner Information:*

Site WDID No: 5F10C378836

Owner's Name: Riverbend Sand and Gravel LLC
Physical Address: 14962 E Fantz Ave
City: Parlier

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
CA Zip: 93648 Phone: 559-875-6565

B. *Site Information:*

Site Name: Riverbend Sand and Gravel Stockpile Storage Area
Mailing Address: 14684 East Goodfellow Avenue
City: Sanger

Contact Person: Herb Lang
e-mail: iblang@yahoo.com
State: CA Zip: 93657 Phone: 559-875-6565

C. *General Information:*

Was Construction active for three months or longer within this annual reporting period?: No

Explanation:
Waiting for financing

Certification:

Name: Herb Lang
Title: Manager

Date: 2021-06-28 16:44:48.452

EXHIBIT 6-44

(attached to Exhibit 6 - April 23, 2024 Letter)

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

INVOICE NO: SW-0232563
BILLING PERIOD: 01/01/22 - 12/31/22
INVOICE DATE: 1/19/2022
INDEX NO: 484136

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Total Amount Due by Friday, February 18, 2022 **$ 1,848.00**

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10C378836**

Billing Period: **01/01/22 - 12/31/22**

Invoice No: **SW-0232563** Amount Due: **$ 1,848.00** Due By: **Friday, February 18, 2022**

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PLEASE NOTE THAT TRANSFER OF OWNERSHIP OR RELOCATION OF THE FACILITY REQUIRE A NEW STORM WATER PERMIT. IF YOUR FACILITY IS CLOSED OR PROJECT COMPLETED, PLEASE FILE A NOTICE OF TERMINATION.

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INVOICE NO: SW-0232563
INDEX NO: 484136
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: **$1,848.00**
BILLING PERIOD: **01/01/22 - 12/31/22**
DUE BY: **2/18/22**
FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0210896
BILLING PERIOD: 04/01/21 - 03/31/22
INVOICE DATE: 4/6/2021
INDEX NO: 445082

☞ **Total Amount Due by Thursday, May 6, 2021** **$ 1,474.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/21 - 03/31/22**

Invoice No: **SW-0210896** Amount Due: **$ 1,474.00** Due By: **Thursday, May 6, 2021**

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PO BOX 1888
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RIVERBEND SAND AND GRAVEL LLC
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14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

AMOUNT DUE: **$1,474.00**
BILLING PERIOD: **04/01/21 - 03/31/22**
DUE BY: **5/6/21**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

INVOICE NO: SW-0207843
BILLING PERIOD: 01/01/21 - 12/31/21
INVOICE DATE: 1/6/2021
INDEX NO: 441872

Total Amount Due by Friday, February 5, 2021 **$ 1,565.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10C378836** Billing Period: **01/01/21 - 12/31/21**

Invoice No: **SW-0207843** Amount Due: **$ 1,565.00** Due By: **Friday, February 5, 2021**

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INVOICE NO: SW-0207843
INDEX NO: 441872
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RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: **$1,565.00**
BILLING PERIOD: **01/01/21 - 12/31/21**
DUE BY: **2/5/21**
FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

EXHIBIT 6-45

(attached to Exhibit 6 - April 23, 2024 Letter)

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0238556
BILLING PERIOD: 04/01/22 - 03/31/23
INVOICE DATE: 4/6/2022
INDEX NO: 490459

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Total Amount Due by Friday, May 6, 2022 **$ 1,738.00**

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502**

Billing Period: **04/01/22 - 03/31/23**

Invoice No: **SW-0238556** Amount Due: **$ 1,738.00** Due By: **Friday, May 6, 2022**

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RIVERBEND SAND AND GRAVEL, LLC
14962 E FANTZ AVE
PARLIER, CA 93648
559 875-6565

2307
94-7074/3212

DATE 5-2-22

PAY TO THE ORDER OF STATE WATER RESOURCES CONTROL BOARD $ 1738.00

ONE THOUSAND SEVEN HUNDRED THIRTY EIGHT AND NO/100 DOLLARS

Photo Safe Deposit®

Wells Fargo Bank NA

FOR INV# SW-0238556

Josette J Olson

⑈002307⑈ ⑆321270742⑆ 3470541867⑈

EXHIBIT 6-46

(attached to Exhibit 6 - April 23, 2024 Letter)

FINANCIAL ASSURANCE COST ESTIMATE

For

Riverbend Sand and Gravel

CA Mine ID# 91-10-0031

Submitted to
Fresno County Planning Department
2220 Tulare Avenue
Fresno, CA 93721

Prepared For
Riverbend Sand and Gravel, LLC
14962 E Fantz
Parlier, CA 93648-9734

June 2015

Prepared by

BUADA ASSOCIATES, INC.
4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

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A Site Map
B Price Quote from S&S Seeds, Inc.

1. Introduction

The Riverbend Sand and Gravel site (CA Mine ID# 91-10-0031) is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E (Site Map, Appendix A). The owner of record for the property is Running Luck Ranch, LLC, 14962 E Fantz, Parlier, California 936448-9734.

The 619 acre site is operated by Riverbend Sand and Gravel, LLC. Conditional Use Permit (CUP) 3390 for mining, aggregate processing facilities, a ready-mix concrete plant and an asphalt plant was approved by the Fresno County Planning Commission in February 2015. The Commission's decision was appealed to the Fresno County Board of Supervisors. The appeal was withdrawn just prior to the Supervisor's hearing on May 19, 2015, therefore, the Commission's approval was final.

The Mine Site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Groundbreaking may be initiated in late 2015 in preparation for construction of the aggregate processing plant in 2016. The processing facilities are to be located on Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

While the ultimate site configuration of the plant site in 75 years, as defined by the Reclamation Plan, will be open water and riparian habitat, this estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2016.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2016, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

This Reclamation Cost Estimate identifies the individual activities required to complete site reclamation in accordance with the approved plan. A total of approximately 20 acres are anticipated to be disturbed during this period.

This estimate utilizes the following resources:

- Reclamation Plan (CA Mine ID #??-??-????)
- Department of Industrial Relations, Prevailing Wage Determinations
- Caltrans, Labor Surcharge & Equipment Rental Rates (4/1/15-3/31/16)
- Caterpillar Handbook, Edition 37
- Interviews With Operations Personnel
- Cost Estimates from S&S Seeds
- Personal Experience of the Estimator

This reclamation estimate provides anticipated costs for direct and indirect expenses that would be faced by the responsible party. Based upon the requirements of the approved Reclamation Plan, the following elements represent the direct costs of reclamation:

1. Removal of equipment, removal of structures, and disposal of miscellaneous rubbish, removal of utilities

2. Site grading
3. Revegetation
4. Monitoring of revegetation to verify success

The following elements represent the indirect costs of reclamation:

1. Supervision
2. Profit and Overhead
3. Contingencies
4. Mobilization

A description of each of these estimating categories is provided. The Direct and Indirect reclamation costs together with the lead agency administrative costs (15%) identify the total cost for reclamation to determine the financial assurance requirement.

2.0 Estimated Direct Cost of Reclamation

2.1 Removal of Processing Plant

All plant equipment, support structures, and other man-made improvements will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

A crane will also be used to dismantle the processing plant as well as some of the support structures. Costs for removing concrete footings and foundations and miscellaneous rubbish have also been included. Equipment costs were determined by Caltrans Labor Surcharge & Equipment Rental Rates (4/1/15-3/31/16). Labor rates are provided by the Department of Industrial Relations Prevailing Wage Determinations.

Portable Plant Removal

No.	Type	Rate	Hours	Total
1	Grove RT 625 40t Crane	84.70	80.00	6,776.00
1	Crane Operator	63.90	80.00	5,112.00
2	Semi-truck with 3-axle low-boy (includes operator)	152.21	40.00	12,176.80
1	950G Wheel Loader	123.96	80.00	9,916.80
1	Loader Operator	63.79	80.00	5,103.20
1	Foreman	65.17	80.00	5,213.60
2	Pickup Truck	21.78	80.00	3,484.80
2	Laborer	45.92	80.00	7,347.20
Total Cost of Portable Plant Removal				**55,130.40**

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Support Structures Removal

No.	Type	Rate	Hours	Total
1	Grove RT 625 40t Crane	84.70	24.00	2,032.80
1	Crane Operator	63.90	24.00	1,533.60
2	Semi-truck with 3-axle low-boy (includes operator)	152.21	12.00	3,653.04
1	950G Wheel Loader	123.96	24.00	2,975.04
1	Loader Operator	63.79	24.00	1,530.96
1	Foreman	65.17	24.00	1,564.08
2	Pickup Truck	21.78	24.00	1,045.44
2	Laborer	45.92	24.00	2,204.16
Total Cost of Support Structures Removal				**16,539.12**

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd^3) of reinforced concrete within 8 hours. Based on an estimated 85 yd^3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, an excavator will be used to load the material into haul trucks. According to the CAT handbook, the 315L has an average cycle time of 20 seconds. Assuming that the average bucket load will be 0.75 yd3, it will take approximately 1 hour for the excavator to load 85 yd^3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd^3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Concrete Demo and Removal (85 yd^3)

Concrete Demo and Removal @ 85 cu yds

No.	Type	Rate	Hours	Total
1	CAT 315L Excavator w/ Rock Breaker Attachment	106.86	4.00	427.44
1	Excavator Operator	65.17	4.00	260.68
1	CAT 315L Excavator w/ bucket	65.80	2.00	131.60
1	Excavator Operator	65.17	2.00	130.34
5	Haul Truck	90.57	2.00	905.70
5	Truck Driver	51.81	2.00	518.10
1	Foreman	65.17	6.00	391.02
1	Pickup Truck	21.78	6.00	130.68
2	Laborer	45.92	6.00	551.04
Concrete Recycling Fees*				0.00
Total Cost of Concrete Demo & Removal				**3,446.60**

**Concrete recycling fees of $0/truckload were obtained from American Ave Landfill*

Other mining equipment used at the site includes the following mobile equipment:

No.	Type
1	CAT 140 Motorgrader
1	CAT 980 Front End Loader
1	Cat 349 Excavator
1	Kamatsu 750 Excavator
1	CAT D9 Dozer
1	CAT Skid Steer
1	Ford F-650 Water Truck
1	CAT Haul Truck
1	Volvo A40E Haul Truck
1	JLG Skytrak Forklift

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required

to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site. Estimated costs for equipment removal are shown below.

Mobile Equipment Removal

No.	Type	Rate	Hours	Total
1	Grove RT 525 25t Crane	75.53	8.00	604.24
1	Crane Operator	63.90	8.00	511.20
2	Semi-truck with 3-axle low-boy (includes operator)*	152.21	12.00	3,653.04
1	Semi-truck with 6-axle low-boy (includes operator)*	580.66	3.00	1,741.98
1	Foreman	65.17	8.00	521.36
1	Pickup Truck	21.78	8.00	174.24
1	Laborer	45.92	8.00	367.36
1	Mechanic	63.79	8.00	510.32
Total Cost of Mobile Equipment Removal				**8,083.74**

**Trucking rates include truck, trailer, driver, permits and all required escorts*

Approximately 5 loads (175 tons) of miscellaneous plant equipment and rubbish are located around the site. To comply with reclamation standards this material must be removed from the site. For purposes of this estimate it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Rubbish Removal (175 tons)

Rubbish Removal (175 tons)

No.	Type	Rate	Hours	Total
1	Grove RT 525 25t Crane	75.53	8.00	604.24
1	Crane Operator	63.90	8.00	511.20
2	Semi Truck with End Dump	90.57	5.00	905.70
2	Truck Driver	51.81	5.00	518.10
1	CAT 938 Loader	108.36	8.00	866.88
1	Loader Operator	63.79	8.00	510.32
1	Foreman	65.17	8.00	521.36
1	Pickup Truck	21.78	8.00	174.24
2	Laborer	45.92	8.00	734.72
County Landfill Fees*				4,025.00
Total Cost of Rubbish Removal				**9,371.76**

**County landfill fees of $23/ton were obtained from American Ave Landfill*

In addition to removing the processing plant and other manmade improvements, it will be necessary to dismantle and remove approximately 3,800 feet of 2-inch PVC underground pipe. The underground pipe must be unearthed prior to removal from the site. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments

and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill. Estimated costs for pipeline removal are shown below.

Underground Pipe Removal (3,800 lf)

Underground Pipe Removal (3,500 lf of 2" PVC, estimate 25 tons)

No.	Type	Rate	Hours	Total
1	CAT 938 Loader	108.36	20.00	2,167.20
1	Loader Operator	63.79	20.00	1,275.80
1	CAT 315L Excavator	65.80	40.00	2,632.00
1	Excavator Operator	65.17	40.00	2,606.80
1	Haul Truck	90.57	2.00	181.14
1	Truck Driver	51.81	2.00	103.62
1	Foreman	65.17	20.00	1,303.40
1	Pickup Truck	21.78	16.00	348.48
2	Laborer	45.92	16.00	1,469.44
County Landfill Fees*				575.00
Total Cost Underground Pipe Removal				**12,662.88**

**County landfill fees of $23/ton were obtained from American Ave Landfill*

Total Cost for Removal of Plant Facilities and Mobile Equipment 105,234.50

2.2 Site Grading

Site grading involves the regrading of slopes and stockpiled materials on 20 acres to allow for revegetation and future land uses. Reclamation requirements for the site include the development of slopes that have an average ratio 2: 1 (h:v). It is estimated that approximately 55,000 cubic yards of balanced cut and fill is required to establish an overall slope ratio of 2: 1.

Production rates for a D9R bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

General Grading (20 ac)

No.	Type	Rate	Hours	Total
1	CAT D9R Dozer - Grading	235.40	9	2,118.60
1	Dozer Driver	63.79	9	574.11
1	Water Truck	45.17	9	406.53
1	Truck Driver	51.51	9	463.59
Total Cost for General Grading				**3,562.83**

Once slopes have been reduced in accordance with the approved reclamation plan, all disturbed areas of the site will require finish grading in order to prepare the site for revegetation. Approximately 20 acres of the site are currently disturbed or a planned to be disturbed in 2013. The table below assumes the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time

has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Finish Grading (20 ac)

No.	Type	Rate	Hours	Total
1	CAT D8N Dozer - Grading	185.80	22	4,087.60
1	Dozer Driver	63.79	22	1,403.38
1	CAT D8N Dozer - Ripping	200.65	9	1,805.85
1	Dozer Driver	63.79	9	574.11
1	Water Truck	45.17	9	406.53
1	Truck Driver	51.51	9	463.59
Total Cost for Finish Grading				**8,741.06**

Total Cost for Site Grading	**12,303.89**

2.3 Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the following seed mix to all disturbed areas of the site. This estimate includes the cost for seeding approximately 20 acres of the site impacted from plant site operations. The Revegetation Plan includes the following seed mix. Seed costs were provided by S&S Seeds (Attachment 2).

Seed Cost (20 ac @ 25 lbs/ac)

% of Mix	Species	Comon Name	Lbs in Mix	Price/lb	Extension
30	*Bromus mollis*	Blando Brome	150.0		
25	*Vulpia myros*	Zorfro Annula fescue	125.0		
45	*Trifolium hurtium*	Hykon Rose Clover	225.0		
100		Subtotal	500.0	3.40	$1,700.00

Total Cost of Seed	**$1,700.00**

The recommended method of distributing seeds on the site is the use of a seed drill. A CAT D4 Dozer will be used to pull the drill around the site. In addition to pulling the seed drill, the dozer will track walk the site as it maneuvers around the site distributing seeds. A production rate of two acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

Seeding

No.	Type	Rate	Hours	Total
1	CAT D4 Dozer	55.26	12	663.12
1	Dozer Operator	63.79	12	765.48

1	Seed Drill	16.83	12	201.96
Total Cost of Seeding				**1,630.56**

Total Revegetation Cost **3,330.56**

2.4 Revegetation Monitoring and Maintenance

Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a three year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved. This estimate assumes that a staff biologist will conduct the annual monitoring, which will require 20 hours in the field and 20 hours in the office to complete the annual monitoring report. This estimate also includes a cost for weed control and general maintenance of the revegetated areas, during the three year period following reclamation. Weed control and maintenance estimates were derived from this estimator's previous experience with revegetation efforts on similar projects.

Type	Rate	Hours	Total
Annual Monitoring	120	4	480.00
Annual Monitoring Report	120	4	480.00
Annual Weed Control and Maintenance	45.92	96	4,408.32
Monitoring and Maintenance Costs x 3 years			**16,104.96**

Total Revegetation Annual Monitoring and Maintenance Cost **16,104.96**

3.0 Direct Cost of Reclamation Summary

Removal of Plant Facilities and Mobile Equipment	105,235
Site Grading	12,304
Revegetation	3,331
Revegetation Annual Monitoring and Maintenance	16,656
Total Direct Reclamation Costs	**137,525**

4.0 Indirect Cost of Reclamation Summary

Supervision Expense @ 4.2%	5,776
Profit & Overhead @ 8.3%	11,415
Contingencies @ 7%	9,627
Mobilization @ 5%	6,876
Total Indirect Costs	**33,694**

5.0 Total Cost of Reclamation

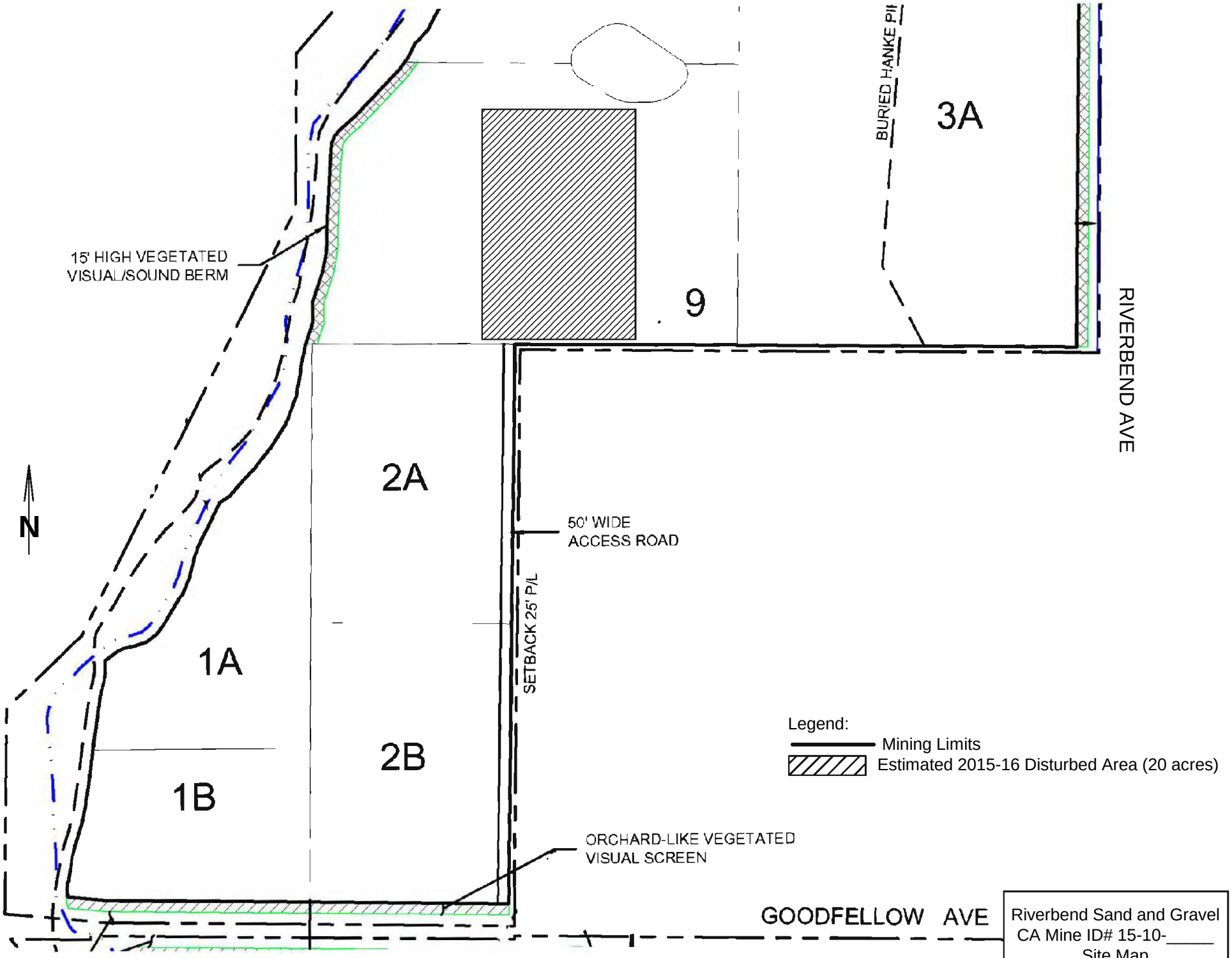
Total Direct Reclamation Costs	137,525
Total Indirect Costs	33,694

Total Direct & Indirect Costs	171,219
Lead Agency Administrative Costs @ 15%	25,683
Total Financial Assurance Requirement	**196,901**

Total Financial Assurance Requirement **196,901**

Appendix A

Site Plan


BURIED HANKE PIT
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
RIVERBEND AVE
2A
N
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Limits
Estimated 2015-16 Disturbed Area (20 acres)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand and Gravel
CA Mine ID# 15-10-_____
Site Map

Appendix B

Price Quote from S&S Seeds, Inc.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 6-47

(attached to Exhibit 6 - April 23, 2024 Letter)

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: December 17, 2018	☐ A new or amended reclamation plan approved on (Date): _____ An annual mine inspection performed on ☒ (Date): October 17, 2018 ☐ Other: Please Specify: _____

Most Recent Approved Financial Assurance Cost Estimate

Date: 2015

Amount: $ 196,901

Amount of existing Financial Assurance Mechanism(s)

Date: _____

Amount: $ _____

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2019.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2019, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2019. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to be $ 259,309. The previous reclamation cost estimate was $196,901

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2019 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

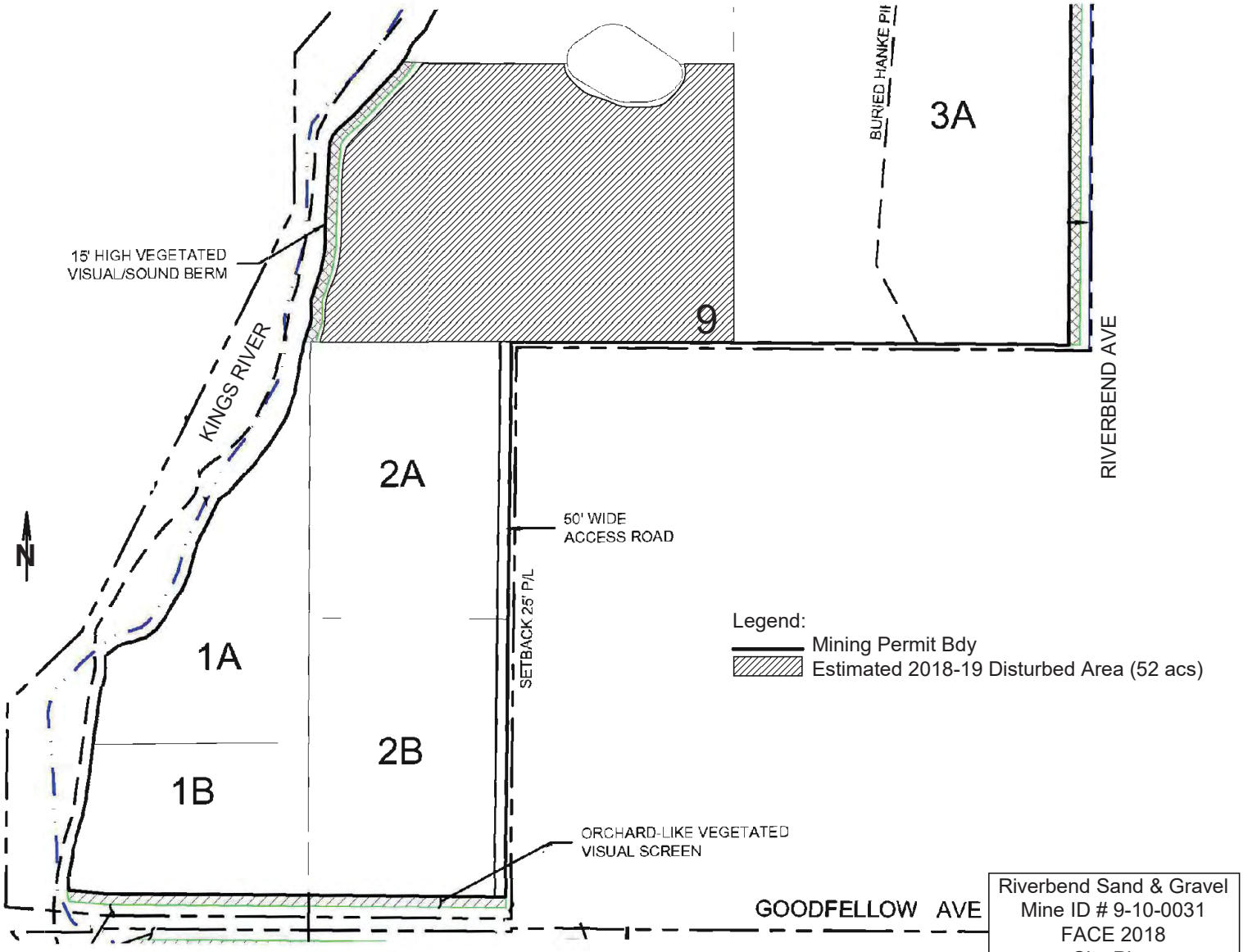
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

Appendix A

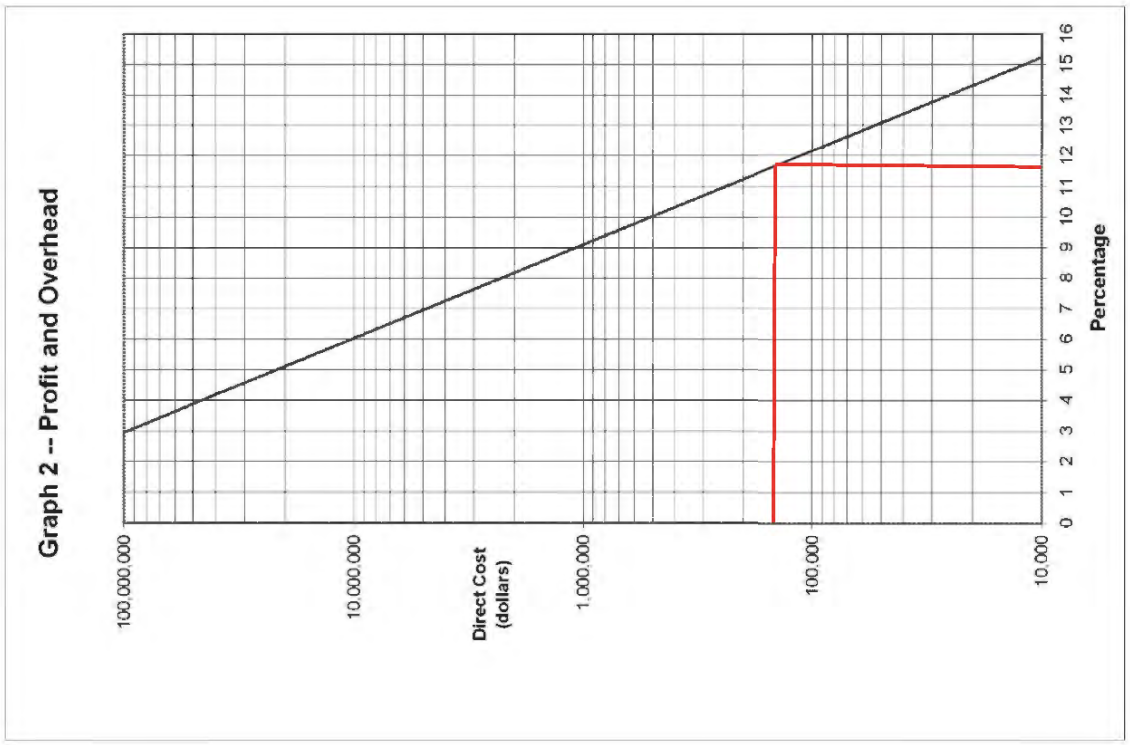
Site Plan

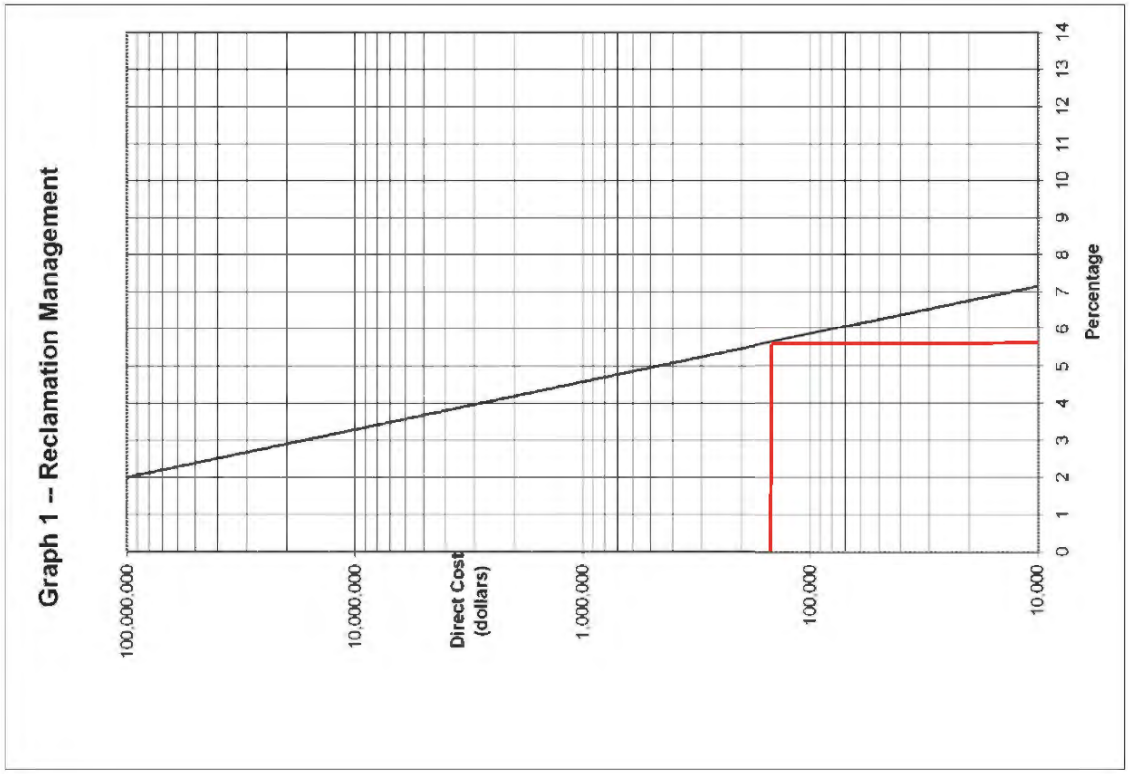

BURIED HANKE PIPELINE
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2018
Site Plan

Appendix B

Division of Mine Reclamation Graphs

Site Plan


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

Site Plan

ELMT CONSULTING

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 6-48

(attached to Exhibit 6 - April 23, 2024 Letter)

Application for Irrevocable Standby Letter of Credit

To:
Requested Issuing Location: ☒ California ☐ North Carolina

THE APPLICANT(S) SIGNING BELOW HEREBY REQUEST THAT YOU, THE ENTITY NAMED ABOVE, ISSUE IN YOUR NAME, OR AT YOUR OPTION THROUGH YOUR AGENT, WELLS FARO BANK, NATIONAL ASSOCIATION ("WELLS FARGO") IN WELLS FARGO'S NAME, AN IRREVOCABLE STANDBY LETTER OF CREDIT ("CREDIT") ON SUBSTANTIALLY THE TERMS BELOW AND, UNLESS OTHERWISE SPECIFIED BELOW IN SPECIAL INSTRUCTIONS, FORWARD THE CREDIT THE BENEFICIARY DIRECTLY OR THROUGH A BANK SELECTED BY WHICHEVER OF YOUR OR YOUR AGENT IS NAMED ON THE CREDIT AS ITS ISSUER ("ISSUER"):

Please type clear information in the boxes below. Applications that are illegible may be returned.

Date: (MM/DD/YY)	*For Wells Fargo Bank Use Only*	
04/18/19	**Letter of Credit No.**	**Activity Reference No.**

Beneficiary: *(Name and Address)*	**Advising Bank:** *(If left blank, Wells Fargo may select)*
County of Fresno California	
Applicant/Obligor: *(Name and Address)* Riverbend Sand and Gravel LLC 14962 Fantz Parlier CA 93648	**Account Party:** (Name and Address of entity to be named in Credit if different from Applicant/Obligor)

Amount *(in figures)*: 259,309 *(in words)*: Two hundred fifty nine thousand three hundred and nine dollars

Currency *(in USD unless otherwise specified)*:

Availability: Unless otherwise specified herein, the Credit is to be available for presentation on or before the Expiration Date (1) with Wells Fargo's issuing office by payment of draft(s) drawn at sight on Wells Fargo or (2) at Wells Fargo's option, with any bank(s) or with a bank nominated by Wells Fargo by negotiation of draft(s) drawn at sight on Wells Fargo or (3) at Wells Fargo's option, with a bank nominated by Wells Fargo by payment of draft(s) drawn at sight on the nominated bank.

Expiration Date: _____ ***(MM/DD/YY format, initial expiration date if automatically extending)***, or ☐ Expire one year from Issue Date

☒ Expiration Date to be automatically extended ***(Check one box below)***

☒ Annually on the day and month anniversary of the Expiration Date ☐ Annually on _____ ***(MM/DD)***

☐ Every _____ calendar days ☐ Every _____ months

With _____ days notification of non-extension and a Final Expiration Date of _____ ***(MM/DD/YY)***

Available By: *(check and complete only one of the following)*

☐ **A statement worded as follows indicating it is signed by the Beneficiary (if a person) or its authorized officer:** *(Please quote below the exact wording of the drawing statement.) (Attach additional signed sheet(s), if necessary, and label as attachments to this specific Application.)*

☒ **Issue the Credit substantially in the form and with the wording attached to this Application. The attached specimen is approved by each applicant.** *(Label the attached specimen as an attachment to this specific Application.)*

Additional Requirements: ☐ Partial drawings are prohibited *(if blank, partial drawings are permitted)*

☐ Multiple drawings prohibited *(if blank, **multiple** drawings are permitted)*

☐ Credit is transferable in its entirety. Transfer charges for account of ☒ Applicant ☐ Beneficiary MD

The Credit will be subject to the International Standby Practices of the International Chamber of Commerce ("ICC"), Publication 590 ("ISP98") or the ICC, Publication 600 ("UCP") or any subsequent version of either publication in effect and in use by Wells Fargo on the date the Credit is issued, as Wells Fargo shall determine in its sole discretion.

Description of Standby Purpose including goods description, country of origin, pricing as applicable:
Financial Assurances for reclamation activities related to a Mining Permit

Patriot Act Notice: U.S. Federal laws require all financial institutions to obtain, verify, and record information that identifies each person

who opens an account. Issuing the Credit is considered to be opening an account and will require compliance with these Federal laws.

Credit Requesting Issuance of Guarantee or Other Undertaking: *(To be completed only if the Beneficiary is a bank or another financial institution and the Beneficiary is to issue its guarantee or other undertaking supported by the Credit.)*

Please request the Beneficiary to issue and deliver its _____ *[specify type of guarantee or other undertaking]* in favor of _____ for an amount not exceeding the amount specified above, effective immediately and related to _____ *[specify contract number or other pertinent reference]* to expire _____ *[specify an expiry date at least 15 days prior to the Credit expiry date indicated above]*. Applicant attaches the wording to be used for such guarantee or other undertaking, if available. If the wording is not available, the wording should be the Beneficiary's customary wording for such guarantee or undertaking, with the wording specifying a maximum amount and an expiration date. If the Credit is issued as support for a guarantee or other undertaking which the Credit's Beneficiary has issued or is to issue on behalf of Applicant, Applicant agrees that until Wells Fargo is released from its obligations under or in connection with the Credit by such Beneficiary, Applicant will remain liable, with respect to the Credit, to Wells Fargo under this Application and the Standby Letter of Credit Agreement Applicant has signed relating to the Credit, even though such liability may exceed the amount of the Credit or continue beyond the expiration date of the Credit.

Transmission of Credit:: Please transmit the original of the Credit yourself or through a bank selected by you to the following:

☒ Beneficiary ☐ Applicant ☐ Other With copy to applicant

By selecting a party other than the beneficiary, I acknowledge and understand the rights of the beneficiary under an issued Standby Letter of Credit are unchanged regardless of where the original has been delivered.

Applicant's Agreement and Signature: *(Each party obligated either alone or jointly and severally with others to reimburse Wells Fargo with respect to the Credit must sign this Application below.)* EACH APPLICANT'S SIGNATURE BELOW AFFIRMS THAT (1) IT HAS FULLY READ AND AGREED TO, (2) IT WILL BE BOUND BY, AND (3) THE CREDIT WILL BE GOVERNED BY, THE TERMS OF THIS APPLICATION AND THE TERMS OF THE STANDBY LETTER OF CREDIT AGREEMENT SIGNED BY EACH APPLICANT IN FAVOR OF WELLS FARGO OR ANY OTHER AGREEMENT SIGNED BY EACH APPLICANT PURSUANT TO WHICH THE CREDIT IS ISSUED. THIS APPLICATION IS SIGNED BY EACH APPLICANT'S DULY AUTHORIZED REPRESENTATIVE(S) ON THE DATE SPECIFIED ABOVE.

Print or Type Name of Applicant:	Print or Type Name of Co-Applicant:
Riverbend Sand and Gravel LLC	
Address: 14962 Fantz Parlier CA 93648	Address:
Authorized Signature (and Title, if applicable): Manager	Authorized Signature (and Title, if applicable):
Authorized Signature (and Title, if applicable):	Authorized Signature (and Title, if applicable):
Email Address (MANDATORY): david.keys@cwminvestments.com	Email Address (MANDATORY):
DDA for Fees: 0372190800 / Phone Number: 702-300-7092	Applicant Contact: / Phone Number:

(To be completed by the entity to whom this application is addressed)

If the entity to whom this Application is addressed is not the Issuer then the Issuer is hereby appointed as the agent of such entity to issue the Credit in the Issuer's name pursuant to this Application and the Standby Letter of Credit Agreement signed by the Applicant, and such entity agrees to reimburse the Issuer for all amounts paid by the Issuer, all costs and expenses incurred by the Issuer, and all charges, commissions and interest charged by the Issuer with respect to the Credit and the transactions to which the Credit relates.

Approving Officer's Signature	Approving Officer's Name *(Pnnt)*	Approving Officer's Office *(Pnnt)*	AU	MAC

Approving Officer's Telephone:	Approving Officer's Email:	Date

☐ The Credit *appears* to support an obligation to make a monetary payment and should *most likely* be classified as a ***"financial obligation"***

☐ The Credit ***appears not*** to support an obligation to make a monetary payment and should *most likely* be classified as a ***"performance obligation"***.

☐ The Standby Letter of Credit requested above is a syndicated transaction and Applicant has confirmed that the Standby Letter of Credit meets the expiration date requirements set forth in Section __ of the relevant syndicated credit agreement. I confirm that I have communicated the information regarding this transaction to the Wells Fargo Syndications Group as required by Wells Fargo policy.

For any questions regarding this transaction, please contact ☐Approver ☐Applicant directly ☐Other: ___

AFS BOOKING INTERFACE: YES ☐ NO ☐	Standalone: YES ☐ NO ☐	Obligor #:	Commitment #:	Collateral	BQR	CQR	Purpose Code	NAIC

Security Code (1 alpha):	Owner Occupied (1 numeric):	Country of Risk (10 alpha numeric):

LIQ BOOKING ☐YES ☐NO	LIQ CID:	LIQ FACILITY ID:	LUCAS BOOKING ☐YES ☐NO	LUCAS CLIENT NO.	LUCAS LOAN NO.

Exception Pricing: ☐Commission P.A. ___ ☐Servicing Fees ___

☐ RM acknowledges that the client has been informed of the relevant standby L/C commissions and that the Wells Fargo minimum issuance commission is $500 per year

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
Form ILoC-1 (4/18) Page 1 of 4

Attachment to Standby Letter of Credit Application

IRREVOCABLE LETTER OF CREDIT

California Mine ID No.: 91-10-0031`
Irrevocable Letter of Credit No.: _____
Expiration Date: _____
Permit No.: CUP 3390
Reclamation Plan Name/No.: 3390 Riverbend Sand & Gravel

Beneficiary(ies):

(1) County of Fresno
(Name of LEAD AGENGY)

Address: 2220 Tulare St. 6th Floor Fresno, CA. 93721

(2) California Department of Conservation,
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, California 95814-3529

The amount of $259,309.00 will be paid to the Beneficiary(ies) upon the authorization and direction of a duly authorized representative of the County of Fresno (Name of LEAD AGENCY) or the Department of Conservation, Division of Mine Reclamation when accompanied by the documents hereafter described and subject to the following conditions.

(1) The County of Fresno (Name of LEAD AGENCY) may draw hereunder by means of its draft(s), accompanied by this original Letter of Credit, a statement authorizing the release to the County of Fresno (Name of LEAD AGENCY) signed by a duly authorized representative of the Department of Conservation, Division of Mine Reclamation, and the following signed and dated statement appropriately completed:

The amount of our accompanying draft $259,309.00 represents a sum due to the County of Fresno (Name of LEAD AGENCY) pursuant to Public Resources Code Section 2773.1(b).
The County of Fresno (Name of LEAD AGENCY) has determined, following a noticed public hearing, that Riverbend Sand & Gravel (Name of APPLICANT) is financially incapable of performing reclamation in accordance with its approved reclamation plan, or has abandoned its surface mining operation without completing reclamation. The individual signing below certifies that the foregoing statements are true and correct and that the signatory is authorized to sign and deliver this statement on behalf of the County of Fresno (Name of LEAD AGENCY), and that a copy of this statement has been forwarded

Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922
Phone: 1(800) 776-3862 Option 2
E-Mail: sblc-new@wellsfargo.com

THIS SAMPLE WORDING IS PRESENTED WITHOUT ANY RESPONSIBILITY ON OUR PART. THIS PROFORMA IS PROVIDED TO YOU AT YOUR REQUEST ONLY AS SUGGESTED WORDING FOR THE LETTER OF CREDIT. PLEASE NOTE THAT THE LETTER OF CREDIT IS IN DRAFT FORM ONLY AND REMAINS UNISSUED AND IS NOT AN ENFORCEABLE INSTRUMENT.

APPLICANT(S) HEREBY AGREE WITH THE FORM AND WORDING OF THE FOLLOWING PROFORMA LETTER OF CREDIT, AND REQUEST THAT WELLS FARGO BANK, N.A. ISSUE THE LETTER OF CREDIT WITH SUCH FORM AND WORDING. IF THERE ARE MULTIPLE APPLICANTS FOR THE LETTER OF CREDIT, THE SIGNATURE OF ONE APPLICANT DENOTES APPROVAL BY ALL APPLICANTS AND BINDS ALL APPLICANTS.

BY: _____ Manager
NAME AND TITLE:

THIS PROFORMA LETTER OF CREDIT IS AN INTEGRAL PART OF THE APPLICATION AND AGREEMENT FOR THE ISSUANCE OF THE LETTER OF CREDIT. THE LETTER OF CREDIT CANNOT BE ISSUED UNTIL THE PROFORMA LETTER OF CREDIT IS RETURNED TO US WITH THE APPLICANT'S SIGNATURE ABOVE.

Irrevocable Standby Letter Of Credit

Number : IS000088901U
Issue Date : July 16, 2019

BENEFICIARY:
COUNTY OF FRESNO CALIFORNIA
2220 TULARE, 6TH FL
FRESNO , CALIFORNIA 93721

AND/OR

BENEFICIARY:
STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
801 K ST, MS 09-06
SACRAMENTO, CALIFORNIA 95814

APPLICANT:
RIVERBEND SAND AND GRAVEL LLC
14962 E FANTZ AVE
PARLIER, CALIFORNIA 93648

LETTER OF CREDIT AMOUNT: USD 259309.00

EXPIRY DATE: 07/16/2020

LADIES AND GENTLEMEN:

PLEASE PROVIDE DATE BELOW PRIOR TO ISSUANCE*

WE HAVE BEEN INFORMED BY RIVERBEND SAND AND GRAVEL LLC, BUT DO NOT INDEPENDENTLY VERIFY THAT THIS LETTER OF CREDIT IS ISSUED TO MEET THE OBLIGATIONS OF RIVERBEND SAND AND GRAVEL LLC TO ESTABLISH AND PERFORM A RECLAMATION PLAN AND MITIGATION MEASURES PURSUANT TO MINING/RECLAMATION PLAN NUMBER 91-10-0031 APPROVED BY COUNTY OF FRESNO CALIFORNIA ON (****PLEASE PROVIDE PRIOR TO ISSUANCE***). THE PRECEDING SENTENCE IS INSERTED IN THIS LETTER OF CREDIT FOR INFORMATIONAL PURPOSES ONLY AND WILL NOT AFFECT, OR BECOME A PART OF, THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT.

AT THE REQUEST AND FOR THE ACCOUNT OF RIVERBEND SAND AND GRAVEL LLC, 14962 E FANTZ AVE, PARLIER, CALIFORNIA 93648, WE HEREBY ESTABLISH OUR IRREVOCABLE LETTER OF CREDIT NO. IS000088901U IN FAVOR OF THE ABOVE NAMED BENEFICIARIES IN THE AMOUNT OF TWO HUNDRED FIFTY NINE THOUSAND THREE HUNDRED NINE AND 00/100 UNITED STATES DOLLARS (USD 259,309.00). THE LETTER OF CREDIT IS AVAILABLE WITH US AT OUR ABOVE OFFICE BY YOUR SIGHT DRAFT AND EITHER OF THE FOLLOWING DOCUMENTS:

(1) THE COUNTY OF FRESO CALIFORNIA MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT AND THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED:

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $ _____ REPRESENTS A SUM DUE TO THE COUNTY OF FRESNO CALIFORNIA PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND RIVERBEND SAND AND GRAVEL LLC HAS BEEN PROVIDED WITH NOTICE AND OPPORTUNITY TO CURE (WHICH CURE PERIOD HAS EXPIRED), ALL IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC RESOURCES CODE SECTION 2773.1(B). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE COUNTY OF FRESNO CALIFORNIA, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE DEPARTMENT OF CONSERVATION.

COUNTY OF FRESNO CALIFORNIA

BY: _____

NAME: _____

TITLE: _____"

OR

(2) THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED (THE ORIGINAL LETTER OF CREDIT NEED NOT ACCOMPANY THE DRAFT(S):

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $_____ IS DUE TO THE DEPARTMENT OF

CONSERVATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE STATE MINING AND GEOLOGY BOARD, OR THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND NOTICE AND OPPORTUNITY TO CURE HAVE BEEN GIVEN (WITH THE CURE PERIOD HAVING EXPIRED), ALL IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 2773.1(B) AND (D). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE DEPARTMENT OF CONSERVATION, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE COUNTY OF FRESNO CALIFORNIA.

DEPARTMENT OF CONSERVATION DIVISION OF MINE RECLAMATION

BY: _____

NAME: _____

TITLE: _____

Proof Only

THIS LETTER OF CREDIT SHALL BE IN FULL FORCE AND EFFECT UNTIL THE EARLIER TO OCCUR OF OUR RECEIPT OF A WRITTEN STATEMENT BY A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA AND THE DEPARTMENT OF CONSERVATION THAT ALL OF THE OBLIGATIONS SECURED HEREBY HAVE BEEN PERFORMED OR UNTIL PAYMENT OF DRAWINGS TOTALING THE FULL AMOUNT AVAILABLE HEREUNDER PURSUANT TO THE PRECEDING PARAGRAPHS OR UNTIL THE EXPIRATION DATE HEREUNDER.

DRAWINGS MADE UNDER THIS LETTER OF CREDIT BY ANY OF THE ABOVE-NAMED BENEFICIARIES WILL BE HONORED BY US IN THE ORDER THEY ARE RECEIVED BY US AT THE PRESENTATION OFFICE SPECIFIED ABOVE. ANY DRAWING MADE BY A BENEFICIARY SHALL BE BINDING ON ALL OTHER BENEFICIARIES. IN NO EVENT WILL WE HONOR DRAWINGS WHICH EXCEED THE MAXIMUM STATED AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT AT THE TIME SUCH DRAWING IS PRESENTED TO US. DRAWINGS HEREUNDER MUST BE ACCOMPANIED BY THE ORIGINAL OF THIS LETTER OF CREDIT FOR ENDORSEMENT ON THE REVERSE HEREOF OF THE AMOUNTS OF SUCH DRAWINGS. THE ORIGINAL OF THIS LETTER OF CREDIT WILL BE RETURNED TO THE BENEFICIARY WHO PRESENTED THE DRAWING.

THE LETTER OF CREDIT SHALL EXPIRE 07/16/2020 AT THE COUNTERS OF WELLS FARGO BANK, N. A., 794 DAVIS STREET, 2ND FLOOR, SAN LEANDRO, CA 94577-6922, ATTN: STANDBY LETTER OF CREDIT DEPT., OR ANY EXTENDED DATE AS HEREINAFTER PROVIDED. IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE AUTOMATICALLY EXTENDED FOR ADDITIONAL PERIODS, EACH OF ONE YEAR, UNLESS AT LEAST ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE THEN RELEVANT EXPIRATION DATE WELLS FARGO BANK, N. A., HAS ADVISED THE COUNTY OF FRESNO CALIFORNIA AND THE DEPARTMENT OF CONSERVATION BY REGISTERED OR CERTIFIED MAIL OR EXPRESS COURIER AT THEIR ABOVE ADDRESSES THAT WELLS FARGO BANK, N. A., ELECTS NOT TO EXTEND. IN THAT EVENT, THE COUNTY OF FRESNO CALIFONRIA AND/OR THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER ON OR PRIOR TO THE THEN RELEVANT EXPIRATION DATE, UP TO THE FULL AMOUNT AVAILABLE HEREUNDER, AGAINST THE SIGHT DRAFT(S) ON WELLS FARGO BANK, N. A., BEARING THE NUMBER OF THIS LETTER OF CREDIT WITHOUT IT BEING NECESSARY THAT SUCH SIGHT DRAFT(S) BE ACCOMPANIED BY THE SIGNED AND DATED STATEMENT(S) QUOTED ABOVE OR THE ORIGINAL OF THIS LETTER OF CREDIT.

WE ARE FURTHER INFORMED THAT THE AMOUNT OF THIS LETTER OF CREDIT MAY BE REDUCED IN ACCORDANCE TO CONDITIONS SET FORTH IN THE ABOVE REFERENCED MINING/RECLAMATION PLAN NUMBER 91-10-0031, PROVIDED THAT ANY SUCH REDUCTION SHALL BE MADE ONLY WITH THE WRITTEN

APPROVAL OF A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA AND/OR THE DEPARTMENT OF CONSERVATION TO THE ISSUING BANK.

THIS LETTER OF CREDIT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA. AS TO MATTERS NOT COVERED BY THE LAWS OF THE STATE OF CALIFORNIA, THIS CREDIT SHALL BE SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 600 NOTWITHSTANDING ARTICLE 36 OF SAID PUBLICATION. IF THIS LETTER OF CREDIT EXPIRES DURING AN INTERRUPTION OF BUSINESS AS DESCRIBED IN ARTICLE 36, WELLS FARGO BANK, N. A., IS HEREBY SPECIFICALLY AUTHORIZED AND AGREE TO EFFECT PAYMENT IF THE LETTER IS DRAWN WITHIN THIRTY (30) DAYS AFTER THE RESUMPTION OF BUSINESS.

WE HEREBY ENGAGE WITH THE BENEFICIARIES THAT ALL DRAWINGS PRESENTED UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED.

EXCEPT AS EXPRESSLY STATED HEREIN, THE ORIGINAL OF THIS LETTER OF CREDIT AND ALL SUBSEQUENT AMENDMENTS OR CORRESPONDENCE WILL BE DELIVERED TO BENEFICIARY #1 STATED ABOVE.

THE ORIGINAL LETTER OF CREDIT AND ALL FUTURE CORRESPONDENCE WILL BE SENT TO COUNTY OF FRESNO CALIFORNIA.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: _____

Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association,** Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)

RE: FW: SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - -FEDEX 775738878569-$259,309.00

From: terah.skidmore-north@wellsfargo.com (terah.skidmore-north@wellsfargo.com)

To: david.keys@ewminvestments.com; Joseph.Giustino@wellsfargo.com

Cc: iblang@yahoo.com

Date: Thursday, July 25, 2019, 10:44 AM PDT

Davis,

Please put in the Beneficiary box and in special instructions that Beneficiary should read as "AND" instead of "AND/OR" and that should be sufficient.

Regards,

Terah Skidmore-North

Trade Services Representative

Standby Letters of Credit

U.S. Trade Services I 401 N Research Pkwy, 1st Floor I Winston-Salem, NC 27101

MAC D4004-017

Tel 336-735-3243

terah.skidmore-north@wellsfargo.com

Customer Care Contact: 800-776-3862, option 2 | Email: StandbyCustomerCare@wellsfargo.com

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From: David Keys <david.keys@ewminvestments.com>
Sent: Thursday, July 25, 2019 1:20 PM
To: Giustino, Joseph <Joseph.Giustino@wellsfargo.com>
Cc: Herb Lang <iblang@yahoo.com>; Skidmore-North, Terah H. <terah.skidmore-north@wellsfargo.com>
Subject: Re: FW: SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - -FEDEX 775738878569-$259,309.00

Application to Amend Irrevocable Standby Letter of Credit Number: IS0000889014

To: Wells Fargo Bank, National Association **Request Date:** 7/25/2019

WELLS FARGO

Please type clear information in the boxes below. Applications that are illegible may be returned.

The Applicant(s) signing below hereby request that Wells Fargo Bank, National Association ("Wells Fargo") issue an amendment to the above referenced Irrevocable Standby Letter of Credit ("Credit") on substantially the terms below:

Amend Party Name and/or Address to:

Party Type: ☐ Applicant/Obligor ☐ Account Party *(Name & Address)*	**Party Type:** ☒ Beneficiary ☐ Advising Bank *(Name & Address)*
	Beneficiary should read as "AND" instead of "AND/OR"

Amend Amount: *(please check one)* ☐ Increase Amount ☐ Decrease Amount

Amount to change by *(in figures):* *(in words):*

Amount to change to *(in figures):* *(in words):*

Amend Expiration/Automatic Extension Provision:

☐ **Modify Current Expiration Date to:** _____ *(MM/DD/YY format)*

☐ **Request Pre-Expiration Cancellation**

☐ **Add Automatic Extension** *(Check one box below)*

☐ Annually on the day and month anniversary of the Expiration Date ☐ Annually on _____ *(MM/DD)*

☐ Every _____ calendar days ☐ Every _____ months

With _____ days notification of non-extension and a Final Expiration Date of _____ *(MM/DD/YY)*

☐ **Modify Automatic Extension Terms** *(Check one box below)*

☐ Annually on the day and month anniversary of the Expiration Date ☐ Annually on _____ *(MM/DD)*

☐ Every _____ calendar days ☐ Every _____ months

With _____ days notification of non-extension and a Final Expiration Date of _____ *(MM/DD/YY)*

☐ **Delete Automatic Extension Terms and Send Notice of Non-Extension**

☐ **Rescind Non-Extension Notice and** *(Check one box below)*

☐ Reinstate Automatic Extension Provision ☐ Do not reinstate Automatic Extension Provision – new expiry to be

Amend Additional Terms/Requirements:

☐ **Partial drawings** ☐ Prohibited ☐ Permissible ☐ **Multiple drawings** ☐ Prohibited ☐ Permissible

☐ **Transferability** ☐ Delete ☐ Add **Transfer charges for account of** ☐ Applicant ☐ Beneficiary

Amend Standby Language:

Amend Paragraph Number _____ **to read: (or as per attached)**

See attached Draft

Applicant's Agreement and Signature:	**Wells Fargo Bank Approving Officer Agreement and Signature:**
We understand this amendment is subject to acceptance by the beneficiary and any confirming bank. All other terms and conditions of the Letter of Credit remain unchanged.	Applicant's signature on this Application is verified. Issuance of amendment has been approved in accordance with the credit policies and procedures of Wells Fargo Bank.
Print or Type Name of Applicant: BWM Investments LLC	**Approving Officer's Office:**
Authorized Signature (and Title, if applicable): Manager	**Approving Officer's Name:**
Authorized Signature (and Title, if applicable):	**Approving Officer's Signature** / **Date:**
Date: 7/25/19 / **Phone Number:** 702-737-7005	**MAC:** / **AU:** / **Phone Number:**

Special Instructions:

Beneficiary should read as "AND" instead of "AND/OR"

EXHIBIT 6-49

(attached to Exhibit 6 - April 23, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
Form ILoC-1 (4/18) Page 1 of 4

Attachment to Standby Letter of Credit Application

IRREVOCABLE LETTER OF CREDIT

California Mine ID No.: 91-10-0031`
Irrevocable Letter of Credit No.: _____
Expiration Date: _____
Permit No.: CUP 3390
Reclamation Plan Name/No.: 3390 Riverbend Sand & Gravel

Beneficiary(ies):

(1) County of Fresno
(Name of LEAD AGENGY)

Address: 2220 Tulare St. 6th Floor Fresno, CA. 93721

(2) California Department of Conservation,
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, California 95814-3529

The amount of $259,309.00 will be paid to the Beneficiary(ies) upon the authorization and direction of a duly authorized representative of the County of Fresno (Name of LEAD AGENCY) or the Department of Conservation, Division of Mine Reclamation when accompanied by the documents hereafter described and subject to the following conditions.

(1) The County of Fresno (Name of LEAD AGENCY) may draw hereunder by means of its draft(s), accompanied by this original Letter of Credit, a statement authorizing the release to the County of Fresno (Name of LEAD AGENCY) signed by a duly authorized representative of the Department of Conservation, Division of Mine Reclamation, and the following signed and dated statement appropriately completed:

The amount of our accompanying draft $259,309.00 represents a sum due to the County of Fresno (Name of LEAD AGENCY) pursuant to Public Resources Code Section 2773.1(b).
The County of Fresno (Name of LEAD AGENCY) has determined, following a noticed public hearing, that Riverbend Sand & Gravel (Name of APPLICANT) is financially incapable of performing reclamation in accordance with its approved reclamation plan, or has abandoned its surface mining operation without completing reclamation. The individual signing below certifies that the foregoing statements are true and correct and that the signatory is authorized to sign and deliver this statement on behalf of the County of Fresno (Name of LEAD AGENCY), and that a copy of this statement has been forwarded

Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922
Phone: 1(800) 776-3862 Option 2
E-Mail: sblc-new@wellsfargo.com

THIS SAMPLE WORDING IS PRESENTED WITHOUT ANY RESPONSIBILITY ON OUR PART. THIS PROFORMA IS PROVIDED TO YOU AT YOUR REQUEST ONLY AS SUGGESTED WORDING FOR THE LETTER OF CREDIT. PLEASE NOTE THAT THE LETTER OF CREDIT IS IN DRAFT FORM ONLY AND REMAINS UNISSUED AND IS NOT AN ENFORCEABLE INSTRUMENT.

APPLICANT(S) HEREBY AGREE WITH THE FORM AND WORDING OF THE FOLLOWING PROFORMA LETTER OF CREDIT, AND REQUEST THAT WELLS FARGO BANK, N.A. ISSUE THE LETTER OF CREDIT WITH SUCH FORM AND WORDING. IF THERE ARE MULTIPLE APPLICANTS FOR THE LETTER OF CREDIT, THE SIGNATURE OF ONE APPLICANT DENOTES APPROVAL BY ALL APPLICANTS AND BINDS ALL APPLICANTS.

BY: _____ Manager
NAME AND TITLE:

THIS PROFORMA LETTER OF CREDIT IS AN INTEGRAL PART OF THE APPLICATION AND AGREEMENT FOR THE ISSUANCE OF THE LETTER OF CREDIT. THE LETTER OF CREDIT CANNOT BE ISSUED UNTIL THE PROFORMA LETTER OF CREDIT IS RETURNED TO US WITH THE APPLICANT'S SIGNATURE ABOVE.

Irrevocable Standby Letter Of Credit

Number : IS000088901U
Issue Date : July 16, 2019

BENEFICIARY:
COUNTY OF FRESNO CALIFORNIA
2220 TULARE, 6TH FL
FRESNO , CALIFORNIA 93721

AND/OR

BENEFICIARY:
STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
801 K ST, MS 09-06
SACRAMENTO, CALIFORNIA 95814

APPLICANT:
RIVERBEND SAND AND GRAVEL LLC
14962 E FANTZ AVE
PARLIER, CALIFORNIA 93648

LETTER OF CREDIT AMOUNT: USD 259309.00

EXPIRY DATE: 07/16/2020

EXHIBIT 6-50

(attached to Exhibit 6 - April 23, 2024 Letter)

BUADA ASSOCIATES, INC.
4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/269-1376
e-mail: jcbuada@buada.com

March 29, 2022

Roy Jimenez
Fresno County Development Services
2220 Tulare Ave
Fresno, CA 93720

RE: Riverbend Sand and Gravel Mine ID# 91-10-0031
2021-22 Financial Assurance Cost Estimate

Attached is the 2021-22 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel

CC: Herb Lang

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: March 29, 2022	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): December 17, 2021 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 7/8/2021

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2022-1, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, April 1, 2021 - March 31, 2022

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2022.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2022, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2022. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2022 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2022. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1] Source: Aspen Environmental rate Sheet for 2017-2018
[2] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

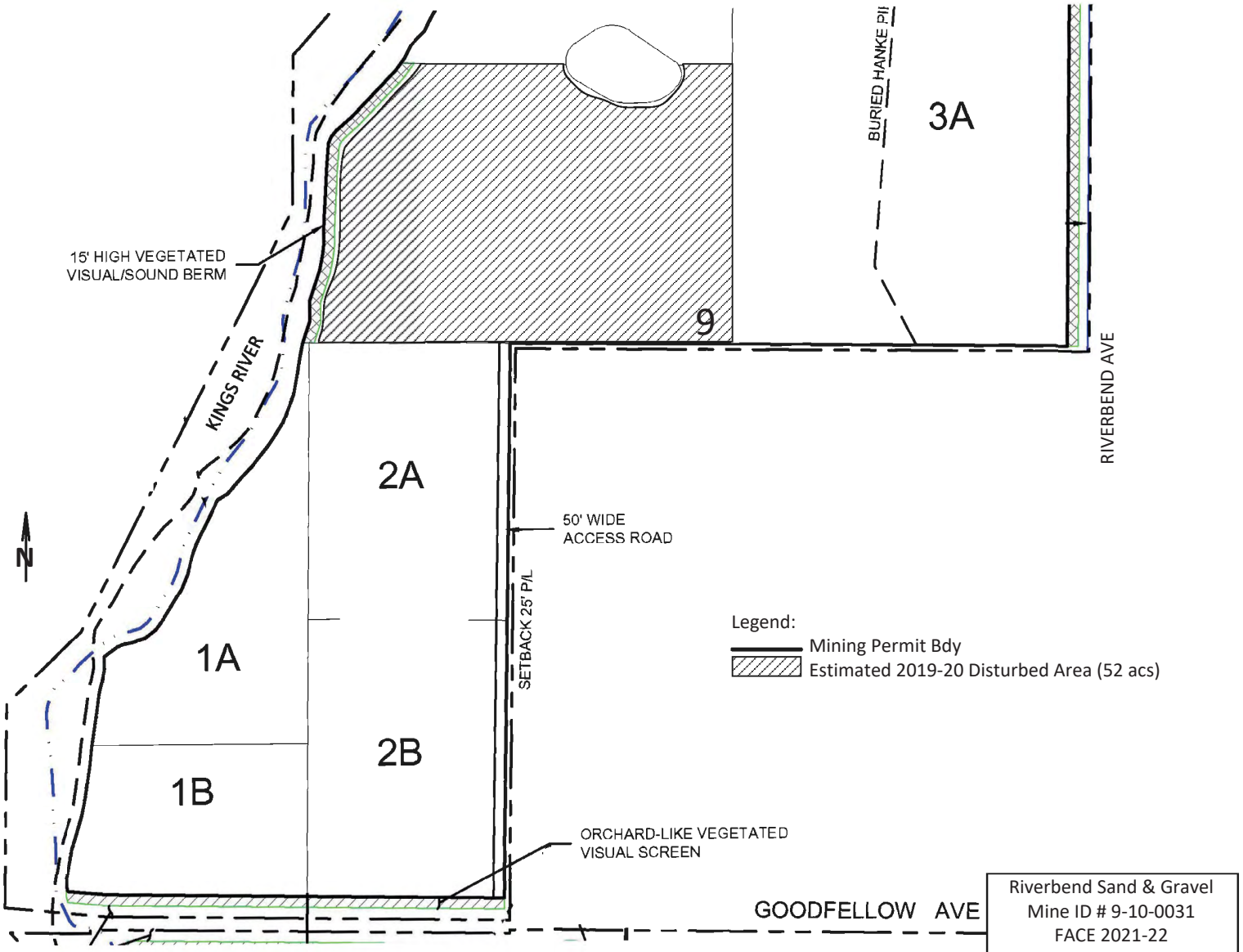
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

Appendix A

Site Plan

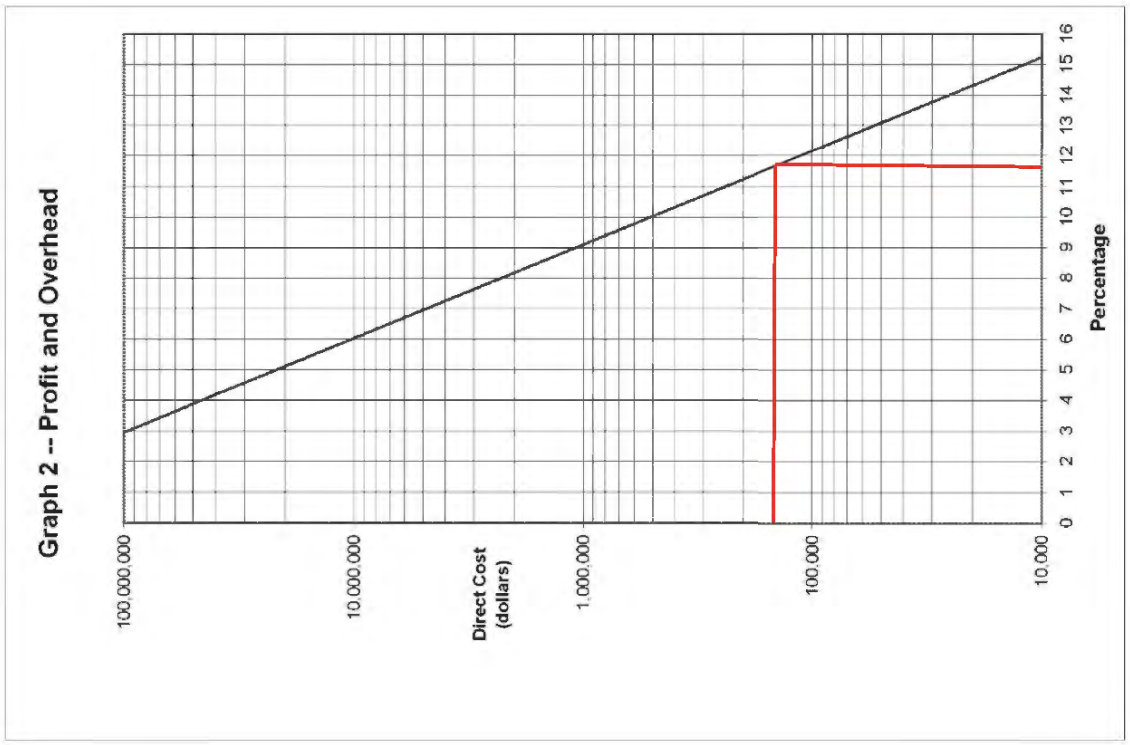


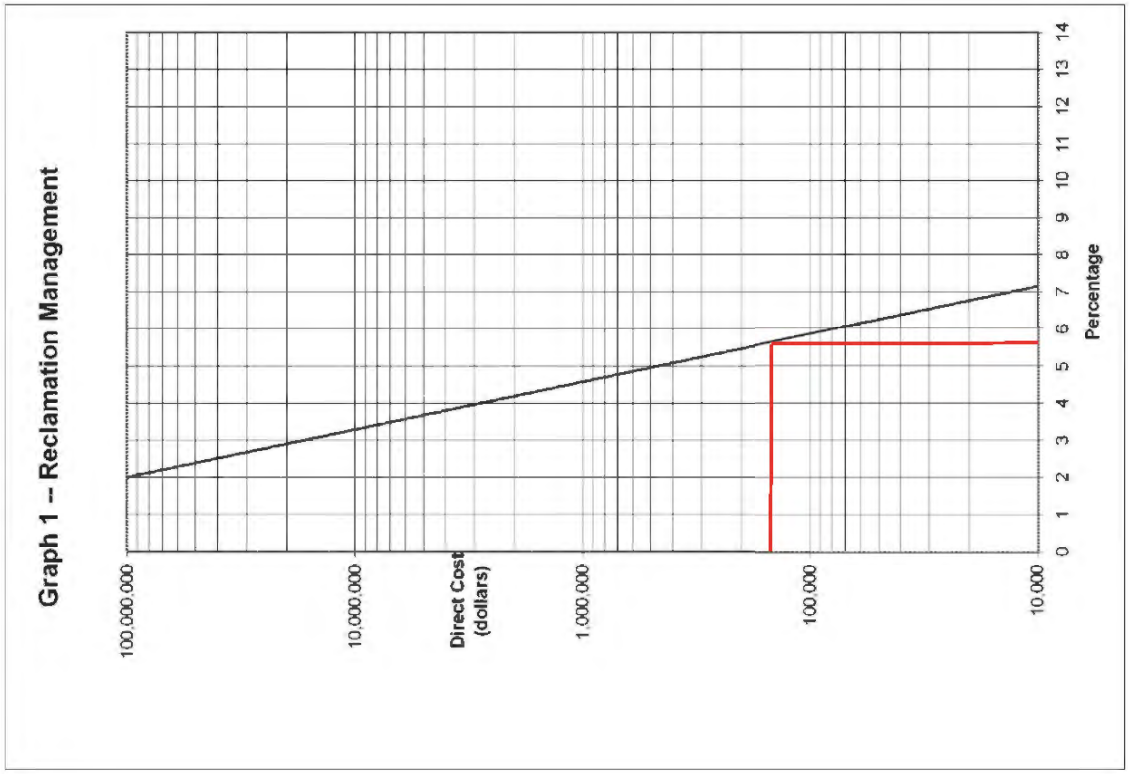
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2021-22
Site Plan

Appendix B

Division of Mine Reclamation Graphs

Site Plan


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

Site Plan

ELMT CONSULTING

HOURLY RATE SCHEDULE

Effective January 2022 through December 2022

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	230.00
Director	175.00
Senior Biologist/Regulatory Specialist	145.00
Senior GIS Specialist	140.00
Biologist/Regulatory Analyst	135.00
GIS Analyst	110.00
Office Support/ Clerical	70.00

Notes:

1. Reproduction (including blueprints, if needed), mileage, messenger service and other direct expenses will be charged at cost with no percentage mark-up.

2. A Sub-Consultant Management Fee will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

3. Annual cost increases will follow the Consumer Price Index for that year.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 6-51

(attached to Exhibit 6 - April 23, 2024 Letter)

Gmail

John Buada <jcbuada@buada.com>

Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

Jimenez, Roy <RJJimenez@fresnocountyca.gov> Wed, Jun 15, 2022 at 4:14 PM
To: John Buada <jcbuada@buada.com>
Cc: Herb Lang <iblang@yahoo.com>

Please excuse the previous email since I neglected to attach the wrong mine site.

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov

Thank you.

Roy Jimenez, Jr.| **Planner**

Department of Public Works and Planning | Water and Natural Resources Division

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066

Your input matters! Customer Service Survey

[Quoted text hidden]

3 attachments

10-0031_2022-06-15_FACE_NC-signed.pdf
336K

MRRC-1 Riverbend Sand and Gravel.pdf

588K

NOCI Riverbend Sand and Gravel.pdf
422K

EXHIBIT 6-52

(attached to Exhibit 6 - April 23, 2024 Letter)

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: January 26, 2023	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): December 12, 2022 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 6/15/2022

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2022-2, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, September 1, 2022 - March 31, 2023

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook 49

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2022.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2022, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2023. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2023 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2023 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2023, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2023. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1] Source: Aspen Environmental rate Sheet for 2017-2018
[2] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

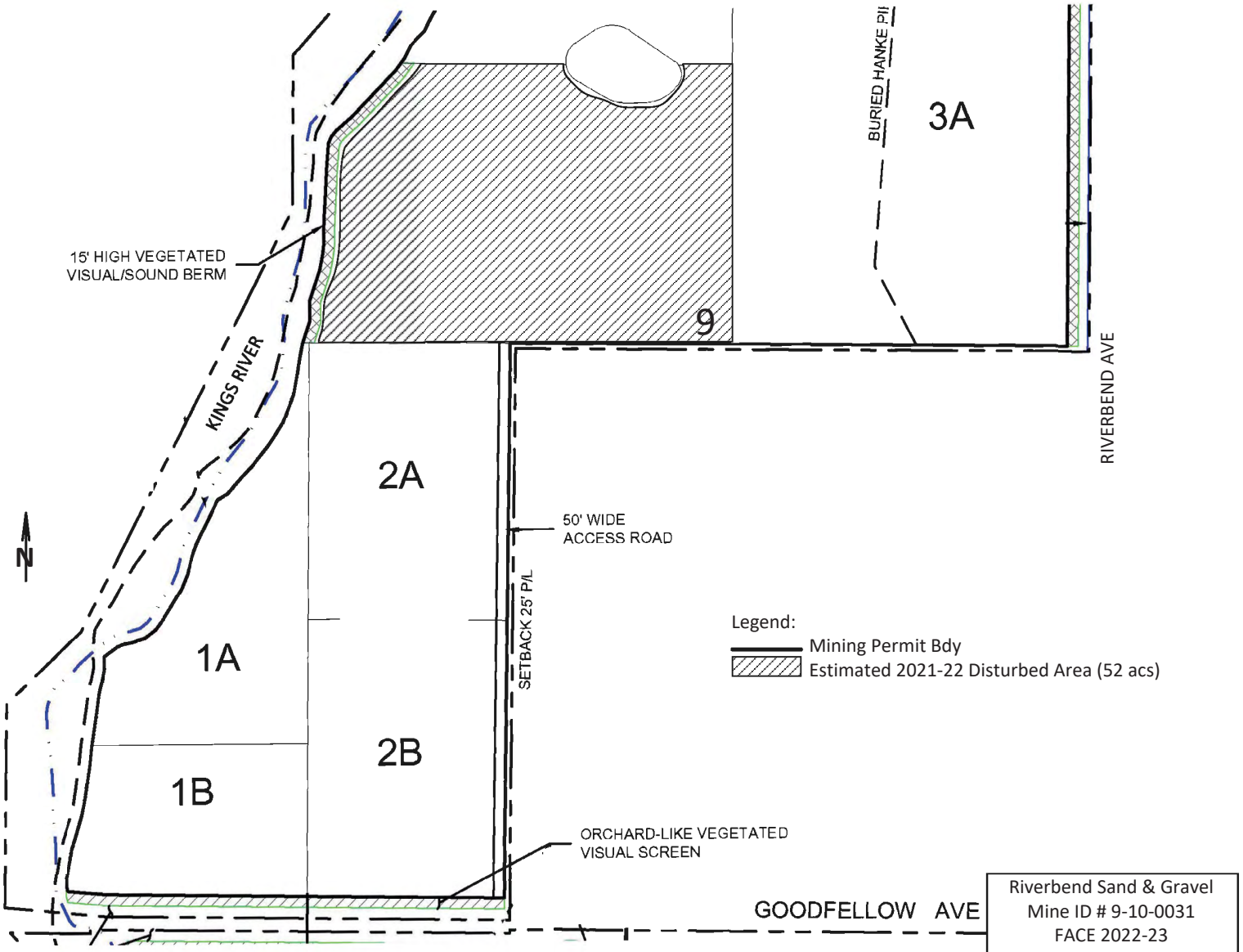
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

Appendix A

Site Plan

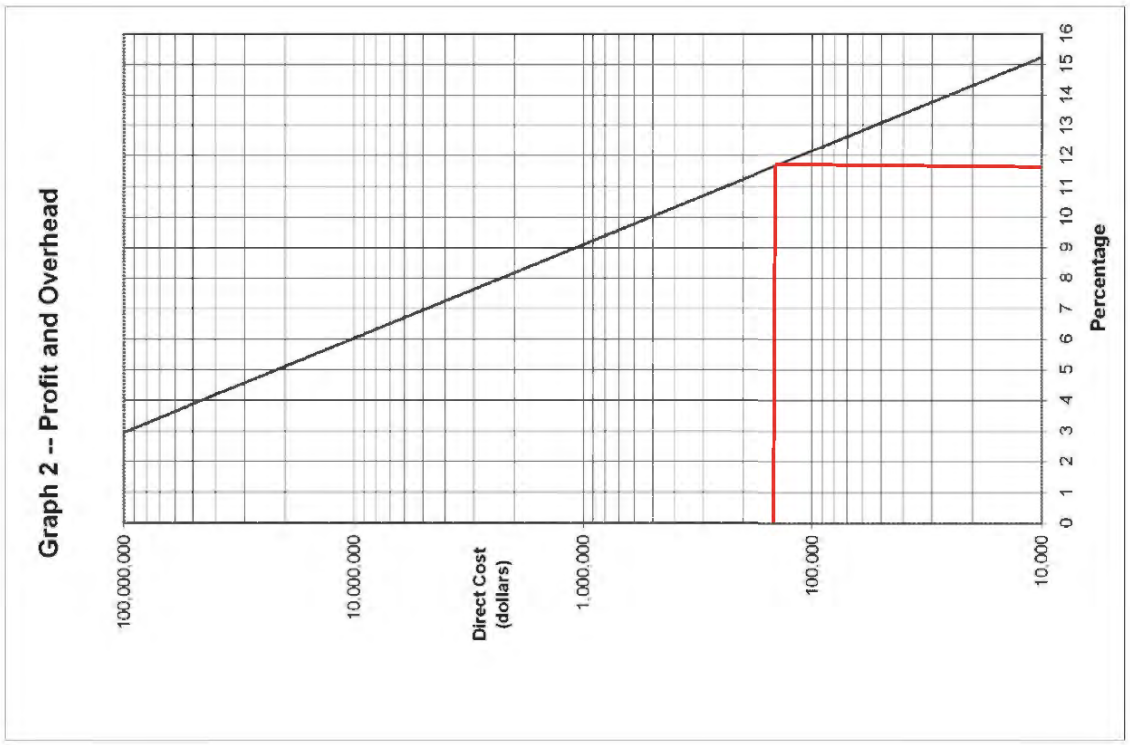


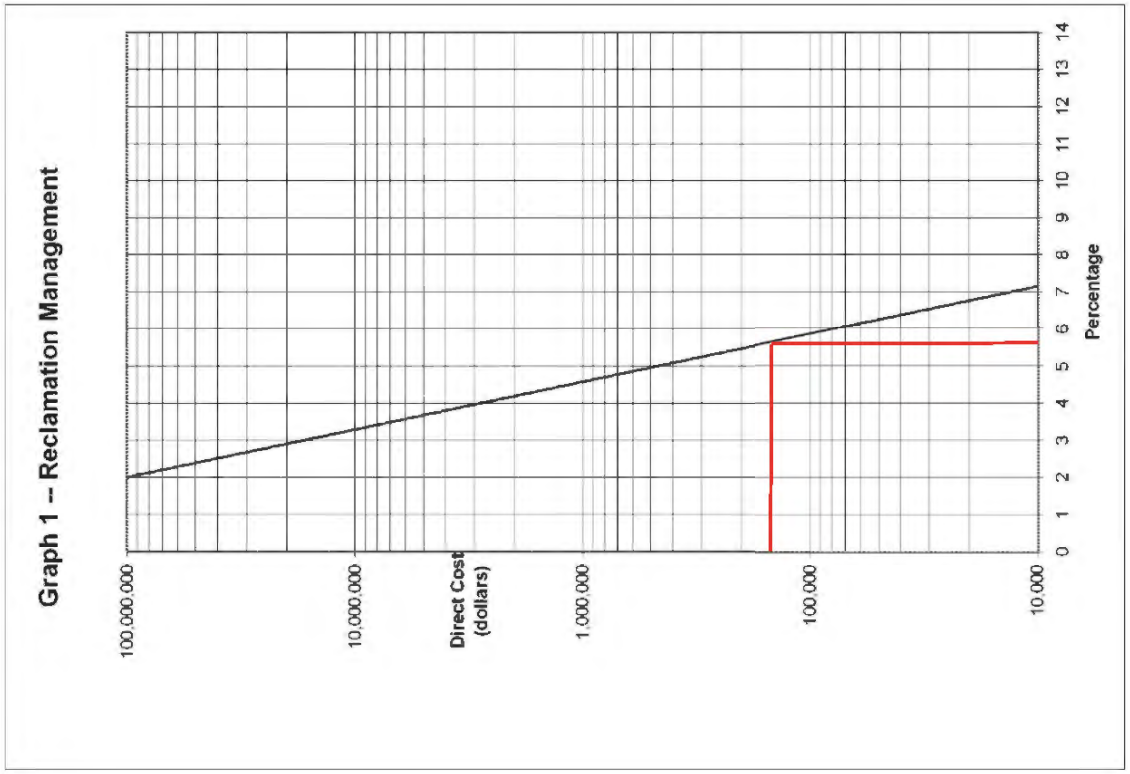
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2022-23
Site Plan

Appendix B

Division of Mine Reclamation Graphs

Site Plan


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

Site Plan

ELMT CONSULTING

HOURLY RATE SCHEDULE

Effective January 2022 through December 2022

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	230.00
Director	175.00
Senior Biologist/Regulatory Specialist	145.00
Senior GIS Specialist	140.00
Biologist/Regulatory Analyst	135.00
GIS Analyst	110.00
Office Support/ Clerical	70.00

Notes:

1. Reproduction (including blueprints, if needed), mileage, messenger service and other direct expenses will be charged at cost with no percentage mark-up.

2. A Sub-Consultant Management Fee will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

3. Annual cost increases will follow the Consumer Price Index for that year.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 6-53

(attached to Exhibit 6 - April 23, 2024 Letter)

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: January 26, 2023	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): November 28, 2023 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 6/29/2023

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2022-2, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, April 1, 2023 - March 31, 2024.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook 49

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2022.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2022, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2024. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2024 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2024 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2024, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2023. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1] Source: Aspen Environmental rate Sheet for 2017-2018
[2] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

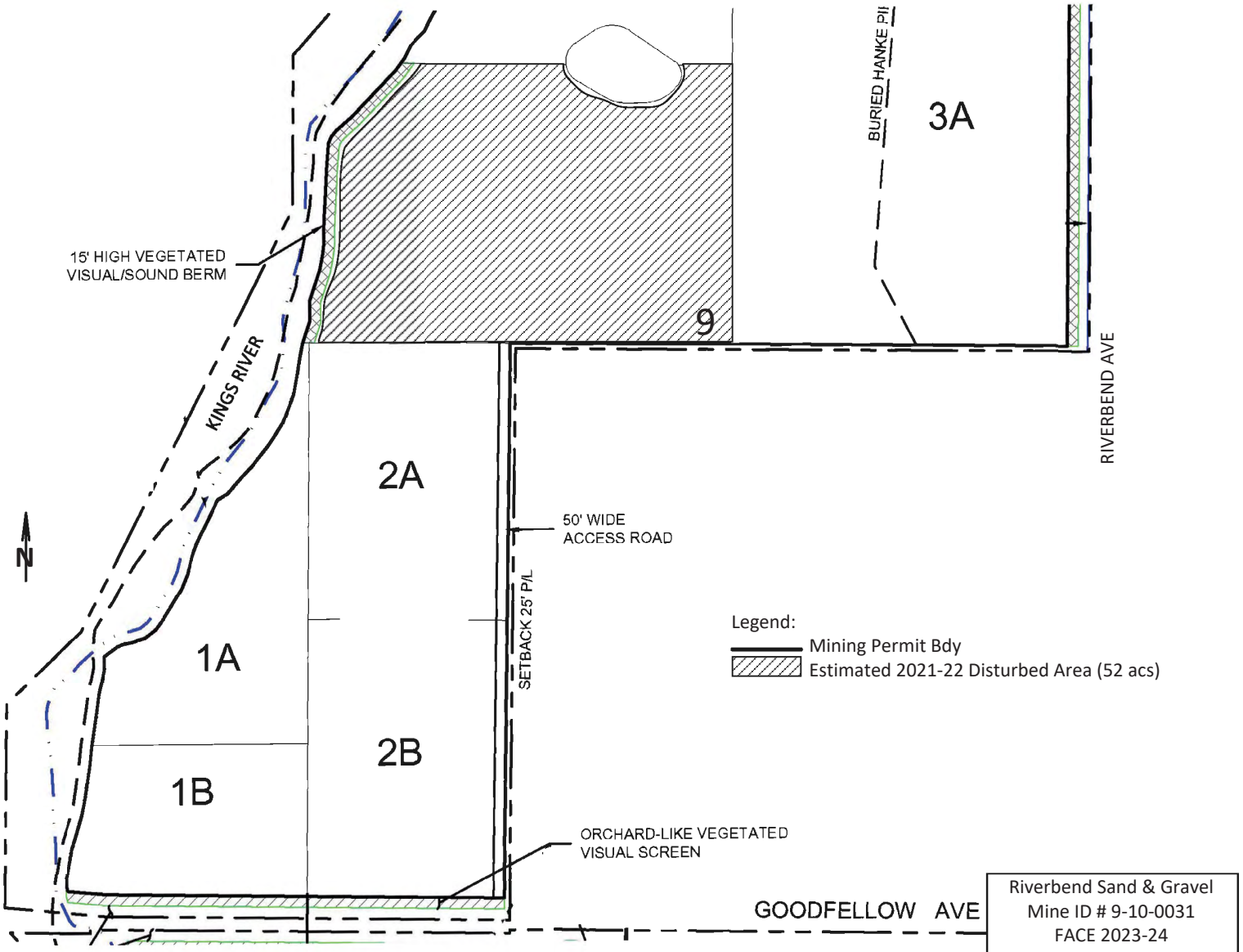
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

Appendix A

Site Plan

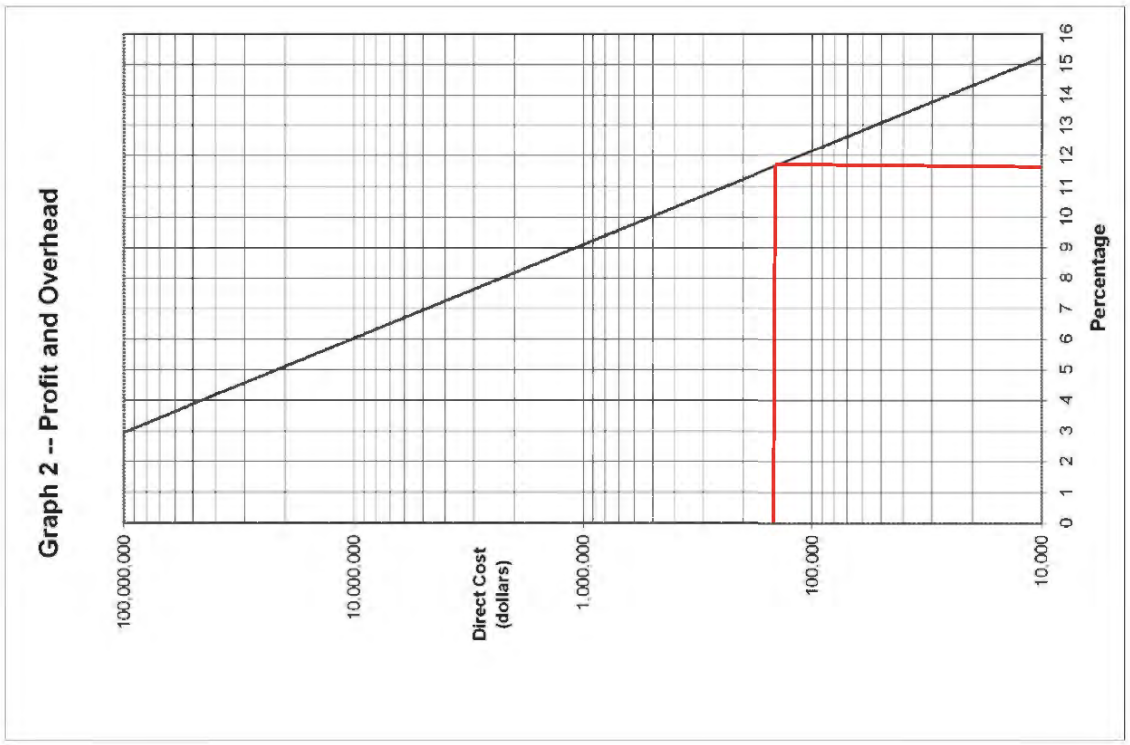


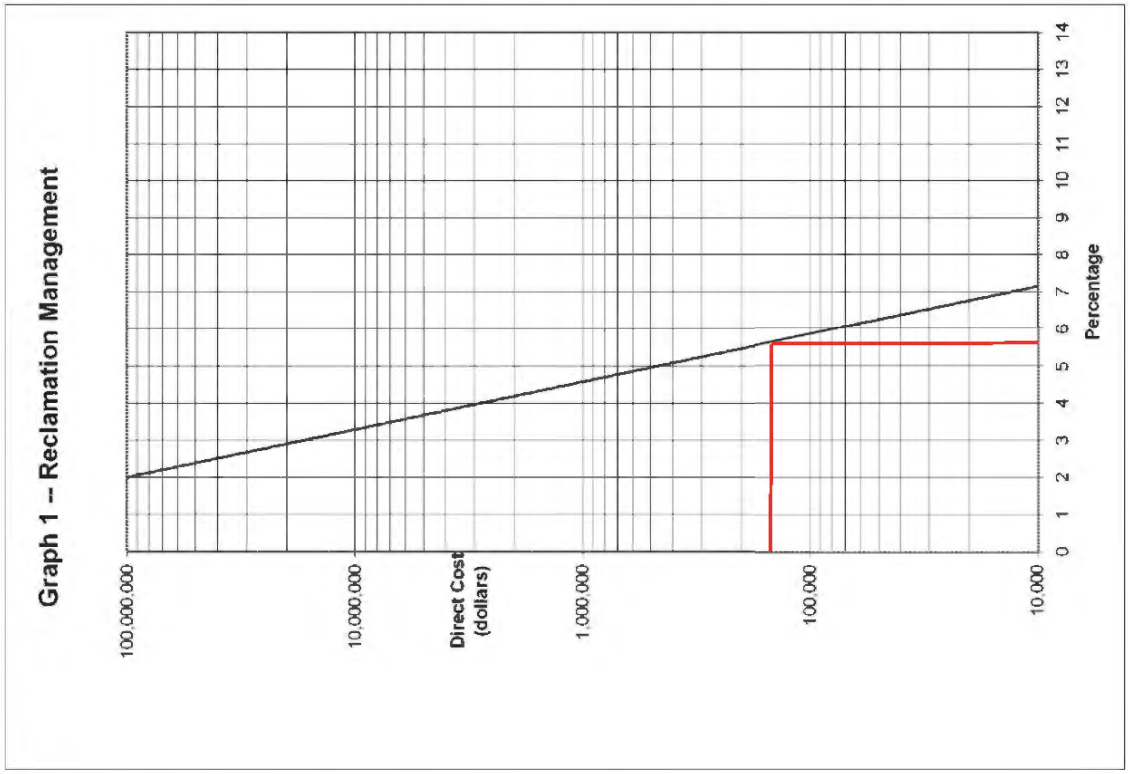
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2023-24
Site Plan

Appendix B

Division of Mine Reclamation Graphs

Site Plan


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

Site Plan

HOURLY RATE SCHEDULE

Effective January 1, 2023 through December 31, 2023

OFFICE PERSONNEL	$/ Hour
Principal	275.00
Managing Director	253.00
Project Manager/Director	215.00
Senior Biologist/Regulatory Specialist	182.00
Senior GIS Specialist	149.00
Biologist/Regulatory Analyst	149.00
GIS Analyst	132.00
Field Biologist	121.00
Office Support/ Clerical	110.00

Notes:

1. Reproduction (including blueprints, if needed), mileage, messenger service and other direct expenses will be charged at cost with no percentage mark-up.

2. A Sub-Consultant Management Fee will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

3. Annual cost increases will follow the Consumer Price Index for that year.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 6-54

(attached to Exhibit 6 - April 23, 2024 Letter)

Riverbend Sand and Gravel
Annual County SMARA Inspection Fees Paid

Date	Amount
2017 (NOI)	$1720
2017-2018	$1,282
2018-2019	$1,676
2019-2020	$1,400
2020-2021	$1,400
2021-2022	$1,474
2022-2023	$1,738
2023-2024	$1,738
Total	$10,708

EXHIBIT 6-55

(attached to Exhibit 6 - April 23, 2024 Letter)

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0113585
BILLING PERIOD: 04/01/16 - 03/31/17
INVOICE DATE: 4/6/2016
INDEX NO: 272616

Total Amount Due by Friday, May 6, 2016 **$ 1,282.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/16 - 03/31/17**

Invoice No: **SW-0113585** Amount Due: **$ 1,282.00** Due By: **Friday, May 6, 2016**

PLEASE REMIT YOUR PAYMENT ON OR BEFORE THE DUE DATE SHOWN ABOVE. LATE PAYMENT COULD RESULT IN PENALTIES UNDER PROVISIONS OF THE WATER CODE SECTION 13261. THESE ACTIONS COULD INCLUDE DAILY PENALTIES IN ADDITION TO YOUR FEE OR OTHER ACTIONS DEEMED APPROPRIATE BY THE REGIONAL BOARD.

PLEASE NOTE THAT TRANSFER OF OWNERSHIP OR RELOCATION OF THE FACILITY REQUIRE A NEW STORM WATER PERMIT. IF YOUR FACILITY IS CLOSED OR PROJECT COMPLETED, PLEASE FILE A NOTICE OF TERMINATION.

Make your check payable to State Water Resources Control Board

If you have any questions about this invoice, please call the Water Board at 916-341-5247.
For more information, please visit our website at http://www.waterboards.ca.gov/resources/fees/

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Fee Branch Website:
http://www.waterboards.ca.gov/resources/fees/water_quality/

Contact the Fee Branch with questions about this invoice:
Email: FeeBranch@waterboards.ca.gov
Phone: (916) 341-5247 | **FAX:** (916) 341-5248

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0132390
BILLING PERIOD: 04/01/17 - 03/31/18
INVOICE DATE: 4/5/2017
INDEX NO: 300917

Total Amount Due by Friday, May 5, 2017 **$ 1,676.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/17 - 03/31/18**

Invoice No: **SW-0132390** Amount Due: **$ 1,676.00** Due By: **Friday, May 5, 2017**

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INVOICE NO: SW-0132390

INDEX NO: 300917
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RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

AMOUNT DUE: **$1,676.00**
BILLING PERIOD: **04/01/17 - 03/31/18**
DUE BY: **5/5/17**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0149625
BILLING PERIOD: 04/01/18 - 03/31/19
INVOICE DATE: 4/5/2018
INDEX NO: 330620

☞ **Total Amount Due by Saturday, May 5, 2018** **$ 1,400.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/18 - 03/31/19**

Invoice No: **SW-0149625** Amount Due: **$ 1,400.00** Due By: **Saturday, May 5, 2018**

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PLEASE NOTE THAT TRANSFER OF OWNERSHIP OR RELOCATION OF THE FACILITY REQUIRE A NEW STORM WATER PERMIT. IF YOUR FACILITY IS CLOSED OR PROJECT COMPLETED, PLEASE FILE A NOTICE OF TERMINATION.

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INVOICE NO: SW-0149625

INDEX NO: 330620
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: $1,400.00
BILLING PERIOD: 04/01/18 - 03/31/19
DUE BY: 5/5/18
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0170735
BILLING PERIOD: 04/01/19 - 03/31/20
INVOICE DATE: 4/9/2019
INDEX NO: 370193

☞ **Total Amount Due by Thursday, May 9, 2019** **$ 1,400.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/19 - 03/31/20**

Invoice No: **SW-0170735** Amount Due: **$ 1,400.00** Due By: **Thursday, May 9, 2019**

PLEASE REMIT YOUR PAYMENT ON OR BEFORE THE DUE DATE SHOWN ABOVE. LATE PAYMENT COULD RESULT IN PENALTIES UNDER PROVISIONS OF THE WATER CODE SECTION 13261. THESE ACTIONS COULD INCLUDE DAILY PENALTIES IN ADDITION TO YOUR FEE OR OTHER ACTIONS DEEMED APPROPRIATE BY THE REGIONAL BOARD.

PLEASE NOTE THAT TRANSFER OF OWNERSHIP OR RELOCATION OF THE FACILITY REQUIRE A NEW STORM WATER PERMIT. IF YOUR FACILITY IS CLOSED OR PROJECT COMPLETED, PLEASE FILE A NOTICE OF TERMINATION.

Make your check payable to State Water Resources Control Board

If you have any questions about this invoice, please call the Water Board at 916-341-5247.
For more information, please visit our website at http://www.waterboards.ca.gov/resources/fees/

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INVOICE NO: SW-0170735

INDEX NO: 370193
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: **$1,400.00**
BILLING PERIOD: **04/01/19 - 03/31/20**
DUE BY: **5/9/19**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0190533
BILLING PERIOD: 04/01/20 - 03/31/21
INVOICE DATE: 5/6/2020
INDEX NO: 409882

Total Amount Due by Friday, June 5, 2020 **$ 1,400.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/20 - 03/31/21**

Invoice No: **SW-0190533** Amount Due: **$ 1,400.00** Due By: **Friday, June 5, 2020**

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INVOICE NO: SW-0190533

INDEX NO: 409882
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

AMOUNT DUE: **$1,400.00**
BILLING PERIOD: **04/01/20 - 03/31/21**
DUE BY: **6/5/20**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

INVOICE

Water Boards

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0210896
BILLING PERIOD: 04/01/21 - 03/31/22
INVOICE DATE: 4/6/2021
INDEX NO: 445082

Total Amount Due by Thursday, May 6, 2021 **$ 1,474.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/21 - 03/31/22**

Invoice No: **SW-0210896** Amount Due: **$ 1,474.00** Due By: **Thursday, May 6, 2021**

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INDEX NO: 445082
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HERB LANG
14962 E FANTZ AVE
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(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: **$1,474.00**
BILLING PERIOD: **04/01/21 - 03/31/22**
DUE BY: **5/6/21**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0238556
BILLING PERIOD: 04/01/22 - 03/31/23
INVOICE DATE: 4/6/2022
INDEX NO: 490459

Total Amount Due by Friday, May 6, 2022 **$ 1,738.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/22 - 03/31/23**

Invoice No: **SW-0238556** Amount Due: **$ 1,738.00** Due By: **Friday, May 6, 2022**

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RIVERBEND SAND AND GRAVEL, LLC
14962 E FANTZ AVE
PARLIER, CA 93648
559 875-6565

2307
94-7074/3212

DATE 5-2-22

PAY TO THE ORDER OF STATE WATER RESOURCES CONTROL BOARD $ 1738.00

ONE THOUSAND SEVEN HUNDRED THIRTY EIGHT AND NO/100 DOLLARS

Wells Fargo Bank NA

FOR INV# SW-0238556

⑈002307⑈ ⑆321270742⑆ 3470546867⑈

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

INVOICE NO: SW-0264676
BILLING PERIOD: 04/01/23 - 03/31/24
INVOICE DATE: 4/5/2023
INDEX NO: 540443

Total Amount Due by Friday, May 5, 2023 **$ 1,738.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10I025502** Billing Period: **04/01/23 - 03/31/24**

Invoice No: **SW-0264676** Amount Due: **$ 1,738.00** Due By: **Friday, May 5, 2023**

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INVOICE NO: SW-0264676

INDEX NO: 540443
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 875-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

OK pk

AMOUNT DUE: **$1,738.00**
BILLING PERIOD: **04/01/23 - 03/31/24**
DUE BY: **5/5/23**
FACILITY ID (WDID): 5F10I025502
FACILITY NAME: RIVERBEND SAND AND GRAVEL
14684 E GOODFELLOW AVE
SANGER, CA 93657

Water Boards

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

INVOICE NO: SW-0284746
BILLING PERIOD: 01/01/24 - 12/31/24
INVOICE DATE: 1/3/2024
INDEX NO: 594694

Total Amount Due by Friday, February 2, 2024 **$ 1,848.00**

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648

Invoice details are shown on the back

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **5F10C378836** Billing Period: **01/01/24 - 12/31/24**

Invoice No: **SW-0284746** Amount Due: **$ 1,848.00** Due By: **Friday, February 2, 2024**

PLEASE REMIT YOUR PAYMENT ON OR BEFORE THE DUE DATE SHOWN ABOVE. LATE PAYMENT COULD RESULT IN PENALTIES UNDER PROVISIONS OF THE WATER CODE SECTION 13261. THESE ACTIONS COULD INCLUDE DAILY PENALTIES IN ADDITION TO YOUR FEE OR OTHER ACTIONS DEEMED APPROPRIATE BY THE REGIONAL BOARD.

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INVOICE NO: SW-0284746

INDEX NO: 594694
(Please print the above number on check or money order)

RIVERBEND SAND AND GRAVEL LLC
HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(559) 675-6565

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: **$1,848.00**
BILLING PERIOD: **01/01/24 - 12/31/24**
DUE BY: **2/2/24**
FACILITY ID (WDID): 5F10C378836
FACILITY NAME: RIVERBEND SAND AND GRAVEL STOC
14684 EAST GOODFELLOW AVENUE
SANGER, CA 93657

EXHIBIT 6-56

(attached to Exhibit 6 - April 23, 2024 Letter)

2017-2018

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2017 through June 30, 2018

Retain a copy of the completed Annual Report for your records.

Please remember that a Notice of Termination and new Notice of Intent are required whenever a facility operation is relocated or changes ownership.

If you have any questions, please contact your Regional Board Industrial Storm Water Permit Contact. The names, telephone numbers, and e-mail addresses of the Regional Board contacts, as well was the Regional Board office addresses, can be found at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml

General Information

A. Facility Information

WDID: 5F10I025502

Business Name: Riverbend Sand and Gravel

Physical Address: 14684 E Goodfellow Ave

City: Sanger
State: CA
Zip: 93657

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Standard Industrial Classification (SIC) Codes: 1442-Construction Sand and Gravel

B. Facility Owner Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

C. Facility Billing Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Question Information

1. Has the Discharger conducted monthly visual observations (including authorized and unauthorized Non-Storm Water Discharges and Best Management Practices) in accordance with Section XI.A.1?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

2. Has the Discharger conducted sampling event visual observations at each discharge location where a sample was obtained in accordance with Section XI.A.2?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

4. How many storm water discharge locations are at your facility?

2

5. Has the Discharger chosen to select Alternative Discharge Locations in accordance with Section XI.C.3?

☐ Yes ☒ No

6. Has the Discharger reduced the number of sampling locations within a drainage area in accordance with the Representative Sampling Reduction in Section XI.C.4?

☐ Yes ☒ No

7. Permitted facilities located within an impaired watershed must assess for potential pollutants that may be present in the facility's industrial storm water discharge. Using the table below, populated based on the facility's location, indicate the presence of the potential pollutant at the facility.
See Attachment 2 for the List of Identified Pollutants within the Impaired Watershed.

8. Has the Discharger included the above pollutants in the SWPPP pollutant source assessment and assessed the need for analytical monitoring for the pollutants?

☒ Yes ☐ No

If No, what date will the parameter(s) will be added to the SWPPP and Monitoring Implementation Plan?

9. Were all samples collected in accordance with Section XI.B.5?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

10. Has any contained storm water been discharged from the facility this reporting year?

☐ Yes ☒ No

If Yes, see Attachment 1, Summary of Explanation.

11. Has the Discharger conducted one (1) annual evaluation during the reporting year as required in Section XV?

☒ Yes ☐ No

If Yes, what date was the annual evaluation conducted? 06/29/2018

If No, see Attachment 1, Summary of Explanation.

12. Has the Discharger maintained records on-site for the reporting year in accordance with XXI.J.3?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

If your facility is subject to Effluent Limitation Guidelines in Attachment F of the Industrial General Permit, include your specific requirements as an attachment to the Annual Report (attach as file type: Supporting Documentation).

ANNUAL REPORT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel propoerly gether and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Title: Manager Date: 07/09/2018

2017-2018

Annual Report for WDID 5F10I025502

Summary of Explanations

Explanation Question	Explanation Text
Question 2	There was no discharge from the discharge locations
Question 3	There was no discharge from the discharge locations
Question 9	There was no discharge from the discharge locations

Summary of Attachments

Attachment Type	Attachment Title	Description	Date Uploaded	Part Number	Attachment Hash

2017-2018

Annual Report for WDID 5F10I025502

List of Identified Pollutants within the Impaired Watershed

Parameter	Pollutant	Present at Facility?
Chlorpyrifos	Chlorpyrifos	No
Metals Screen	Molybdenum	No
Metals Screen	Mercury	No
Specific Conductivity	Electrical Conductivity	Yes
Toxaphene	Toxaphene	No

EXHIBIT 6-57

(attached to Exhibit 6 - April 23, 2024 Letter)

2018-2019

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2018 through June 30, 2019

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General Information

A. Facility Information

WDID: 5F10I025502

Business Name: Riverbend Sand and Gravel

Physical Address: 14684 E Goodfellow Ave

City: Sanger
State: CA
Zip: 93657

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Standard Industrial Classification (SIC) Codes: 1442-Construction Sand and Gravel

B. Facility Owner Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

C. Facility Billing Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Question Information

1. Has the Discharger conducted monthly visual observations (including authorized and unauthorized Non-Storm Water Discharges and Best Management Practices) in accordance with Section XI.A.1?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

2. Has the Discharger conducted sampling event visual observations at each discharge location where a sample was obtained in accordance with Section XI.A.2?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

4. How many storm water discharge locations are at your facility?

2

5. Has the Discharger chosen to select Alternative Discharge Locations in accordance with Section XI.C.3?

☐ Yes ☒ No

6. Has the Discharger reduced the number of sampling locations within a drainage area in accordance with the Representative Sampling Reduction in Section XI.C.4?

☐ Yes ☒ No

6.1. Has the Discharger reduced the frequency of sampling at the facility area in accordance with the Sample Frequency Reduction in Section XI.C.7?

☐ Yes ☒ No

7. Permitted facilities located within an impaired watershed must assess for potential pollutants that may be present in the facility's industrial storm water discharge. Using the table below, populated based on the facility's location, indicate the presence of the potential pollutant at the facility.

See Attachment 2 for the List of Identified Pollutants within the Impaired Watershed.

8. Has the Discharger included the above pollutants in the SWPPP pollutant source assessment and assessed the need for analytical monitoring for the pollutants?

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☐ Yes ☒ No

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10. Has any contained storm water been discharged from the facility this reporting year?

☐ Yes ☒ No

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☒ Yes ☐ No

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☒ Yes ☐ No

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I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel propoerly gether and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Title: Manager Date: 07/12/2019

2018-2019

Annual Report for WDID 5F10I025502

Summary of Explanations

Explanation Question	Explanation Text
Question 2	There was no discharge from the discharge locations
Question 3	There was no discharge from the discharge locations
Question 9	There was no discharge from the discharge locations
Question 10	There was no discharge from the discharge locations

Summary of Attachments

Attachment Type	Attachment Title	Description	Date Uploaded	Part Number	Attachment Hash

2018-2019

Annual Report for WDID 5F10I025502

List of Identified Pollutants within the Impaired Watershed

Parameter	Pollutant	Present at Facility?
Chlorpyrifos	Chlorpyrifos	No
Metals Screen	Molybdenum	No
Metals Screen	Mercury	No
Specific Conductivity	Electrical Conductivity	Yes
Toxaphene	Toxaphene	No

EXHIBIT 6-58

(attached to Exhibit 6 - April 23, 2024 Letter)

2020-2021

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2020 through June 30, 2021

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Physical Address: 14684 E Goodfellow Ave

City: Sanger
State: CA
Zip: 93657

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Standard Industrial Classification (SIC) Codes: 1442-Construction Sand and Gravel

B. Facility Owner Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

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Mailing Address: 14962 E Fantz Ave

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State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Question Information

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☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

2. Has the Discharger conducted sampling event visual observations at each discharge location where a sample was obtained in accordance with Section XI.A.2?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

4. How many storm water discharge locations are at your facility?

2

5. Has the Discharger chosen to select Alternative Discharge Locations in accordance with Section XI.C.3?

☐ Yes ☒ No

6. Has the Discharger reduced the number of sampling locations within a drainage area in accordance with the Representative Sampling Reduction in Section XI.C.4?

☐ Yes ☒ No

6.1. Has the Discharger reduced the frequency of sampling at the facility area in accordance with the Sample Frequency Reduction in Section XI.C.7?

☐ Yes ☒ No

7. Permitted facilities located within an impaired watershed must assess for potential pollutants that may be present in the facility's industrial storm water discharge. Using the table below, populated based on the facility's location, indicate the presence of the potential pollutant at the facility.

See Attachment 2 for the List of Identified Pollutants within the Impaired Watershed.

8. Has the Discharger included the above pollutants in the SWPPP pollutant source assessment and assessed the need for analytical monitoring for the pollutants?

☒ Yes ☐ No

If No, what date will the parameter(s) will be added to the SWPPP and Monitoring Implementation Plan?

9. Were all samples collected in accordance with Section XI.B.5?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

10. Has any contained storm water been discharged from the facility this reporting year?

☐ Yes ☒ No

If Yes, see Attachment 1, Summary of Explanation.

11. Has the Discharger conducted one (1) annual evaluation during the reporting year as required in Section XV?

☒ Yes ☐ No

If Yes, what date was the annual evaluation conducted? 06/10/2021

If No, see Attachment 1, Summary of Explanation.

12. Has the Discharger maintained records on-site for the reporting year in accordance with XXI.J.3?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

If your facility is subject to Effluent Limitation Guidelines in Attachment F of the Industrial General Permit, include your specific requirements as an attachment to the Annual Report (attach as file type: Supporting Documentation).

ANNUAL REPORT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel propoerly gether and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Title: Manager Date: 06/28/2021

2020-2021

Annual Report for WDID 5F10I025502

Summary of Explanations

Explanation Question	Explanation Text
Question 2	There was no discharge from the discharge locations
Question 3	There was no discharge from the discharge locations
Question 9	There was no discharge from the discharge locations

Summary of Attachments

Attachment Type	Attachment Title	Description	Date Uploaded	Part Number	Attachment Hash

2020-2021

Annual Report for WDID 5F10I025502

List of Identified Pollutants within the Impaired Watershed

Parameter	Pollutant	Present at Facility?
Chlorpyrifos	Chlorpyrifos	No
Metals Screen	Molybdenum	No
Metals Screen	Mercury	No
Specific Conductivity	Electrical Conductivity	Yes
Toxaphene	Toxaphene	No

*** Does your facility storm water flow to one or more TMDL water bodies or watersheds listed in Attachment E? Not Selected**

EXHIBIT 6-59

(attached to Exhibit 6 - April 23, 2024 Letter

2021-2022

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2021 through June 30, 2022

Retain a copy of the completed Annual Report for your records.

Please remember that a Notice of Termination and new Notice of Intent are required whenever a facility operation is relocated or changes ownership.

If you have any questions, please contact your Regional Board Industrial Storm Water Permit Contact. The names, telephone numbers, and e-mail addresses of the Regional Board contacts, as well was the Regional Board office addresses, can be found at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml

General Information

A. Facility Information

WDID: 5F10I025502

Business Name: Riverbend Sand and Gravel

Physical Address: 14684 E Goodfellow Ave

City: Sanger
State: CA
Zip: 93657

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Standard Industrial Classification (SIC) Codes: 1442-Construction Sand and Gravel

B. Facility Owner Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

C. Facility Billing Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Question Information

1. Has the Discharger conducted monthly visual observations (including authorized and unauthorized Non-Storm Water Discharges and Best Management Practices) in accordance with Section XI.A.1?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

2. Has the Discharger conducted sampling event visual observations at each discharge location where a sample was obtained in accordance with Section XI.A.2?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

4. How many storm water discharge locations are at your facility?

2

5. Has the Discharger chosen to select Alternative Discharge Locations in accordance with Section XI.C.3?

☐ Yes ☒ No

6. Has the Discharger reduced the number of sampling locations within a drainage area in accordance with the Representative Sampling Reduction in Section XI.C.4?

☐ Yes ☒ No

6.1. Has the Discharger reduced the frequency of sampling at the facility area in accordance with the Sample Frequency Reduction in Section XI.C.7?

☐ Yes ☒ No

7. Permitted facilities located within an impaired watershed must assess for potential pollutants that may be present in the facility's industrial storm water discharge. Using the table below, populated based on the facility's location, indicate the presence of the potential pollutant at the facility.

See Attachment 2 for the List of Identified Pollutants within the Impaired Watershed.

8. Has the Discharger included the above pollutants in the SWPPP pollutant source assessment and assessed the need for analytical monitoring for the pollutants?

☒ Yes ☐ No

If No, what date will the parameter(s) will be added to the SWPPP and Monitoring Implementation Plan?

9. Were all samples collected in accordance with Section XI.B.5?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

10. Has any contained storm water been discharged from the facility this reporting year?

☐ Yes ☒ No

If Yes, see Attachment 1, Summary of Explanation.

11. Has the Discharger conducted one (1) annual evaluation during the reporting year as required in Section XV?

☒ Yes ☐ No

If Yes, what date was the annual evaluation conducted? 06/10/2022

If No, see Attachment 1, Summary of Explanation.

12. Has the Discharger maintained records on-site for the reporting year in accordance with XXI.J.3?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

If your facility is subject to Effluent Limitation Guidelines in Attachment F of the Industrial General Permit, include your specific requirements as an attachment to the Annual Report (attach as file type: Supporting Documentation).

ANNUAL REPORT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel propoerly gether and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Title: Manager Date: 06/27/2022

2021-2022

Annual Report for WDID 5F10I025502

Summary of Explanations

Explanation Question	Explanation Text
Question 2	There was no discharge from the discharge locations
Question 3	There was no discharge from the discharge locations
Question 9	There was no discharge from the discharge locations

Summary of Attachments

Attachment Type	Attachment Title	Description	Date Uploaded	Part Number	Attachment Hash

2021-2022

Annual Report for WDID 5F10I025502

List of Identified Pollutants within the Impaired Watershed

Parameter	Pollutant	Present at Facility?
Chlorpyrifos	Chlorpyrifos	No
Metals Screen	Molybdenum	No
Metals Screen	Mercury	No
Specific Conductivity	Electrical Conductivity	Yes
Toxaphene	Toxaphene	No

*** Does your facility storm water flow to one or more TMDL water bodies or watersheds listed in Attachment E? Not Selected**

EXHIBIT 6-60

(attached to Exhibit 6 - April 23, 2024 Letter)

2022-2023

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2022 through June 30, 2023

Retain a copy of the completed Annual Report for your records.

Please remember that a Notice of Termination and new Notice of Intent are required whenever a facility operation is relocated or changes ownership.

If you have any questions, please contact your Regional Board Industrial Storm Water Permit Contact. The names, telephone numbers, and e-mail addresses of the Regional Board contacts, as well was the Regional Board office addresses, can be found at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml

General Information

A. Facility Information

WDID: 5F10I025502

Business Name: Riverbend Sand and Gravel

Physical Address: 14684 E Goodfellow Ave

City: Sanger
State: CA
Zip: 93657

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Standard Industrial Classification (SIC) Codes: 1442-Construction Sand and Gravel

B. Facility Owner Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

C. Facility Billing Information

Business Name: Riverbend Sand and Gravel LLC

Mailing Address: 14962 E Fantz Ave

City: Parlier
State: CA
Zip: 93648

Contact Person: Herb Lang
Phone: 559-875-6565
Email: iblang@yahoo.com

Question Information

1. Has the Discharger conducted monthly visual observations (including authorized and unauthorized Non-Storm Water Discharges and Best Management Practices) in accordance with Section XI.A.1?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

2. Has the Discharger conducted sampling event visual observations at each discharge location where a sample was obtained in accordance with Section XI.A.2?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

3. Did you sample the required number of Qualifying Storm Events during the reporting year for all discharge locations, in accordance with Section XI.B?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

4. How many storm water discharge locations are at your facility?

2

5. Has the Discharger chosen to select Alternative Discharge Locations in accordance with Section XI.C.3?

☒ Yes ☐ No

6. Has the Discharger reduced the number of sampling locations within a drainage area in accordance with the Representative Sampling Reduction in Section XI.C.4?

☐ Yes ☒ No

6.1. Has the Discharger reduced the frequency of sampling at the facility area in accordance with the Sample Frequency Reduction in Section XI.C.7?

☐ Yes ☒ No

7. Permitted facilities located within an impaired watershed must assess for potential pollutants that may be present in the facility's industrial storm water discharge. Using the table below, populated based on the facility's location, indicate the presence of the potential pollutant at the facility.

See Attachment 2 for the List of Identified Pollutants within the Impaired Watershed.

8. Has the Discharger included the above pollutants in the SWPPP pollutant source assessment and assessed the need for analytical monitoring for the pollutants?

☒ Yes ☐ No

If No, what date will the parameter(s) will be added to the SWPPP and Monitoring Implementation Plan?

9. Were all samples collected in accordance with Section XI.B.5?

☐ Yes ☒ No

If No, see Attachment 1, Summary of Explanation.

10. Has any contained storm water been discharged from the facility this reporting year?

☐ Yes ☒ No

If Yes, see Attachment 1, Summary of Explanation.

11. Has the Discharger conducted one (1) annual evaluation during the reporting year as required in Section XV?

☒ Yes ☐ No

If Yes, what date was the annual evaluation conducted? 06/15/2023

If No, see Attachment 1, Summary of Explanation.

12. Has the Discharger maintained records on-site for the reporting year in accordance with XXI.J.3?

☒ Yes ☐ No

If No, see Attachment 1, Summary of Explanation.

If your facility is subject to Effluent Limitation Guidelines in Attachment F of the Industrial General Permit, include your specific requirements as an attachment to the Annual Report (attach as file type: Supporting Documentation).

ANNUAL REPORT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel propoerly gether and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Herb Lang

Title: Manager Date: 07/14/2023

2022-2023

Annual Report for WDID 5F10I025502

Summary of Explanations

Explanation Question	Explanation Text
Question 2	There was no discharge from the discharge locations
Question 3	There was no discharge from the discharge locations
Question 9	There was no discharge from the discharge locations
Question 10	There was no discharge from the discharge locations

Summary of Attachments

Attachment Type	Attachment Title	Description	Date Uploaded	Part Number	Attachment Hash

2022-2023

Annual Report for WDID 5F10I025502

List of Identified Pollutants within the Impaired Watershed

Parameter	Pollutant	Present at Facility?
Chlorpyrifos	Chlorpyrifos	No
Metals Screen	Molybdenum	No
Metals Screen	Mercury	No
Specific Conductivity	Electrical Conductivity	Yes
Toxaphene	Toxaphene	No

*** Does your facility storm water flow to one or more TMDL water bodies or watersheds listed in Attachment E? Not Selected**

EXHIBIT 6-61

(attached to Exhibit 6 - April 23, 2024 Letter)

Fehr Engineering Company, Inc.
90578 Soquel Dr., Suite G
Aptos, CA 95003-
Tel: 831-786-0373

DUANE MYERS
DGM ELECTRIC
5452 DUDLEY CT.
PLEASANTON, CA 94566

Invoice #: 1018
Date: 1/27/2015
Client ID: DUANE MYERS

For Professional Services Rendered:

RIVERBEND SAND & GRAVEL **Period:** January 01, 2015 **To** January 27, 2015

New Charges:	**$2,000.00**
Net Bill Amount:	**$2,000.00**
Outstanding Balance:	$0.00
New Balance:	**$2,000.00**

This invoice is due upon receipt.

Engineering for Back line tie in from P G & E To Plant

Thank you for allowing us to provide you with our design services. We appreciate your business!

BillQuick Standard Report Copyright © 2014 BQE Software, Inc.

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

Invoice

Date	Invoice #
3/2/2015	2

Bill To
Running Luck Ranch Herb Lang

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
20	Consulting Hrs with PG&E, engineer	150.00	3,000.00
		Total	$3,000.00

SERVICE INVOICE

Tri City Engineering, Inc.
4630 West Jennifer Avenue, Suite 101
Fresno, CA 93722-6415

SERVICE FOR:

BILL TO: Riverbend Sand & Gravel Company
C/O Buada Associates, Inc.
John Buada
4872 N. Arcade Ave
Fresno, CA 93704

Invoice No 2571-01
Job Description Riverbend Sand
Date 22-Sep-15

Task No.	*Service Description*	*Previously Invoiced %*	*This Invoice %*	*Contract Amount*	*Amount Due*
	Progress Billing				
	PROJECT: **Riverbend Sand and Gravel Sanger, CA**				
	SUMMARY: Provide Civil Engineering Services to prepare an Engineers Opinion of Probable Cost Estimate for the Traffic Mitigation Improvements required for Riverbend Sand and Gravel Project.				
1	**McCall Avenue and SR 180 Intersection (Prior to any Shipped Products):** Prepare an Engineers Opinion of Probable Cost Estimate for McCall Avenue to widen the northbound approach to 2 left turn lanes and 1 through lane with a shared right (adding 1 left turn lane), includes; records research, preliminary design review of lane configurations per Caltrans design manual, traffic signal modifications, right-of-way requirements	0%	90%	$6,400.00	$5,760.00
2	**McCall Avenue and SR 180 Intersection (2017):** Prepare an Engineers Opinion of Probable Cost Estimate for McCall Avenue to widen the southbound approach to 1 left turn lane, 1 through lane and 1 right turn lane (adding 1 right turn lane), includes; records research, preliminary design review of lane configurations per Caltrans design manual, traffic signal modifications, right-of-way requirement	0%	15%	$3,150.00	$472.50
3	**McCall Avenue and SR 180 Intersection (2035):** Prepare an Engineers Opinion of Probable Cost Estimate for McCall Avenue to widen the northbound approach to 2 left turn lanes, 2 through lanes and 1 right turn lane (adding 1 left turn lane, 1 through lane and 1 right turn lane) and widen the southbound approach to 1 left turn lane, 2 through lanes and 1 right turn lane (adding 1 through lane and 1 right turn lane), includes; records research, preliminary design review of lane configurations per Caltrans design manual, traffic signal modifications, right-of-way requirements	0%	15%	$3,150.00	$472.50

SERVICE INVOICE

Tri City Engineering, Inc.
4630 West Jennifer Avenue, Suite 101
Fresno, CA 93722-6415

SERVICE FOR:

BILL TO: Riverbend Sand & Gravel Company
C/O Buada Associates, Inc.
John Buada
4872 N. Arcade Ave
Fresno, CA 93704

Invoice No 2571-01
Job Description Riverbend Sand
Date 22-Sep-15

Task No.	*Service Description*	*Previously Invoiced %*	*This Invoice %*	*Contract Amount*	*Amount Due*
	Progress Billing				
	PROJECT: Riverbend Sand and Gravel Sanger, CA				
	SUMMARY: Provide Civil Engineering Services to prepare an Engineers Opinion of Probable Cost Estimate for the Traffic Mitigation Improvements required for Riverbend Sand and Gravel Project.				
4	**McCall Avenue and Jensen Avenue Intersection (Prior to any Shipped Products):** Prepare an Engineers Opinion of Probable Cost Estimate to widen the northbound approach to 1 left turn lane and 2 through lanes with a shared right (adding 1 through lane) and widen the southbound approach to 1 left turn lane and 2 through lanes with a shared right (adding 1 through lane), includes; records research, preliminary design review of lane configurations per Fresno County Public Works & Planning Department requirements, traffic signal modifications, right-of-way requirements.	0%	25%	$6,000.00	$1,500.00
5	**McCall Avenue and Jensen Avenue Intersection (2019):** Prepare an Engineers Opinion of Probable Cost Estimate to widen the westbound approach to 1 left turn lane and 2 through lanes and 1 right turn lane (adding 1 right turn lane), includes; records research, preliminary design review of lane configurations per Fresno County Public Works & Planning Department requirements, traffic signal modifications, right-of-way requirements	0%	15%	$3,150.00	$472.50
6	**McCall Avenue and Jensen Avenue Intersection (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to widen the eastbound approach to 2 left turn lanes, 2 through lanes and 1 right turn lane (adding 1 left turn lane and 1 right turn lane) and widen the northbound approach to 2 left turn lanes, 2 through lanes and 1 right turn lane (adding 1 left turn lane, 1 through lane and 1 right turn lane), and widen the southbound approach to 2 left turn lanes, 2 through lanes and 1 right turn lanes (adding 1 left turn lane, 1 through lane and 1 right turn lane), includes; records research, preliminary design review of lane configurations per Fresno County Public Works & Planning Department requirements, traffic signal modifications, right-of-way requirements.	0%	10%	$3,550.00	$355.00
7	**SR 99 Southbound Off-Ramp at Central Avenue:** Prepare an Engineers Opinion of Probable Cost Estimate to install a traffic signal per Caltrans CMUTCD standards	0%	15%	$1,100.00	$165.00

SERVICE INVOICE

Tri City Engineering, Inc.
4630 West Jennifer Avenue, Suite 101
Fresno, CA 93722-6415

SERVICE FOR:

BILL TO: Riverbend Sand & Gravel Company
C/O Buada Associates, Inc.
John Buada
4872 N. Arcade Ave
Fresno, CA 93704

Invoice No 2571-01
Job Description Riverbend Sand
Date 22-Sep-15

Task No.	*Service Description*	*Previously Invoiced %*	*This Invoice %*	*Contract Amount*	*Amount Due*
	Progress Billing				
	PROJECT: **Riverbend Sand and Gravel Sanger, CA**				
	SUMMARY: Provide Civil Engineering Services to prepare an Engineers Opinion of Probable Cost Estimate for the Traffic Mitigation Improvements required for Riverbend				
8	**Academy Avenue at Central Avenue (2019):** Prepare an Engineers Opinion of Probable Cost Estimate to install a traffic signal per Fresno County Public Works & Planning Department requirements.	0%	15%	$1,100.00	$165.00
9	**McCall Avenue at North Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to install a traffic signal per Fresno County Public Works & Planning Department requirements.	0%	15%	$1,100.00	$165.00
10	**McCall Avenue from SR180 to Jensen Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to widen the northbound direction to 2 travel lanes (adding 1 travel lane) and widen the southbound direction to 2 travel lanes (adding 1 travel lane) per Fresno County Public Works & Planning Department requirements	0%	20%	$3,550.00	$710.00
11	**McCall Avenue from Jonsen Avenue to North Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to widen the northbound direction to 2 travel lanes (adding 1 travel lane) per Fresno County Public Works & Planning Department requirements.	0%	20%	$2,300.00	$460.00
12	**Central Avenue from McCall Avenue to Newmark Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to provide an Asphalt Pavement overlay structural section in accordance with the increased impact to the traffic index for the following road segments; McCall Avenue to Bethel Avenue, Bethel Avenue to Academy Avenue and Academy Avenue to Newmark Avenue per Fresno County Public Works & Planning Department requirements	0%	10%	$3,150.00	$315.00
13	**Goodfellow Avenue from Newmark Avenue to Riverbend Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to provide an Asphalt Pavement overlay structural section in accordence with the increased impact to the traffic index for the following road segments; Newmark Avenue to Kingsriver Bridge and Kingsriver Bridge to Newmark Avenue per Fresno County Public Works & Planning Department requirements.	0%	10%	$2,100.00	$210.00

SERVICE INVOICE

Tri City Engineering, Inc.
4630 West Jennifer Avenue, Suite 101
Fresno, CA 93722-6415

SERVICE FOR:

BILL TO: Riverbend Sand & Gravel Company
C/O Buada Associates, Inc.
John Buada
4872 N. Arcade Ave
Fresno, CA 93704

Invoice No 2571-01
Job Description Riverbend Sand
Date 22-Sep-15

Task No.	*Service Description*	*Previously Invoiced %*	*This Invoice %*	*Contract Amount*	*Amount Due*
	Progress Billing				
	PROJECT: **Riverbend Sand and Gravel Sanger, CA**				
	SUMMARY: Provide Civil Engineering Services to prepare an Engineers Opinion of Probable Cost Estimate for the Traffic Mitigation Improvements required for Riverbend				
14	**McCall Avenue from SR180 to Central Avenue (2035):** Prepare an Engineers Opinion of Probable Cost Estimate to provide an Asphalt Pavement overlay structural section in accordance with the increased impact to the traffic index for the following road segments; SR 180 to Jensen Avenue, Jensen Avenue to North Avenue and North Avenue to Central Avenue per Fresno County Public Works & Planning Department requirements.	0%	10%	$2,100.00	$210.00
15	**Project Meetings:** attend Fresno County Public Works & Planning Department meetings to assist client in discussions of mitigation costs for the project.(12 hours at $105)	0%	0%	$1,260.00	$0.00
				Now Due	$11,432.50

Terms: Net 30 days

Summary of Contract Amount and Progress Billings:	
Contract:	$43,160.00
Invoice No. 2571-01, dated September 22, 2015	($11,432.50)
	$31,727.50

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

Invoice

Date	Invoice #
7/5/2015	7

Bill To
Running Luck Ranch Herb Lang

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
15	Consulting Hrs	150.00	2,250.00
1	Fehr Engineering services	1,178.00	1,178.00
		Total	$3,428.00

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

Invoice

Date	Invoice #
8/12/2015	8

Bill To
Running Luck Ranch Herb Lang

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
12.5	Consulting Hrs	150.00	1,875.00
1	Fehr Engineering	2,737.00	2,737.00
		Total	$4,612.00

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

Invoice

Date	Invoice #
12/2/2015	12

Bill To
Running Luck Ranch Herb Lang

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
	Completed relay setting study with PG&E for recloser settings	4,683.80	4,683.80
		Total	$4,683.80

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

Invoice

Date	Invoice #
11/10/2015	10

Bill To
Running Luck Ranch Herb Lang

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
1	Consulting Hrs	150.00	150.00
	Engineering services for set of submittal plans for PG&E	2,935.00	2,935.00
		Total	$3,085.00

11 RICKENBAKER CIRCLE SOUTH
LIVERMORE, CA 94551-2210
925-960-8790 Fax 925-960-8793

** INVOICE **

INVOICE DATE	INVOICE NUMBER
11/14/16	S4246646.001

BILL TO:
RUNNING LUCK RANCH, LLC
14962 E. FRANTZ AVE
PARLIER, CA 93648

SHIP TO:
RUNNING LUCK RANCH, LLC
14962 E. FRANTZ AVE
PARLIER, CA 93648

ORDER DATE	ORDERED BY	PO# / JOB#	TERMS	ACCOUNT
10/13/16	HERB	RIVERBEND SAND & GR	2% 10th Net 25th	135594
SHIP DATE	**SALESPERSON**	**SHIP VIA**	**FREIGHT**	**PAGE**
11/14/16	RAY PHILLIPS (11)	BW BEST-WAY	No	1

LINE	ORDER QTY	DESCRIPTION	LIST	DISC %	NET PRICE	AMOUNT
1	1ea	INERTIA SWITCH L26SLSUG1423P- 25KV 900A LOADBREAK SWITCH	0.00	100.00	4385.000	4385.00

LEASE CHANGE THE REMIT ADDRESS-
ENERAL WHOLESALE ELECTRIC PO BOX
566 WALNUT CREEK, CA 94597

F paid by 12/10/16 you may deduct $94.91
nvoice is due by 12/25/16 net of any cash discount.

Subtotal	4385.00
Sales Tax	360.67
S&H Chgs	200.00
Ord Total	4945.67
Payments	0.00
Bal Due	4945.67

Fehr Engineering Company, Inc.
9057B Soquel Dr., Suite G
Aptos, CA 95003-
Tel: 831-786-0373

Invoice

HERB LANG
RIVERBEND QUARRY
SANGER, CA

Invoice Date: Dec 19, 2016
Invoice Num: 1317
Billing Through: Dec 15, 2016

RIVERBEND SAND & GRAVEL CONSTRUCTION DESIGN (15002.02:) - Managed by (Tom Pinkerton)

Professional Services

Employee	Description	Hours	Rate	Amount
Christopher Lewis	CAD Manager	15.00	$125.00	$1,875.00
Thomas Pinkerton PE	Principal/Senior Project Manager	22.20	$180.00	$3,996.00

Total Service Amount: $5,871.00

Amount Due This Invoice: $5,871.00

This invoice is due upon receipt

Account Summary

Services BTD	Expenses BTD	Last Inv Num	Last Inv Date	Last Inv Amt	Last Pay Amt	Prev Unpaid Amt
$ 16,062.00	$ 0.00	1315	11/25/2016	$ 1,134.00	$ 1,134.00	$ 0.00

Total Amount Due Including This Invoice: $5,871.00

Thank you for allowing us to provide you with our design services. We appreciate your business!

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Invoice

GENERAL WHOLESALE ELECTRIC
11 RICKENBAKER CIRCLE SOUTH
LIVERMORE, CA 94551-2210
925-960-8790 Fax 925-960-8793

Invoice Date	Invoice Number
12/14/2016	S4246680.001

REMIT TO:
GENERAL WHOLESALE
ELECTRIC SUPPLY
P.O. BOX 4666
WALNUT CREEK, CA 94596-
0666
Phone: 925-942-4400

BILL TO:
RUNNING LUCK RANCH, LLC
14962 E. FRANTZ AVE
PARLIER, CA 93648

SHIP TO:
RUNNING LUCK RANCH, LLC
14962 E. FRANTZ AVE
PARLIER, CA 93648

Customer Number	Customer Order Number	Release Number	Salesperson	
135594	RIVERBEND SAND&GRAVE		DUSTY RHODES (11)	
Writer	**Ship Via**	**Terms**	**Ship Date**	**Order Date**
RAY PHILLIPS (11)	PU PICK-UP	2% 10th Net 25th	12/14/2016	10/13/2016

Description	Order Qty	Ship Qty	Net Price	Amount
COOPER TYPE NOVA15A 3-PHASE RECLOSER 15kV (1) TYPE KME6P2A POLE MNT CONTROL (1) KNOVA61-1 OUTBRD ARRESTER-BKT (1) KNOVA4693-1 PT MTG BRKTS (1) K130642101 PT 12.0kV,1kVA,OIL (1) KME6P2A BIRD GUARD,6-BUSHINGS (40-FT) KA1ME CONTROL CABLE (40-FT) KA11ME1 INPUT CABLE (40-FT) LOW VOLTAGE CLOSING CABLE	1ea	1ea	26500.000	26500.00

PLEASE CHANGE THE REMIT ADDRESS- GENERAL WHOLESALE ELECTRIC PO BOX 4666 WALNUT CREEK, CA 94597

Subtotal	**26500.00**
Tax	**2517.50**
Freight	**0.00**
Handling	**0.00**
Amount Due	**29017.50** -580.35 28437.15

If paid by 01/10/17 you may deduct $580.35
Invoice is due by 01/25/17 net of any cash discount.
All claims for shortage or errors must be made at once, returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 2% late charge.

OK

Invoice

GENERAL WHOLESALE ELECTRIC
11 RICKENBAKER CIRCLE SOUTH
LIVERMORE, CA 94551-2210
925-960-8790 Fax 925-960-8793

Invoice Date	Invoice Number
12/14/2016	S4246680.001

REMIT TO:
GENERAL WHOLESALE
ELECTRIC SUPPLY
P.O. BOX 4666
WALNUT CREEK, CA 94596-0666
Phone: 925-942-4400

BILL TO:
RUNNING LUCK RANCH, LLC
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PARLIER, CA 93648

SHIP TO:
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PLEASE CHANGE THE REMIT ADDRESS- GENERAL WHOLESALE ELECTRIC PO BOX 4666 WALNUT CREEK, CA 94597

Subtotal	**26500.00**
Tax	**2517.50**
Freight	**0.00**
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Amount Due	**29017.50**

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Invoice is due by 01/25/17 net of any cash discount.
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Past due invoices may be subject to 2% late charge.

A-C Electric Company — CALIFORNIA C-10 LICENSE 99849

ENGINEERING - CONSTRUCTION - AUTOMATION - SERVICE

FRESNO DIVISION
Box 2425
2560 S East Avenue (93706)
Fresno, CA 93745-2425
O: (559) 233-2208
F: (559) 233-6849
www.a-celectric.com

INVOICE

RIVERBEND SAND & GRAVEL LLC
14962 E FANTZ AVENUE
PARLIER, CA 93648

Please Remit to:
A-C Electric Company
PO Box 81977
Bakersfield, CA 93380-1977

Job: POLE LINE INSTALLATION
3677 S RIVERBEND
SANGER, CA 93657

PO/Contract#: NONE
Authorized by: HERB LANG

Invoice: FM0755 - 5
Invoice Date: 10/19/2017
Bill Thru Date: 10/20/2017
Due Date: 11/18/2017

Original contract sum		148,000.00
Net change by change orders		0.00
Contract sum to date		148,000.00
Total completed and stored to date	100%	148,000.00
Retainage 0.0% of completed work		0.00
Total earned less retainage		148,000.00
Less previous certificates of payment		144,000.00
Current payment due		**4,000.00**

GATEWAY ENGINEERING, INC.

Invoice

5811 E. Princeton Ave.
Fresno, CA 93727

Invoice #: 18-069-02
Invoice Date: 10/22/2018
Due Date: 11/21/2018

P.O. Number:

Bill To:

Riverbend Sand and Gravel, Inc.
Attn: Herb Lang
14962 E Fantz Avenue
Parlier, CA 93648-9734

Project: 18-069 Prelim Roadway Imp Design
for Goodfellow Entrance To Plant

Description	Contract	% Complete	Prior %	Prev Billed	Current Billed
Preliminary Engineering and Cost Estimate Prepared preliminary roadway design and estimate of probable construction costs.	5,500.00	100.00%			5,500.00

Total	$5,500.00
Payments/Credits	$0.00
Balance Due	$5,500.00

For billing questions, please contact Traci at 559-320-0344. Thank you!

EXHIBIT 7

MITCHELL CHADWICK

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

June 13, 2024

VIA ELECTRONIC MAIL AND HAND DELIVERY

Steven E. White, Director
Fresno County Department of Public Works and Planning
2220 Tulare St., 6th Floor
Fresno, California 93721
stwhite@fresnocountyca.gov

Re: NOTICE OF APPEAL – CONDITIONAL USE PERMIT NO. 3390 (CA MINE ID # 91-10-0031)

Dear Director White:

Riverbend Sand and Gravel, LLC ("Riverbend") hereby submits this appeal of the written determination by staff of the Fresno County Department of Public Works and Planning ("Staff"), dated May 31, 2024[1], regarding Riverbend's vested property right under Conditional Use Permit ("CUP") 3390, which provides for aggregate mining and reclamation on 619 acres of property owned by Running Luck Ranch and located in Fresno County ("County"). This appeal is submitted to the Director of the Fresno County Department of Public Works and Planning, Steven E. White ("Director"), with a copy to the Fresno County Board of Supervisors ("Board of Supervisors") in accordance with the requirements of the Fresno County Zoning Ordinance ("Zoning Ordinance"), section 876.6.020, subds. (A) and (B).

Staff's May 31, 2024 letter is a response to a letter I submitted, with sixty-one (61) attachments, on April 23, 2024, to Chris Motta, Development Services and Capital Projects Manager with the County, with a copy to the Board of Supervisors, setting forth the reasons why Riverbend possesses a vested right (i.e., substantially developed within two years) in CUP 3390 and requesting confirmation that the CUP is still valid for the reasons stated in the letter.[2] As my April 23, 2024 letter explains, and as set forth herein, Riverbend owns a vested right in CUP 3390 as Riverbend conducted substantial development within two years of the CUP approval date in 2015 and to date has incurred more than $777,000 in liabilities in good faith reliance on CUP 3390. Riverbend has owned this right continuously and uninterrupted since 2015, and the right cannot be revoked without due process as this would amount to a constitutional taking requiring just compensation.

[1] See **Exhibit 22** (May 31, 2024 letter from Chris Motta to Patrick Mitchell).
[2] For brevity, the April 23, 2024 letter and its attachments are not attached here, but Staff have confirmed these documents were received in full and are in the County's files.

Moreover, Staff's May 31, 2024, letter,[3] which is factually and legally incorrect on numerous points, does not support a conclusion that CUP 3390 is void.

Accordingly, Riverbend respectfully requests that the decision stated in Staff's May 31, 2024, letter be reversed, and that the County determine that Riverbend has acquired a vested right in CUP 3390 and that it be allowed to continue development of the Property.

I. Background

On February 26, 2015, the Fresno County Planning Commission approved CUP 3390. This decision was appealed, but then the late afternoon prior to the May 19, 2015, Board of Supervisors appeal hearing, the Appellant suddenly withdrew the appeal.[4] The Board of Supervisors unanimously dismissed the appeal, thus confirming the Planning Commission approval.

Almost two years later, on February 23, 2017, my office sent a letter on Riverbend's behalf to Chris Motta to inform the County that Riverbend's rights under CUP 3390 had vested and that substantial development had occurred. (See Attachment 1 to April 23, 2024 letter from Mitchell Chadwick to Chris Motta, which was copied to Fresno County Board of Supervisors ["April 23, 2024 Letter"].) The February 23, 2017, letter recounted Riverbend's good faith efforts to implement CUP 3390 over the two years following the May 19, 2015, final determination, including spending over $294,000 on permitting efforts, site work, fencing installation, project design, PG&E pole installation, and electrical engineering work to implement CUP 3390, all of which constituted substantial development. My February 23, 2017, letter included two attachments. The first was a table of project development costs of $294,001 incurred through January 2017. (April 23, 2024 Letter, Attachment 2.) The second attachment was two letters from John Buada regarding Riverbend's filed Notice of Intent and payment of the requisite fee for construction of the aggregate stockpile area in anticipation of construction pursuant to SWPPP stormwater plan requirements. (See April 23, 2024 Letter, Attachment 3.)

[3] The County's May 31, 2024 letter purports to communicate Staff's decision in response to Riverbend's inquiry in my April 23, 2024 letter. However, the County's May 31, 2024 letter does not explicitly state whether it communicates the decision of Staff only (which is appealable to the Director), or the decision of the Director as communicated by staff on the Director's behalf (which is appealable to the Board of Supervisors). Riverbend thus submits this appeal to the Director, under Zoning Ordinance section 876.6.020(A), with a copy to the Board of Supervisors, under section 876.6.020(B). This appeal is timely under both procedures, which each have 15-day deadline.

[4] The two-year substantial development period set forth in County Zoning Ordinance Section 873(I) would have run from the May 19, 2015, Board of Supervisors hearing at which time Riverbend and I were informed the appeal had been dismissed, as Riverbend had not been permitted to commence work while the CUP appeal was pending. This timing was confirmed in Chris Motta's letter to me dated March 21, 2017.

On February 24, 2017, Mr. Motta responded to my February 23, 2017, letter via email, outlining the procedures Riverbend may take to request a formal determination of substantial development from the County.

On February 27, 2017, I sent an email on behalf of Riverbend, responding to the County's February 24, 2017, email in which I reiterated that Riverbend already had a vested property right under CUP 3390 because of its good faith efforts to substantially develop (e.g., expenditures over $294,000), and therefore did not require and was not requesting a formal determination from the County. (See April 23, 2024 Letter, Attachment 4.) My February 27, 2017, email explained that Section 873(I)(1) of the County Zoning Ordinance was inapplicable because substantial development had already occurred within two years of the May 19, 2017, approval; thus, there was no need for a formal determination nor an extension regarding CUP 3390.

By letter dated March 21, 2017, Chris Motta at the County responded to my February 23, 2017, letter and February 27, 2017, email (see April 23, 2024 Letter, Attachment 5). In that letter, the County agreed that Riverbend had expended substantial efforts to initiate its long-term project and further agreed that May 19, 2015, was the CUP 3390 approval date. However, the County incorrectly asserted that Riverbend must request a formal determination of substantial development[5] from the County (ignoring Riverbend's vested property right in CUP 3390), which would then go through public noticing with the ability of neighboring property owners to request a hearing before the Board of Supervisors. The County further asserted that Riverbend's substantial work and incurred liabilities, all of which were done in good-faith reliance on CUP 3390, "is not equivalent to the County making a determination that substantial development for the project has been achieved, as that process is set forth in Section 873(J) of the Fresno County Zoning Ordinance." Finally, the County stated that Riverbend may request an extension to CUP 3390, disregarding Riverbend's prior statements that no extensions are needed as Riverbend already had a vested property right in CUP 3390 because substantial development had already occurred.

Between 2017 and 2024, Riverbend was in negotiations at various times over those years with five different large aggregate mining companies to mine the site.

[5] The Zoning Ordinance in effect in 2017, at section 873(J)(1), contained no requirement that an Applicant must request a determination of substantial development, as explained further below. This is a key point ignored by County Staff.

II. Events Leading Up to This Appeal

On March 13, 2024, County Staff on a call with Erin Delman in my office stated that County staff thought that CUP 3390 may have expired.

As discussed above, on April 23, 2024, I submitted a letter to Chris Motta, with a copy to the Board of Supervisors, setting forth the reasons why Riverbend possesses a vested right in CUP 3390 and requesting confirmation from the County that the CUP is still valid for the reasons stated in the letter. By letter dated May 31, 2024, Mr. Motta sent a letter to me in response, stating that "Staff with the Department of Public Works and Planning does not approve [Riverbend]'s request for a determination that Conditional Use Permit No. 3390 is still valid." (Exhibit 22 [May 31, 2024 Letter, p. 1].)) And that "Staff concludes that [Riverbend]'s CUP expired in 2017 under section 873, subd. (I)(1)." (Exhibit 22, p. 1.)

On June 5, 2024, I notified Deputy County Counsel, Bryan Rome, by email that Riverbend intends to appeal the Staff's written decision, stated in Mr. Motta's May 31, 2024 letter. (Exhibit 23.) I requested that attorney Rome advise whether the County's May 31, 2024 letter intended to communicate the decision of Staff or the decision of the Director, as this would determine the appeal procedure. Mr. Rome responded by email that day and said he would consult with his client (the County), and get back to me. (Exhibit 24.)

On June 6, 2024, Mr. Rome responded to my email, and requested that I provide the basis on which Riverbend would be seeking an appeal. (Exhibit 25.) I responded to Mr. Rome on June 7, 2024, and explained that the Fresno County Zoning Ordinance provides two possible bases, under Zoning Ordinance section 876.6.020, subds. (A) and (B). (Exhibit 3, attached hereto.)

On June 11, 2024, Mr. Rome responded to my June 7, 2024 email and stated that "Chris Motta's May 31, 2024 letter to you, reflecting the automatic termination of your client's conditional use permit, is not an appealable matter" and that "[y]our reference to the County's procedural ordinance governing the appeals process does not create an appeal right." (Exhibit 28.)

Riverbend now submits this appeal to the Director, with a copy to the Board of Supervisors, pursuant to Zoning Ordinance, section 876.6.020, subds. (A) and (B). **Riverbend seeks a written decision from the County either reversing Staff's May 31, 2024 decision or affirming that the County will not hear this appeal for the reasons stated in Mr. Rome's June 11, 2024 email.**

III. Riverbend Possesses a Vested Right Under CUP 3990

In California, vested property rights to a use permit are obtained under the common law "if a property owner has performed substantial work and incurred substantial liabilities (such as

incurring material expense[6] or substantial costs[7]) in good faith reliance on a permit issued by the government."[8]

Riverbend has performed substantial work and incurred substantial liabilities totaling over $777,000 in good faith reliance on CUP 3390 issued by the County. (See **Table 1** and Attachment 6 to the April 23, 2024 letter.) As Riverbend recounts in its April 23, 2024 letter, it has conducted a substantial amount of work in good faith reliance on CUP 3390. In particular, Riverbend to date has:

1. Filed a notice of intent and paid the requisite fee for constructing the aggregate stockpile area;
2. Prepared a construction SWPPP;
3. Prepared a County site plan and paid the County's site plan review fee;
4. Prepared a Financial Assurances Cost Estimate;
5. Prepared and submitted a Traffic Mitigation Agreement to the County;
6. Installed a silt fence;
7. Flagged the locations of elderberry plants;
8. Staked the limits of construction;
9. Posted signs identifying Valley Elderberry Longhorn Beetle avoidance areas;
10. Hired electrical engineers;
11. Prepared electrical engineering plan for the site;
12. Prepared a power pole installation design plan for the site;
13. Coordinated with electrical consulting firms and PG&E to upgrade the site's power supply;
14. Purchased electrical equipment, including an inertia switch-load break switch and phase recloser;
15. Incurred substantial expenses related to natural gas for the site;
16. Incurred substantial expenses related to the site's processing plant; and
17. Incurred substantial expenses related to dragline design preparation for the site.
18. Engaged in detailed lengthy negotiations spread over several years with five different national and multinational aggregate mining companies regarding a lease of CUP 3390, and the related property.
19. Incurred substantial consultant and legal fees (approximately $363,372) to prepare and review post-County CUP approval permit and transactional documents. (See April 23, 2024 letter, Attachment 7.)
20. Entered into a Third Party Monitoring Agreement between the County and Buada Associates, Inc., on September 1, 2015. (April 23, 2024 letter, Attachment 8)

[6] *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530.
[7] See *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at FN 5.
[8] *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.

21. Entered into a Mitigation and Monitoring Reimbursement Agreement with County on July 23, 2015. (April 23, 2024 letter, Attachment 9.)
22. Indemnification Agreement with the County, signed by Riverbend and Mitchell Chadwick, January 29, 2016. (April 23, 2024 letter, Attachment 10.)
23. Email from County re 2018 FACE Approval and FAM Submittal Instructions. (April 23, 2024 letter, Attachment 11.)
24. Site Plan Review No. 7946 approved by County, September 14, 2015. (April 23, 2024 letter, Attachment 12.)
25. Annual County SMARA Inspection Fees Paid from 2017 to 2023. (April 23, 2024 letter, Attachment 13.)
26. Completed County SMARA Annual Inspection, December 22, 2016. (April 23, 2024 letter, Attachment 14.)
27. Completed County SMARA Annual Inspection, December 22, 2017. (April 23, 2024 letter, Attachment 15.)
28. Completed County SMARA Annual Inspection, October 2, 2018. (April 23, 2024 letter, Attachment 16.)
29. Completed County SMARA Annual Inspection, January 24, 2020. (April 23, 2024 letter, Attachment 17.)
30. Completed County SMARA Annual Inspection, January 26, 2021. (April 23, 2024 letter, Attachment 18.)
31. Completed County SMARA Annual Inspection, December 17, 2021. (April 23, 2024 letter, Attachments 20, 24.)
32. Completed County SMARA Annual Inspection, December 12, 2022. (Exhibit 29 to this letter.)
33. Completed County SMARA Annual Inspection, November 28, 2023. (Exhibit 30 to this letter.)
34. Annual SMARA Report Fees, 2015 to 2023. (April 23, 2024 letter, Attachment 25.)
35. New Mining Operation Report June 11, 2015. (April 23, 2024 letter, Attachment 26.)
36. Annual SMARA Report to the DOC 2015. (April 23, 2024 letter, Attachment 27.)
37. Annual SMARA Report to the DOC 2016. (April 23, 2024 letter, Attachment 28.)
38. Annual SMARA Report to the DOC 2017. (April 23, 2024 letter, Attachment 29.)
39. Annual SMARA Report to the DOC 2018. (April 23, 2024 letter, Attachment 30.)
40. Annual SMARA Report to the DOC 2019. (April 23, 2024 letter, Attachment 31.)

41. Annual SMARA Report to the DOC 2020. (April 23, 2024 letter, Attachment 32.)
42. Annual SMARA Report to the DOC 2021. (April 23, 2024 letter, Attachment 33.)
43. Annual SMARA Report to the DOC 2022-2023. (April 23, 2024 letter, Attachment 34.)
44. State Water Resources Control Board Construction Stormwater Fees, 2017 to 2023. (April 23, 2024 letter, Attachment 35.)
45. Stormwater Discharges with Construction Report, 2016-2017. (April 23, 2024 letter, Attachment 36.)
46. Stormwater Discharges with Construction Report, 2017-2018. (April 23, 2024 letter, Attachment 37.)
47. Stormwater Pollution Prevention Plan, January 20, 2017. (April 23, 2024 letter, Attachment 38.)
48. RSJ Civil Engineering and Regional Water Quality Control Board Invoices April 1, 2017, to February 17, 2023. (April 23, 2024 letter, Attachment 39.)
49. Stormwater Discharges with Construction Report, 2017-2018. (April 23, 2024 letter, Attachment 40.)
50. Stormwater Discharges with Construction Report, 2018-2019. (April 23, 2024 letter, Attachment 41.)
51. Stormwater Discharges with Construction Report, 2019-2020. (April 23, 2024 letter, Attachment 42.)
52. Stormwater Discharges with Construction Report, 2020-2021. (April 23, 2024 letter, Attachment 43.)
53. Stormwater Discharges with Construction Report, 2021-2022. (April 23, 2024 letter, Attachment 44.)
54. Stormwater Discharges with Construction Report, 2022-2023. (April 23, 2024 letter, Attachment 45.)
55. Financial Assurances Cost Estimate, June 2015. (April 23, 2024 letter, Attachment 46.)
56. Financial Assurances Cost Estimate, 2018. (April 23, 2024 letter, Attachment 47.)
57. Application for Irrevocable Standby Letter of Credit, June 18, 2019. (April 23, 2024 letter, Attachment 48.)
58. Irrevocable Letter of Credit, July 16, 2019. (April 23, 2024 letter, Attachment 49.)
59. Financial Assurances Cost Estimate, 2021-2022. (April 23, 2024 letter, Attachment 50.)
60. Email from County re Updated FACE, June 15, 2022. (April 23, 2024 letter, Attachment 51.)

61. Financial Assurances Cost Estimate, 2022-2023. (April 23, 2024 letter, Attachment 52.)
62. Financial Assurances Cost Estimate, 2023-2024. (April 23, 2024 letter, Attachment 53.)
63. Industrial Stormwater Fees, 2017 to 2024. (April 23, 2024 letter, Attachment 54.)
64. Industrial Stormwater Invoice Fees 2016 to 2024. (April 23, 2024 letter, Attachment 55.)
65. Stormwater Discharges with Industrial Activities Report, 2017-2018. (April 23, 2024 letter, Attachment 56.)
66. Stormwater Discharges with Industrial Activities Report, 2018-2019. (April 23, 2024 letter, Attachment 57.)
67. Stormwater Discharges with Industrial Activities Report, 2020-2021. (April 23, 2024 letter, Attachment 58.)
68. Stormwater Discharges with Industrial Activities Report, 2021-2022. (April 23, 2024 letter, Attachment 59.)
69. Attachment 60: Stormwater Discharges with Industrial Activities Report, 2022-2023. (April 23, 2024 letter, Attachment 60.)
70. Engineering, Electrical, and Equipment Receipts, 2015 to 2018. (April 23, 2024 letter, Attachment 61.)

Riverbend's expenditures in reliance on CUP 3390, by year, are detailed in the following table:

TABLE 1
(CUP 3390 Expenses: 02/26/2015 to Present)

Date	Amount
02/26/2015 to 02/23/2017	$510,353
02/28/2017 to 12/31/2017	$128,287
01/01/2018 to 12/31/2018	$23,022
01/01/2019 to 12/31/2019	$25,534
01/01/2020 to 12/31/2020	$43,304
01/01/2021 to 12/31/2021	$6,285

Date	Amount
01/01/2022 to 12/31/2022	$13,134
01/01/2023 to 12/31/2023	$15,651
01/01/2024 to 03/20/2024	$$11,594
Total	$777,164

Riverbend continues to perform substantial work and incur substantial liabilities in good faith reliance on its CUP 3390. Further, the County's March 21, 2017, letter acknowledged Riverbend's substantial work and that Riverbend had incurred substantial liabilities by stating:

> Staff does not dispute the efforts the Applicant and its team has expended to initiate this long-term project; those efforts are outlined in your February 23rd letter.

(April 23, 2024 letter, Attachment 5.)

California case law supports Riverbend's vested property right in CUP 3390. In *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, the Permittee acquired a vested property right to proceed under its use permit when the Permittee, in good faith, commenced preparatory work for drilling, constructed concrete foundations, erected a powerhouse, dug a sump hole, laid pipelines, moved boilers into place, and erected an oil derrick at the cost of approximately $4,500. Likewise, in *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, the Permittee proceeded with a good faith intent to commence upon the proposed use of the permit, when during the term of the permit, the Permittee purchased the land ($95,000), hired architects and engineers for requisite studies ($85,000), and continued to actively pursue the project. In *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636 the court held that Permittee proceeded with a good faith intent to complete the project by only constructing plumbing, footings, and a concrete slab for a laundry facility in a mobile home park for $2,000, where the total project value was estimated at $800,000 (i.e., had expended less than 1% of the project's value).

For these reasons, and as previously explained in Riverbend's February 23, 2017, letter and February 27, 2017 email, and April 23, 2024 letter, Riverbend has a vested property right in CUP 3390.

IV. The County Fails to Refute that Riverbend Owns a Vested Right in CUP 3390.

Notwithstanding the evidence detailed above, the County disputes that Riverbend possesses a vested right under CUP 3390. In its May 31, 2024 Staff letter to our office, staff of the Department of Public Works and Planning wrote that it "does not approve [Riverbend's] request for a determination that [CUP] 3390 is still valid" as the record did not support a vested right. Staff further stated its conclusions that the CUP expired in 2017 under former Zoning Ordinance section 873(I)(1) and, even if there were a vested right, Riverbend abandoned the project on or before May 2022, under former section 873(I)(2). For the reasons stated below, these County Staff conclusions are incorrect.

A. Conditional Use Permit Owners Can Acquire Vested Rights.

The County first asserts that CUP 3390 never conveyed the right to make physical changes to the land, which is central to the vested rights doctrine. It argues that a CUP is not the type of "building permit or its functional equivalent" upon which a right may vest, citing *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534 ("*City of Hermosa Beach*"). (Exhibit 22 [May 31, 2024 Letter, p. 1].) This assertion is legally incorrect.

In a leading case on vested rights, *Avco Community Developers, Inc. v. South Coast Regional Com.*, the California Supreme Court expressly acknowledged that:

> …the government may grant another type of permit, such as a conditional use permit, which affords substantially the same specificity and definition to a project as a building permit, and that in such instances a builder might acquire a vested right even though the document was not designated a "building permit."[9]

City of Hermosa Beach, cited the by the County, involved an oil drilling developer that needed several discretionary permits from multiple agencies to commence its drilling project but had not yet obtained all of them when the voters passed an initiative banning drilling within City limits.[10] The Court of Appeal found that no vested right to develop exists "until all final discretionary permits have been authorized and significant 'hard costs' had been incurred in reliance on those permits—that is, until substantial construction has occurred in reliance on a building permit."[11] The Court specifically noted that at the time the ballot initiative passed, the developer had not applied for or received a coastal development permit or had obtained building or drilling permits from the city.[12]

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[9] *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 793-794 (emphasis added).
[10] *City of Hermosa Beach, supra,* 86 Cal.App.4th at p. 552.
[11] *Ibid.*
[12] *Ibid.*

That is not the case here. Riverbend has obtained the discretionary permits from the County it needs to begin development. The CUP was all that was needed to develop the mining operations and serves as the "functional equivalent" of the building permit lacking in *City of Hermosa Beach*. The County claims that Riverbend needed a building permit to make such changes, and that Riverbend was expressly aware of the need for such permits but failed to obtain them or apply for any except for the power line. The County is mistaken. As stated above, California law has expressly acknowledged that a CUP can confer vested rights. (*Avco Community Developers, Inc. v. South Coast Regional Com., supra*, 17 Cal.3d at pp. 793-794; see also, *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124.) The County's other cited case, *Haalco Engineering Co. v. South Coast Regional Com.* (1986) 42 Cal.3d 52, which it cites for the rule that preparatory work does not give rise to a vested right when it is done with knowledge that one or more additional permits will be required for actual construction, does not apply here as this does not involve additional permits, such as a building permit. Riverbend obtained not only the CUP but also the Site Plan Approval from the County which Riverbend needed to commence operations. Riverbend's proceeding in good faith to commence work and incur substantial expenditures in reliance on the CUP was proper and established a vested right.

B. Riverbend Has Shown Good Faith Intent to Comply With All Conditions of Approval, Including Mitigation Measures TRANS-1 and TRANS-2.

The County next claims that Riverbend has failed to meet all of the conditions of approval for CUP 3390, citing mitigation measures TRANS-1 and TRANS-2 as among the unmet conditions. The County dismisses the time, effort, and expense Riverbend put into attempting to meet these mitigation measures, including its negotiation of a traffic impact fee agreement in 2020 actively with the Deputy County Counsel in a period when according to the County's current position the CUP had already been expired three years. (Exhibit 22.) Why would the Deputy County Counsel have been exchanging draft traffic mitigation fee agreements in 2020 if the permit had expired in 2017? But more importantly, California law does not require that every condition of approval be met before a right may vest. Rather, to prove a vested right, an applicant needs only to proceed with a good faith intent to commence upon the proposed use of the permit. (*Trans-Oceanic Oil Corp. v. City of Santa Barbara, supra,* 85 Cal.App.2d at p. 789 [permit to drill for and extract oil]; see also, *Community Development Com. v. City of Fort Bragg, supra*, 204 Cal.App.3d 1124 [conditional use permit reinstated even though construction work had not yet commenced]; *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636 [construction permit renewed after time limit expired without having begun work].)

The County's May 31, 2024 letter ignores these applicable authorities entirely, while citing no relevant authority to the contrary. Instead, the County argues that any costs expended in attempting to meet Mitigation Measures TRANS-1 and TRANS-2, through the negotiation of a traffic impact fee agreement in 2020, only reinforce the fact that the mitigation measure was never met. But again, this is not a valid ground to revoke the CUP or declare that it expired for non-compliance with conditions of approval. The point is that Riverbend incurred substantial costs in reliance upon

the CUP and with the intent to develop the project. That was enough to vest the right, and constitutes substantial development, which is confirmed by the County's February 2024 definition of substantial development in the new county code section 868.6.030(E)(4).

C. Riverbend Has Performed Substantial Work From 2015 to the Present.

The County next contends that even if Riverbend's rights could vest, Riverbend did not perform substantial work, sufficient to establish vesting, because the site is "unchanged, with much of it still under cultivation, and it is far from a surface mining operation." (Exhibit 22 [May 31, 2024, Letter, p. 1].) The County, however, fails to consider that mining, by its nature, requires substantial work and expense long before the ground can ever be disturbed. Considering an analogous situation, the Court in *Morgan v. County of San* Diego found that a developer's failure to commence "actual construction" during the permit period did not call for termination of the permit where the county knew the developers "were not sitting idly upon the land, but were proceeding diligently" to prepare the necessary design plans and obtain the required approvals for the project at issue, a planned mobile home park.[13] The Court stated that "the extent of construction alone does not invariably show whether a permittee is ready to proceed" and "[i]n a complex and expensive project…much work must be done on the drawing board, in governmental and banking offices before the pick and shovel may be wielded and mortar poured."[14] Such is the case here, where Riverbend has, as detailed above, spent over $777,000 in costs in reliance upon CUP 3390 before it may commence mining operations. In addition, Riverbend spent years negotiating with five different large mining companies to enter an agreement to mine the property.

The County further claims that Riverbend has no vested right in CUP 3390 because Riverbend did not incur substantial liabilities in the form of hard costs, and that Riverbend's claim to a vested right is based almost entirely on soft costs. (Exhibit 22 [May 31, 2024 Letter, p. 2].) The County ignores Riverbend's authorities cited in the April 23, 2024 letter, which focus not on the nature of the costs incurred, but on the developer's "good faith intent to commence upon the proposed use."[15] In this case, Riverbend's detailed expenditures and actions far exceed those of the developer in *Fort Bragg*, where the Court found that the record "clearly demonstrates good faith intent to commence upon the proposed use."[16]

Moreover, while the former Zoning Ordinance did not draw a hard costs/soft costs distinction, the new "substantial development" definition in the County's own February 2024 Zoning Ordinance,

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[13] *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636, 642
[14] *Id.* at p. 641.
[15] *Community Development Com. v. City of Fort Bragg, supra,* 204 Cal.App.3d at p. 1130.
[16] *Ibid.* The developer pursued and obtained a funding commitment from a government agency, purchased the property for $95,000, hired architects and engineers for preconstruction work for $85,000, had soil borings performed, arranged for the removal of two structures, and submitted plans to the building inspector for review.

at section 868.6.030(E), is instructive. This new County code section explicitly provides that "Substantial Development" can include soft costs:

> Consideration of "Substantial Development" includes the degree of physical on-site development accomplished, ***but can also include the amount of "soft costs"*** (i.e., costs associated with establishing the approved use before the expiration date) including financial expenditures for preparatory actions (e.g., invoices documenting expenditures related to permits and fees for Site Plan Review, drainage, grading, storm water, and Encroachment Permits, engineering studies, testing and plans, construction costs including grading, staking, and temporary power, insurance and attorney fees, etc.), ***which show a "good faith effort" to establish a particular use. As a point of information, "good faith effort" can be defined as time and effort to establish a use, regardless of financial expense.***

(Zoning Ordinance, section 868.6.030(E)(4), emphasis added [See Exhibit 2].)

Virtually every soft cost item listed in the County's current ordinance was incurred by Riverbend. Not that Riverbend need only rely on the new County ordinance, as that section merely recites what case law had already established in California. The last sentence of the new county code section regarding "good faith effort" as defined as "time and effort to establish a use, regardless of financial expense" was clearly met here with the many hours of effort dedicated to obtaining a mining lease with major mining companies.

D. The 2017 County Code Allowed <u>but Did Not Require</u> an Application for "Substantial Development" Determination.

In 2017, there was no written definition of determination of substantial development, nor were there any procedures for seeking a Substantial Development determination from the County. While the above new County code definition, section 868.6.030(E)(4), was not in place in 2017, it provides a clear definition of what the County considers to be Substantial Development.

E. Riverbend May Properly Rely on Former Deputy County Counsel's Representations.

Next, the County asserts that a Court will not use Riverbend's reliance on Deputy County Counsel's comments to form the basis of a vested right to violate a zoning law that is plain on its face. (Letter, p. 2, citing *Summit Media, LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 940 ("*Summit Media*".) *Summit Media*, however, does not apply. In *Summit Media*, the developer relied on city staff's representations in connection with a contract that was the subject of the appeal, which contract was found to be *ultra vires* as it contravened the municipal code and longstanding

precedent that a municipality cannot contract to forgo future exercise of its police power.[17] In this case, by contrast, Riverbend's reliance upon former Deputy Land Use County Counsel Arthur Wille's representations in 2017 did not circumvent any county zoning ordinances. (Exhibits 10-13 [email exchange].) They only confirmed Riverbend's counsel's belief that Riverbend had in fact performed substantial development on the property, under then County Zoning Ordinance section 873(I) and (J). It is irrelevant whether counsel "was never vested with authority to make the alleged statements or to make any determination on the status of a permit." Former Deputy County Counsel Wille's statements were legally correct and were made, at a minimum, with ostensible authority and on behalf of his client, and are entirely consistent with Riverbend's position at the time (and now), that it acquired and owns a vested right under CUP 3390.

The County's claim, moreover, that Riverbend "was aware that the CUP had a built-in 2-year deadline and that staff had not formally made a determination of substantial development in 2017, but instead directed [Riverbend] to have a determination made per staff letter dated March 21, 2017" does not establish there was no vested right. (Exhibit 22 [May 31, 2024 Letter, p. 2].) Nor is this representation accurate. The March 21, 2017 letter only states that a formal determination of substantial development may be obtained from staff under former Zoning Ordinance section 873(J)[18], but that ordinance does not require an applicant to make such a request as a prerequisite for a vested right to exist. Indeed, Riverbend's counsel's February 27, 2017 email, to which staff's March 21, 2017 letter responds, specifically advised the County of Riverbend's position that its rights had already vested under common law by that date and therefore no determination from the County was necessary. If the County disputed that Riverbend's right had vested under CUP 3390 (as it now does), then the County should have issued its "no vested right" determination in 2017, after receiving Riverbend's letter. But the County failed to do so, and now wants to argue that Riverbend was required to make that request for determination of substantial development, when there was no legal requirement in the County Code nor under case law that Riverbend do so.

The County argues that the Water and Natural Resources Division[19] of the Department of Public Works and Planning was making inspections at Riverbend's request and pursuant to the Surface Mining and Reclamation Act ("SMARA"), and that those inspections "do not suggest a mine was in operation" but instead the reports "confirm Riverbend did nothing to prepare the site for surface mining activities." (Exhibit 22 [May 31, 2024 Letter, p. 2].) This is untrue. Riverbend's $777,164 in expenditures, as detailed herein and in the April 23, 2024 letter, were spent exactly to prepare the site for surface mining activities. Why would the County charge Riverbend annual inspection

[17] *Summit Media, supra,* 211 Cal.App.4th at pp. 935. 940.
[18] Specifically, the March 21, 2017 letter states that "…a formal determination of substantial development is a process that must be requested by the Applicant and implemented through public noticing and the ability of neighbors to request a hearing before the Board of Supervisors." However, neither this email nor the Former Zoning Ordinance, section 873(J)(1), states that an Applicant is required to make such a request in order to have substantially developed the site.
[19] Note that this Division is in the same County department as both Chris Motta and Director Steven White.

fees and have County staff conduct annual reviews of the site for years after the CUP allegedly expired in 2017?

There are many actions to be taken before a mine can commence operations, and these actions can take years and hundreds of thousands of dollars. The County is aware of these efforts and expenses, as shown in its own definition of substantial development, as quoted above, which does not include "whether a mine is in operation."

F. Riverbend Has Never Abandoned Its Right to Develop Under CUP 3390.

The County also argues that the evidence supports a theory of abandonment of the project not later than May 2022 under sections 873(I)(2) and (K)(2) of the former Zoning Ordinance. Section 873(I)(2) states that "[e]ach Conditional Use Permit approved either before or after the effective date of this amendment shall become void when… [t]here is a cessation in the occupancy or use of land…authorized by said Conditional Use permit for a period in excess of two years…" (Former Zoning Ordinance, section 873(I)(2), [Exhibit 1].) And Section (K)(2) of the Former Zoning Ordinance states that "[i]f an established time limit for development expired and no extension has been granted, the Conditional Use Permit shall be considered void." (Former Zoning Ordinance, section 873(K)(2), [Exhibit 1].)

The County claims that Riverbend's "limited activities up to 2020" appear to show abandonment of the CUP, despite extensive and continuous soft costs incurred since then. This argument wrongly assumes that Riverbend, because it allegedly did not have a vested right in May 2017, should have applied for an extension to allow additional time to complete its substantial development and acquire the vested right, under Former Zoning Ordinance 873(I)(3). That section states:

> Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873(I)(1), the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public hearing(s) shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Former Zoning Ordinance, section 873(I)(3), [Exhibit 1].)

Riverbend, however, did not need an extension of time to establish its vested right in CUP 3390, as explained above and in its February 23, 2017 letter and again in its February 27, 2017 email to

the County. (April 23, 2024 Letter, Attachments 1-4.) As recounted in those communications, Riverbend had already acquired a vested right under CUP 3390 and thus did not need an extension and did not request one. The County never disputed that Riverbend owns a vested right until over seven years later, in its May 31, 2024 letter that triggered this appeal.

The California Supreme Court, in a major mining case, has held that abandonment in the land use context depends upon a concurrence of two factors: (1) an intention to abandon; and (2) an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use. (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 569.) Neither factor is present here. As stated above, Riverbend has acted on its CUP continuously since 2017, incurring substantial hard and soft costs during that time. The County never previously disputed these facts. In addition, as Riverbend negotiated with two multinational mining companies, two national mining companies, and one large regional mining company spread over several years, to mine the site; that is hardly what an owner who intends to abandon its rights would be doing.

It is only now that the County contends, in hindsight and for the first time, that Riverbend did not possess a vested right in CUP 3390 in 2017. And because Riverbend did not make such a request under Former Ordinance Section 873(J)(1) (which the Former Zoning Ordinance did not require[20]), or seek an extension to do so under Section 873(1)(3), quoted above, CUP 3390 expired on its own terms in May 2017 and has been void since that time.

The County, again, is wrong. Riverbend's extensive documentation shows ample evidence of substantial development and hard and soft costs incurred in reliance upon CUP 3390 in the first two years (2015-2017) and every subsequent year. If the County ever disputed these facts, it should have made a determination in 2017 that there had been no substantial development and the CUP was void at that time. The County not only refused to make such a determination, but also received, considered, and did not dispute Riverbend's multiple written communications to the County, asserting that Riverbend possessed vested rights and did not need to seek a determination. The County never disputed this claim until seven years later, despite acquiescing in SMARA inspections in 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023, negotiating traffic impact fee agreements with Riverbend in 2020, and other actions, none of which the County would have done had it truly believed Riverbend's CUP was void in 2017.

[20] Former Ordinance Section 873(J)(1) states, in pertinent part: "Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent [to] the external boundaries of the property described in the application." (Emphasis added.) There is no requirement for the Applicant to make the request.

G. The Zoning Ordinance Limitations Do Not Preclude Riverbend's Vested Rights.

The County next makes the vague assertion, with no supporting authority, that the "legal limitations imposed by the Fresno County ordinances function as a preexisting limitation on the scope of the CUP, and do not implicate vested rights." (Exhibit 22 [May 31, 2024 Letter, p. 1].) Not so. The County ordinances speak to the scope of the CUP and allow conditions of approval, but they do not preclude a permit holder's rights from vesting where, as here, that permit holder performed substantial work and incurred substantial liabilities in good faith reliance on the CUP. (*Communities for a Better Environment v. South Coast Air Quality Management* (2010) 48 Cal.4th 310, 323.) And as explained above, a permit holder's rights may properly vest under a CUP; a building permit is not strictly necessary because the CUP can be its functional equivalent. (*Avco, supra,* 17 Cal.3d at p. 793-794.)

Here, the scope of the CUP 3390 allows use of the land for surface mining operations, and any substantial work and costs incurred in connection with the development of that use, and within the scope of the CUP, will give rise to a vested right. (*South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 749.) Riverbend performed substantial work and incurred substantial expenses precisely to fulfill CUP 3390's conditions of approval, including the requirement of substantial development within two years, the traffic mitigation measures, SMARA compliance, inspections, and numerous other conditions. As such, the County ordinances governing the scope of CUP and these conditions do not and cannot preclude Riverbend's vested right in the CUP.

H. Riverbend is Entitled to Due Process, as its Vested Right is Constitutionally Protected.

"The [vested rights] doctrine is based on the constitutional prohibition against the taking of property."[21] A permittee who incurs substantial expense and acts in reliance on the permit acquires "a vested property right in the permit and is entitled to the protections of due process before the permit may be revoked."[22] "The owner of a property right [to mine and extract materials] in a proven [land] acquired under a permit, may not constitutionally be deprived thereof without payment of just compensation."[23]

As explained above, Riverbend has acquired a vested property right in CUP 3390, which may only be revoked with due process. Since Riverbend obtained a common law vested property right in CUP 3390 in February 2017, revocation of CUP 3390 would constitute a deprivation of

[21] *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, 747.
[22] *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 393 at fn. 5, citing *Trans-Oceanic Oil Corp, supra,* 85 Cal.App.2d at p. 795.
[23] *Trans-Oceanic Oil Corp,* at pp. 797-98 ("The attempted revocation of [a] permit after [a permittee] had acquired a vested right, . . . constitute[s] a deprivation of [the Permittee's] property in contravention of the Fourteenth Amendment to the Constitution of the United States and Article I, section 13, of the Constitution of California.")

Riverbend's vested property right, which is worth millions of dollars, in contravention of both the U.S. and California Constitutions.

The County cites *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735, as authority supporting its contention that Riverbend is not entitled to basic due process because its CUP is void and expired on its own terms in 2017 at the earliest (allegedly when Riverbend failed to request a substantial development determination from the County) or 2021 at the latest (allegedly four years later, when all allowable extensions would have expired without substantial development).

Again, the County is incorrect. This contention wrongly assumes the CUP expired in 2017 (or 2022) on its own terms due to lack of substantial development and failure to meet conditions of approval. That is not the case. As explained above, Riverbend has continuously performed substantial work and incurred substantial liabilities in reliance upon CUP 3390 since 2015. Riverbend's counsel, moreover, gave notice to the County of this substantial development in 2017, before expiration of the two-year period to establish substantial development, and Riverbend was not required under the Former Zoning Ordinance to seek a determination of substantial development from the County.

This vested right, moreover, automatically accrued by operation of law, not because the County declared it so through a "determination of substantial development" procedure in the Zoning Ordinance. Nor did this vested right somehow terminate or "automatically expire" as the County contends, where Riverbend did not seek (unnecessarily) an extension of the time for the County to issue any such determination that this right exists. As such, the vested right continues to this day and Riverbend's CUP has never expired. Termination of such right without the basic due process requirements of notice and an opportunity to be heard unlawfully deprives Riverbend of its constitutionally protected property right. (See *Goat Hill Tavern, supra,* 6 Cal.App.4th at p. 1526 [administrative decision affecting CUP holder's vested right required due process, including "a full and independent judicial review"].)

V. The Planning Department Staff's May 31, 2024, Decision Must be Reversed

For the above reasons, Planning Department Staff's May 31, 2024 decision not to approve Riverbend's April 23, 2024 request for a determination that CUP 3390 is still valid must be reversed. Riverbend hereby requests a hearing on this appeal, pursuant to the procedures stated in Zoning Ordinance and the Fresno County Code. In lieu of this appeal, Riverbend will accept a one-page letter from the County confirming that the CUP is still valid for the reasons outlined above and in my letter to Mr. Motta on April 23, 2024.

If the County affirms its June 11, 2024, decision by email that this matter is not appealable, and declines to hear this appeal on that basis, Riverbend requests that the County provide written confirmation of its decision on that point.

If I do not receive any written confirmation from Staff, the Director, the Board of Supervisors, or any county representative acting on their behalf within 30 days of the date of this letter, Riverbend will consider any such nonresponse as confirmation that the County declines to hear this appeal and that Riverbend has fully exhausted its administrative remedies with Fresno County.

Thank you for your attention to this matter.

Sincerely yours,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

Cc: Bernard Jimenez, Planning & Resource Management Officer
William Kettler, Deputy Director of Planning
Chris Motta, Development Services and Capital Projects Director
Daniel C. Cederborg, County Counsel
Bryan D. Rome, Deputy County Counsel
Herb Lang (Riverbend)
John Buada
J. Scott Miller, Esq.
Nathan Magsig, Chairman, Fresno County Board of Supervisors
Supervisor Pacheco
Supervisor Quintero
Supervisor Mendes
Supervisor Brandau

EXHIBIT 7-1

(attached to Exhibit 7 - June 13, 2024 Letter)

SECTION 873

USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

A. APPLICATION

1. Filing

An application for a Conditional Use Permit shall be filed by the owner or lessee of the property for which the permit is sought, or by the authorized representative of either the owner or lessee.

2. Form and Contents

Application shall be made to the Commission on forms furnished by the Public Works & Development Services Department and shall be full and complete, including such data as may be prescribed by the Commission to assist in determining the validity of the request.

(Amended by Ord. T-252 adopted 12-9-80)

3. Verification

The Public Works & Development Services Department shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Such verification shall be made within ten (10) days of the filing of such application.

(Amended by Ord. T-252 adopted 12-9-80)

In cases where the Director considers the reasons and conditions as set forth in the application not within the scope of the Conditional Use Permit procedure, the applicant shall be so informed; whereupon, if the application is filed and the fees are accepted, said application shall be signed by the applicant to the effect that he was so informed.

(Amended by Ord. T-252 adopted 12-9-80)

4. Formal Acceptance

If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application does not constitute an indication of approval.

B. FILING FEE

When the application for a Conditional Use Permit is filed, a fee as provided in Section 879 shall be paid for the purpose of defraying the costs incidental to the proceedings.

C. DEPARTMENT INVESTIGATION

The Public Works & Development Services Department shall investigate the facts bearing on the case to provide information necessary for action consistent with the intent of this Division and the General Plan.

(Amended by Ord. T-252 adopted 12-9-80)

D. NOTICE OF COMMISSION PUBLIC HEARING

1. The hearing date shall be set by the Director for not less than ten (10) nor more than forty (40) days after the formal acceptance of an application.

2. Notice of all public hearings shall be given and shall contain the name and place of the hearing and other pertinent data presented in the application.

3. Notice shall be mailed not less than ten (10) days before the date set for the hearing to owners of property within a radius of three hundred (300) feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the latest adopted tax roll of the County.

4. Notices may be posted not less than ten (10) days before the date set for the hearing on all streets within five hundred (500) feet of the external boundaries of the subject property when such notices are requested by the Commission.

E. COMMISSION PUBLIC HEARING AND DECISION

1. The Commission shall, not less than ten (10) days after the legal notice of a public hearing on a Conditional Use Permit application, hold said public hearing.

2. The Commission shall approve, approve with conditions, or disapprove the application. The Commission action is final unless appealed, except Conditional Use Permits filed concurrent with other applications required to be heard by the Board of Supervisors or Conditional Use Permits for development of Agricultural Commercial and Rural Commercial Centers under Section 867. A tie vote shall constitute denial.

3. The Commission shall announce the result of its action by resolution within ten (10) days after the conclusion of the public hearings. Said resolution shall set forth the findings of the Commission and any recommended conditions, including the time limit, deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole. The resolution shall be filed with the Clerk of the Board and mailed to the applicant at the address shown in the application.

(Sec. 873-E amended by Ord. 490.101 adopted 9-10-74; 490.171 re-adopted 4-24-79)

F. COMMISSION FINDINGS AND CONDITIONS

The Commission, in approving or recommending approval of a Conditional Use Permit, shall find as follows:

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

3. That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.

   (Amended by Ord. 490.127 adopted 1-11-77)

4. That the proposed development is consistent with the General Plan.

   (Amended by Ordinance 490.127 adopted 1-11-77)

5. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:

   a. Special yards, spaces and buffers.

   b. Fences and walls.

   c. Surfacing or parking areas subject to specifications.

   d. Requiring street dedications and improvements (or bonds) subject to the provisions of "Site Plan Review," Section 874, including service roads or alleys when practical.

   e. Regulation of points of vehicular ingress and egress.

   f. Regulation of signs.

   g. Requiring landscaping and maintenance thereof.

   h. Requiring maintenance of the grounds.

   I. Regulation of noise, vibration, odors, etc.

   j. Regulation of time for certain activities.

   k. Time period within which the proposed use shall be developed (See Section 873-I).

   l. A bond for removal of such use within a specified period of time.

   m. A request for a site plan for purposes of review, said site plan to be submitted by the applicant.

   n. And such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division.

      (Sec. 873-F amended by Ord. 490.196 adopted 3-11-80)

G. APPEAL OF COMMISSION DECISION

1. The applicant, any person aggrieved, a County Department Director, or a member of the Board, may appeal any decision of the Commission to the Board by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days of the Commission's action. Such appeal shall set forth the reasons therefor.

2. The appeal of a Commission decision on any application filed and heard concurrently with

other applications shall require a Board hearing of each of those applications.

3. The hearing date for appeals shall be set by the Clerk of the Board for not less than fifteen (15) nor more than forty (40) days after the expiration date for the filing of an appeal pursuant to Section 873-G-1 or the filing of an appeal pursuant to 873-G-2. Notice shall be given as provided in Section 873-D, above.

   (Amended by Ord. 490.196 adopted 3-11-80)

H. BOARD PUBLIC HEARING AND DECISION

1. The Board shall, not less than ten (10) days after the legal notice of public hearing on a Conditional Use Permit, hold said public hearing. Appeal hearings shall be de novo, except where the appeal is to a condition imposed or not imposed in which event the hearing and the decision of the Board shall relate only to such condition.

2. The Board may approve, approve with stated conditions, or disapprove the Conditional Use Permit application by resolution. The Board may add to or delete any of the conditions recommended or approved by the Commission. Such decision shall be made within forty (40) days of the hearing. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.

3. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.

4. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.

   (Added by Ord. T-241 adopted 7-28-80)

I. TIME LIMIT FOR DEVELOPMENT

Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when:

1. There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later. However, in the case of a Conditional Use Permit authorizing a tentative map, expiration of said permit shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map; or

   (Amended by Ord. T-241 adopted 7-28-80; Ord. T-026-287 adopted 11-12-85)

2. There is a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two years; except where the structure or land is limited to a single purpose use.

3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1, the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public hearing(s)

shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Amended by Ord. T-091-374 adopted 8-23-16)

J. APPEAL OF DIRECTOR'S DECISION AND BOARD PUBLIC HEARING AND DECISION

(Added by Ord. T-241 adopted 7-28-80)

1. Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent the external boundaries of the property described in the application. The applicant or an adjacent property owner may appeal this decision to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after the mailing of notice of such decision. Such appeal shall set forth the reasons therefore.

2. The Clerk of the Board upon receipt of such appeal shall set the hearing date for not less than fifteen (15) days nor more than forty (40) days after the filing of an appeal.

3. The Board shall not less than ten (10) days after the legal notice of a public hearing on an appeal, hold said public hearing.

4. The Board may approve, approve with stated conditions, or deny the appeal by resolution. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.

5. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.

K. REVOCATION OF CONDITIONAL USE PERMIT

1. The Board, on its own motion, at a public hearing, with or without a recommendation from the Commission, may revoke any Conditional Use Permit for noncompliance with the conditions set forth in granting said permit.

2. If an established time limit for development expires and no extension has been granted, the Conditional Use Permit shall be considered void.

L. MAPPING

Within thirty (30) days after the granting of a Conditional Use Permit, the Public Works & Development Services Department shall indicate on the zone map the lot or lots affected by such Conditional Use Permit. Such indication shall show the file number of such permit.

(Amended by Ord. T-252 adopted 12-9-80)

M. REAPPLICATION FOR CONDITIONAL USE PERMIT

No person, including the original applicant, shall reapply for a similar Conditional Use Permit on the same land, building or structure within a period of one (1) year from the date of the final decision on such previous application unless such decision is a denial without prejudice.

EXHIBIT 7-2

(attached to Exhibit 7 - June 13, 2024 Letter)

CHAPTER 868.6 - PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS AND REVOCATION

868.6.010 - Purpose of Chapter

This Chapter provides requirements for the implementation of the permits or approvals identified in this Zoning Ordinance, including time limits and procedures for granting extensions of time.

868.6.020 - Expiration

A. Expiration of permit or approval. Unless otherwise specified in the permit or approval, all permits and approvals (i.e., Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, or Variance) for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions:

1. Exercised.

a. To ensure continued compliance with the provisions of this Zoning Ordinance, the permit or approval shall be exercised within two years from the date of approval, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with Section 868.6.030 (Time Extensions), below.

b. If after construction commencement work is discontinued for a minimum period of two years the permit or approval shall expire and be deemed void.

c. If there is a cessation in the occupancy or use of land or structure(s) authorized by the permit or approval for a period in excess of two years, the permit or approval shall expire and be deemed void.

d. If the application for the permit or approval also involves the approval of a tentative or vesting tentative map, expiration of the permit or approval shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as the companion tentative map.

2. Phasing.

a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the requirements of the subject zone and then develop the remaining phases in compliance with this Chapter, without prior review authority approval.

b. Pre-approved phases.

(1) If a project is to be built in pre-approved phases, each subsequent phase shall have two years from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative or vesting tentative map, the phasing shall be consistent with the tentative or vesting tentative map and the permit or approval shall be exercised before the expiration of the companion tentative map.

3. Shall be exercised before expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvements has commenced; or

b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director; and

c. Diligently continued the approved construction/grading activities; or

d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

4. Exceptions to exercise prior to expiration for certain specified Conditional Use Permits within approved Specific Plans.

a. Where a Conditional Use Permit is approved for authorizing infrastructure improvements within a County-adopted Specific Plan, and there is a direct nexus of the approved use to health and safety related infrastructure improvements (sewer, water, utilities or roadway improvements), the time to exercise is extended beyond the initial two years up to a maximum of 10 years as long as development within the Specific Plan boundary is actively being pursued.

b. The developer or applicant must first exhaust the four discretionary time extensions available to a Conditional Use Permit prior to being eligible any additional time provided in Subsection 4.a above.

B. Effect of expiration. Where the permit or approval has expired and/or has been deemed void:

1. No further action is required by the County;

2. No further reliance may be placed on the previously approved permit or approval;

3. The applicant shall have no rights previously granted under the permit or approval;

4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the County to provide suitable protection from any harm that may result from the terminated development.

868.6.030 - Time Extensions

Requests for a time extension for a permit or approval (i.e., Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, or Variance) shall be filed and processed in the following manner:

A. Before expiration. The applicant's written request for an extension of time shall specify the reasons for the extension and shall be on file with the Department before the expiration of the permit or approval, together with the filing fee required by the Master Schedule of Fees.

B. Suspension of expiration.

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director, Commission, and/or Board.

2. No Building Permit shall be issued in compliance with the permit or approval during the period of the suspension.

C. Action on extension – by the original review authority.

1. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Subsection 868.6.080 A. (Expiration of permit or approval), above, the original review authority, but no higher than the Commission, may grant a time extension(s) in compliance with Table 6-1 (Maximum Time Extensions Allowed), below, following the original date of approval, subject to the findings identified in Subsection D. (Required findings), below. An extension request may be approved, approved with modifications, or denied by the original review authority.

TABLE 6-1
MAXIMUM TIME EXTENSIONS ALLOWED

TYPES OF PERMIT OR APPROVAL	MAXIMUM EXTENSIONS ALLOWED
Conditional Use Permits	Four 12-month time extensions (see 868.6.020.A.4 for Specific Plan exceptions)
Director's Review and Approvals	Two 12-month time extensions
Minor Deviations	N/A
Reasonable Accommodations	Two 12-month time extensions
Site Plan Reviews	Two 12-month time extensions
Variances	Two 12-month time extensions

2. For permits subject to the Director's review, a public notice but no hearting shall be required in compliance with Chapter 874.6 (Public Hearings).

3. For permits subject to the Commission's review, a public notice and hearing shall be required in compliance with Chapter 874.6 (Public Hearings).

4. The original review authority's decision may be appealed in compliance with Chapter 876.6 (Appeals).

D. Required findings. An extension of the permit or approval may be granted only if the applicable review authority first finds that:

1. There have been no changes in circumstances or law which would preclude the review authority from making the findings upon which the original approval was based; and

2. Appropriate evidence has been provided by the applicant to document that the extension is required due to circumstances beyond the control of the applicant that was not the result of personal action(s) undertaken by the applicant.

E. Substantial Development extension - by the Director. When circumstances beyond the control of the applicant do not permit compliance with the time limits specified in Subsection 868.6.020 A. (Expiration of permit or approval) or this Section, the Director may grant up to a single two-year time extension, upon a finding that the project has accomplished an acceptable level of Substantial Development.

1. Application for extension based on "Substantial Development" shall be filed with the Department before expiration of the permit or approval.

2. The Director's review shall require a public notice but no hearing in compliance with Chapter 874.6 (Public Hearings).

3. The finding of "Substantial Development" presumes the existence of a valid permit or approval. Information relating to the original permit or approval (i.e., the original findings and whether or not they can continue to be made) has no bearing on the issue of "Substantial Development."

4. Consideration of "Substantial Development" includes the degree of physical on-site development accomplished, but can also include the amount of "soft costs" (i.e., costs associated with establishing the approved use before the expiration date) including financial expenditures for preparatory actions (e.g., invoices documenting expenditures related to permits and fees for Site Plan Review, drainage, grading, storm water, and Encroachment Permits, engineering studies, testing and plans, construction costs including grading, staking, and temporary power, insurance and attorney fees, etc.), which show a "good faith effort" to establish a particular use. As a point of information, "good faith effort" can be defined as time and effort to establish a use, regardless of financial expense.

5. The Director's decision may be appealed in compliance with Subsection F. (Appeal of Director's determination), below.

6. The Applicant, Property Owner, or Developer shall have two years from the date that a determination of "Substantial Development" is made to develop the use.

F. Appeal of Director's determination on Substantial Development.

1. Where a determination is made by the Director that there either has or has not been substantial development within two years after the approval of the Site Plan Review, a notice of the determination shall be mailed to the applicant and to owners of property located adjacent to the external boundaries of the property described in the application.

2. The applicant or an adjacent property owner may appeal this decision to the Board by filing a written notice of appeal with the Clerk of the Board within 15 days following the mailing of notice of the determination.

3. The appeal shall specify the reason(s) for the appeal.

4. The Clerk of the Board upon receipt of the appeal shall set the hearing date for not less than 15 or more than 40 days following the filing of an appeal.

5. The Board shall, not less than 10 days following the legal notice of a public hearing on an appeal, hold the public hearing.

6. Board's decision on Substantial Development.

    a. The Board may approve, approve with conditions, or deny the appeal by resolution.

b. A copy of the Board's resolution shall be mailed to the appellant/applicant at the address shown on the application.

7. The decision of the Board shall be final, unless an appeal is filed with a court of competent jurisdiction, in compliance with Government Code Section 65009(c).

868.6.040 - Changes to an Approved Project

A. Application.

1. A development or new land use allowed through a Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.

2. An applicant shall request desired changes in writing with the Department, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.

4. Changes shall be approved before implementation of the changes, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and hearing. If the matter originally required a public notice and/or hearing, the review authority shall give notice and take action as applicable, except for the minor changes specified below (See Subsection C.).

1. For permits subject to the Director's review, a public notice but no hearting shall be required in compliance with Chapter 874.6 (Public Hearings).

2. For permits subject to the Commission's review, a public notice and hearing shall be required in compliance with Chapter 874.6 (Public Hearings).

C. Minor changes as authorized by the Director. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Zoning Ordinance and in substantial conformity with the original permit or approval; and

2. Do not involve a feature of the project that was:

   a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;

   b. A basis for conditions of approval for the project; or

   c. A specific consideration by the review authority (e.g., the Director, Commission, or Board) in granting the permit or approval.

D. Major changes. Major changes include changes to the project involving features specifically described in Subparagraph C. 2., above, and may only be approved by the original review authority through a new application or modification, processed in compliance with this Zoning Ordinance.

868.6.050 - Resubmittals

No person, including the original applicant, shall reapply for a similar application (permit or approval) on the same parcel or structure within a period of 12 months from the date of the final decision on the previous application, unless the decision is denied without prejudice.

A. Resubmittal after denial with prejudice - not within a period of 12 months. The review authority may deny a discretionary permit or approval on the grounds that two or more similar applications for the same site have been denied in the past two years (also known as denial with prejudice).

B. Resubmittal after denial without prejudice. There shall be no limitation on subsequent applications for a parcel or structure where a project was denied without prejudice.

C. Director's determination. The Director shall determine whether the new application is for a discretionary permit or approval which is the same or substantially similar to the previously approved or denied permit, approval, or amendment.

D. Appeal. The determination of the Director may be appealed to the Commission, in compliance with Chapter 876.6 (Appeals).

868.6.060 - Revocation

The approving entity or body granting said use (Director, Commission or Board of Supervisors) may revoke a permit for non-compliance with the conditions set forth in granting of said permit. Revocations shall be appealable to the Board of Supervisors.

EXHIBIT 7-3

(attached to Exhibit 7 - June 13, 2024 Letter)

CHAPTER 876.6 - APPEALS

876.6.010 - Purpose of Chapter

A. Purpose. The purpose of this Chapter is to provide procedures for filing of appeals of the determinations by the Department staff or Director, or the decisions of the Director or Commission.

B. Eligible appellants.

1. All appeals, except Variances/Minor Deviations. Any appeal, except for Variances/ Minor Deviations, may be filed by an applicant, a County Department Director, or any member of the Board.

2. Variance/Minor Deviations appeals. Variances/Minor Deviations my be appealed by an applicant, a County Department Director, any member of the Board, or by a property owner located within 300 feet of the external boundaries of the subject property.

3. Site Plan Review appeals. Appeal of a Site Plan Review shall be limited to its conditions of approval and/or operational characteristics and not the use itself.

876.6.020 - Appeal of Determinations and Decisions

Determinations and decisions that may be appealed and the authority to act on an appeal shall be as follows:

A. Department staff. Any determination rendered by the Department staff may be appealed to the Director.

B. Director. Any determination or decision rendered by the Director may be appealed to the Commission, except for determinations made by the Director on a Substantial Development, which may only be appealed to the Board.

C. Commission appeals. Any decision rendered by the Commission may be appealed to the Board, except for the Commission's action on an appeal of a Director's Review and Approval, which is not eligible for an appeal to the Board.

D. Board considerations. The decision of the Board shall be final and shall become effective upon adoption of the resolution by the Board.

876.6.030 - Filing and Processing of Appeals

A. Applications.

1. Appeals shall be in filed writing to the Department or the Clerk of the Board, as specified in Subsections B. and C., below.

2. The appellant shall state the specific reasons for the basis of the appeal.

3. Appeal applications shall include the required fee, in compliance with the Master Schedule of Fees.

B. Department staff or Director. An appeal of a determination by the Department staff, or appeal of a determination or decision of the Director, shall be filed in writing with the Department within 15 days following the date of the final action for which the appeal is made.

C. Commission. An appeal of a Commission decision shall be filed on a form provided by the Clerk of the Board within 15 days following the date of the final action for which the appeal is made.

D. Last day to file. If the last day to file an appeal falls on a legal holiday recognized by the County or on a Saturday or Sunday, the following business day shall be deemed the last day to file the appeal.

876.6.040 - Appeals to the Director

A. Administrative review.

1. Appeals to the Director shall be an administrative review by the Director of a Department staff determination.

2. The Director may choose to convene a meeting with interested parties before rendering a decision on the appeal.

3. Any meeting(s) conducted by the Director shall not require a public notice.

B. Appealed to Commission. The Director's decision may be appealed to the Commission, in compliance with Section 876.6.030 (Filing and Processing Appeals), above.

876.6.050 - Appeals to the Commission or Board

A. Notice of appeal.

1. Public notice of an appeal to the Commission or Board shall be given in the same manner in which the original notice was given, in compliance with Chapter 874.6 (Public Hearings).

2. The hearing date shall be set by the Director (for a Commission hearing) or by the Clerk of the Board (for a Board hearing).

B. Delay of proceedings. The filing of an appeal shall suspend all proceedings associated with the matter subject to the appeal (e.g., issuance of a Building or Grading Permit, etc.), pending the County's final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the 15-day appeal period in compliance with Section 876.6.030 (Filing and Processing of Appeals), above, shall be considered appellants of the matter under appeal.

2. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Section 876.6.030 (Filing and Processing of Appeals).

3. A person(s) shall not be allowed to join an appeal after expiration of the 15-day appeal period.

D. Board hearing required. The appeal of a Commission decision on any application filed and heard concurrently with other applications shall require a Board hearing of each of those applications.

E. Appeal to be treated as a new hearing.

1. Hearing shall be de novo. The appeal hearing shall be de novo and considered a new hearing where the review authority may consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.

2. Exception to de novo.

a. Where the appeal is to a condition(s) imposed or not imposed in which event the hearing and the decision of the review authority shall relate only to the condition(s) which are the subject of the appeal.

b. The Board, at its discretion, may choose not to conduct the appeal hearing as de novo.

3. Actions of the review authority. When reviewing an appeal, the review authority may:

a. By resolution, affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; and

b. Adopt additional conditions of approval deemed reasonable and necessary or delete any of the conditions recommended or approved by the previous review authority.

4. **Refer back further consideration.** If new or different evidence is presented on appeal, the Commission or Board, may, but shall not be required to, refer the matter to the Director or Commission, as applicable, for further consideration.

F. Adoption of findings.

1. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal.

2. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permits Chapter 842.5 and Variances/Minor Deviations Chapter 860.5, etc.)

G. Rendering of decision.

1. The Director's and Commission's decision shall be made following the close of the hearing and shall be final, unless appealed in compliance with this Chapter.

2. The Board's decision shall be made following the close of the hearing and shall be final, unless the Board's action is overturned through litigation, in compliance with Government Code Section 65009(c).

3. In the event the action is not appealed to a court in compliance with Government Code Section 65009(c), it shall be presumed that the petitioner has not acted with the due diligence in asserting his/her rights and the action of the County shall be deemed to be final.

4. A copy of the review authority's resolution shall be mailed to the appellant/applicant at the address shown on the application.

876.6.060 - Effective Date of Appealed Actions

A. Department staff or Director. A determination by the Department staff appealed to the Director, or a determination or decision of the Director, appealed to the Commission shall not become final, unless and until a decision is made by the Director or Commission.

B. Commission. A decision of the Commission appealed to the Board shall not become final, unless and until a decision is made by the Board.

C. Board's decision is final. The Board's decision shall be considered final, unless an appeal of the decision is filed with a court of competent jurisdiction, in compliance with Government Code Section 65009(c).

EXHIBIT 7-4

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Patrick Mitchell
Sent: Tuesday, April 23, 2024 7:21 PM
To: Motta, Chris
Cc: Kettler, William; Herb Lang; jcbuada@buada.com; Scott Miller; Austin Turner
Subject: Riverbend Sand and Gravel Letter re CUP 3390 is vested
Attachments: Letter to County re Vested Right in CUP 3390 (00067251xD62CE).PDF

Chris,

See attached. The letter is also being cc'd to all 5 supervisors.

Thanks,
Pat

From: Scott Miller <smiller@mitchellchadwick.com>
Sent: Tuesday, April 23, 2024 6:39 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel, Letter to Fresno County, Board of Supervisors re CUP 3390

Attached or set forth below are:

(1) the letter to the County regarding the vested status of CUP 3390; and
(2) the link to the 61 attachments to that letter. To access the attachment documents using the link, each person will be required to enter their name and email address for tracking/security purposes.

https://mitchellchadwick.sharefile.com/d-se2d27f2bc91f455d9b5203eeea7a5ca7

Thanks,
Scott

J. Scott Miller
Counsel

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8801
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strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please contact us by telephone at (916) 462-8888.

EXHIBIT 7-5

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, April 24, 2024 12:59 PM
To: Patrick Mitchell
Cc: Kettler, William; Herb Lang; jcbuada@buada.com; Scott Miller; Austin Turner
Subject: RE: Riverbend Sand and Gravel Letter re CUP 3390 is vested

Pat,

I am confirming receipt of your letter. Staff will review. Should we have questions or need clarification during our review we will reach out to you directly.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Tuesday, April 23, 2024 7:21 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; jcbuada@buada.com; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Letter re CUP 3390 is vested

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

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To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel, Letter to Fresno County, Board of Supervisors re CUP 3390

Attached or set forth below are:

(1) the letter to the County regarding the vested status of CUP 3390; and

(2) the link to the 61 attachments to that letter. To access the attachment documents using the link, each person will be required to enter their name and email address for tracking/security purposes.

https://mitchellchadwick.sharefile.com/d-se2d27f2bc91f455d9b5203eeea7a5ca7

Thanks,
Scott

J. Scott Miller
Counsel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8801
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EXHIBIT 7-6

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Patrick Mitchell
Sent: Wednesday, April 24, 2024 8:30 PM
To: Motta, Chris
Cc: Kettler, William; Herb Lang; jcbuada@buada.com; Scott Miller; Austin Turner
Subject: RE: Riverbend Sand and Gravel Letter re CUP 3390 is vested

Thanks

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, April 24, 2024 12:59 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; jcbuada@buada.com; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: RE: Riverbend Sand and Gravel Letter re CUP 3390 is vested

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I am confirming receipt of your letter. Staff will review. Should we have questions or need clarification during our review we will reach out to you directly.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; jcbuada@buada.com; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Letter re CUP 3390 is vested

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To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
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(1) the letter to the County regarding the vested status of CUP 3390; and
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Thanks,
Scott

J. Scott Miller
Counsel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
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smiller@mitchellchadwick.com
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EXHIBIT 7-7

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Patrick Mitchell
Sent: Friday, May 10, 2024 5:40 PM
To: 'Rome, Bryan' <brome@fresnocountyca.gov>
Subject: Riverbend Traffic Agreement revisited

Bryan,

Per our call today, see below an email which shows that we received a draft of the Traffic Agreement from you in 2020. Per John Buada, you are correct we never signed a final version because of the dispute on costs. I deleted the middle of the email because it contained privileged information on deal terms.

Thanks,
Pat

From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Thursday, February 13, 2020 2:37 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Subject: FW: Riverbend Traffic Agreement revisited

fyi

From: Patrick Mitchell
Sent: Thursday, February 13, 2020 2:36 PM
To: Herb Lang (lblang@yahoo.com) <lblang@yahoo.com>; 'John Buada' <jcbuada@buada.com>
Subject: Riverbend Traffic Agreement revisited

John/Herb,

We received the Riverbend Traffic Mitigation Agreement from the County. At this point, we are working with a new deputy County Counsel, Bryan Rome.

The document that we received from the County is substantially different from the one we last sent to them in May 2019; i.e. 75% of the current document is new. We created and have attached a redline comparison to show the differences between the County 1-17-20 version compared to our 5-6-19 version. Also attached is a second document which are our proposed redlined revisions to the document that the county sent us on 1-17-20.

Below are some key issues that we may need to further discuss:

[DELETED]

Bryan sent over a clean copy of the Agreement because the version he received had so many redlines he could not tell what the original version he was revising

Thanks,
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
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EXHIBIT 7-8

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Patrick Mitchell
Sent: Friday, May 10, 2024 5:43 PM
To: 'Rome, Bryan' <brome@fresnocountyca.gov>
Subject: FW: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

FYI

From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Friday, June 14, 2019 8:34 AM
To: John Buada <jcbuada@buada.com>; Herb Lang (Iblang@yahoo.com) <Iblang@yahoo.com>
Cc: Andrea Abergel <aabergel@mitchellchadwick.com>
Subject: FW: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Status.

From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Thursday, June 13, 2019 5:21 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good afternoon Andrea,

I am following-up on our phone conversation last week, I spoke with County Public Works and Planning staff today and they are still in the process of reviewing the agreement. Their review will not be completed until next week.

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Thursday, May 30, 2019 9:24 AM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Cc: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Hi Kyle,

I am following up on the two voicemails I left you this week. Riverbend is ready to execute the revised agreement as soon as we get approval from the County. When can we expect the County to sign off on the revisions. You may call my office line at (916) 462-8875 to discuss, if needed. Thank you in advance.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
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EXHIBIT 7-9

(attached to Exhibit 7 - June 13, 2024 Letter)

TRAFFIC MITIGATION AGREEMENT (COUNTY FAIR SHARE) FOR RIVERBEND MINE ~~AND RECLAMATION PLAN~~

Unclassified Conditional Use Permit No. 3390

THIS TRAFFIC MITIGATION AGREEMENT (COUNTY FAIR SHARE) FOR RIVERBEND MINE ("Agreement") is entered into ~~in _____ 2019 on~~on _____ 2020, which is the last date signed below ("Effective Date~~")~~"), by and between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel ~~LLC~~, LLC, a Nevada limited liability company ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. WHEREAS, Riverbend proposes to construct, operate, and reclaim an aggregate mine, and related processing, asphalt, ready mix concrete, hot mix asphalt plant, and portable asphalt and concrete recycling plant on 619 acres of land located in Fresno County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will be located on certain real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. WHEREAS, on February 26, 2015, pursuant to County Resolution, subject to the conditions listed therein, the Fresno County Planning Commission certified an Environmental Impact Report ("EIR") for the Project (State Clearinghouse No. 2013071097), approved Unclassified Conditional Use Permit No. 3390~~,~~ ("CUP 3390"), and adopted the CEQA findings, the mitigation measures, the Mitigation Monitoring and Reporting Program and the statement of overriding considerations.

C. WHEREAS, the term of CUP 3390 is seventy-five (75) years.

C. WHEREAS, on May 19, 2015, the Board of Supervisors hearing on appeal from the Planning Commission was taken off calendar because the appellant withdrew his appeal.

D. WHEREAS, as part of the EIR for the Project, a Traffic Impact Study ("TIS") was prepared by VRPA Technologies, Inc. in March 2014 and revised in July 2014 and included in the EIR as Appendix K, which describes the potential traffic and circulation impacts associated with the Project.

E. WHEREAS, the TIS and the EIR indicated that the Project would increase vehicle trips on public roads and could contribute to unacceptable levels of service on Fresno County roadways segments and at intersections ("Impacts"), which Impacts were considered potentially significant.

F. WHEREAS, Mitigation Measure TRANS-1 of the EIR and the Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share ("Pro Rata Share") of the total anticipated, actual costs to the County for level of service ("LOS")

improvements related to capacity required at the following intersections and road segment ("LOS Improvements") as follows:

i. McCall Avenue / Jensen Avenue Signalization; Add Eastbound Left Turn Lane and Right Turn Lane, Westbound Right Turn Lane, Northbound Left Turn Lane, Through Lane and Right Turn Lane, Southbound Left Turn Lane, Through Lane and Right Turn Lane, and Right of Way Acquisition – 8.5%
ii. McCall Avenue / North Avenue Signalization – 18.6%
iii. Academy Avenue / Central Avenue Signalization – 17.8%
iv. McCall Avenue / Central Avenue Signalization – 23.0%
v. McCall Avenue / SR 180 Add Northbound Through Lane and Right Turn Lane, and Southbound Through Lane and Right Turn Lane – 10.0%
vi. McCall Avenue / SR 180 Add Northbound Left Turn Lane – 100%
vii. McCall Avenue from SR 180 to Jensen Avenue add Northbound Travel Lane and Southbound Travel Lane – 16.3%
viii. McCall Avenue from Jensen Avenue to North Avenue Northbound Travel Lane – 37.7%

G. WHEREAS, the TIS and Mitigation Measure TRANS-3 of the EIR and Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Traffic Index Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share of the total anticipated, actual costs to the County for improvements related to the structural section of the impacted street segments ("Structural Improvements"):

i. Central Avenue Segments
   a. McCall Avenue to Bethel Avenue – 46.0%
   b. Bethel Avenue to Academy Avenue – 42.4%
   c. Academy Avenue to Newmark Avenue – 39.1%
ii. Goodfellow Avenue Segments
   a. Newmark Avenue to Bridge – 40.3%
   b. Bridge to Riverbend Avenue – 40.3%
iii. McCall Avenue Segments
   a. SR 180 (Kings Canyon) to Jensen Avenue – 61.4%
   b. Jensen Avenue to North Avenue – 66.7%
   c. North Avenue to Central Avenue – 73.8%

As set forth herein, Riverbend's Pro Rata Share cash payment amounts ~~("Funds")~~(each of which shall be the applicable "Funds") required for each LOS Improvement and Structural Improvement (collectively, "Improvements") were preliminarily determined based on the ~~actual total cost~~2019 estimated costs of each Improvement multiplied by Riverbend's Pro Rata Share~~.~~

~~H. WHEREAS, except for those~~, and the actual amounts ~~specified to be paid in cash or equivalent, Riverbend shall obtain bonds for the estimate~~ of the Funds~~, and will remit~~ payable by Riverbend to the County ~~the~~under this Agreement shall be based on the future, actual cost of each Improvement multiplied by Riverbend's Pro Rata Share ~~of the~~

~~Improvements approximately twelve months before the actual construction of each particular Improvement.~~.

~~I. WHEREAS, the intersection at McCall Avenue and SR 180 shall be considered a County proposed project, thus PG&E should not charge for the necessary relocation of the existing utilities, including PG&E poles or towers.~~

~~J~~H. WHEREAS, in accordance with Mitigation Measure TRANS-2 of the EIR and Monitoring Plan, Riverbend shall be 100% responsible for building the entrance to the Project.

~~K~~I. WHEREAS, Mitigation Measures TRANS-1 and TRANS-3, as conditions of Project approval, require Riverbend to enter into a traffic mitigation agreement with the County as adopted in the EIR, each of which mitigation measures is set forth in **Exhibit "B,"**, which are attached hereto and incorporated herein by reference.

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NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

AGREEMENT

1. **PAYMENT**. ~~Riverbend shall provide the County with payment or surety bonds~~Except for those amounts stated in Section 1.1, herein, specified to be paid in cash to the County, Riverbend shall cause an Admitted Surety (defined Section 1.4, herein) to issue on behalf of Riverbend and deliver to the County, as the obligee, Surety Bonds (as defined in Section 1.4, herein), as further set forth below, to secure Riverbend's faithful performance of all of its obligations to pay the County the applicable amounts of the future, actual costs of Riverbend's Pro Rata Share of the Improvements not later than sixty (60) calendar days from date of the County's written notice to Riverbed of the County's award of the final bid for construction of each particular Improvement, as further set forth below. Riverbend shall provide the County with cash payment or Surety Bonds, as applicable, as set forth in **Exhibit C** and described below:

1.1 Prior to final inspection ~~of~~with respect to building permits for the aggregate processing plant for the Project, Riverbend shall make a cash payment ~~of $352,915~~to the County in the amount of $284,011, which shall be full satisfaction of Riverbend's fair share contributions to the addition of northbound and southbound through lanes at McCall Avenue and Jensen Avenue, the addition of a southbound right turn lane at McCall Avenue at SR 180, the addition of a westbound right turn lane at McCall Avenue at Jensen Avenue, and the installation of a traffic signal at Academy Avenue at Central Avenue as set forth in **Exhibit C-1 ~~and C-4~~**, attached hereto and incorporated by this reference.

1.2 Prior to final inspection ~~of~~with respect to building permits for the aggregate processing plant for the Project, ~~a surety bond issued to County~~ Riverbend shall cause an Admitted Surety to issue on behalf of Riverbend ~~by a surety authorized to transact business~~ and ~~issue surety bonds~~deliver to the County, as the obligee, a Surety Bond (as defined in ~~the State of California for $1,594,000 in full satisfaction of~~ Section 1.4, herein) in the amount of $891,950 to secure Riverbend's faithful performance of its obligations to

pay the County the amount of the future actual costs of Riverbend's Pro Rata Share ~~for~~of the McCall Avenue / SR 180 Northbound Left Turn Lane Improvement as set forth in **Exhibit C-2** ~~**and C-4**~~, attached hereto and incorporated by this reference. The amount of such Surety Bond is based on the 2019 costs estimates, however, such 2019 cost estimates are not a limitation on Riverbend's payment obligation, or the Admitted Surety's obligations under the Surety Bond, under this Section 1.2.

1.3 For all other Improvements, Riverbend shall ~~obtain and provide~~cause an Admitted Surety to ~~the County one or more surety bonds issued to the County~~ issue on behalf of Riverbend ~~by a surety authorized to transact business and issue surety bonds in the State of California~~and deliver to the County, as the obligee, one or more Surety Bonds (as defined in Section 1.4, herein) in the amount of $~~3,558,807 as set forth in **Exhibit C-3 and C-4**~~6,389,492, to secure Riverbend's faithful performance of its obligations to pay the County the amount of the future actual costs of Riverbend's Pro Rata Share of the Improvements as set forth in **Exhibit C-3**, attached hereto and incorporated by this reference. ~~The surety bonds identified in subsections 1.2 and 1.3 are collectively referred to as "Bonds."~~ Riverbend shall provide the Surety Bonds to the County ~~on or before August 1, 2033. The~~ pursuant to the delivery schedule provided in **Exhibit C-3**, and, at the time of issuance, the Surety Bonds shall be ~~in an~~ issued for the minimum Surety Bond term under Section 1.4, herein. The amount of such Surety Bond is based on the 2019 costs estimates, however, such 2019 cost estimates are not a limitation on Riverbend's payment obligation, or the Admitted Surety's obligations under the Surety Bond, under this Section 1.3.

~~1.3~~1.4 All references to "Surety Bonds" herein shall mean a surety bond or surety bonds, in either such case, that comply with all of the following requirements: (1) the surety bond or surety bonds, collectively, shall fully secure Riverbend's faithful performance of all of its obligations under this Agreement for which any Surety Bonds are required to be provided to the County under this Agreement; (2) the surety bond or surety bonds shall be issued in the minimum amount or amounts for which such Surety Bonds are required to be issued hereunder; (3) the surety bond or surety bonds shall be in a California industry-standard format; and (4) the surety bond or surety bonds shall be issued in form and substance to the satisfaction of the County, as provided herein. All references herein to "Admitted Surety" herein shall mean an admitted surety, in good standing with and authorized by the California Insurance Commissioner to transact surety business in the State of California, and having a minimum Best's rating of at least A, FSC VII (provided that if Best publishes changes to its rating system subsequent to the Effective Date, an equivalent (or if no equivalent, as near equivalent as possible) rating published by Best shall be used in place thereof), unless the County's Personnel Services Manager, Risk Management Division (or the County officer who succeeds to such officer's functions), expressly consents in writing to an equivalent (or if no equivalent, as near equivalent as possible) rating from a different nationally-recognized rating service (in either such case, either Best or a different nationally-recognized rating service, a "Rating Service"), which consent may be given or withheld in his or her sole and absolute discretion. The County reserves the right, in making any determination of an Admitted Surety's compliance with this Section 1.4 to require Riverbend to cause the Admitted Surety proposed to issue Surety Bonds to provide written proof to the County's satisfaction that the proposed Admitted Surety, in fact, meets the requirements, or certain requirements identified by the County, of this Section 1.4.

1.5 ~~The County~~Riverbend shall cause the Admitted Surety to issue and deliver its Surety Bonds to the County, in compliance with the following minimum requirements:

1.5.01 The Surety Bonds shall be issued by an Admitted Surety for a period of at least the remaining term of this Agreement from the date of issuance, provided however,

(1) if Riverbend provides reasonable proof obtained from an Admitted Surety proposed to issue Surety Bonds to the County's satisfaction that Riverbend cannot obtain from such Admitted Surety (or any new Admitted Surety) any Surety Bonds (or any replacement Surety Bonds) for the remaining term of this Agreement, Riverbend shall cause that Admitted Surety (or that new Admitted Surety), to provide successive Surety Bonds and replacement Surety Bonds to the County so that Riverbend's performance of its obligations under this Agreement, which shall be secured by Surety Bonds, is without interruption, and is continuously secured either by Surety Bonds or replacement Surety Bonds during the term of this Agreement as provided in Section 1.12, herein,

(2) in the event that any Surety Bonds, or replacement Surety Bonds, will expire or terminate, or if the Admitted Insurer does not maintain all Surety Bonds issued in the minimum amount for which such Surety Bonds is required to be issued, or the Admitted Surety does not comply with the Admitted Surety requirements under Section 1.4, herein, during remaining term of this Agreement, Riverbend shall cause a new Admitted Surety to issue and deliver replacement Surety Bonds to the County as follows, as applicable:

(i) at least thirty (30) calendar days prior to the date of such expiration or termination of the then-current Surety Bonds with an issue date not later than the next calendar day following the expiration or termination date of the then-current Surety Bonds, or

(ii) not later than thirty (30) calendar days after the County gives written notice to Riverbend ~~twelve (12) months prior to~~ that the Admitted Surety does not comply with the Admitted Surety requirements under Section 1.4, herein, with an issue date not later than such thirtieth (30th) calendar day, and

(3) any replacement Surety Bonds shall be issued to the County in the required minimum amount of the then-current Surety Bonds.

1.5.02 The Surety Bonds shall provide that, upon the Admitted Surety's receipt of the County's written request, the Admitted Surety shall promptly, but not later than ten (10) business days thereafter, give the County a written acknowledgement confirming (1) that the Surety Bonds remains in full force and effect according to their terms (including specific reference to any amendments to the Surety Bonds that have been issued to the County, or, if no such amendments have been issued to the County, the Admitted Surety shall so state), (2) the then-current available amount of the Surety Bonds, and (3) the then-current expiry date of the Surety Bonds; provided however; if the Admitted Surety has given the County an such acknowledgement pursuant to this Section 1.5.02, any such request that the

County subsequently makes with respect to the same Surety Bonds shall be not less than one (1) year from the date of the Admitted Surety's last acknowledgment given to the County with respect to those same Surety Bonds.

1.5.03 The Surety Bonds shall provide that they shall not be assigned or transferred by the Admitted Surety, nor shall the Admitted Surety delegate any of its obligations to any other party, without the County's written consent, which it may grant or withhold, in its reasonable discretion provided that the assignee or transferee is an Admitted Surety that complies with the Admitted Surety requirements under Section 1.4, herein, and such assignee or transferee Admitted Surety provides the County with written proof of such compliance to the County's reasonable satisfaction, and that the documents evidencing such assignment or transfer are to the County's reasonable satisfaction.

1.5.04 The Surety Bonds shall contain a certification physically executed in original ink by an appropriate corporate officer of the Admitted Surety, such as a corporate secretary, or his or her designee, who shall be an appropriate corporate officer of the Admitted Surety, that the person executing and issuing the Surety Bonds are authorized to do so for and on behalf of the Admitted Surety, and that the signature of such person on the Surety Bonds are authentic.

1.5.05 Any amendments to the Surety Bonds shall be prepared, executed, certified, and delivered in the same form and manner as the original Surety Bonds provided by such Admitted Surety, and shall be subject to the terms of this Agreement.

1.5.06 The Surety Bonds shall provide that they are issued subject to and shall be governed by the laws of the State of California.

1.5.07 The Surety Bonds shall provide that the Admitted Surety shall irrevocably and unconditionally submit, for itself and its representatives, successors, assigns, and property, to the exclusive jurisdiction of the courts located within Fresno County (and the respective appellate courts thereof), in respect of any action or proceeding brought against the Admitted Surety, or the recognition or enforcement of any judgment, or the settlement of any dispute, arising out of or relating in any way to the Surety Bonds; the Admitted Surety shall irrevocably and unconditionally waive any objection or defense, including but not limited to defense of inconvenient forum, that the Admitted Surety may now or hereafter have to the laying of venue in such courts; and the Admitted Surety shall agree not to, and shall irrevocably and unconditionally waive any right it might otherwise have to bring any action or proceeding against the County in any forum other than in such courts.

1.5.08 The Surety Bonds shall provide the mailing address, which shall be within the United States, where notices shall be provided to the Admitted under the Surety Bonds, and the Admitted Surety's officer who is authorized to receive such notices.

1.5.09 The County shall have the right to draw upon the Surety Bonds, whether as a full drawing, or in partial draws or multiple draws, in either case such drawing or drawings may be up to the full amount of the Surety Bonds, and to make any requests for amendments, notices, or acknowledgement permitted under the Surety Bonds to the Admitted Surety, using either paper or electronic medium.

1.6 In the event that the Rating Service changes or discontinues using the name or changes the rating method (or it appears to the County that the Rating Service changed or discontinued using the name or changed the rating method) that the Rating Service has used to identify and rate the Admitted Surety in Rating Service's Rating Publication (as defined in Section 1.6.01, herein), the County may exercise its rights as hereinafter set forth in this Section 1.6. In the event that Riverbend causes any new Admitted Surety to issue any replacement Surety Bonds to the County, the County may initiate the exercise of its rights as hereinafter set forth in this Section 1.6 not later than twenty (20) business days after receipt of any proposed replacement Surety Bonds.

1.6.01 The County may provide written notice to Riverbend (1) stating the name that appears to the County to be the name that the Rating Service uses to identify the Admitted Surety, which name the County has obtained from Rating Service ("Rating Service's Apparent Name"), accompanied by a copy of the relevant page(s) that the County has obtained from such Rating Service's publication showing such Rating Service's Apparent Name, including, by way of example, an internet web page ("Rating Service's Publication"), and (2) referencing the requirements of Riverbend's written notice, as hereinafter set forth in Section 1.6.02, herein.

1.6.02 Within ten (10) business days after the date that such notice was provided by the County to Riverbend pursuant to Section 1.6.01, herein, Riverbend shall provide written notice to the County (1) representing and warranting to the County that the Rating Service's Apparent Name that the County submitted to Riverbend is the name that such Rating Service uses to identify the Admitted Surety, or (2) (a) representing and warranting to the County that the Rating Service's Apparent Name that the County submitted to Riverbend does not identify the Admitted Surety, and (b) representing and warranting to the County the name that such Rating Service uses to identify the Admitted Surety, accompanied by a copy of the relevant page(s) of the same Rating Service's Publication submitted by the County to Riverbend pursuant to Section 16.01, herein, showing such name of the Admitted Surety (for example, if the copy of the Rating Service's Publication accompanying the County's notice is the relevant page(s) of the Rating Service's internet web site, Riverbend's notice shall likewise be accompanied by a copy of the relevant page(s) of the Rating Service's same internet web site).

1.6.03 If the information provided by Riverbend pursuant to Section 1.6.02, herein, in the County's reasonable determination, appears to be erroneous, the County shall, within ten (10) business days after the date that such notice was provided by Riverbend to the County, provide written notice of the objection(s) thereof to Riverbend, stating the reason(s) for the County's objection(s), which may include Riverbend providing additional information, representations and warranties that satisfy the requirements of this Section 1.6. The resolution process for such County objection(s) shall be completed by the parties within thirty (30) business days from the date that the County first provided such notice of objection(s) to Riverbend. The type of additional information that Riverbend shall provide to resolve the County's objection(s), if any, shall be available to members of the public, and provided by the Rating Service and/or the Admitted Surety, provided that if the circumstances of Section 1.6.04, herein, apply, such information may be

supplemented by information provided by any national business news or information services.

1.6.04 Notwithstanding anything to the contrary in this Section 1.6, in the event that a Rating Service's Publication is not available to the public in the typically-convenient form to members of the public for any two (2) or more consecutive business days, subject to a maximum allowance of ten (10) business days in the aggregate (for example, a Rating Service is not publishing its Rating Service's Publication on the internet during such period), (1) the County and Riverbend shall use any reasonable alternative written form of the Rating Service's information that typically would be in the Rating Service's Publication, so long as the Parties use the same written form of the Rating Service's information that shall be available to members of the public, (2) Riverbend's obligations to provide the representations and warranties to the County under this Section 1.6 shall remain unaffected, and (3) the time period for performance by either Party or both of the Parties, as applicable, as hereinabove set forth in this Section 1.6 shall be extended only by such same number of days within such period.

1.6.05 Unless there is a pending, unresolved objection by the County, the County shall have the right, without undertaking any investigation, to rely upon any representations, warranties, and information provided by Riverbend for purposes of determining the Admitted Surety's compliance with the Admitted Surety requirements under Section 1.4, herein.

1.6.06 In the event Riverbend fails to comply with the requirements of this Section 1.6 including but not limited to failing to timely resolve any objections by the County to the County's reasonable satisfaction, the Admitted Surety shall be deemed to fail to comply with the Admitted Surety requirements under Section 1.4, herein.

1.7 In the event any Admitted Surety fails to comply with the Admitted Surety requirements under Section 1.4, herein, the County shall have the right to declare Riverbend to be in material breach of this Agreement, and provide written notice to Riverbend of such failure and require Riverbend to promptly provide to the County a proposed replacement Surety Bonds from a new Admitted Surety pursuant to this Section 1.7. Upon receipt of said written notice, Riverbend shall, within thirty (30) calendar days, submit to the County for review and acceptance pursuant to the terms of this Agreement, a proposed replacement Surety Bonds from a new Admitted Surety, which proposed replacement Surety Bonds shall substantially comply with the requirements of this Agreement, and which Admitted Surety shall comply with the Admitted Surety requirements under Section 1.4, herein, provided however, notwithstanding whether or when Riverbend receives said written notice, commencing upon one (1) Admitted Surety business day after the actual occurrence of the Admitted Surety's failure to comply with the Admitted Surety requirements under Section 1.4, herein, the County shall have the right to immediately draw upon the applicable Surety Bonds, which drawing shall be in the full amount thereof, and hold such proceeds, without requirement of earning interest thereon, for the purposes of this Agreement, provided further however, the County's exercise of such right and remedy shall not limit the County's other rights and remedies under Sections 6 and 7, herein, and the County's other rights and remedies under Section 6 and 7, herein, shall not limit the County's exercise of such rights and remedy under this Section 1.7.

1.7.01 In exercising its rights and remedies under this Section 1.7, the County shall have the right to give written notice of the drawing under the affected Surety Bonds, and the County's declaration that Riverbend is in material breach of this Agreement, to the affected Admitted Surety, and the affected Admitted Surety shall have the obligation and right to make prompt payment to the County in the amount or amounts so drawn under such Surety Bonds up to their full amount thereof within fifteen (15) calendar days of the County's notice provided to such affected Admitted Surety, provided that (1) the County, in its written notice to the affected Admitted Surety, shall have the right to state that the County is not obligated to provide any notice to Riverbend as a condition of the County drawing upon the affected Surety Bonds, and such statement shall be conclusive and binding upon the affected Admitted Surety with respect to the affected Surety Bonds, and any lack of such notice to Riverbend shall not be a defense to the Admitted Surety's performance of its obligations under the affected Surety Bonds, and (2) that the County may require adequate written assurances, to the satisfaction of the County, from the affected Admitted Surety that the affected Admitted Surety shall pay the County under the Surety Bonds in a timely manner required under this Section 1.7.

1.7.02 Riverbend promises, covenants, and warrants that if the County makes any claim under or, draws upon, or attempts to draw upon, the Surety Bonds, Riverbend (including any other persons, firms, or entities acting at the direction of Riverbend) shall not in any way whatsoever defeat, interfere with, obstruct, or cause delay to said right of the County to do so, including, but not limited to, instructing the Admitted Surety not to honor or pay on any draw or demand for payment by the County and/or the Admitted Surety not to honor or pay on any draw or demand by the County under the terms of the Surety Bonds, or take any legal action against the County and/or the Admitted Surety to prevent or enjoin the County from making a claim under, or drawing upon or obtaining payment under the Surety Bonds, pursuant to the terms and conditions thereof.

1.8 Should the new Admitted Surety meet the Admitted Surety requirements under Section 1.4, herein, the County's review and acceptance shall be limited solely to determining whether the proposed replacement Surety Bonds substantially complies with the requirements of this Agreement.

1.9 Should the proposed replacement Surety Bonds submitted to the County, in the County's reasonable discretion, be found in non-compliance with the requirements of this Agreement, the County shall notify Riverbend in writing within twenty (20) calendar days of Riverbend's submission as to the non-compliant terms. Upon the receipt of the such notification, Riverbend shall have thirty (30) calendar days to bring the proposed replacement Surety Bonds into compliance or submit a proposed new replacement Surety Bond from an Admitted Surety, provided however, the County shall continue to have the right to hold the full amount of the proceeds of the applicable Surety Bonds drawn upon, without requirement of earning interest thereon, for the purposes of this Agreement, provided further however, the County's continued exercise of such rights and remedy shall not limit the County's other rights and remedies under Sections 6 and 7, herein, and the County's other rights and remedies under Sections 6 and 7, herein, shall not limit the County's continued exercise of such rights and remedy under Section 1.7, herein, and this Section 1.9.

1.10 In event the new Admitted Surety meet the Admitted Surety requirements under Section 1.4, herein, and the proposed replacement Surety Bonds substantially comply with the requirements of this Agreement as determined by the County under this Agreement, the County's acceptance of the replacement Surety Bonds shall not be withheld, conditioned or delayed, and upon the County's acceptance of such substantially complying replacement Surety Bonds, the County shall promptly, but not later than thirty (30) calendar days thereafter, return to the proceeds of the applicable Surety Bonds drawn upon, and Riverbend shall cause such Surety Bonds to remain subject to the requirements of this Agreement.

1.11 Pursuant to the terms of this Agreement, (1) the Admitted Surety and the Surety Bonds (including the form and substance of the Surety Bonds) shall be subject to the County's satisfaction, and (2) all of the requirements for the Admitted Surety and the Surety Bonds (including the form and substance of the Surety Bonds), as provided herein, shall also apply to any new Admitted Surety and, subject to Sections 1.9, and 1.10, herein, any replacement Surety Bonds (including the form and substance of the Surety Bonds). In determining whether any proposed replacement Surety Bonds are satisfactory to the County, the County may consider whether the proposed replacement Surety Bonds comply substantially with the form and substance of the then-current Surety Bonds being replaced.

1.12 Riverbend shall cause the Surety Bonds to be maintained by the Admitted Surety and issued to the County, as provided herein, or any replacement Surety Bonds to be maintained by any new Admitted Surety and issued to the County, as provided herein, without interruption in coverage, so that Riverbend's performance of its obligations under this Agreement shall be continuously secured either by such Surety Bonds or replacement Surety Bonds during the term of this Agreement.

~~1.4~~1.13 The County shall provide written notice to Riverbend of the County's award of a final bid for construction of ~~the~~each particular Improvements(s) within thirty (30) calendar days of award of the final bid, which notice shall set forth the actual cost of each such Improvement~~(s), and Riverbend shall pay its actual~~ multiplied by Riverbend's Pro Rata Share ~~for the noticed Improvement~~(the "Actual Pro Rata Share of Costs"), and Riverbend shall pay County, as Funds, such Actual Pro Rata Share of Costs within sixty (60) calendar days of receiving said notice~~. Within ten (10)~~ without any offset, counterclaim, deduction, defense, abatement, suspension, deferment or diminution of any kind. Within ten (10) business days of receiving Riverbend's ~~payment~~cash payment for such Actual Pro Rata Share of Costs, which cash payment is secured by any of the Surety Bonds, the County shall (1) in first order of priority, for any amount by which the Actual Pro Rata Share of Costs exceeds the amount of the applicable Surety Bonds, Riverbend shall be credited for the amount of such Funds so received, but the applicable Surety Bonds shall not be released or reduced or otherwise affected; (2) second, for the remainder of any such Funds, the County shall release ~~the applicable Bond amount~~(if applicable to an entire Surety Bond) or authorize Riverbend to cause the reduction of the applicable Surety Bonds amount equal to the amount of such cash payment so received.

~~2.~~ **SATISFACTION**. The County hereby acknowledges that ~~upon the execution of this Agreement,~~ Riverbend's ~~submission~~deliveries of the cash payments ~~described~~and the Surety Bonds to the County as required under Section 1~~.2, the Bonds~~, herein, and ~~later~~Riverbend's subsequent actual cash payments to the County for the Actual Pro Rata Share of Costs of the Improvements, ~~Riverbend~~as required under Section 1.13,

herein, will, to the extent so performed, have satisfied ~~its mitigation obligations~~the condition of approval to the County for Project Impacts as required by Mitigation Measures TRANS-1 and TRANS-3~~.~~, provided however, nothing contained in this Agreement relieves, or is intended to relieve, Riverbend of any of its obligations under CUP 3390, and any partial performance by Riverbend hereunder shall not discharge or relieve Riverbend in any manner from faithfully performing all of its remaining obligations under this Agreement.

~~3.~~ **ALLOWABLE USE OF ~~BONDS~~.** ~~The County shall not submit a claim on a Bond, or otherwise indirectly or directly cause a Bond to be released or remitted to the County, until all of the following occur:~~

~~3.1 Riverbend has not paid the actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving the County's written request for payment as described in Section 1.4; and~~

~~3.2. The County has provided Riverbend a reasonable opportunity to cure the defect not to exceed thirty (30) days after the sixty (60) day period to remit payment of the actual Pro Rata Share.~~

~~4. ALLOWABLE USE OF~~ **FUNDS.** Funds provided by Riverbend to the County under Section 1.13, herein, shall remain in a trust account selected by County until such time as the County has secured the balance of other funds necessary ~~to implement~~for an approved and fully funded project to construct the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3. The County agrees that the Funds paid by Riverbend pursuant to the terms of this Agreement shall be used only for the purposes of ~~instituting~~constructing, including, but not limited to, the administrative, overhead, materials, inspection and construction costs, the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3.

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~~5. RETURN OF FUNDS. In the event that the Funds are not fully expended on the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3, by the County on or before August 1, 2037, the County shall return to Riverbend, within sixty (60) days of receipt of Riverbend's written request, all of the then unexpended Funds.~~

~~6~~ 4. **PAYMENT OF ESTIMATED UNFUNDED MITIGATION.** In the event the County has not provided written notice to Riverbend, pursuant to Section 1.13, of particular Improvements, as set forth in Exhibit C-2 and C-3, one (1) year prior to the date of termination of this Agreement, the County shall identify such Improvements as "Unfunded Improvements," and Riverbend shall pay to the County Riverbend's Pro Rata Share of the then-current estimated cost of construction of each particular Unfunded Improvement(s) increased by the Consumer Price Index to the estimated date of construction for the noticed Unfunded Improvements within one hundred eighty (180) calendar days of receiving said notice.

5. **COUNTY OBLIGATIONS.** All obligations of the County under the terms of this Agreement are subject to the appropriation and allocation of resources by the County Board of Supervisors.

~~7~~6. **DEFAULT.**

6.1 **EVENT OF DEFAULT**. For the purposes of this Agreement, the occurrence of any of one or more of the following events shall constitute an "Event of Default" by Riverbend under this Agreement:

6.1.01 Riverbend has not paid to the County the Actual Pro Rata Share of Costs of the Improvements, for which County has given Riverbend notice under Section 1.13, herein, within sixty (60) calendar days of receiving the County's written request for payment thereof as described in Section 1.13, herein; and the County has provided Riverbend a reasonable opportunity to cure the defect not exceed thirty (30) calendar days after the sixty (60) calendar day period to remit payment of the Actual Pro Rata Share of Costs.

6.1.02 Riverbend fails to timely pay any amount due or owed by Riverbend to the County under this Agreement, other than payments owed pursuant to Section 1.13, herein.

6.1.03 Riverbend fails to maintain Surety Bonds issued by an Admitted Surety to the County, as required under this Agreement.

6.1.04. Riverbend fails to cause a new Admitted Surety to timely issue and deliver replacement Surety Bonds to the County, as required under this Agreement.

6.1.05. Any Admitted Surety's, including any new Admitted Surety's, non-compliance with the Admitted Surety requirements under Section 1.4, herein.

6.1.06. The failure of Riverbend or any Transferee as defined in Section 9, herein, to fulfill any obligation stated in said Section 9.

6.1.07. In the event the County is authorized by this Agreement to make a claim on or draw upon any of the Surety Bonds, Riverbend violates any or all of the provisions of Section 7.3, herein.

6.1.08 The breach or default in the performance of any other obligations in this Agreement, or the falsity of any representations or warranties, of Riverbend under in this Agreement for a period of thirty (30) calendar days after the County provides written notice to Riverbend, stating the obligation Riverbend has failed to perform, or the apparently false representation or warranty of Riverbend, provided however, if the nature of the breach or default or false representation or warranty is such that Riverbend cannot reasonably cure the breach or default, or correct the false representation within thirty (30) calendar days, Riverbend shall have additional time to cure or correct, as applicable, subject to Riverbend commencing to cure or correct, as applicable, within thirty (30) calendar day period and diligently pursuing the cure or correction, as applicable, to completion and completing the cure or correction, as applicable, not later than sixty (60) calendar days from the date of the County's notice of such failure to perform or apparently false representation or warrant.

6.1.09 Bankruptcy, liquidation, arrangement, insolvency, receivership, or conservatorship proceedings, or other proceedings, for relief under any bankruptcy or similar law or laws for relief of debtors, are instituted by or against

Riverbend, and are not dismissed within ninety (90) calendar days of institution, or there is an assignment by Riverbend for the benefit of creditors, or any similar action taken by or against Riverbend, or Riverbend is insolvent.

6.2 Upon occurrence of an Event of Default, the County shall have the right to declare that Riverbend is in material breach of this Agreement, and (unless the County is otherwise relieved herein of the necessity of providing such notice to Riverbend, in which case the County shall be entitled to immediately proceed in enforcing its rights and remedies herein) deliver written notice thereof to Riverbend for purposes of enforcing the County's rights remedies under Section 1.7 and 1.9, herein, or under Section 7 herein, as applicable.

7. **REMEDIES AVAILABLE TO THE COUNTY.** Upon the determination of the County, that an Event of Default has occurred with respect to Riverbend, the County shall have the right to declare that Riverbend is in material breach of this Agreement pursuant to this Section 7, and the County thereupon shall be entitled to immediately draw upon any of the affected Surety Bonds delivered to the County under this Agreement, as provided in this Section 7.

7.1 The County will provide Riverbend at least fifteen (15) calendar days' advance written notice of the date, time and place of the public meeting at which the County's Board of Supervisors will consider and determine whether Riverbend is in material breach of this Agreement. Notwithstanding anything to the contrary herein, in the event that there is an Event of Default under Sections 6.1.04, or 6.1.09, herein, or there are any circumstances entirely beyond the County's (including the County's Board of Supervisors') control that would frustrate the County's ability to provide any notice to Riverbend, then (a) notice of such public meeting shall not be required to be provided by the County to Riverbend; (b) such public meeting of, including such action, by the County's Board of Supervisor shall not be required; (c) the County shall have the right to determine that an Event of Default has occurred; (d) the County shall have the right to declare that Riverbend is in material breach of this Agreement; (e) for an Event of Default under Section 6.1.04, or 6.1.09, herein, the County thereupon shall be entitled to immediately draw upon the affected Surety Bonds under this Section 7.

7.2 Subject to Section 7.1, herein, the County shall have the right to give written notice of the drawing under the affected Surety Bonds, and the County's declaration that Riverbend is in material breach of this Agreement, to the affected Admitted Surety, and the affected Admitted Surety shall have the obligation and right to make prompt payment to the County in the amount or amounts so drawn under such Surety Bonds up to their full amount thereof within fifteen (15) calendar days of the County's notice provided to such affected Admitted Surety, provided that (1) if the County exercises any of its rights under Section 7.1, the County, in its written notice to the affected Admitted Surety, shall have the right to state that the County is not obligated to provide any notice to Riverbend as a condition of the County drawing upon the affected Surety Bonds, and such statement shall be conclusive and binding upon the affected Admitted Surety with respect to the affected Surety Bonds, and any lack of such notice to Riverbend shall not be a defense to the Admitted Surety's performance of its obligations under the affected Surety Bonds, and (2) the County may require adequate written assurances, to the satisfaction of the County, from the affected Admitted Surety that the affected Admitted Surety shall pay the County under

the Surety Bonds in a timely manner required under this Section 7. If the County draws upon any of the Surety Bonds, the County shall use the proceeds thereof solely for the purposes of constructing, including but not limited to the administrative, overhead, materials, inspection and construction costs, the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3.

7.3 Riverbend promises, covenants, and warrants that if the County makes any claim under or, draws upon, or attempts to draw upon, the Surety Bonds, Riverbend (including any other persons, firms, or entities acting at the direction of Riverbend) shall not in any way whatsoever defeat, interfere with, obstruct, or cause delay to said right of the County to do so, including, but not limited to, instructing the Admitted Surety not to honor or pay on any draw or demand for payment by the County and/or the Admitted Surety not to honor or pay on any draw or demand by the County under the terms of the Surety Bonds, or take any legal action against the County and/or the Admitted Surety to prevent or enjoin the County from making a claim under, or drawing upon or obtaining payment under the Surety Bonds, pursuant to the terms and conditions thereof.

7.4 The occurrence of an Event of Default shall entitle the County to any and all remedies available under this Agreement and under the law, including but not limited to, specific performance and damages. Moreover, and without limiting the County's remedies hereinabove, an Event of Default that is not timely cured or corrected, as applicable, shall constitute grounds upon which the County decision-making body may rescind the issuance of Land Use Approvals for the Project in accordance with the County's adopted ordinances and procedures, and a waiver by Riverbend of any right to proceed with the Project or any portion thereof.

8. **BINDING EFFECT AND ASSIGNMENT**. This Agreement shall be construed as a covenant running with the ~~land~~real property underlying the Project and CUP 3390 as provided by Section 16, herein, and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors ~~in interest. Riverbend shall have the right to assign this agreement to a third party~~and assigns permitted under Section 9, herein.

~~8~~ 9. **NOTICE OF TRANSFER.** Unless there is an Event of Default, Riverbend may, without the County's consent, transfer its respective interest in this Agreement, but only in its entirety, to any entity or person that become the sole permittee under CUP 3390 ("Transferee").

9.1 Notwithstanding the foregoing, but still subject to the foregoing condition that there is not an Event of Default, such transfer shall not be effective unless and until, not later than thirty (30) calendar days after the transfer, Riverbend shall (a) provide written notice of the transfer to the County, together with the contact information of the Transferee's duly authorized representative for purposes of receiving and giving notices under Section 18, herein, (b) cause the Transferee to execute an assignment and assumption agreement, in a form and substance reasonably satisfactory to the County, expressly assuming the obligations of Riverbend under this Agreement, (c) provide evidence reasonably satisfactory to the County that the Transferee is, or shall become, a permittee under CUP 3390, and (d) provide evidence reasonably satisfactory to the County that the Admitted Surety has amended its Surety Bonds to reflect such transfer. Upon such

satisfaction of the above conditions, Riverbend shall be relieved from all obligations under this Agreement, save and except those obligations that, by their express language, survive such an assignment and transfer.

9.2 In the event Riverbend transfers this Agreement as provided for in this Section 9, the County shall continue to have the rights under the Surety Bonds accepted and held by the County, unless and until the County accepts a replacement Surety Bond issued to the County by a new Admitted Surety on behalf of Transferee. If the County accepts such replacement Surety Bonds, it shall promptly, but not later than ten (10) business days thereafter, return or release the Surety Bonds (in the then-current available amount thereof) being replaced to the appropriate Admitted Surety.

10. **EXPIRATION OF AGREEMENT**. This Agreement shall expire when the County has received and expended all of the Funds~~, the Funds that are returned to Riverbend, in whole or in part pursuant to Section 5 of~~required to be provided to the County under this Agreement; or on August 1, 2037, whichever occurs first in time.

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~~9~~11. **ATTORNEY'S FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

~~10~~12. **WAIVERS**. Waiver of a breach or default under this Agreement shall only be in writing and if given shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

~~11~~13. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement~~.~~, unless such partial validity or enforcement would be inequitable under the circumstances (in which case the parties' respective rights and obligations under this Agreement shall be equitably adjusted by the parties, but only by written amendment, pursuant to Section 15, herein, consistent, to the fullest extent reasonably possible, with the parties' mutual intent expressed in this Agreement.

~~12~~14. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation and neither Party is to be deemed the Party which prepared this Agreement.

~~13~~15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein~~.~~, provided however, nothing contained in this Agreement relieves, or is intended to relieve, Riverbend of any of its obligations under CUP 3390. This Agreement may be amended only by a written document signed by both Parties.

~~14~~16. **RECORDATION.** Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office~~.~~ against [Property Description/APN].

~~15~~17. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules.

Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

~~16~~18. **NOTICES.** Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang
Riverbend Sand and Gravel, LLC
14962 E ~~Fantz~~Frantz Avenue
Parlier, CA 93648

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

To the County:

~~Will Kettler,~~Road Maintenance and Operations Division Manager
Fresno County, ~~Development Services and Capital Projects~~ Department of Public Works and Planning
~~Division~~
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

~~17~~ 19. **TIME IS OF THE ESSENCE.** It is understood that time is of the essence in the performance of all obligations under this Agreement. Any reference in this Agreement to "business days" shall mean the business days of the party required to perform an obligation hereunder, or the business days of an Admitted Surety whose actions Riverbend shall cause to be performed hereunder.

20. **COUNTERPARTS.** This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed ~~the~~this Agreement, or any counterpart ~~thereof~~hereof.

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21. **THIRD-PARTY BENEFICIARIES.** This Agreement is solely for the benefit of the parties and their respective successors and assigns provided herein, and any Admitted Surety that performs Riverbend's obligations under this Agreement. Except for any such Admitted Surety, there are no intended third-party beneficiaries to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:

_____ Date: _____

Herb Lang, [Title]

Riverbend Sand and Gravel, LLC

For THE COUNTY: _____

Commented [A1]: County signature block to be revised to meet the County's contract standards.

_____ Date: _____

~~Approved as to form:~~

~~_____ Date: _____~~

~~Daniel C. Cederborg,~~Ernest "Buddy" Mendez, Chairman

Fresno County ~~Counsel~~Board of Supervisors

~~Attest:~~

~~_____ Date: _____~~

~~Brandi L. Orth, County Clerk~~

ATTEST:

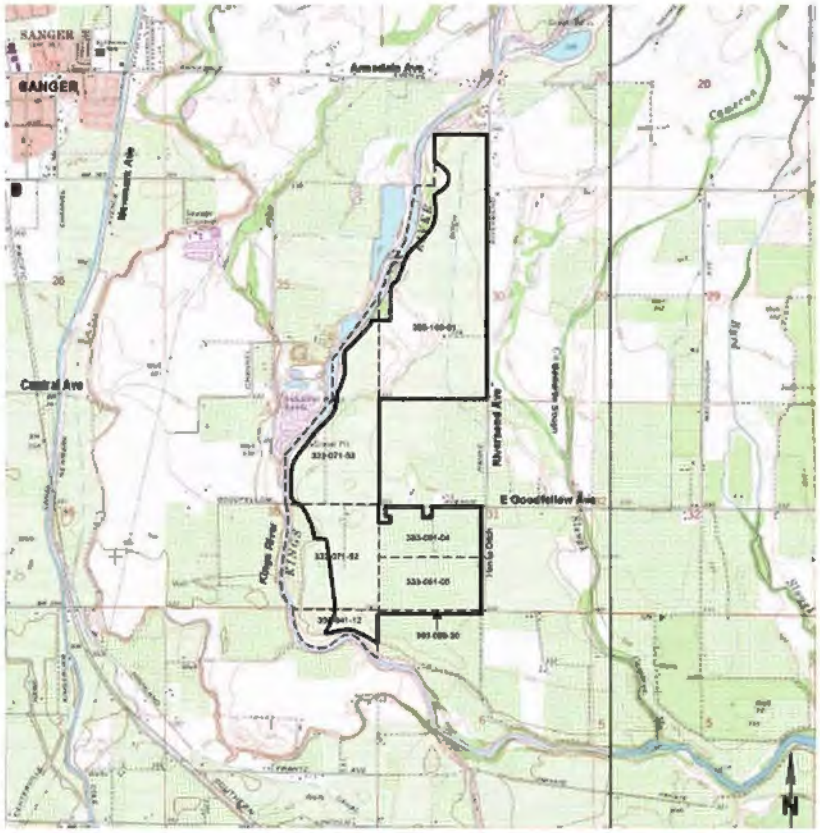
Bernice E. Seidel,
Clerk of the Board of Supervisors
County of Fresno, State of California

_____
Deputy

FOR ACCOUNTING USE ONLY:

Fund:
Subclass:
ORG:
Account:

Exhibit A – Project Location



Source: Buada Associates, 2014; USGS 7.5' Series – Sanger Quad

Figure 2-2 Site Location Map

EXHIBIT C-1

Non-bond amounts to be paid in cash – Due prior to final inspection of building permits for the aggregate processing plant for the Project.

	Improvement	Pro Rata Share	Payment Amount
1.	McCall Avenue / Jensen Avenue • Traffic signal installations (inclusive) • ~~Eastbound add left turn lane and right turn lane~~ • ~~Northbound add left turn lane, through lane, and right turn lane~~ • ~~Southbound add left turn lane, through lane, and right turn lane~~ • ~~Westbound add right turn lane~~ • ~~Right of way acquisition~~	8.5%	 $~~26,563~~196,669 ~~$37,188~~ ~~$69,063~~ ~~$69,063~~ ~~$15,938~~ ~~$79,475~~
2.	Academy Avenue / Central • Avenue Signalization	17.8%	 $~~55,625~~87,342

Total non-bond amounts to be paid in cash ~~—~~ **$284,011**

Due prior to final inspection of building permits for the aggregate processing plant for the project ~~$352,915~~

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EXHIBIT C-2
Bond amount – due prior to final inspection of building permits for the aggregate processing plant for the Project

	Improvement	Pro Rata Share	Bonded Amount
	McCall Avenue / SR 180 • Northbound Left Turn Lane	100%	~~$1,594,000~~$891,950

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Total bond amount due prior to final inspection of building permits for the aggregate processing plant for the Project ~~$ 1,594,000~~$891,950

EXHIBIT C-3
Bond Amount – Due Dates

	Improvement	Pro Rata Share	Bonded Amount
1	McCall Avenue / North Avenue • Signalization	18.6%	~~$58,125~~$225,588
2	McCall Avenue / Central Avenue • Signalization	23.0%	~~$71,875~~$199,108
3	McCall Avenue / SR 180: • Northbound add through lane and right turn lane; southbound add through lane and right turn lane • Right of Way Acquisition	10.0%	~~$118,000~~$ 135,240
	Bond payment for items 1-4 above due one (1) year after first sales reported, per County Annual Inspection Report		**~~$248,000~~ 559,936**
4	McCall Widening from SR 180 to Jensen Avenue • Northbound Travel Lane and Southbound Travel Lane	16.3%	$1,~~010,274~~435,307
	Bond payment for item 5 above due the earlier of the following events: four (4) years after first sales or by 1/1/2024		**$1,~~010,274~~435,307**
5	McCall Widening from Jensen Avenue to North Avenue • Northbound Travel Lane	37.7%	$~~685,763~~1,128,262
6	Central Avenue Segment Overlay: • McCall Avenue ~~and~~to Bethel Avenue	46.0%	~~$287,500~~$546,837
7	Central Avenue Segment Overlay: Bethel Avenue ~~and~~to Academy Avenue	42.4%	~~$132,500~~$279,040
8	Central Avenue Segment Overlay: Academy Avenue ~~and~~to Newmark Avenue	39.1%	~~$51,380~~$113,326
	Bond payment due for items 6-9 above due the earlier of the following events: seven (7) years after first sales or by 1/1/2027		**~~$1,157,143~~2,067,465**
9	Goodfellow Segment Overlay: Newmark Avenue to Bridge	40.3%	~~$285,630~~$670,053
10	Goodfellow Segment Overlay: Bridge to Riverbend Avenue	40.3%	~~$226,750~~$422,112
11	McCall Avenue Segment Overlay: SR 180 (Kings Canyon) ~~and~~to Jensen Avenue	61.4%	~~$191,880~~$457,177
12	McCall Avenue Segment Overlay: Jensen Avenue ~~and~~to North Avenue	66.7%	~~$208,500~~$399,900
13	McCall Avenue Segment Overlay: North Avenue ~~and~~to Central Avenue	73.8%	~~$230,630~~$377,542
	Bond payment for items 10-14 above due the earlier of the following events: ten (10) years after first sales or by 1/1/2030		**~~$1,143,390~~2,326,784**

Total bond payments ~~$3,558,807~~**$6,389,492**

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NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA _____)

COUNTY OF _____)

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

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EXHIBIT 7-10

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Patrick Mitchell
Sent: Monday, May 13, 2024 7:55 PM
To: 'Rome, Bryan' <brome@fresnocountyca.gov>
Subject: FW: Key Riverbend 2017 email with county counsel

Bryan,

Per our recent call please find attached an extremely pertinent email from 3-22-17 which I sent to my client summarizing my 3-22-17 telephone call with Art Wille regarding Chris Motta's 3-21-17 letter. I found this email since our Friday call via an email archive search.

I believe that the county counsel's office serious consideration of this email, that was contemporaneous at the time, of some of the key events is critical.

My client Herb Lang has authorized me to share this otherwise privileged email.

On that call I discussed with Art and he agreed that nothing in the county code required that an applicant who had already substantially developed a site request a county determination on that point, rather that county process was an option not a requirement. Art stated on that call that Motta's (3-21-17) letter was just trying to make that clear.

Art agreed that Riverbend had already substantially developed the site.

I believe that Art's interpretation was then and still is correct.

Thanks,
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888

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EXHIBIT 7-11

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, March 22, 2017 3:37 PM
To: Patrick Mitchell; 'Herb Lang'
Cc: Natalie Mitchell; John Wheat
Subject: RE: Call with Art Wille re Riverbend

Pat,

Good news, thank you!

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Patrick Mitchell [mailto:PMitchell@mitchellchadwick.com]
Sent: Wednesday, March 22, 2017 3:32 PM
To: Herb Lang (Iblang@yahoo.com)
Cc: John Buada; Natalie Mitchell; John Wheat
Subject: Call with Art Wille re Riverbend

Herb,

I just finished my call with Deputy County Counsel Art Wille. As expected, the call went very well. I laid out our position that we are not required to obtain an extension nor a substantial development determination from the county and we do not plan to do that because we already know we have achieved substantial development. In addition, grading planned in a few weeks will further cement that conclusion.

In response, Art stated as follows:

Substantial development:

He agrees with everything that I said.

Nothing in the county code requires the applicant to obtain a substantial development determination. Rather, substantial development is a tool that the applicant can utilize if the applicant believes that it would be helpful.

He understands that here Riverbend does not need, nor is Riverbend asking for, a substantial development determination.

He knows we already understood that substantial development was an applicant option, not a requirement. Chris' letter was just trying to make that clear.

We are good to go.

Traffic Mitigation Agreement

He has it but has not yet reviewed the agreement. I explained the bonding concept which he agrees with that approach. He will take a quick look at the agreement and discuss the agreement with Chris Motta. They will then set it for approval by the Board of Supervisors and get us that hearing date.

Closing

Art stated, "We are on the same page regarding substantial development. I am glad that the project is moving forward."

Thanks
Pat

Patrick G. Mitchell

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
P: 916.462.8888
C: 916.765.0662
F: 916.788.0290
pmitchell@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 7-12

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Patrick Mitchell
Sent: Tuesday, May 14, 2024 11:58 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

Bryan,

Understood, you asked me Friday if I was aware of any other facts upon which Riverbend would have relied on information from county staff and that call with Art clearly fell in to that category. So I was responding to your Friday request for such information after our archived email search occurred yesterday (after our Friday call) and that 3-22-17 email was discovered in that search. See my underlined input below. I will send you the highlighted sections of the email that support my position in a minute. I also know what Art and I discussed on that date and the entire point of the call.

Thanks,
Pat

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 14, 2024 10:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

Pat,

Thanks for this information. In your email below from last night, a line jumped out at me:

> Art agreed that Riverbend had already substantially developed the site.

I do not see this reflected in your March 22, 2017 email to your client. I will send you the highlighted portions of the email that do note that. At first blush, it seems an odd thing for an attorney to state, given that the Zoning Ordinance did not give the County Counsel's office authority to make these kinds of determinations on behalf of the County. The whole point of the call with Art was that it was my legal position (thus the call to county counsel's office) that in a factual setting where Riverbend had already reached substantial development that Riverbend had no need to request an extension from the county nor a determination from the county. So it was not an odd thing to discuss, rather it was the main point of the call; i.e. that Riverbend had already substantially developed the site. I do see the following comment from your March 22, 2017 email, to which you may have been referring:

> Art stated, "We are on the same page regarding substantial development. I am glad that the project is moving forward."

Do you have any further evidence of your statement that Art agreed that the project site was substantially developed? In the 3-22-17 email I write that I told Art that we had substantially developed and then right after that I say and he agreed with everything I said. I will send that highlighted language to you. In addition, my recollection of the call. Do you have any other evidence of how to interpret your quoted text? See above, and the fact that we never filed any extension requests nor county determination requests. Was any of this sent or confirmed in an email from Art, not that I am currently aware of or is it just your recollection at the time you sent your email to your client? The latter, but it was not a weeks later recollection but a minutes later recitation of what had just occurred. If the latter, how long after the call did you send the email? The same day, probably 15-120 minutes, based on detailed notes taken during the call.

As I stated on our call last week, I am just assisting PWP in gathering facts and information which could help PWP interpret and assess your letter from last month. Understood and that's why I sent you the email based on your Friday request for additional relevant information. Any official communication from the County regarding the status of CUP3390 will come from PWP, not from me or from anyone else in the County Counsel's office, as the County Counsel is not an administrator of the Zoning Ordinance.

Thanks again,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Monday, May 13, 2024 7:55 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Subject: FW: Key Riverbend 2017 email with county counsel

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Bryan,

Per our recent call please find attached an extremely pertinent email from 3-22-17 which I sent to my client summarizing my 3-22-17 telephone call with Art Wille regarding Chris Motta's 3-21-17 letter. I found this email since our Friday call via an email archive search.

I believe that the county counsel's office serious consideration of this email, that was contemporaneous at the time, of some of the key events is critical.

My client Herb Lang has authorized me to share this otherwise privileged email.

On that call I discussed with Art and he agreed that nothing in the county code required that an applicant who had already substantially developed a site request a county determination on that point, rather that county process was an option not a requirement. Art stated on that call that Motta's (3-21-17) letter was just trying to make that clear.

Art agreed that Riverbend had already substantially developed the site.

I believe that Art's interpretation was then and still is correct.

Thanks,
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888

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EXHIBIT 7-13

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 14, 2024 12:01 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

I understand, Pat. I appreciate the additional information provided; and please feel free to send anything else, copying Chris Motta. I just wanted to be clear about who was making any determinations.

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Tuesday, May 14, 2024 11:58 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

Bryan,

Understood, you asked me Friday if I was aware of any other facts upon which Riverbend would have relied on information from county staff and that call with Art clearly fell in to that category. So I was responding to your Friday request for such information after our archived email search occurred yesterday (after our Friday call) and that 3-22-17 email was discovered in that search. See my underlined input below. I will send you the highlighted sections of the email that support my position in a minute. I also know what Art and I discussed on that date and the entire point of the call.

Thanks,

Pat

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 14, 2024 10:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

Pat,

Thanks for this information. In your email below from last night, a line jumped out at me:

> Art agreed that Riverbend had already substantially developed the site.

I do not see this reflected in your March 22, 2017 email to your client. I will send you the highlighted portions of the email that do note that. At first blush, it seems an odd thing for an attorney to state, given that the Zoning Ordinance did not give the County Counsel's office authority to make these kinds of determinations on behalf of the County. The whole point of the call with Art was that it was my legal position (thus the call to county counsel's office) that in a factual setting where Riverbend had already reached substantial development that Riverbend had no need to request an extension from the county nor a determination from the county. So it was not an odd thing to discuss, rather it was the main point of the call; i.e. that Riverbend had already substantially developed the site. I do see the following comment from your March 22, 2017 email, to which you may have been referring:

> Art stated, "We are on the same page regarding substantial development. I am glad that the project is moving forward."

Do you have any further evidence of your statement that Art agreed that the project site was substantially developed? In the 3-22-17 email I write that I told Art that we had substantially developed and then right after that I say and he agreed with everything I said. I will send that highlighted language to you. In addition, my recollection of the call. Do you have any other evidence of how to interpret your quoted text? See above, and the fact that we never filed any extension requests nor county determination requests. Was any of this sent or confirmed in an email from Art, not that I am currently aware of or is it just your recollection at the time you sent your email to your client? The latter, but it was not a weeks later recollection but a minutes later recitation of what had just occurred. If the latter, how long after the call did you send the email? The same day, probably 15-120 minutes, based on detailed notes taken during the call.

As I stated on our call last week, I am just assisting PWP in gathering facts and information which could help PWP interpret and assess your letter from last month. Understood and that's why I sent you the email based on your Friday request for additional relevant information. Any official communication from the County regarding the status of CUP3390 will come from PWP, not from me or from anyone else in the County Counsel's office, as the County Counsel is not an administrator of the Zoning Ordinance.

Thanks again,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Monday, May 13, 2024 7:55 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Subject: FW: Key Riverbend 2017 email with county counsel

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Bryan,

Per our recent call please find attached an extremely pertinent email from 3-22-17 which I sent to my client summarizing my 3-22-17 telephone call with Art Wille regarding Chris Motta's 3-21-17 letter. I found this email since our Friday call via an email archive search.

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Art agreed that Riverbend had already substantially developed the site.

I believe that Art's interpretation was then and still is correct.

Thanks,
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888

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EXHIBIT 7-14

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Patrick Mitchell
Sent: Monday, May 20, 2024 11:23 AM
To: Rome, Bryan
Cc: Austin Turner
Subject: Riverbend

Byran,

I plan to send you later today the hard costs soft costs letter per our last call.

Thanks,
Pat

EXHIBIT 7-15

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Monday, May 20, 2024 12:02 PM
To: Patrick Mitchell
Cc: Austin Turner
Subject: RE: Riverbend

Great, thanks for the update.

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Monday, May 20, 2024 11:23 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Byran,

I plan to send you later today the hard costs soft costs letter per our last call.

Thanks,
Pat

EXHIBIT 7-16

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Austin Turner
Sent: Monday, May 20, 2024 5:31 PM
To: Motta, Chris
Cc: Rome, Bryan; Kettler, William; Herb Lang; John Buada; Patrick Mitchell
Subject: Riverbend: Hard and Soft Costs re CUP 3390
Attachments: Hard and Soft Costs re CUP 3390.pdf

Good evening Chris,

Per the communications with the County, please find the attached letter regarding Riverbend's incurred hard and soft costs in reliance on CUP 3390.

Please let me know if you have any questions or difficulties reviewing the document. Thank you.

Austin D. Turner, Attorney

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.6770
Fax: 916.788.0290
aturner@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 7-17

(attached to Exhibit 7 - June 13, 2024 Letter)

MITCHELL CHADWICK

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

May 20, 2024

VIA U.S. MAIL AND EMAIL

Chris Motta
Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93726-0244
Email: CMotta@fresnocountyca.gov

Re: Hard and Soft Costs in Reliance on CUP 3390

Dear Mr. Motta:

Per my recent call with Bryan Rome, this letter includes a breakdown of the "hard costs" that Riverbend incurred in reliance on CUP 3390, versus the total amount of "soft costs" incurred (soft costs not itemized since there are too many occurrences). Riverbend has expended approximately $777,164 in reliance on CUP 3390 since February 26, 2015, $152,695 in hard costs and $624,469 in soft costs. Please see Tables 1-3 below, as well as Attachments 6 and 61 to my April 23, 2024, letter which provide further details.

TABLE 1
(Total Hard and Soft Costs Incurred in Reliance on CUP 3390: 02/26/2015 to Present)

Date	Amount
02/26/2015 to 02/23/2017	$510,353
02/28/2017 to 12/31/2017	$128,287
01/01/2018 to 12/31/2018	$23,022
01/01/2019 to 12/31/2019	$25,534
01/01/2020 to 12/31/2020	$43,304
01/01/2021 to 12/31/2021	$6,285
01/01/2022 to 12/31/2022	$13,134

Date	Amount
01/01/2023 to 12/31/2023	$15,651
01/01/2024 to 03/20/2024	$11,594
Total	$777,164

TABLE 2
(Total Hard Costs Vs. Soft Costs Incurred in Reliance on CUP 3390: 02/26/2015 to Present)

Hard Costs Total	Soft Costs Total
$152,695	$624,469

TABLE 3
(Hard Costs for CUP 3390 Expenses: 02/26/2015 to Present)

Date	Expense	Entity	Amount
02/26/2015 to 02/23/2017	Inertia Switch-Loadbreak Switch, Phase Recloser.	General Wholesale Electric	$33,288
02/26/2015 to 02/23/2017	Construction of Silt Fence.	HD Supply	$370
02/26/2015 to 02/23/2017	Valley Elderberry Protective Orange Fencing.	HD Supply	$103
03/31/2017 to 10/31/2017	Pole Line Installation.	A-C Electric	$88,000
09/21/2020	Pole Line Installation.	PG&E	$30,934
Total: $152,695			

The above hard costs include the cost of fencing. The actual installation work was conducted by Riverbend and Running Luck Ranch employees; thus, although not listed, that in-house labor installation was a hard cost of the project.

Sincerely yours,

MITCHELL CHADWICK LLP

Patrick G. Mitchell

Cc: Bryan D. Rome (Fresno County Deputy Counsel) Office of the Fresno County Counsel
William M. Kettler (Fresno County) Development Services Manager
Herb Lang (Riverbend)
John Buada (Buada Associates)

EXHIBIT 7-18

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Tuesday, May 21, 2024 7:56 AM
To: Austin Turner
Cc: Rome, Bryan; Kettler, William; Herb Lang; John Buada; Patrick Mitchell
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Austin,

Confirming we have received.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Austin Turner <aturner@mitchellchadwick.com>
Sent: Monday, May 20, 2024 5:31 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Rome, Bryan <brome@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend: Hard and Soft Costs re CUP 3390

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good evening Chris,

Per the communications with the County, please find the attached letter regarding Riverbend's incurred hard and soft costs in reliance on CUP 3390.

Please let me know if you have any questions or difficulties reviewing the document. Thank you.

Austin D. Turner, Attorney
MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.6770
Fax: 916.788.0290
aturner@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 7-19

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Austin Turner
Sent: Tuesday, May 21, 2024 9:24 AM
To: Rome, Bryan; Motta, Chris
Cc: Kettler, William; Herb Lang; John Buada; Patrick Mitchell
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Chris and Bryan,

Thank you for confirming receipt of the letter.

Respectfully,
Austin Turner

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 21, 2024 8:00 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>; Austin Turner <aturner@mitchellchadwick.com>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Austin,

I also acknowledge receipt of the report sent directly to my email last night. I have not yet opened it, but will address it with my client as soon as possible. As I have previously noted, please expect a response to your letter to come directly from the Department of Public Works and Planning.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Tuesday, May 21, 2024 7:56 AM
To: Austin Turner <aturner@mitchellchadwick.com>

Cc: Rome, Bryan <brome@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Austin,

Confirming we have received.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Austin Turner <aturner@mitchellchadwick.com>
Sent: Monday, May 20, 2024 5:31 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Rome, Bryan <brome@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend: Hard and Soft Costs re CUP 3390

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good evening Chris,

Per the communications with the County, please find the attached letter regarding Riverbend's incurred hard and soft costs in reliance on CUP 3390.

Please let me know if you have any questions or difficulties reviewing the document. Thank you.

Austin D. Turner, Attorney
MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.6770
Fax: 916.788.0290
aturner@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 7-20

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 21, 2024 8:00 AM
To: Motta, Chris; Austin Turner
Cc: Kettler, William; Herb Lang; John Buada; Patrick Mitchell
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Austin,

I also acknowledge receipt of the report sent directly to my email last night. I have not yet opened it, but will address it with my client as soon as possible. As I have previously noted, please expect a response to your letter to come directly from the Department of Public Works and Planning.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Tuesday, May 21, 2024 7:56 AM
To: Austin Turner <aturner@mitchellchadwick.com>
Cc: Rome, Bryan <brome@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: RE: Riverbend: Hard and Soft Costs re CUP 3390

Austin,

Confirming we have received.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Austin Turner <aturner@mitchellchadwick.com>
Sent: Monday, May 20, 2024 5:31 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Rome, Bryan <brome@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>; Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend: Hard and Soft Costs re CUP 3390

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Good evening Chris,

Per the communications with the County, please find the attached letter regarding Riverbend's incurred hard and soft costs in reliance on CUP 3390.

Please let me know if you have any questions or difficulties reviewing the document. Thank you.

Austin D. Turner, Attorney

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.6770
Fax: 916.788.0290
aturner@mitchellchadwick.com
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EXHIBIT 7-21

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Austin Turner
Sent: Wednesday, June 12, 2024 10:08 AM
To: Austin Turner
Subject: FW: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390
Attachments: 2024.05.31 Riverbend SD Response Letter Signed.pdf

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-22

(attached to Exhibit 7 - June 13, 2024 Letter)

County of Fresno

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

May 31, 2024

Sent via email to: pmitchell@mitchellchadwick.com

Patrick G. Mitchell, Esq., Mitchell Chadwick LLP

Subject: Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Dear Mr. Mitchell:

We have received your April 23, 2024 letter ("Letter"), sent on behalf of Riverbend Sand and Gravel ("Applicant"), along with approximately 800 pages of supporting documents and the supplemental information provided to County Counsel. Staff has reviewed your Letter, and has carefully considered Applicant's arguments, including those relating to vested rights and reliance.

Staff with the Department of Public Works and Planning does not approve Applicant's request for a determination that Conditional Use Permit No. 3390 ("CUP") is still valid. To the contrary, Staff concludes that Applicant's CUP expired in 2017 under section 873, subd. (I)(1) of the Fresno County Zoning Ordinance then in effect. However, the evidence also supports the alternate theory of abandonment of the project not later than May of 2022 under section 873, subd. (I)(2). The record does not support a vested right, as we explain below.

Although the legal limitations imposed by Fresno County ordinances function as a preexisting limitation on the scope of the CUP, and do not implicate vested rights, we address your Letter's argument relating to the vested rights doctrine.

First, your Letter ignores the fact that the CUP never conveyed the right to make physical changes to the land, which is central to the vested rights doctrine. A conditional use permit is not the type of "building permit or its functional equivalent" upon which a right may vest.[1] Building permits were necessary to make any such physical changes, and Applicant was expressly aware of the need for such permits, but failed to obtain or apply for any except for the power line.[2] Applicant also failed to meet all conditions of approval, including Mitigation Measures TRANS-1 and TRANS 2.

Even if rights could vest on the CUP, Applicant did not perform substantial work, as the site is essentially unchanged, with much of it still under cultivation, and is far from a surface mining-

[1] See *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534.
[2] See, Statement of Overriding Considerations prepared for Environmental Impact Report No. 6606 – State Clearinghouse No. 2013071097.

ready facility. Also, the Applicant did not incur substantial liabilities in the form of hard costs. The State Supreme Court has stated that "[p]reparatory work will not give rise to a vested right ... when it is done with the knowledge that one or more additional permits will be required for actual construction."[3] Instead, Courts only look to "hard costs," namely those for labor and materials necessary for physical improvements to the land.[4] The Applicant's supplement provided via email on May 20, 2024 confirms that any hard costs are *de minimis* in comparison to what is necessary to bring the mine into operation, and Applicant's claim to a vested right is based almost entirely on soft costs.[5]

It is also important to correct the Applicant's arguments about reliance on County behavior or representations. Courts will not use such reliance to form the basis of a vested right to violate a zoning law that is plain on its face.[6] The Applicant was aware that (a) the CUP had a built-in two-year deadline,[7] and that staff had not formally made a determination of substantial development in 2017, but instead directed the Applicant to have a determination made per staff letter dated March 21, 2017. Staff does not have the authority to countermand an ordinance through their actions.

The basis for the Applicant's purported reliance is far weaker than the city-approved agreement in *Summit Media*. To highlight this point, the Water and Natural Resources Division of the Department of Public Works and Planning was making mining inspections at the Applicant's request and under the requirements of SMARA (Surface Mining and Reclamation Act), and the inspections do not suggest the mine was in operation. To the contrary, the inspection reports confirm the Applicant did nothing to prepare the site for surface mining activities. Any costs expended in attempting to meet Mitigation Measure TRANS-1, through the negotiation of a traffic impact fee agreement in early 2020, simply reinforce the fact that the mitigation measure was never met. Finally, Applicant's evidence about statements attributed to a former Deputy County Counsel is self-serving, is dependent on the recollection of Applicant's counsel, and ignores the fact that the County Counsel was never vested with authority to make the alleged statements or to make any determination on the status of a permit.

In absence of a vested right, the permit expired under section 873, subd. (I)(1) of the Fresno County Zoning Ordinance in the year 2017. The Applicant did not avail itself of the opportunity to seek an extension. Even if (a) the 2017 installation of power lines or (b) Applicant's supposed reliance of limited activities up to 2020 could somehow form the basis of a vested right to continue under the CUP past its 2017 expiration (in spite of the many other issues precluding such a right), the CUP would have become void under subds. (I)(2) and (K)(2) after the project was abandoned for two years. Due process does not demand anything further. The case of *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe*, which is cited in Applicant's letter, reinforces the notion that, where vested rights have not accrued, no due process is required, especially where permits expired by an automatic process.[8]

---

[3] *Halaco Eng. Co. v. South Central Coast Regional Comm'n* (1986) 42 Cal.3d 52, 73.
[4] *Hermosa Beach*, *above*, 86 Cal.App.4th at pp. 552–553.
[5] Applicant's reference to *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776 reinforces this conclusion. Despite the fact that the 1940s dollar amount seems small after decades of inflation, it was all expended in physical changes to the site.
[6] *Summit Media, LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921.
[7] See, Planning Commission Resolution No. 12492 dated February 26, 2015, Resolution, page 4.
[8] *South Lake Tahoe Property Owners Group v. City of South Lake Tahoe* (2023) 92 Cal.App.5th 735.

If you have any questions, please contact me via email cmotta@fresnocountyca.gov or by phone at (559) 600-4227.

Sincerely,

Chris Motta, Development Services and Capital Projects Manager

Copy (via email): Steven White, Director
Bernard Jimenez, Planning & Resource Management Officer
William Kettler, Deputy Director of Planning
Daniel C. Cederborg, County Counsel
Bryan D. Rome, Deputy County Counsel

CM:cwm
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3300-3399\3390 - Riverbend\Substantial Development Request 2024-04-23\2024.05.31 Riverbend SD Response Letter.doc

EXHIBIT 7-23

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Patrick Mitchell
Sent: Wednesday, June 5, 2024 4:22 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Bryan,

Riverbend will be appealing the determination made in Chris Motta's letter dated 5-31-24. I just left you a vmail regarding that but am following up with this email given the short appeal timeframe.

Based on our review of the county code we have 15 days to appeal the decision regardless of which appeal path applies. One path is we appeal Motta's 5-31-24 decision to the Director of the Department. If he were to decide against Riverbend we could then appeal that Director's decision to the Board of Supervisors (BOS).

On the other hand, if Motta's 5-31-24 letter is considered to have been rendered on behalf of/for the Director then we would appeal directly to the BOS.

Please advise which appeal process the county believes is the correct path here. Alternatively, if it is the county's position that no internal county appeals lie and Chris Motta's decisions was a final determination by Fresno County I need to know that as well. We will be appealing to the county regardless.

Thanks,
Pat

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-24

(attached to Exhibit 7 - June 13, 2024 Letter)

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Wednesday, June 5, 2024 4:57 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

I will consult with my client and respond tomorrow.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Wednesday, June 5, 2024 4:22 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Thanks,
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To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-25

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Austin Turner
Sent: Wednesday, June 12, 2024 10:19 AM
To: Austin Turner
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Thursday, June 6, 2024 3:59 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Thank you for your patience.

In your April letter, you did not invoke a specific administrative process, nor does the County have an applicable process, given that no attempt to obtain an extension was made prior to the termination of the CUP. In fact, your previous correspondence specifically stated that your client did not seek a determination under the County's Zoning Ordinance.

What authority or basis do you believe requires the County to provide an appeal? Since you never asked for any sort of process, what process do you believe applies?

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Wednesday, June 5, 2024 5:15 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>

Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Thanks

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Wednesday, June 5, 2024 4:57 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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I will consult with my client and respond tomorrow.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Wednesday, June 5, 2024 4:22 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Bryan,

Riverbend will be appealing the determination made in Chris Motta's letter dated 5-31-24. I just left you a vmail regarding that but am following up with this email given the short appeal timeframe.

Based on our review of the county code we have 15 days to appeal the decision regardless of which appeal path applies. One path is we appeal Motta's 5-31-24 decision to the Director of the Department. If he were to decide against Riverbend we could then appeal that Director's decision to the Board of Supervisors (BOS).

On the other hand, if Motta's 5-31-24 letter is considered to have been rendered on behalf of/for the Director then we would appeal directly to the BOS.

Please advise which appeal process the county believes is the correct path here. Alternatively, if it is the county's position that no internal county appeals lie and Chris Motta's decisions was a final determination by Fresno County I need to know that as well. We will be appealing to the county regardless.

Thanks,
Pat

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-26

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Patrick Mitchell
Sent: Friday, June 7, 2024 4:17 PM
To: Rome, Bryan
Cc: Cederborg, Daniel; Scott Miller; Austin Turner
Subject: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390

Bryan,

To answer the question from the Fresno County Counsel's Office regarding on what Fresno County Code section Riverbend can appeal the decision stated in the May 31, 2024 letter by Chris Motta, Fresno County's Development Services and Capital Projects Manager, Riverbend has at least two possible bases to appeal under the Fresno County Zoning Ordinance (the "Zoning Ordinance").

First, Zoning Ordinance sec. 876.6.020(A) provides that "any determination rendered by Department staff may be appealed to the Director." (Emphasis added.) The May 31, 2024 letter from the County is signed by Chris Motta and indicates that: 1) staff reviewed Riverbend's April 23, 2024 letter, 2) staff "does not approve Applicant's request for a determination that [CUP 3390] is still valid"; and 3) "Staff concludes that Applicant's CUP expired in 2017,…" It appears on the face of the letter that this determination was made by staff (Chris Motta) and not by Steven White the Director of the Fresno County Department of Public Works and Planning (the "Director"), as the letter is not signed by nor on behalf of the Director.

Second, if it is Fresno County's position that the May 31, 2024 letter is the Director's determination, then the basis for Riverbend's appeal would be section 876.6.020(B), which states that "[a]ny determination or decision rendered by the Director may be appealed to the Commission, except for determinations made by the Director on a Substantial Development, which may only be appealed to the Board." (Emphasis added.) The Motta letter states that no vested right exists and states that "Applicant did not perform substantial work" thus it appears to be a determination that no Substantial Development has occurred. Under that scenario, if it is the county's position that the Motta letter is a Director's decision the appeal would be to the Fresno County Board of Supervisors.

Finally, regardless of the county's position on who made the decision not to approve Riverbend's request for confirmation that the CUP 3390 is still valid, whether it was staff or the Director, there are several conclusions stated in the County's May 31, 2024 letter that Riverbend disputes and will be addressing in the appeal.

Thank you,
Pat Mitchell

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Thursday, June 6, 2024 3:59 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Thank you for your patience.

In your April letter, you did not invoke a specific administrative process, nor does the County have an applicable process, given that no attempt to obtain an extension was made prior to the termination of the CUP. In fact, your previous correspondence specifically stated that your client did not seek a determination under the County's Zoning Ordinance.

What authority or basis do you believe requires the County to provide an appeal? Since you never asked for any sort of process, what process do you believe applies?

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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Sent: Wednesday, June 5, 2024 5:15 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

I will consult with my client and respond tomorrow.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel

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To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-27

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Friday, June 7, 2024 6:10 PM
To: Patrick Mitchell
Cc: Cederborg, Daniel; Scott Miller; Austin Turner; Jimenez, Bernard; Kettler, William; Motta, Chris
Subject: RE: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390

Pat,

Thank you for your analysis. I will be discussing this matter with my client as early as possible next week. And you will hear from either me or Department staff shortly, regarding whether and how an appeal may be made.

Have a good weekend.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390

Bryan,

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indicates that: 1) staff reviewed Riverbend's April 23, 2024 letter, 2) staff "does not approve Applicant's request for a determination that [CUP 3390] is still valid"; and 3) "Staff concludes that Applicant's CUP expired in 2017,…" It appears on the face of the letter that this determination was made by staff (Chris Motta) and not by Steven White the Director of the Fresno County Department of Public Works and Planning (the "Director"), as the letter is not signed by nor on behalf of the Director.

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Thank you,
Pat Mitchell

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Sent: Thursday, June 6, 2024 3:59 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Thank you for your patience.

In your April letter, you did not invoke a specific administrative process, nor does the County have an applicable process, given that no attempt to obtain an extension was made prior to the termination of the CUP. In fact, your previous correspondence specifically stated that your client did not seek a determination under the County's Zoning Ordinance.

What authority or basis do you believe requires the County to provide an appeal? Since you never asked for any sort of process, what process do you believe applies?

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Bryan

Bryan D. Rome
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Sent: Wednesday, June 5, 2024 5:15 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Sent: Wednesday, June 5, 2024 4:57 PM
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Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Thank you,
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Bryan D. Rome
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Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

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Bryan,

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Thanks,
Pat

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Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
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Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-28

(attached to Exhibit 7 - June 13, 2024 Letter)

Austin Turner

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, June 11, 2024 11:14 AM
To: Patrick Mitchell
Cc: Cederborg, Daniel; Scott Miller; Austin Turner; Jimenez, Bernard; Kettler, William; Motta, Chris
Subject: RE: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390

Pat,

I have discussed the matter with my client, and have been authorized to send this email on behalf of the Department of Public Works and Planning. Chris Motta's May 31, 2024 letter to you, reflecting the automatic termination of your client's conditional use permit, is not an appealable matter. Your reference to the County's procedural ordinance governing the appeals process does not create an appeal right. Thank you for your patience.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>
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Sent: Friday, June 7, 2024 4:17 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390

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Thank you,

Pat Mitchell

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Sent: Thursday, June 6, 2024 3:59 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Thank you for your patience.

In your April letter, you did not invoke a specific administrative process, nor does the County have an applicable process, given that no attempt to obtain an extension was made prior to the termination of the CUP. In fact, your previous correspondence specifically stated that your client did not seek a determination under the County's Zoning Ordinance.

What authority or basis do you believe requires the County to provide an appeal? Since you never asked for any sort of process, what process do you believe applies?

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Wednesday, June 5, 2024 5:15 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Thanks

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Wednesday, June 5, 2024 4:57 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>

Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

I will consult with my client and respond tomorrow.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Wednesday, June 5, 2024 4:22 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: RE: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Bryan,

Riverbend will be appealing the determination made in Chris Motta's letter dated 5-31-24. I just left you a vmail regarding that but am following up with this email given the short appeal timeframe.

Based on our review of the county code we have 15 days to appeal the decision regardless of which appeal path applies. One path is we appeal Motta's 5-31-24 decision to the Director of the Department. If he were to decide against Riverbend we could then appeal that Director's decision to the Board of Supervisors (BOS).

On the other hand, if Motta's 5-31-24 letter is considered to have been rendered on behalf of/for the Director then we would appeal directly to the BOS.

Please advise which appeal process the county believes is the correct path here. Alternatively, if it is the county's position that no internal county appeals lie and Chris Motta's decisions was a final determination by Fresno County I need to know that as well. We will be appealing to the county regardless.

Thanks,
Pat

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 7-29

(attached to Exhibit 7 - June 13, 2024 Letter)

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/30/2023

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93721 (Lead Agency City, State, Zip Code)

Mine Name: Reverbend Sand & Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 12/12/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

*(Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

*(Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2023.05.30 14:59:34 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Senior Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 7-30

(attached to Exhibit 7 - June 13, 2024 Letter)

RECEIVED
By Mike Luksic at 2:41 pm, Mar 07, 2024

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:
Riverbend Sand and Gravel

II. Mine Operator:
Herb Lang

Mailing Address:
14962 E Fantz Avenue

City:	State:	ZIP Code:
Parlier	CA	93648

Name of Onsite Contact Person:	Email Address:	Telephone:
Herb Lang	iblang@yahoo.com	(559) 875-6565

III. SMARA Lead Agency Name:
County of Fresno, Dept. of Public Works and Planning

Inspector's Name:
Roy Jimenez Jr.

Name of Entity or Organization:
Water and Natural Resources Division

Inspector's Mailing Address:
2220 Tulare Street, 6th Floor

City:	State:	ZIP Code:
Fresno	CA	93721

E-mail Address:	Telephone:
rjjimenez@fresnocountyca.gov	(559) 600-4251

IV. Approved Documents

Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 02/26/2090
Vested Right: ☒ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number:	Date Approved: 02/26/2015
Interim Management Plan: ☒Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land? Check One: ☐ Yes ☒ No

Are there any Federal authorizations associated with this operation? Check One: ☐ Yes ☒ No
If yes, explain:

Inspecting Agency Code(s):	Reason for Inspection: AI

Land Use Designation/Zoning for Surface Mine Operation:
Agriculture

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 06/29/2023 Amount: $ 259,309.00

☐ Other Information?	Explanation: No FAM required at this time.

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☒ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approx 26-ac of farmland has been removed to allow for construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None	None
M) Other Reclamation Plan Requirements	None	None

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☒ No

B. Describe areas of the operation that have been disturbed since the last inspection:

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:
Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:
None

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent

G. Describe any limitations encountered during the inspection:

None

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

N/A

L. Duration of Inspection:
Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
181464	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2024.03.07 13:20:57 -08'00'	
Certification Expiration Date: 11/09/2028	**Date Signed:** 03/07/2024	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: "Financial Assurances" consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance "Other" and "Explanation" blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism(s) currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism(s) on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. BLOCK VII:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation's horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section VIIIVII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items 1A through 12L may be listed in Item 13M, under "Other Reclamation Plan Requirements."

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or "NA" in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a "Yes" or "No" box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a "Yes" or "No" box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 8

MITCHELL CHADWICK

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

July 23, 2024

VIA ELECTRONIC MAIL AND FEDEX

Bryan Rome
Deputy County Counsel
Fresno County
2220 Tulare St., 5th Floor
Fresno, California 93721
brome@fresnocountyca.gov

Re: Notice of Intent to Sue if Riverbend Appeal is not Accepted – Conditional Use Permit No. 3390

Dear Bryan:

On April 23, 2024, my office sent a letter to the Fresno County ("County") Board of Supervisors and the County Department of Public Works and Planning ("Department") detailing how Riverbend Sand and Gravel, LLC ("Riverbend") has a vested property right under Conditional Use Permit 3390 ("CUP 3390"). On May 31, 2024, the Department's Development Services and Capital Projects Manager Chris Motta responded to my April 23, 2024, letter deciding that CUP 3390 expired under County Zoning Ordinance Section 873(I)(1) for a failure to substantially develop. On June 11, 2024, Deputy County Counsel Bryan Rome in response to my inquiry on Riverbend's appeal options to Motta's May 31, 2024 letter, wrote me an email stating that the County's May 31, 2024, decision letter "is not an appealable matter."

On June 13, 2024, I filed a Notice of Appeal of the Department's determination to the Director, Steven White, and in the alternative, to the County Board of Supervisors, which appeal provided the Director and the Board of Supervisors until July 15, 2024, to respond. On July 19, 2024, Bernard Jiminez from the County responded via a short email to Riverbend's June 13, 2024, appeal, stating that the County has determined that there is "no right under the County Code Ordinance to appeal" Chris Motta's May 31, 2024, decision. Given the June 11, 2024, and July 19, 2024, emails from the County staff, if Riverbend does not receive written confirmation from the County within 10 days (i.e., Friday, August 2, 2024) that the County will accept Riverbend's administrative appeal to the County, Riverbend will have no choice but to file litigation against the County on this matter.

Thank you for your attention to this matter.

Sincerely yours,

MITCHELL CHADWICK LLP



Patrick G. Mitchell

CC: Daniel Cederborg, County Counsel
Steven White, Director of the Department of Public Works and Planning
Chris Motta, Development Services and Capital Projects Manager
Fresno County Board of Supervisors:
Chairman Nathan Magsig
Supervisor Pacheco
Supervisor Quintero
Supervisor Mendes
Supervisor Brandau

EXHIBIT 9

From: Cox, II, Cavan <cacox@fresnocountyca.gov>
Sent: Wednesday, August 7, 2024 11:29 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Wall, Peter <pwall@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: Riverbend San and Gravel - Notice of Intent to Sue - CUP 3390

Patrick,

The County has read and considered your July 23, 2024, letter (attached) notifying us of your client's intent to sue if not provided an appeal related to Conditional Use Permit 3390 (CUP 3390). As we have previously explained, your client simply allowed CUP 3390 to expire. There is no decision to appeal. We hope that you and your client will consider alternatives to litigation, but if you do choose to sue the County, we are confident in our legal position and will respond accordingly.

Please direct any further correspondence regarding this matter to me.

Sincerely,

Cavan M. Cox II
Deputy County Counsel

COUNTY OF FRESNO
Office of County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: (559) 600-3479
Fax: (559) 600-3480
Email: cacox@FresnoCountyCA.gov

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EXHIBIT 10

PATRICK G. MITCHELL (SBN 124420)
J. SCOTT MILLER (SBN 256476)
MITCHELL CHADWICK LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Telephone: (916) 462-8888
Facsimile: (916) 788-0290
smiller@mitchellchadwick.com

JOHN P. KINSEY (SBN 215916)
WAGNER JONES HELSEY PC
265 East River Park Circle, Suite 310
Fresno, CA 93720
Telephone: (559) 233-4800
Facsimile: (559) 233-9330
jkinsey@wjhattorneys.com

Attorneys for Plaintiffs and Petitioners
RIVERBEND SAND & GRAVEL LLC and
RUNNING LUCK RANCH, LLC

E-FILED
8/22/2024 10:44 AM
Superior Court of California
County of Fresno
By: Kenia Clemente, Deputy

RECEIVED
AUG 27 2024
COUNTY OF FRESNO
CLERK, BOARD OF SUPERVISORS
By: Hanacesar
Time: 3:31pm

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO, CIVIL DIVISION

RIVERBEND SAND & GRAVEL LLC, a Nevada Limited Liability Company, and RUNNING LUCK RANCH, LLC, a Nevada Limited Liability Company

Plaintiffs and Petitioners,

v.

COUNTY OF FRESNO, a public agency; and DOES 1 through 20, inclusive,

Defendants and Respondents.

Case No. 24CECG03609

COMPLAINT FOR WRIT OF MANDAMUS (C.C.P. §§ 1085, 1094.5), DECLARATORY RELIEF, VIOLATION OF CIVIL RIGHTS, AND UNLAWFUL TAKING

Plaintiffs and Petitioners RIVERBEND SAND AND GRAVEL, LLC and RUNNING LUCK RANCH, LLC (collectively, "Plaintiffs" or "Petitioners"), as and for their complaint against the Defendant and Respondent COUNTY OF FRESNO (the "County") and DOES 1 through 20, states and alleges as follows:

INTRODUCTION

1. Petitioner RIVERBEND SAND AND GRAVEL, LLC ("Riverbend") acquired and owns a vested right in Conditional Use Permit No. 3390 (the "CUP"), issued by Fresno County ("County") for the development of property owned by Petitioner RUNNING LUCK RANCH, LLC ("Running Luck"), as Petitioners conducted substantial development within two years of the CUP approval date in 2015 and to date have incurred more than $777,000 in liabilities in good faith reliance on the CUP, in addition to the $3.2 million Petitioners spent in the years before 2015 on consultants, environmental impact report preparation, technical studies, County application and processing fees, and related costs to prepare and process the CUP application. Petitioners have owned this right continuously and uninterrupted since 2015, and the right cannot be revoked without due process, including notice and a hearing.

2. From 2015 to the current time, Petitioners have, with the County's active participation, assent, and approval completed California Surface Mining and Reclamation Act ("SMARA") annual inspections with the County every year from 2016 through 2023; paid annual SMARA report fees from 2015 to 2023; engaged consultants and prepared annual SMARA Reports from 2015 to 2023 and annual financial Assurances Cost Estimates from 2015 to 2024; negotiated the particulars of the Traffic Maintenance Agreement with and exchanged redline drafts with the Deputy County Counsel in 2019 and 2020; installed a silt fence at the subject property, flagged environmental concern areas, staked areas for construction and electrical and power supply improvements at the subject property, installed electrical infrastructure for the project, among numerous other improvements as detailed in the administrative record.

3. Throughout this period, Petitioners also actively negotiated mining leases for the property with five different mining companies, one regional, one national, and two multinational aggregate mining companies.

4. The County, for unknown reasons, has now unexpectedly changed its position regarding the CUP and the Petitioners' rights under the CUP, to the Petitioners' detriment.

5. On May 31, 2024, the County planning department staff issued, for the first time, a written determination that the Petitioners do not possess a vested right in the CUP and the CUP is

void. That County staff determination is factually and legally wrong on numerous points and does not support a conclusion that the CUP is void or that Petitioners abandoned any vested right they possess under the CUP.

6. The County has made this determination nine years after the Board of Supervisors first approved the CUP, and after accepting and depositing all of the Petitioners' substantial application fees and costs in full, without the Board of Supervisors having the opportunity to review the matter as required under the County Ordinance, and without returning or offering to return any portion of those fees and costs while now telling Petitioners that their CUP is not valid.

7. On June 13, 2024, Petitioners timely filed an appeal with the County requesting review of the written mid-level staff determination in accordance with the appeal procedures stated in the Fresno County Zoning Ordinances, which clearly grant Petitioners such an appeal right, and included extensive legal analysis and detailed documentation showing the Petitioners' continued actions to substantially develop the property as permitted under the CUP over the previous nine years. The June 13, 2024 appeal letter requested a response from the County within 30 days.

8. After the 30 days passed with no response at all from the County, Petitioners' counsel emailed the Deputy County Counsel on July 18, 2024. The next day, Petitioners' counsel finally received a response from the County Public Works and Planning Staff, stating that the County believes Petitioners have no appeal right.

9. Ultimately, despite the Petitioners' timely appeal under the County Zoning Ordinance of the County staff's May 31, 2024 written determination, County staff denied the County Board of Supervisors the opportunity to hear Petitioners' administrative appeal despite a process in the County Code authorizing such an appeal, thus making this appeal to this Court necessary.

10. The County's unlawful and improper written determination of no vested right, rendered for the first time after seven years of development by Petitioners in reliance upon the CUP, and the County's subsequent refusal to review the determination after Petitioners' timely administrative appeal, in violation of fundamental due process principles and the County's own

ordinances, are the bases for this appeal. Petitioners have exhausted all levels of available administrative review.

11. Petitioners now seek a writ of mandamus from this Court under Code of Civil Procedure, Sections 1085 and/or 1094.5 subdivision (b), ordering the County to proceed in the manner required by the County's own ordinances and to provide notice and conduct a hearing to allow Petitioners to present evidence and receive a final determination from the County Board of Supervisors on whether Petitioners possess a vested right in the CUP, which to date the County has improperly refused to do, thereby abusing its discretion.

12. Alternatively, should the Court find that the County's May 31, 2024 written determination to be the County's final decision on the issue, Petitioners seek a writ of mandate from this Court under Code of Civil Procedure Sections 1085 and/or 1094.5, subdivision (b), reversing the May 31, 2024 written determination on the ground that the County's findings were not supported by the evidence, such that the County abused its discretion in rendering the decision.

13. Petitioners further allege causes of action for declaratory relief, violation of its due process rights due to the County's refusal to acknowledge Petitioners' vested property right or permit a hearing, and unlawful taking of property without just compensation.

THE PARTIES

14. Petitioner Riverbend Sand & Gravel, LLC is now, and at all times relevant hereto was, a Nevada Limited Liability Company doing business in Fresno County, with an office in California located in Fresno County, and is the applicant for and holder of the CUP at issue in this action and is, and at all times relevant hereto was, actively involved in developing the real property in Fresno County subject of the CUP.

15. Petitioner Running Luck Ranch, LLC is now, and at all times relevant hereto was, a Nevada Limited Liability Company with an office in California located in Fresno County, and is the owner of the real property in Fresno County subject to the CUP at issue in this action.

16. Defendant and Respondent Fresno County is now, and at all relevant times hereto was, a political subdivision of the State of California. The County has a mandatory duty to comply with the U.S. Constitution and California Constitution, state and federal law, and the

County's own Code and ordinances when exercising discretion and taking action such as that at issue here.

17. The true names and capacities of defendants sued herein as Does 1 through 20 are unknown to Petitioners who therefore sue said defendants/respondents by such fictitious names. Petitioners will amend this Complaint to show the true names and capacities when ascertained. Petitioners are informed and believe and, based thereon, allege that each of the fictitiously named defendants/respondents were responsible in some manner for the events and acts alleged herein, and thereby proximately caused injuries and damages to Petitioners. Respondents and Does 1 through 20, inclusive, are hereinafter referred to collectively as "Respondents" or "County."

18. Petitioners allege that, at all times mentioned in this Complaint, each of the Respondents was the agent, servant, or employee of each of the other Defendants, and in doing the acts alleged in this Complaint was acting within the course and scope of that agency, employment, or representation, with the knowledge, consent, and approval of each of the other Respondents.

JURISDICTION AND VENUE

19. The Court has subject matter jurisdiction over this action and personal jurisdiction over Respondents.

20. Venue is proper in this Court under Code of Civil Procedure section 394, as the Respondent is a County within California. Moreover, the decisions giving rise to this action were made by employees, agents, or representatives of Fresno County, California, and the real property that is the subject of this action is located within Fresno County, California.

STATEMENT OF FACTS

21. The real property at issue in this action (the "Property") is located approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833-acre site that is owned by Petitioner Running Luck Ranch, LLC. Anticipated annual processing of aggregate pursuant to mining operations permitted under the CUP for the Property would generate annual sales at approximately 1.25 million tons/year, which aggregate is needed in Fresno County.

22. In the years before the project approval in 2015, Petitioners spent substantial sums to prepare and process the CUP application. During the course of permitting the Property,

Petitioners incurred over $3.2 million in costs, including costs for preparation of an environmental impact report as required under the California Environmental Quality Act ("CEQA"), County staff costs, costs for technical studies, for application filing fees with the County, among other costs and fees. The current total amount incurred related to the CUP by petitioners is at or above 4 million dollars.

23. On February 26, 2015, the Fresno County Planning Commission approved the CUP. The CUP provided for aggregate mining, processing, sales, and reclamation of the property. The planning commission decision was appealed to the County Board of Supervisors, but on May 18, 2015, in the late afternoon, the appeal was withdrawn just before the Board of Supervisors' appeal hearing scheduled for the next morning. The appeal was subsequently dismissed by the Board of Supervisors on the morning of May 19, 2015, making the CUP effective as of the dismissal date, May 19, 2015.

24. Between May 19, 2015, and February 23, 2017, Petitioners incurred over $510,353 on permitting efforts, site work, fencing installation, project design, PG&E pole installation, and electrical engineering work to develop the Property in reliance upon the CUP.[1]

25. On February 23, 2017, Petitioners' counsel sent a letter to Chris Motta of the County, advising that Petitioners' rights under the CUP had vested and detailing the efforts taken and expenses incurred to establish substantial development in reliance on the CUP.

26. On February 24, 2017, Chris Motta responded to the letter in an email and referenced the process for receiving a formal determination of substantial development from the County under the County Zoning Ordinance in effect in 2017, section 873(J)(1).

27. In 2017, County Code Section 873 contained no requirement that an applicant must request a determination of substantial development in order to establish or possess a vested right under a CUP. Former Section 873, subd. (I), read in part:

[1] Petitioners' April 23, 2024, 12-page letter and June 13, 2024, 19-page appeal letter to the County, which recount in detail the numerous actions Petitioners took over seven years to substantially develop the Property in reliance on the CUP, with supporting documentation, will be part of the administrative record.

I. TIME LIMIT FOR DEVELOPMENT

Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when:

1. There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later...

2. There is a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two years; except where the structure or land is limited to a single purpose use.

3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1, the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit...

28. Also relevant, former Section 873, subd. (J)(1), read in part:

> Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent the external boundaries of the property described in the application. The applicant or an adjacent property owner may appeal this decision to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after the mailing of notice of such decision. Such appeal shall set forth the reasons therefore.

29. On February 27, 2017, Petitioners' counsel responded to Chris Motta's February 24, 2017, email and reiterated that substantial development had already occurred and that no formal determination from the County was being requested or was necessary.

30. On March 21, 2017, the County confirmed the expenses that Petitioners had incurred in reliance on the CUP, but stated that a formal substantial development determination by the County "is a process that must be requested by the Applicant" (which was legally incorrect and not stated anywhere in the County Zoning Ordinances in 2017) and is subject to public notice and

hearing requirements, and that Petitioners "may request such a formal determination or a one-year time extension" if they so choose.

31. The March 21, 2017 County letter further stated that the work and expenses undertaken by Petitioners were "not equivalent to the County making a determination that substantial development for the project has been achieved" but the County nonetheless did not "dispute the efforts the Applicant and its team has expended to initiate this long-term project."

32. On March 22, 2017, Petitioners' counsel called the Deputy County Counsel in 2017 assigned to land use issues and discussed the County's March 21, 2017 letter. The Deputy County Counsel agreed that nothing in the then-County code required an applicant who had already substantially developed a site to request a County determination on that point and that the County process was an option, not a requirement. The Deputy County Counsel explained that Chris Motta's March 21, 2017, letter was just trying to make that clear. The Deputy County Counsel further agreed that Petitioners had already substantially developed the site.

33. Between March 22, 2017, and March 31, 2024, Petitioners never received notice, or any indication from the County whatsoever, that the County believed or had otherwise determined there had been no substantial development at the Property under the CUP.

34. In fact, the County's actions during this period indicated that the County believed that the CUP was valid. Between February 2017 and March 2024, Petitioners continued to coordinate actions with the County regarding the ongoing CUP and its implementation, with Petitioners spending an additional $226,811 during that time. Among other actions, Petitioners (and the County) completed County Surface Mining and Reclamation Act ("SMARA") annual inspections every year from 2016 through 2023; paid annual SMARA report fees from 2015 to 2023; engaged consultants and prepared annual SMARA Reports from 2015 to 2023 and financial Assurances Cost Estimates from 2015 to 2024, all of which was done with the County's active participation, assent, and approval. The Deputy County Counsel also exchanged redline drafts of the Traffic Maintenance Agreement with Petitioners' Counsel in May 2019 and in January 2020.

35. Throughout this period, Petitioners also actively negotiated mining leases for the Property with five different regional, national, and international aggregate mining companies.

36. During this time, there was no indication from the County that the County thought that the CUP had expired or that the County disagreed with Petitioners' position that substantial development of the Property in reliance upon the CUP had occurred.

The County Refuses to Acknowledge Petitioners' Vested Right, Seven Years Later

37. On March 13, 2024, County Staff orally commented to Petitioners' counsel's office by telephone that the County believes that the CUP may have expired. This was the first indication Petitioners ever received from the County of the County staff's belief that the CUP may not be valid.

38. On April 23, 2024, in response to the County's March 17, 2024 verbal remark, Petitioners' counsel submitted a 12-page letter with 61 exhibits to Chris Motta of the County, with a copy to the Board of Supervisors, detailing the reasons why Petitioners possess a vested right in the CUP and asking the County for confirmation that the CUP is still valid.

39. On May 31, 2024, Chris Motta sent a letter in response, stating that the County "does not approve [Petitioners'] request for a determination that Conditional Use Permit No. 3390 is still valid . . . [and] concludes that [Petitioners'] CUP expired in 2017 under section 873, subd. (I)(1) . . . [and] the evidence also supports the alternate theory of abandonment of the project not later than May of 2022 under section 873, subd. (I)(2)." The letter concludes that Petitioners did not perform substantial development on the Property between 2015 and 2017, and therefore the CUP expired due to Petitioners' failure to comply with the CUP's conditions of approval within the initial two years.

40. The current County Zoning Ordinance[2] from 2024, provides a clear definition of what the County considers to be "Substantial Development." The current ordinance states, at section 868.6.030(E)(4):

> Consideration of "Substantial Development" includes the degree of physical on-site development accomplished, ***but can also include the amount of "soft costs"*** (i.e., costs associated with establishing the approved use before the expiration date) including financial expenditures

[2] On February 20, 2024, the Board of Supervisors approved the Comprehensive Zoning Ordinance Update. (Ordinance No. T-099-385). The current Zoning Ordinance took effect 30 days later, on March 21, 2024.

> for preparatory actions (e.g., invoices documenting expenditures related to permits and fees for Site Plan Review, drainage, grading, storm water, and Encroachment Permits, engineering studies, testing and plans, construction costs including grading, staking, and temporary power, insurance and attorney fees, etc.), ***which show a "good faith effort" to establish a particular use. As a point of information, "good faith effort" can be defined as time and effort to establish a use, regardless of financial expense.***

(emphasis added).

41. Petitioners incurred virtually every soft cost item listed in the current County ordinance. The last sentence of the new section, defining "good faith effort" as "time and effort to establish a use, regardless of financial expense" was met here with the many hours of effort dedicated to obtaining a mining lease with five different major mining companies. None of that extensive effort is included in the dollars expended figures in this complaint. Therefore, Petitioners substantially developed the CUP within the two-year requirement.

Petitioners Appeal the May 31, 2024 County Decision and Exhaust Their Administrative Remedies

42. On June 5, 2024, Petitioners notified Deputy County Counsel, Bryan Rome, that Petitioners intended to appeal Chris Motta's May 31, 2024 determination and requested clarification from counsel on whether this May 31, 2024 letter represented a decision by County Staff or the Director of the Department of Public Works and Planning ("Director").

43. On June 11, 2024, Deputy County Counsel Rome wrote to Petitioners' counsel, communicating the County's position that Chris Motta's May 31, 2024 letter and the County's position stated in it (i.e., that the CUP had expired and Petitioners therefore possess no vested right in it), "is not an appealable matter."

44. On June 13, 2024, Petitioners submitted a timely written appeal both to the Director (under Fresno County Zoning Ordinance, section 876.6.020, subdivision (A)) and alternatively to the Board of Supervisors (under subdivision (B)). In the appeal, Petitioners sought "a written decision from the County either reversing Staff's May 31, 2024 decision or affirming that the County will not hear this appeal for the reasons stated in Mr. Rome's June 11, 2024 email." The

June 13, 2024 letter requested that the County respond within 30 days and advise whether the Director or the Board of Supervisors would hear the appeal.

45. On July 18, 2024, after the 30 days passed with no response at all from the County, Petitioners' counsel emailed the Deputy County Counsel, requesting confirmation that the County had never responded to the Petitioners' June 13, 2024 appeal letter.

46. On July 19, 2024, Bernard Jimenez, Planning and Resource Management Officer with the Public Works and Planning Office, responded to Petitioners' counsel's July 18, 2024 email and stated that the "Department has determined that there is no right under the County Code of Ordinances to 'appeal' a letter from Staff, in which Staff declined to accept your legal argument. You have repeatedly declined to request any process or procedure governed by the Code. There is simply nothing for the Director to reverse."

47. On July 19, 2024, Petitioners' counsel, Patrick Mitchell, responded via email that Petitioners disagree with the County's claim that there was "simply nothing for the director to reverse," and that Petitioners would move forward with this litigation if the appeal was not heard.

48. On July 23, 2024, Petitioners' counsel sent a letter to the County and provided notice that if Petitioners did not receive written confirmation from the County within 10 days of the date of the letter (i.e., by Friday, August 2, 2024), that the County will accept Petitioners' administrative appeal to the County, Petitioners will need to file litigation against the County, as Petitioners will have exhausted their administrative remedies.

49. On August 7, 2024, the Deputy County Counsel responded to Petitioners' July 23, 2024 letter, stating that the County read and considered Petitioners' July 23, 2024, letter and reiterated the County's position that the County will not be hearing an appeal because "there is no decision to appeal" because the CUP was expired.

50. Petitioners, therefore, despite nearly four million dollar investment and despite repeated requests for the County to hear an appeal on the merits, have been refused the opportunity for a hearing from both the Director of Planning and Public Works and the County Board of Supervisors. The County Code is clear that an appeal under these facts is proper. Inexplicably the County staff refuses to follow their own codified appeal process or allow the

Board of Supervisors the opportunity to consider this matter. Petitioners have exhausted all available administrative remedies and are left with no remaining options but to seek redress with this Court.

FIRST CAUSE OF ACTION

Administrative Mandamus (Code Civ. Proc. §§ 1085, 1094.5)

(Based on the County's Refusal to Hear Petitioners' Appeal)

51. Petitioners have acquired and own a vested right in the CUP, as Petitioners conducted substantial development of the subject Property within two years of the CUP approval date in 2015, and to date have incurred more than $777,000 in costs as well as extensive internal company efforts related to mine lease transactions, in good faith reliance on the CUP.

52. Petitioners have owned this right continuously and uninterrupted since 2015, and the right cannot be revoked without due process and as required under the Fresno County Zoning Ordinance, which the County refuses to follow.

53. The County, after several years of cooperating with Petitioners in their efforts to develop the Property, now for the first time disputes that Petitioners own a vested right in the CUP, as stated in the County's May 31, 2024 written determination.

54. On June 13, 2024, Petitioners submitted a timely and complete application for appeal of the May 31, 2024 written determination, as required by the applicable County ordinances.

55. Despite Petitioners' compliance with all requirements, Respondent has wrongfully refused to hear the appeal, in violation of its own ordinances and of procedural due process.

56. Respondent Fresno County has a clear, present, and ministerial duty to hear the appeal and confirm the validity of CUP 3390 and Petitioners' vested right under the CUP.

57. This duty is required by Fresno County Zoning Ordinances, section 876.6.020(A), which provides that "any determination rendered by Department staff may be appealed to the Director" or alternatively, section 876.6.020(B), which states that "[a]ny determination or decision rendered by the Director… on a Substantial Development… may only be appealed to the Board."

///

58. Respondent's failure to perform its ministerial duty has caused Petitioners to suffer the inability to proceed with business operations and develop the Property and lease the Property to a company that will mine the site.

59. Petitioners have no plain, speedy, and adequate remedy at law other than the relief sought in this petition.

60. Petitioners have exhausted all administrative remedies available to them, including an appeal to the Fresno County Director of the Department of Public Works and Planning, and to the Fresno County Board of Supervisors.

SECOND CAUSE OF ACTION

Administrative Mandamus (Code Civ. Proc. §§ 1085, 1094.5)

(Based on the County's May 31, 2024 Written Determination that Petitioners Do Not Own a Vested Right Under CUP 3390)

61. Petitioners have acquired and own a vested right in the CUP, as Petitioners conducted substantial development of the subject Property within two years of the CUP approval date in 2015 and to date has incurred more than $777,000 in costs in good faith reliance on the CUP.

62. Petitioners have owned this right continuously and uninterrupted since 2015, and the right cannot be revoked without due process and as required under the Fresno County Zoning Ordinance, which the County refuses to follow.

63. The County is well aware of all of the actions Petitioners have taken to substantially develop the Property pursuant to the CUP during the first two years of the CUP and continuously since then, as these actions have been extensively detailed in letters from Petitioners' counsel to the County dated February 17, 2017; February 27, 2017; April 23, 2024 and in Petitioners' appeal to the County Board of Supervisors by letter of June 13, 2024, and through several telephone conversations, emails, and interactions with County staff and Deputy County Counsels over several years, including negotiations and exchange of drafts with County Counsel of the Traffic Maintenance Agreement, annual SMARA inspections, preparation of annual

SMARA reports and Financial Assurances Cost Estimates from 2015 to 2024, all done with the County's active participation, assent, and approval.

64. Under Fresno County's Zoning Ordinances and longstanding California case law, Petitioners acquired a vested property right under the CUP through Petitioners' actions, performed continuously over the past nine years to substantially develop the Property in reliance upon the CUP because, among other things, (i) vested CUPs are property rights under California law; (ii) Petitioners have complied or shown good faith intent to comply with all of the conditions of approval for the CUP and did so within the time period required by the CUP's conditions of approval; (iii) Petitioners have performed substantial work on the property, sufficient to vest the CUP under California law; (iv) Petitioners actions have never indicated any intent to abandon Petitioners' CUP; and (v) the County never communicated its belief that Petitioners do not possess a vested right until May 31, 2024, at least seven years after Petitioners' right vested and despite the County's cooperation and involvement with Petitioners' development activities throughout that time.

65. The County's May 31, 2024 written letter determination, which is the subject of the Petitioners' June 13, 2024 appeal to the County (and the subject of this action, following the County's refusal to hear the Petitioners' appeal), is factually and legally incorrect on numerous points and does not support the County's conclusion that Petitioners do not possess a vested right under the CUP.

66. The Respondent County's determination that the CUP is void, and its failure to recognize the Petitioners' vested right under the CUP, has caused Petitioners to suffer the inability to proceed with business operations and develop the Property and lease the Property to a company that wants to mine the site.

67. Petitioners have no plain, speedy, and adequate remedy at law other than the relief sought in this petition.

68. Petitioners have exhausted all administrative remedies available to them, including an appeal to the Fresno County Director of the Department of Public Works and Planning, and to the Fresno County Board of Supervisors.

69. A writ of mandamus from this Court is therefore necessary to compel the County to reverse its written determination, as stated in the County's May 31, 2024 letter, on the ground that the County's findings were not supported by the evidence and the determination was an abuse of the County's discretion, and to issue a written decree stating: (a) that CUP 3390 is currently valid and has been valid continuously and at all times since 2015; (b) that Petitioners have complied or shown a good faith intent to comply with all of the conditions of approval for CUP 3390, including the requirement that the Property be substantially developed within two years of issuance of the CUP; and (c) that Petitioners possess a vested right under CUP 3390 and acquired that vested right no later than February 23, 2017, and have possessed the vested right continuously since then, in accordance with California law and the Fresno County Zoning Ordinance.

THIRD CAUSE OF ACTION

Declaratory Relief

70. Petitioners incorporate by reference, as if set forth in full herein, the allegations contained in the preceding paragraphs.

71. An actual controversy has arisen and now exists between Petitioners and the County, in that Petitioners contend that the County's May 31, 2024 decision that the CUP expired is erroneous as a matter of law and not supported by substantial evidence, the decision must be vacated and set aside, and the County should be ordered either to hear Petitioners' appeal or confirm that CUP 3390 is valid and that Petitioners possess a vested right in the CUP. Petitioners are informed and believe, and thereon allege, that the County disputes this contention and will contend to the contrary.

72. Petitioners seek a declaration from this Court that the County's May 31, 2024 written determination that the CUP expired is erroneous as a matter of law, is not supported by substantial evidence, and constitutes an abuse of discretion; and that the County must recognize that CUP 3390 is valid and has never expired and that Petitioners possess a vested right under the CUP 3390.

73. A declaration from this Court regarding the parties' rights in connection with the CUP decision is necessary and appropriate at this time so that Petitioners' ability to proceed with

operations under the CUP are not impacted by Defendants' unlawful actions and violations of the California and U.S. Constitutions.

74. The CUP has been substantially developed and not abandoned, and consequently if this Court grants Petitioners' requested declaration, Petitioners will be able to continue to implement the CUP, while it brings the property into mining and aggregate production.

FOURTH CAUSE OF ACTION

Violation of Civil Rights – Due Process

75. Petitioners incorporates by reference, as if set forth in full herein, the allegations contained in the preceding paragraphs.

76. This cause of action arises under the Fifth and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983.

77. Pursuant to the United States Constitution, no person can be deprived of life, liberty, or property without due process of law. Due process bans arbitrary and irrational government action to deprive one of its rights. The County is therefore barred from depriving Petitioners of their vested property rights without due process.

78. Respondents are and were, at all times relevant hereto, acting under color of state law.

79. Petitioners own and operate the property subject to CUP 3390, and possess constitutionally protected property rights to conduct operations under the CUP, including aggregate mining and reclamation, and to be free from the County's arbitrary or irrational regulatory actions.

80. Petitioners vested right automatically accrued by operation of law once Petitioners substantially developed the site, not because the County declared it so through an optional "determination of substantial development" procedure in the Zoning Ordinance.

81. Nor did the Petitioners vested right terminate or expire because Petitioners did not seek (unnecessarily) an extension of the time for the County to issue any such determination that this right exists. As such, Petitioners' vested right continues to this day and the CUP has never expired. Termination of this vested right without the basic due process requirements of notice and

an opportunity to be heard unlawfully deprives Petitioners of their constitutionally protected property right.

82. Because of the detail provided by Petitioners in their administrative appeal documents, and the County's own actions over the years in cooperation with Petitioners to substantially develop the Property in reliance on the CUP, which actions acknowledge the validity of the CUP, the County knows its actions violate Petitioners' rights, including Petitioners' due process rights under the California Constitution and the U.S. Constitution.

83. The County's analysis and intended application of the Zoning Ordinance to the Property, and the County's decision to not hear Petitioners' appeal and deem the CUP expired without a hearing, requiring Petitioners to cease coordinating with a mining company that is able to carry out the remaining terms of the CUP, is arbitrary, capricious, contrary to the law, and constitutes a prejudicial abuse of discretion.

84. No valid legal basis exists for the County's determination to deem the CUP as expired and to refuse to hear Petitioners' appeal. The County's decision lacks any rational relation to the Zoning Ordinance procedures under Sections 876.020, subds. (A) and (B), and constitutes an unreasonable, arbitrary, capricious, and irrational exercise of County's police power and regulatory authority. In issuing the decision, the County acted in bad faith and contrary to Petitioners' legitimate interests.

85. The first communication that Petitioners received regarding the CUP expiration that allegedly occurred per the County in 2017, or alternatively in 2022, was the County's May 31, 2024 letter. The County's failure to notify Petitioners upon the alleged expiration of the CUP in 2017, as required under Former Zoning Ordinance section 873 (J) is unquestionably insufficient, and a violation of due process, especially given the County's decision now, in 2024, to not allow an administrative appeal.

86. On the basis of the above, the County should be ordered to either set aside and the County's decision that the CUP has expired, or the County should be ordered to hear the Petitioners' administrative appeal, so as not to interfere with Petitioners' constitutionally protected rights to continue developing the Property free from unlawful interference by the County.

87. As a direct and proximate result of the County's actions, Petitioners have been and will be imminently harmed and damaged, particularly because the County's unlawful decision that the CUP had expired threatens Petitioners' continued operation of the Property and is actively interfering with Petitioners' ability to enter into a mining lease on the property.

88. Petitioners are entitled under Code of Civil Procedure section 1021.5 and 42 U.S.C. 1988 to an award of reasonable attorney's fees.

FIFTH CAUSE OF ACTION

Unlawful Taking under the U.S. and California Constitutions

89. Petitioners incorporate by reference, as if set forth in full herein, the allegations contained in the preceding paragraphs.

90. Both the United States Constitution and the California Constitution prohibit a taking of private property without payment of just compensation.

91. Petitioners own and operate the property, and have constitutionally protected property rights to conduct operations according to CUP 3390, including aggregate mining and reclamation, and to be free from Defendants' arbitrary or irrational regulatory actions.

92. Petitioners are informed and believe that the Property's highest and best use is the use and value associated with its mining operations as permitted under the CUP.

93. The County's analysis and intended application of the Zoning Ordinance to the property, and its determination that CUP 3390 has expired, is arbitrary, capricious, contrary to the law, and constitutes a prejudicial abuse of discretion.

94. No valid legal basis exists for the Defendant to hold that the CUP is expired and to not hear Plaintiff's June 13, 2024 appeal. Defendants' decision lacks any rational relation to the Zoning Ordinance, and constitutes unreasonable, arbitrary, capricious and irrational exercise of Defendants' police power and regulatory authority. Enforcement of the CUP and appeal decision by Defendants in the absence of any lawful justification deprives Petitioners of their vested property rights to continue operations at the property under CUP 3390, and deprives Petitioners of all use and value of its property.

///

95. Petitioners are informed and believe, and based thereon allege, that the County's May 31, 2024 written determination is inconsistent with the County's historic actions regarding other similar, alleged CUP determinations, both currently and in the past. Specifically, Petitioners are aware of no other instance where the County determined that a CUP has not been substantially developed but waited over seven years to inform the CUP holders.

96. Petitioners have not received any compensation on account of the above-described deprivation of its vested property rights.

97. Petitioners have incurred and will continue to incur attorney and other fees and expenses for the prosecution of this action, which fees are recoverable under California Code of Civil Procedure section 1036.

98. To remedy Petitioners injury, Defendants should be ordered to provide just compensation to Petitioners for the temporary and/or permanent taking of Petitioners' vested property rights to continue development of the Property.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and Petitioners Riverbend Sand & Gravel, LLC and Running Luck Ranch, LLC pray for judgment against Respondents, and each of them, as follows:

1. For issuance of a writ of mandamus commanding that either the Director render a decision on the Petitioners' June 13, 2024 appeal, which would then be appealable to the Board of Supervisors, or alternatively that the Fresno County Board of Supervisors hold a duly noticed public hearing on Petitioners' administrative appeal, which was filed on June 13, 2024, in accordance with the requirements of the Fresno County Code, the Fresno County Zoning Ordinance, and California law;

2. In the alternative, for issuance of a writ of mandamus commanding the Fresno County Board of Supervisors (1) to reverse the Planning Director's and County Staff's written determination, as stated in Chris Motta's May 31, 2024 letter, on the ground that the County's findings were not supported by the evidence and the determination was an abuse of the County's discretion, and (2) to issue a written decree stating: (a) that CUP 3390 is valid and has been valid continuously and at all times since 2015; (b) that Petitioners have complied or shown a good faith

intent to comply with all of the conditions of approval for CUP 3390, including the requirement that the Property be substantially developed within two years of issuance of the CUP; and (c) that Petitioners possess a vested right under CUP 3390 and acquired that vested right no later than February 23, 2017, and have possessed the vested right continuously since then, in accordance with California law and the Fresno County Zoning Ordinance;

3. For damages in an amount subject to proof at trial, including damages for the taking of Petitioners' property;

4. For a declaration that the County's May 31, 2024 written determination that the CUP expired is erroneous as a matter of law, is not supported by substantial evidence, and constitutes an abuse of discretion; and that the County must recognize that CUP 3390 is valid and has never expired and that Petitioners possess a vested right under the CUP 3390;

5. For attorney's fees under California Code of Civil Procedure sections 1021.5 and 1036, and 42 U.S.C. 1988 and costs of suit; and

6. For such other and further relief as the Court deems just and proper.

DATED: August 22, 2024

WAGNER JONES HELSEY, PC

By: _____
JOHN P. KINSEY
Attorneys for Plaintiffs and Petitoners
RIVERBEND SAND & GRAVEL LLC
and RUNNING LUCK RANCH, LLC

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
John P. Kinsey, #215916
265 E. River Park Cir., Ste. 310
Fresno, CA 93720
TELEPHONE NO.: (559) 233-4800 FAX NO.:
EMAIL ADDRESS: jkinsey@wjhattorneys.com
ATTORNEY FOR (Name): Riverbend Sand & Gravel LLC and Running Luck Ranch, LLC

FOR COURT USE ONLY

E-FILED
8/22/2024 10:44 AM
Superior Court of California
County of Fresno
By: Kenia Clemente, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
STREET ADDRESS: 1130 O Street
MAILING ADDRESS: SAME
CITY AND ZIP CODE: Fresno 93724
BRANCH NAME: B.F. Sisk Courthouse

CASE NAME: Riverbend Sand & Gravel LLC and Running Luck Ranch, LLC v. County of Fresno, a public agency; and DOES 1 through 20, inclusive

CIVIL CASE COVER SHEET

☒ Unlimited (Amount demanded exceeds $35,000)
☐ Limited (Amount demanded is $35,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 24CECG03609

JUDGE:
DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment
☐ Wrongful termination (36)
☐ Other employment (15)

Contract
☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property
☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer
☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review
☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☒ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
☐ RICO (27)
☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
☐ Partnership and corporate governance (21)
☐ Other petition *(not specified above)* (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. ☐ Large number of separately represented parties
   b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. ☐ Substantial amount of documentary evidence
   d. ☐ Large number of witnesses
   e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action *(specify)*: five
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: 8/22/2024

JOHN P. KINSEY
(TYPE OR PRINT NAME)

▶ John P. Kinsey
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. January 1, 2024]

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10
www.courts.ca.gov

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To **Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To **Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To **Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice–Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach–Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition

EXHIBIT 11

From: Cox, II, Cavan <cacox@fresnocountyca.gov>
Sent: Tuesday, September 10, 2024 10:25 AM
To: jkinsey@wjhattorneys.com
Cc: Scott Miller <smiller@mitchellchadwick.com>
Subject: Riverbend Sand & Gravel v. COF 24CECG03609 - Meet and Confer

John,

Are you available today or tomorrow to discuss this matter by phone? Specifically, I'd like to discuss timeline / procedural/ record gathering issues.

Sincerely,

Cavan M. Cox II
Deputy County Counsel

COUNTY OF FRESNO
Office of County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: (559) 600-3479
Fax: (559) 600-3480
Email: cacox@FresnoCountyCA.gov

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION & ATTORNEY WORK PRODUCT.
DO NOT PLACE IN PUBLIC FILE.
NOTICE: THIS E-MAIL, INCLUDING ANY ATTACHMENTS HERETO, HAS BEEN TRANSMITTED BY AN ATTORNEY AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. THIS E-MAIL IS SOLELY FOR THE USE OF ITS ORIGINAL INTENDED RECIPIENT. IF THIS E-MAIL HAS BEEN FORWARDED, SENT, OR DELIVERED TO YOU IN ERROR, PLEASE BE ADVISED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS E-MAIL, OR ANY ATTACHMENTS HERETO, IS STRICTLY PROHIBITED. IF YOU ARE NOT THE ORIGINAL INTENDED RECIPIENT OF THIS EMAIL, PLEASE NOTIFY THE ORIGINAL SENDER IMMEDIATELY BY RETURN E-MAIL. THEREAFTER, PLEASE DELETE THIS MESSAGE, INCLUDING ANY ATTACHMENTS HERETO, FROM YOUR SYSTEM; PLEASE ALSO DESTROY ALL PRINTOUTS THAT MAY HAVE BEEN MADE OF THIS EMAIL OR ANY ATTACHMENTS HERETO. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

EXHIBIT 12

Patrick G. Mitchell
pmitchell@mitchellchadwick.com
916-462-8887
916-788-0290 Fax

July 15, 2024

VIA U.S. MAIL AND EMAIL

Steven White and Bernard Jimenez
Fresno County Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, California 93721
stwhite@fresnocountyca.gov and bjimenez@fresnocountyca.gov

Re: California Public Records Act Request

Dear Mr. White and Mr. Jimenez.

Pursuant to the California Public Records Act, California Government Code §§ 6250 et seq. (the "Act"), I am hereby making the following request for documents.

If you choose to deny any part of this request, please cite the specific statutory exceptions upon which your denial is based. If a document is withheld, please provide the following information: (1) the date of the document; (2) the general nature of the document; (3) the identity and title of the author; (4) the identity and title of the recipient(s), including those who may have received "blind" copies; and (5) the specific reason(s) why it is being withheld.

As required by the Act, please inform me of your determination within ten days.

Definitions

As used in this request, "writing" shall include audio recordings of public meetings and any "writing," as that term is defined by Gov't Code § 6252(g). Thus, "writing" means:

> …any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Furthermore, per the California Supreme Court, "writing" includes voicemail, electronic mail, text messages, calendars, and other communications held by public employees in personal accounts and relating to public business. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 623, 629.)

As used in this request, "relating to" shall mean describing, evidencing, proving, tending to prove, mentioning, containing, concerning, opining about, commenting upon, pertaining to, analyzing, or otherwise discussing directly or indirectly.

Documents Requested

1. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/ approvals, revocations (if any), and any other records relating to the previously approved Conditional Use Permit No. 3390 ("CUP 3390") issued for the mine site located in the unincorporated area of Fresno County, CA.

2. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/ approvals, revocations (if any), and any other records relating to the previously approved California Mine ID #91-10-0031 ("Mine ID #91-10-0031") issued for the mine site located in the unincorporated area of Fresno County, CA.

3. Any and all writings from Steven E. White, Director, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

4. Any and all writings to Steven E. White, Director, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

5. Any and all writings from William Kettler, Deputy Director of Planning, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act

documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

6. Any and all writings to William Kettler, who currently holds the position of Division Manager of Development Services and Capital Projects (Deputy Director of Planning), but not limited to his writings as Division Manager of Development Services and Capital Projects, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

7. Any and all writings from Chris Motta, who currently holds the position of Development Services Division Manager, but not limited to his writings as Development Services Division Manager, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

8. Any and all writings to Chris Motta, Development Services and Capital Projects Director, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

9. Any and all writings from Bryan D. Rome, Deputy County Counsel, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

10. Any and all writings to Bryan D. Rome, Deputy County Counsel, Fresno County, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390

and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

11. Any and all writings from Daniel C. Cederborg, Fresno County Counsel, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

12. Any and all writings to Daniel C. Cederborg, Fresno County Counsel, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

13. Any and all writings from Bernard Jimenez, Planning & Resource Management Officer, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

14. Any and all writings to Bernard Jimenez, Planning & Resource Management Officer, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

15. Any and all writings from Art Wille, former Deputy County Counsel, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

16. Any and all writings to Art Wille, former Deputy County Counsel, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

17. Any and all writings to and from the Department of Planning and Public Works Staff, from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, emails, text messages, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to CUP 3390 and Mine ID #91-10-0031 issued for the mine site located in the unincorporated area of Fresno County, CA.

18. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to the County's use of the former Ordinance Section 873(J)(1), which states in pertinent part: "Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent [to] the external boundaries of the property described in the application." (Emphasis added.).

19. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to the County's use of the former County Zoning Ordinance Section 873(I)(1), which states in pertinent part: "Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when: There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later." (Emphasis added.)

20. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to the County's use of the former County Zoning Ordinance Section 873(I)(1), which states in pertinent part: "Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when: There is a cessation in the occupancy or use of

land or structures authorized by said Conditional Use Permit for a period in excess of two years." **(Emphasis added.)**

21. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to the **County's** use of the former County Zoning Ordinance Section 873(J), which states in pertinent part: "Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent [to] the external boundaries of the property described in the application." **(Emphasis added.)**.

22. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to any **challenges to the County's finding that "substantial development" had not occurred under** the former County Zoning Ordinance Section 873(I)(1).

23. Any and all writings from February 26, 2015, to July 15, 2024, including but not limited to any and all documents, correspondence, reports, applications, permits, inspections, enforcement actions, agreements, California Environmental Quality Act documents/approvals, revocations (if any), and any other records relating to any **challenges to the County's finding that "substantial development" had not occurred under** the former County Zoning Ordinance Section 873(J).

Sincerely yours,

MITCHELL CHADWICK LLP



Austin D. Turner

Cc: Bernard Jimenez, Planning & Resource Management Officer
William Kettler, Deputy Director of Planning
Chris Motta, Development Services and Capital Projects Director
Daniel C. Cederborg, County Counsel
Bryan D. Rome, Deputy County Counsel
Herb Lang (Riverbend)
John Buada
Patrick Mitchell
J. Scott Miller, Esq.

EXHIBIT 13

Patrick Mitchell, Esq.
Austin Turner, Esq.
Mitchell Chadwick
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

Via NextRequest and Email to <pmitchell@mitchellchadwick.com> and <aturner@mitchellchadwick.com>

Messrs. Mitchell and Turner,

On July 15, 2024, the County of Fresno (County) received your letter addressed to the Department of Public Works and Planning (Department) entitled "Re: California Public Records Act Request" containing an expansive, burdensome, and ill-defined laundry list of Department records sought (Your Request) under the California Public Records Act (Gov. Code, § 7920.000 et seq.) (Act).[1] By this correspondence, the Department provides its written response to Your Request.

Your Request includes twenty-three (23) numbered paragraphs, across six (6) pages, each paragraph containing broad and vague requests without an apparent attempt to "reasonably describe[] an identifiable record or records" in a focused and specific manner.[2] Even the exercise of reproducing the text of Your Request here, as is the County's normal practice, is an unnecessary burden.

Each category of Your Request is couched in overbroad language such as "[a]ny and all" and "including but not limited to." The attempt to define "relating to" to mean "describing, evidencing, proving, tending to prove, mentioning, containing, concerning, opining about, commenting upon, pertaining to, analyzing, or otherwise discussing directly or indirectly" does not provide meaningful limitation on the vagueness of the term. Thus, Your Request still requires Department staff to make judgement calls regarding what relates to the referenced project and cited ordinance code sections.

While the Department is undertaking (and will continue to undertake) a reasonable effort to identify records responsive to Your Request, without your clarification, it is possible that Department staff might not find every record you might be intending to seek. Should you wish to amend Your Request to narrow the scope of the Department's review, staff is available to further assist you to "make a focused and effective request that reasonably describes an identifiable record or records." To do so, please coordinate with Jiovonni Ruiz at jioruiz@fresnocountyca.gov or 559-600-9872.

Nevertheless, the County will be producing disclosable public records, which exist as of July 15, 2024 and are responsive to the staff's understanding of each of the twenty-three (23) categories which constitute Your Request. Non-privileged, responsive records will be sent to you by either email or may be made available via NextRequest or SharePoint at no cost to you. The County currently estimates that records responsive to the Your Request will be available for disclosure on August 26th, 2024.

Formerly known (and incorrectly cited in Your Request) as Gov. Code, § 6250 *et seq.*, recodified effective January 1, 2023 by Assembly Bill 473 (2021). Further statutory references are to the Government Code, unless otherwise noted.

[2] § 7922.530, subd. (a).

The County might need to revise its time estimate, depending on the volume of public records that are gathered. The County will provide a revised time estimate if needed.

Certain records will be withheld from the Department's production under the attorney-client exemption.[3] It should be noted that six (6) categories of Your Request directly implicate the lawyer-client privilege. While some non-privileged records will be produced pursuant to each of these categories, the act of directing Your Request specifically to the communications of the Department's lawyers (without recognition that much of those communications is subject to legal protection) is illustrative of Your Request's apparent indifference to the statutory direction that it reasonably describe disclosable records. Further, the Department does not provide copies of engineering, building, and architectural plans absent permission from the engineer and property owner.[4] Such plans are available for public review, but not duplication, during regular Departmental business hours at 2220 Tulare Street, Suite A. Please schedule a time to view plans by calling (559) 600-4540.

If, in the review of records potentially responsive to Your Request, staff identifies additional exemptions which apply, we will inform you of those exemptions.

Finally, Your Request includes a demand to generate a privilege log, which is unsupported by the Act. More than two decades ago, the Supreme Court has stated, "we find nothing in the [A]ct itself that mandates any action other than opening for inspection the records identified as coming within the scope of the request or providing copies thereof at the expense of the person requesting copies. Preparing an inventory of potentially responsive records is not mandated by the" Act.[5] This remains the law. As such, the Department will not be preparing a privilege log in response to Your Request.

Sincerely,

Jiovonni Ruiz
_____
Jiovonni Ruiz, Staff Analyst

cc. Steve White, Director of Public Works and Planning
Bernard Jimenez, Assistant Director of Public Works and Planning
William Kettler, Assistant Director of Public Works and Planning
Daniel C. Cederborg, County Counsel
Bryan D. Rome, Deputy County Counsel

[3] § 7927.705 (regarding records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege, formerly § 6254, subd. (k)); see also Evid. Code, § 954 (regarding the lawyer-client communications privilege).
[4] § 7927.705, *supra*; see also § 65103.5, and Health & Saf. Code, § 19851.
[5] *Hayne v. Superior Court* (2001) 26 Cal.4th 1061, at 1075.

EXHIBIT 14

Austin Turner

From: Austin Turner
Sent: Tuesday, October 8, 2024 10:35 AM
To: 'Motta, Chris'
Cc: Rome, Bryan
Subject: RE: California Public Records Act Request - Riverbend Sand and Gravel

Good morning Chris,

Thank you for reaching out to me. I have spoken to Herb, and he is agreeable to the County's release of the below emails with the production. Please let me know if you need any additional information from me. Thank you.

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, October 7, 2024 1:10 PM
To: Austin Turner <aturner@mitchellchadwick.com>
Cc: Rome, Bryan <brome@fresnocountyca.gov>
Subject: California Public Records Act Request - Riverbend Sand and Gravel

Austin,

We have collected e-mails which are ready to be included as part of the PRA, but we did find some that would be subject to exclusion because they deal directly with a land use complaint and identify the reporting party. In this case, because the reporting party is Herb Lang, if your client is agreeable, we can release those e-mails with the production. Please let us know.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 15

County of Fresno

NextRequest

Request Visibility: Unpublished

Request 24-870 Closed

Dates

Received

July 15, 2024 via web

Requester

Austin D. Turner

aturner@mitchellchadwick.com

3001 Lava Ridge Court - Suite 120, Roseville, CA, 95661

9164626770

Mitchell Chadwick

Invoices

No invoices due

Staff assigned

Request

This is a California Public Records Act Request with twenty-three (23) Requests.

Timeline Documents

Request closed

Anyone with access to this request

All records have been released, and your request has been fulfilled. This concludes the Department of Public Works and Planning's response.

Thank you.

October 8, 2024, 2:24pm by Staff

Document(s) released to requester

Requester + Staff

Produce.pdf

October 8, 2024, 2:24pm by Staff

Message to requester

Requester + Staff

Good Afternoon,

Attached are the last remaining documents per your request.

Thank you.

Departments

Public Works & Planning

Point of contact

Jiovonni Ruiz

October 8, 2024, 2:24pm by Staff

Message from requester

Requester + Staff

Thanks for letting us know of the new responsive date. No problem on our end regarding the responsive extension to October 4, 2024. Thank you.

September 16, 2024, 9:39am by the requester

Message to requester

Requester + Staff

Good Afternoon,

The Internal Services department within Fresno County has requested additional time to compile responsive information, due to this Public Works and Planning will also need additional time to review this information once it has been collected. I have updated the due date to October 4th, 2024; we will keep you updated with the progress should we need to revise the timeline.

Thank you.

September 13, 2024, 12:34pm by Staff

Document(s) released to requester

Requester + Staff

PRA 24-870 - Responsive Documents 08.26.2024.pdf
OpStatementRiverbendUpdatedJuly2013.pdf

August 26, 2024, 4:54pm by Staff

Message to requester

Requester + Staff

Good Afternoon,

Attached are responsive documents to your request, however our department has requested additional assistance from another inter-county department, Internal Services, to identify and collect all responsive digital

correspondence. Based on the foregoing, the Department has determined that unusual circumstances exist which necessitate the extension of the County's time to respond to your records request by fourteen (14) additional days. (Gov. Code, § 6253, subd. (c)(1)).

Thank you.

August 26, 2024, 4:54pm by Staff

Document(s) released to requester

Requester + Staff

Response to PRA 24-870 07.25.2024.pdf

July 25, 2024, 2:40pm by Staff

Message to requester

Requester + Staff

Good Afternoon,

Please see the attached document concerning your Public Record Request. A copy was emailed to you as well.

Thank you.

July 25, 2024, 2:40pm by Staff

Message to requester

Requester + Staff

Thank you for your request. We will respond within 10 days with an update. If you have any questions please feel free to reply to this email.

July 15, 2024, 3:23pm

Department assignment

Anyone with access to this request

Public Works & Planning

July 15, 2024, 3:23pm by the requester

Request opened

Anyone with access to this request

Request received via web

July 15, 2024, 3:23pm by the requester

EXHIBIT 16

From: VonBerg, Eric
To: Khorsand, Mohammad
Cc: Motta, Chris
Subject: FW: Preliminary 2/26 Agenda
Date: Tuesday, February 10, 2015 8:17:30 AM
Attachments: 2015-2-26 Agenda.docx

Mohammad, please provide Suzie a description of your GP Annual Report item for the Agenda.

FYI: Packets will be mailed out on Friday 2/20, so please plan accordingly to get your Report reviewed and ready by then. It would be ideal to have it reviewed and ready and to Suzie by Thursday so she can scan it and get it to the printer Friday morning at the latest. If there are items that we can get printed ahead of time, that would be helpful as well.

Sincerely,

Eric VonBerg
Senior Planner
Department of Public Works and Planning
Development Services Division
559.600.4569
evonberg@co.fresno.ca.us

From: Novak, Suzie
Sent: Tuesday, February 10, 2015 8:04 AM
To: VonBerg, Eric; Ahmad, Ejaz; Chambers, Derek; Nebeker, William; Elgin, Lisa
Subject: Preliminary 2/26 Agenda

Please find attached the PRELIMINARY agenda for 2/26.

Eric, I have not received anything regarding publishing or noticing Mohammed's presentation, or as to how you want the General Plan Yearly review listed on the agenda. Please advise.

Suzie Novak, Planning Commission Clerk
Development Services Division
Department of Public Works and Planning

From: Novak, Suzie
To: VonBerg, Eric; Ahmad, Ejaz; Chambers, Derek; Nebeker, William; Elgin, Lisa
Subject: Preliminary 2/26 Agenda
Date: Tuesday, February 10, 2015 8:04:27 AM
Attachments: 2015-2-26 Agenda.docx

Please find attached the PRELIMINARY agenda for 2/26.

Eric, I have not received anything regarding publishing or noticing Mohammed's presentation, or as to how you want the General Plan Yearly review listed on the agenda. Please advise.

Suzie Novak, Planning Commission Clerk
Development Services Division
Department of Public Works and Planning

EXHIBIT 17

From: Motta, Chris
To: Khorsand, Mohammad
Cc: Kettler, William
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation
Date: Wednesday, February 18, 2015 3:20:08 PM
Attachments: 2015-2-26 Agenda.docx

It has since been revised.

From: Khorsand, Mohammad
Sent: Wednesday, February 18, 2015 3:17 PM
To: Motta, Chris
Cc: Kettler, William
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation

Ok. The draft that Suzie sent me on 2-11had it as the third item (see attached).

Mohammad Khorsand
600-4022

From: Motta, Chris
Sent: Wednesday, February 18, 2015 3:07 PM
To: Khorsand, Mohammad
Cc: Kettler, William
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation

Mohammad,

The draft Planning Commission Agenda shows the Annual Report as the first item after public presentations. As proposed, the Riverbend mining project would follow the Annual Report.

Chris

From: Khorsand, Mohammad
Sent: Wednesday, February 18, 2015 2:52 PM
To: Kettler, William
Cc: Motta, Chris
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation

Will,

John will be with me at the PC meeting. The meeting for Ag Mitigation is an interactive meeting that will be attended by the special interest groups and COG staff is not exactly following the direction of the Policy Board, based on what I have heard at previous meetings. Is there a particular reason why the GP annual report cannot go as the first item. The presentation will be short.

Mohammad Khorsand

600-4022

From: Kettler, William
Sent: Wednesday, February 18, 2015 1:48 PM
To: Khorsand, Mohammad
Cc: Motta, Chris
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation

Understood. Will John be with you at the PC? If not, maybe he can cover until you can arrive. If that is not possible, maybe we can at least send a proxy to at least observe and report back to us and we can provide information/comment to COG as needed.

Will Kettler
Division Manager,
Development Service Division
Fresno County Department of Public Works and Planning
(559) 600-4233 (office)
(559) 600-4200 (fax)
wkettler@co.fresno.ca.us
Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey

---

From: Khorsand, Mohammad
Sent: Wednesday, February 18, 2015 12:33 PM
To: Kettler, William
Cc: Motta, Chris
Subject: RE: Ad-hoc Committee: Transportation Project Ag Mitigation

Will,

I could go to the COG meeting except the GP Annual Report is on the February 26 PC agenda after the Riverbend sand and Gravel CUP.
Mohammad Khorsand
600-4022

From: Kettler, William
Sent: Friday, February 06, 2015 5:01 PM
To: Khorsand, Mohammad
Cc: Motta, Chris
Subject: FW: Ad-hoc Committee: Transportation Project Ag Mitigation

Hello Mohammad,

Please see below. The PC hearing will likely go long on Thursday and I'm off at 2:30 so Chris and I cannot attend. Can you attend? Let me know.

Thanks,

Will Kettler

Division Manager,
Development Service Division
Fresno County Department of Public Works and Planning
(559) 600-4233 (office)
(559) 600-4200 (fax)
wkettler@co.fresno.ca.us
Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey

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From: Jimenez, Bernard
Sent: Friday, February 06, 2015 4:19 PM
To: Kettler, William
Subject: FW: Ad-hoc Committee: Transportation Project Ag Mitigation

Will, any chance you or Chris can attend? I will in Sacramento attending the annual California County Planning Director's Association meeting. Thanks.

Bernard Jimenez, Deputy Director of Planning
Public Works and Planning
Ph: (559) 600-4234
fax: (559) 600-4548

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey
Thank you.

From: Rob Terry [mailto:RTerry@fresnocog.org]
Sent: Friday, February 06, 2015 4:00 PM
Subject: Ad-hoc Committee: Transportation Project Ag Mitigation

Ad-hoc Committee Members and interested parties:

Thank you for your willingness to be involved in Fresno COG's first Transportation Project Ag Mitigation Ad-hoc Committee, which aims to support Fresno COG's recently approved Sustainable Communities Strategy (SCS) by assisting local land-use agencies in Fresno County identify policies and actions that can help minimize the loss of farmland associated with the construction of transportation facilities. The Committee will hold its first meeting on **February 26, 2015, from 1:30 p.m. – 4 p.m.** at the Fresno COG offices located at 2035 Tulare Street, Suite 201 Fresno, CA 93721. An agenda will be sent approximately one-week before the meeting date.

Should you have any questions, please feel free to contact me at any time. I look forward to working with each of you.

Rob Terry, AICP
Principal Regional Planner

Fresno Council of Governments
2035 Tulare St. Suite 201
Fresno, CA 93721
Phone: (559) 233-4148 Ext. 222
Fax: (559) 233-9645
www.fresnocog.org
rterry@fresnocog.org



This email has been scanned by the Mailprotector Email Security System. For more information please visit
http://mailprotector.com/email

EXHIBIT 18

From: Sholars, Briza
To: Goertzen, Nancy
Cc: Vang, Kay; Warren, Mark
Subject: RE: Riverbend Sand cks $5700.00, $3119.75
Date: Monday, February 23, 2015 7:29:52 AM

Hi Nancy, I am not sure what that is. I always told Sally Consultant or Staff account and the EIR #. Riverbend is EIR No. 6606 and my timesheet code is 2350-4360-0200-6606. Does that help? Regards, Briza

---

From: Goertzen, Nancy
Sent: Friday, February 20, 2015 5:01 PM
To: Sholars, Briza
Cc: Vang, Kay; Warren, Mark
Subject: RE: Riverbend Sand cks $5700.00, $3119.75

Hi Briza,

I need a budget accounting string for the $5,700.00 check.
Thanks!

Nancy Goertzen, CPA
Senior Accountant
County of Fresno
Public Works and Planning, Financial Services
Phone: (559) 600-4283
Email: ngoertzen@co.fresno.ca.us

From: Sholars, Briza
Sent: Friday, February 20, 2015 2:09 PM
To: Goertzen, Nancy
Cc: Vang, Kay; Warren, Mark
Subject: RE: Riverbend Sand cks $5700.00, $3119.75

Thanks!
The check for $3,119.75 is for me to take to the Clerk's Office to pay Riverbend's Fish and Wildlife fees. I will come pick up right now.
The check for $5,700 is for Consultant Extra Services and should go into the Consultant account.
Have a nice weekend. Regards, Briza

From: Goertzen, Nancy
Sent: Friday, February 20, 2015 1:26 PM
To: Sholars, Briza
Cc: Vang, Kay; Warren, Mark
Subject: Riverbend Sand cks $5700.00, $3119.75

Hi Briza,

We received the attached checks. Please provide the accounting deposit information.

Thanks for your help!

Nancy Goertzen, CPA
Senior Accountant
County of Fresno
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EXHIBIT 19

Planning Commission Hearing
February 26, 2015

COUNTY STAFF	
W. Kettler	
C. Motta	X
E. VonBerg	X
B. Nebeker	
B. Sholars	X
M. Khorsand	X
J. Adams	X
A. Ramirez	X
A. Wille	X
S. Novak	X

ROLL	8:50	Arrived Late	Departed Early
Commissioner Batth	X		
Commissioner Ferguson		Absent	
Commissioner Lawson	X		
Commissioner Rocca	X		
Commissioner Woolf	X		
Commissioner Zadourian	X		
Vice-Chair Borba	X		
Chairman Mendes	X		

Agenda Item 1 Public Presentations	Speaker Name & Address	Topic
There were no public presentations		

Planning Commission Hearing
February 26, 2015

Agenda Item 2	ACTION: APPROVED				
Project No.	**2014 Fresno County General Plan Annual Progress Report**			Commissioner Batth	Yes
Planner	Mohammad Khorsand			Commissioner Ferguson	Absent
Owner	Fresno County			Commissioner Lawson	Yes
Applicant	Fresno County			Commissioner Rocca	2nd
Representative	Fresno County	Resolution #12491		Commissioner Woolf	Yes
		Voice	X		
		Roll		Commissioner Zadourian	Yes
		MM Borba		Vice-Chair Borba	MM
		2nd Rocca		Chairman Mendes	Yes

Additional Speakers	**Speaker Name & Address**	**In Favor of / Opposed**
	Radley Reep 557 W. Escalon Clovis CA 93612	Opposed
	Daniel O'Connell 224 E. Lincoln Fresno CA 93706	Opposed
	Robert Merrill	Opposed
	John Gray 15240 E. Lincoln Avenue Parlier CA 93648	Opposed
	David Bennet	Opposed
	Gary Reddick	Opposed

Planning Commission Hearing
February 26, 2015

Agenda Item 3	ACTION: APPROVED				
Project No.	**EIR 6606 - UCUP 3390**			Commissioner Batth	Yes
Planner	Briza Sholars			Commissioner Ferguson	Absent
Owner	Owner Rep: Herb Lang			Commissioner Lawson	Recused
Applicant	John Buada			Commissioner Rocca	2nd
Representative	John Buada	Resolution #12492		Commissioner Woolf	No
		Voice			
Part I -		Roll	X	Commissioner Zadourian	Yes
		MM Borba		Vice-Chair Borba	MM
		2nd Rocca		Chairman Mendes	Yes
				Commissioner Batth	Yes
				Commissioner Ferguson	Absent
				Commissioner Lawson	Recused
				Commissioner Rocca	MM
				Commissioner Woolf	No
		Voice			
Part II -		Roll	X	Commissioner Zadourian	Yes
		MM Rocca		Vice-Chair Borba	2nd
		2nd Borba		Chairman Mendes	Yes

	John Hecht/Sespe Consulting, Inc. 374 Poli Street #200 Ventura CA 93001	Consulting Engineer/Representative - In Favor
	Herb Lang 14962 E. Fantz Avenue Parlier CA 93648	Manager/Representative - In Favor
	Pat Mitchell/Mitchell & Chadwick 3001 Lava Ridge Court #120 Roseville CA 95661	Attorney - In Favor
	John Buada 4872 N. Arcade Avenue Fresno CA 93704	Applicant - In Favor
	Gary Gray PO Box 3522 Visalia CA 93278	Opposed
	David Cehrs 14747 E. Tulare Sanger CA 93657	Hydrologist - Opposed
	Daniel O'Connell 224 E. Lincoln Fresno CA 93706	Opposed

Planning Commission Hearing
February 26, 2015

	John Gray 15240 E. Lincoln Parlier CA 93648	Opposed
	David Boldt 6299 S. LacJac Avenue Parlier CA 93648	Opposed
	Lauren Layne/Baker, Manock & Jensen 5260 N. Palm Avenue #421 Fresno CA 93704	Attorney Representing Steve & Diane Findley - Opposed
	Larry Wilder 621 W. Cypress Court Reedley CA 93654	Former Reedley City Council Chair and Mayor - Opposed
	Rick Osborne 391 Peach Avenue Clovis CA 93612	Opposed
	Steve McDonald/SDM Realty 2975 S. MacDonough Sanger CA 93657	Opposed
	Bob Pearson 541 Wilderness Drive Sanger CA 93657	Opposed
	Michelle McDonald/SDM Realty 2975 S. MacDonough Sanger CA 93657	Opposed
	Pat Mitchell/Mitchell & Chadwick 3001 Lava Ridge Court #120 Roseville CA 95661	Rebuttal
	Steve McDonald/SDM Realty 2975 S. MacDonough Sanger CA 93657	Sur-Rebuttal
	David Boldt 6299 S. LacJac Avenue Parlier CA 93648	Sur-Rebuttal

EXHIBIT 20

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report
Agenda Item No. 3
February 26, 2015

SUBJECT: Unclassified Conditional Use Permit Application No. 3390 and Reclamation Plan for the Riverbend Sand and Gravel Project, and Associated Environmental Impact Report No. 6606 (State Clearinghouse No. 2013071097)

Allow an aggregate mining operation on 619 acres of a combined 833 acres of property. The remaining 214 acres, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The anticipated annual processing of material would be 1.6 million tons per year with annual sales at approximately 1.25 million tons per year. The 619-acre Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water habitat.

LOCATION: The 619-acre Project is located in unincorporated Fresno County, approximately 1.5 miles southeast of the City of Sanger, between the Kings River and Riverbend Avenue. East Goodfellow Avenue bisects the Project Site, which is composed of seven parcels. The Project Site is located in Township 14 South, Range 22 East, Sections 25 and 36; Township 14 South, Range 23 East, Sections 19, 30 and 31; and Township 15 South, Range 22 East, Section 1 (Mount Diablo Baseline and Meridian) on the *Sanger* and *Wahtoke* 7.5-minute U.S. Geological Survey (USGS) topographic quadrangles (SUP. DIST.: 4) (APNs: 333-160-01; 332-071-53, 52; 333-061-04, 05; 350-041-12; 360-020-20).

Applicant/Owner: Riverbend Sand and Gravel, LLC

STAFF CONTACT:

Briza Sholars, Planner
(559) 600-4207

Eric VonBerg, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATIONS:

- Move to certify that:
  - Environmental Impact Report (EIR) No. 6606 prepared for the Riverbend Sand and Gravel Project, Unclassified Conditional Use Permit Application No. 3390, is complete and adequate in conformance with the California Environmental Quality Act (CEQA);
  - the Final EIR (FEIR) was presented to, reviewed and considered by the Planning Commission; and
  - the FEIR reflects the Planning Commission's independent judgment.

- Move to approve and adopt for the Riverbend Sand and Gravel Project:
  - Unclassified Conditional Use Permit Application No. 3390;
  - The Mine and Reclamation Plan;
  - Zoning Ordinance Sections 858 and 873-F Findings for Unclassified Conditional Use Permit Application No. 3390, as contained herein;
  - CEQA Findings of Fact and Statement of Overriding Considerations (See Exhibit 1, "CEQA Findings of Fact and Statement of Overriding Considerations");
  - The related Mitigation Measures and Conditions of Approval; and
  - The Mitigation Monitoring and Reporting Program (See Exhibit 2).

- Direct the Secretary to prepare a Resolution documenting the Planning Commission's action.

IMPACTS ON JOB CREATION:

The operation of an alluvial mining, processing, and distribution facility will provide both short-term and long-term job opportunities. Approximately 335 jobs, direct and indirect, including 29 on-site jobs are anticipated.

EXHIBITS:

1. CEQA Findings of Fact and Statement of Overriding Considerations
2. Mitigation Monitoring and Reporting Program and Conditions of Compliance Matrix
3. Regional Location Map

3A. Location Map

4. Existing Zoning Map
5. Site and Surrounding Land Use Map
6. Current Site Plan
7. Mine Plan and Typical Excavation Setbacks and Berms
8. Cross Sections and Reclamation Plan
9. Elevation and Conceptual Photos of Plant Equipment
10. Noise Measurement Locations
11. Operational Statement
12. Public Correspondence: A late comment email (January 27, 2015) from a representative of the Dumna Wo-Wah tribe
13. Public Correspondence: A letter in support from the Fresno Chamber of Commerce
14. Applicant Correspondence: Project Benefits
15. Public Correspondence: A letter in opposition from El Rio Reyes Conservation District
16. Public Correspondence: A letter in support from the Building Industry Association

ENVIRONMENTAL ANALYSIS:

California Environmental Quality Act (CEQA)

The Project requires the County's discretionary approval of an Unclassified Conditional Use Permit (CUP) and Mining and Reclamation Plan. Such approvals trigger the environmental review process prescribed by CEQA.

As stated in the CEQA Guidelines § 15121(a), "[a]n EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project." An EIR is not intended to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or "project."

In addition, CEQA Guidelines § 15151 contains the following standards of adequacy:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.*

As required by CEQA, an EIR shall:

- Provide a detailed project description;
- Discuss the existing environmental setting;
- Identify and evaluate potential environmental impacts of the Project, the cumulative effects of the Project, and other existing or proposed activities in the vicinity;
- Provide feasible mitigation measures to substantially lessen or avoid environmental impacts; and
- Identify and evaluate alternatives to the Project that may substantially lessen or avoid environmental impacts.

CEQA does not require evaluation of all possible alternatives, only evaluation of "a range of feasible alternatives" to encourage both meaningful public participation and informed decision-making (CEQA Guidelines § 15126.6(a)). "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; *see also* CEQA Guidelines Section 15126.6(f)(3).) In addition, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029, "Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned."

Summary of the Riverbend Sand and Gravel Project Environmental Impact Report

Unclassified Conditional Use Permit Application No. 3390 (CUP 3390) was submitted to Fresno County (County) in October 2012. The County then determined that preparation of an EIR was necessary. The EIR was prepared in compliance with CEQA (Public Resources Code (PRC) Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations (CCR), Title 14, Section 15000 *et seq.*). Technical analyses were conducted and public comment was solicited and considered to ensure that potential environmental impacts of the Project have been evaluated and disclosed in the EIR. A summary of the steps taken for environmental review and public comment in compliance with CEQA are listed below:

- A Notice of Preparation for the Project was sent to the State Clearinghouse on August 1, 2013 and circulated to all responsible agencies and interested parties for a 30-day review period beginning on August 1, 2013.
- On August 29, 2013, the County's Department of Public Works and Planning, Development Services Division, hosted an agency and public scoping meeting at Sanger High School to discuss the scope of the EIR and analysis to be conducted.
- A Notice of Completion for the Draft EIR was filed with the State Clearinghouse on July 15, 2014, and a Notice of Availability was posted on the County's website and sent to 144 property owners within one (1) mile of the Project Site, and to 139 individuals, organizations, and agencies that previously expressed interest in the Project.
- The Draft EIR was circulated for review and comment from July 17, 2014 through September 2, 2014.
- The Draft EIR was made available for public review at County libraries (Fresno Main Branch and Sanger Branch), the County Public Works and Planning offices, and on the County's website.
- Electronic copies of the Draft EIR were provided, upon request, to responsible, trustee, and other federal, state, and local agencies expected or known to have expertise or interest in the resources that the Project may affect.
- Copies of the Draft EIR or notices of the Draft EIR's availability were sent to organizations and individuals with special expertise on environmental impacts and/or who had previously expressed an interest in this Project or activities similar or related to this Project.
- On July 30, 2014, the County Department of Public Works and Planning, Development Services Division, hosted a public meeting at Sanger High School, Sanger, California, to discuss the Draft EIR and Project review process, and to receive public comments.
- On January 16, 2015, the Final EIR, which includes responses to comments on the Draft EIR, was provided to commenting agencies and the public in electronic form on compact disc. Additionally, the Notice of Availability for the Final EIR was also provided to agencies, organizations, and members of the public who previously expressed an interest in the Project but did not comment on the Draft EIR.
- A late comment email (January 27, 2015) was received from a representative of the Dumna Wo-Wah tribe (Exhibit 12). Applied Earthworks (AE) had contacted the Native American Heritage Commission (NAHC) in September 2011 requesting a Sacred Lands File search and Native American contacts list. The NAHC provided a list of affected Native American tribal contacts. In September 2011, AE sent letters to the contacts provided by the NAHC, including letters to Keith Turner of the Dumna Wo-wah Tribe and Jim Redmoon of the Dumna Wo-Wah Tribe, to inquire whether any tribe or individual has knowledge of cultural resources in the vicinity that might be of religious and/or cultural significance to the tribal communities.

AE subsequently received written communication from the Native American contact for the Choinumni Tribe (Choinumni/Mono) indicating that the Project area should be considered sensitive for prehistoric archaeological resources due to its cultural history and the likelihood of subsurface cultural material. No other Native American contacts responded regarding the presence of Native American sacred lands or traditional cultural properties within the immediate Project area.

Based on field survey results the Project was redesigned early in the application process to minimize any cultural resource impacts. One archaeological site was located outside of the Project Site, and Mitigation Measures are incorporated which would reduce any impacts to unknown resources to less than significant level. Refer to Section 3.5 of the Draft EIR for further discussion.

Below is a table identifying resources determined to have significant and unavoidable impacts.

Significant and Unavoidable Impacts

Resource	Project Impacts	Cumulative Impacts
Air Quality	Exceedance of significance thresholds for NO_x (from off-site mobile sources) and for PM_{10} and $PM_{2.5}$.	Short-term concentrations of NO_x, SOx, PM_{10} and $PM_{2.5}$ are cumulatively considerable. Long-term concentrations of PM_{10} and $PM_{2.5}$ are cumulatively considerable. The exceedance of the NO_x tons per year threshold is cumulatively considerable.
Noise	Increase in noise levels at receivers along off-site haul routes.	The Project, together with the noise from the Kings River Sand and Gravel project traffic and the nearby Carmelita project, would have a cumulatively considerable noise impact due to the permanent increase in noise at roadside receivers.
Transportation and Traffic	Applicant to contribute proportional fair share funding towards the improvements identified to make the impacts less than significant. However, even with the Applicant's contribution, the improvements may not occur prior to the Project's introduction of additional vehicle trips due to issues such as lack of complete funding for the improvements.	Although implementation of the required traffic mitigation measures would reduce future cumulative traffic impacts to less than significant, it is not known with certainty when these improvements will actually be implemented. As a result, the potential cumulative traffic impacts remain significant and unavoidable.

The CEQA Findings of Fact and Statement of Overriding Considerations are incorporated herein by reference as Exhibit 1.

PROCEDURAL CONSIDERATIONS:

Conditional Use Permit Approval

Under the County's Zoning Ordinance, development of natural resources, including surface mining operations, with necessary buildings, apparatuses, and appurtenances thereto are subject to approval by Unclassified Conditional Use Permits (County Zoning Ordinance Section 853.B.5). By contrast, uses subject to Classified Conditional Use Permits are specifically listed in certain zoning districts (County Zoning Ordinance Section 853.A).

A Conditional Use Permit (CUP) Application generally may be approved only if the County Planning Commission makes the following Findings as specified in Fresno County Zoning Ordinance Section 873.F (Section 873.F):

1. *That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood;*

2. *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;*

3. *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof; and*

4. *That the proposed development is consistent with the Fresno County General Plan.*

In addition to the Findings in Section 873.F, the approval of a CUP for a surface mining operation in Fresno County is subject to the following Finding as specified in Fresno County Zoning Ordinance Section 858.F (Section 858.F):

5. *The Mining and Reclamation Plan has been reviewed for compliance with the Regulations for Surface Mining and Reclamation in all Districts, Section 858, and meets the applicable requirements therein.*

The CUP Findings analysis/discussion below provides information in support of County Staff's conclusion regarding each of the required Findings. The decision of the County Planning Commission on a CUP Application is final unless appealed to the County Board of Supervisors within fifteen (15) calendar days of the County Planning Commission's action (Fresno County Zoning Ordinance Section 873.G.1).

BACKGROUND INFORMATION:

The Project is located within unincorporated Fresno County (County). The City of Reedley is located approximately 5.75 miles to the southeast, and the City of Sanger is approximately 1.5 miles to the northwest. The Project site is located between the Kings River (to the west) and Riverbend Avenue (to the east). The Project site encompasses 619 acres of an 833-acre parcel. The remaining 214 acres of the parcel, including the entire existing riparian habitat

along the Kings River, a Valley Oak grove, and areas of potential cultural significance, are excluded from the Project and are not part of the Project site. The location of the Project is shown in Exhibit 3 and 3A of this staff report.

The Project site is primarily flat and currently occupied by orchards and vineyards. Surrounding land uses include the existing aggregate mining operations of Central Valley Ready-Mix, CUP 2203, located to the north, and Calaveras Materials, Inc., CUP 3052, located to the east. Irrigated farmland with scattered farm residences is located to the north, south, and east of the Project and also across the Kings River to the west and south. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the Project site.

The Project area was classified by the State of California in 1986 as a Mineral Resource Zone 2 (MRZ-2). Areas classified as MRZ-2 are those where significant mineral deposits are present or where it is judged that there is a high likelihood for their presence. In 1987 Fresno County incorporated the MRZ-2 classification into the Mineral Resources Section of its General Plan. In 1988 the State also designated the Project site as having construction-grade aggregate deposits that are of regional significance.

The existing zoning designation of the Project site is Limited Agriculture (AL-20). Surface mining operations and related facilities and activities are permitted in the AL-20 zone district, subject to approval of a CUP (Fresno County Zoning Ordinance Section 858). Approximately 88 acres of the Project site (Phases 8A & 8B) are subject to Williamson Act Contract No. 6322. At least ten (10) years prior to the scheduled mining of Phases 8A and 8B (estimated to begin approximately in 2068), a Notice of Non-Renewal will be filed with Fresno County which will cause the Contract to expire prior to commencement of mining activities in those Phases.

PROJECT DESCRIPTION SUMMARY:

A wet mining method is proposed which utilizes an electric dragline to excavate aggregate from beneath the water. The mined aggregate would be processed at an on-site processing plant with an anticipated annual process rate of 1.6 million tons – the amount necessary to produce 1.25 million tons of finished product. The processed material may also be used by an on-site ready-mix concrete plant and a hot mix asphalt plant. The Project's plant facilities would also include periodic use of a portable recycling plant to recycle up to 125,000 tons per year of concrete and asphalt debris generated on site and from off-site regional construction projects.

Mining would be conducted in 15 sequential phases over 75 years. Agriculture would continue on site until a phase is needed for mining. This would enable both mineral extraction and agricultural production to operate simultaneously in different areas of the Project site and would maximize agricultural resources and productivity.

Soils and overburden would be removed and stockpiled during mining for use during reclamation. Aggregate would be excavated by an electric-powered dragline to a maximum depth of approximately 100 feet below natural ground surface. The mining operation would be set back 100 feet from the top of the Kings River bank. Reclamation of the Project site would create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, namely riparian and open-water wildlife habitat. Several berms and orchard-like vegetated screens would be constructed to visually screen and attenuate noise from Project activities and facilities. A surface runoff and drainage plan has been prepared to account for storm-water runoff conveyance through the Project site.

Groundwater would be used to supply the Project's mining-related water demand. Mining-related water usage would include pond evaporation, landscape irrigation, and plant operations. Plant-related consumption would consist of plant- and site-wide dust suppression, and losses associated with outgoing products such as concrete and rinsed aggregate products. Aggregate processing plant-related consumption would average 180 acre feet per year, and would be minimized by recirculating process water. After mining and reclamation conclude, plant operations would cease and groundwater consumption would be limited to pond evaporation and riparian plant evapotranspiration.

Cumulatively, the Project is anticipated to increase total groundwater consumption by approximately 140 acre feet per year over baseline as of the end of mining, and 195 acre feet per year after reclamation concludes in 75 years. This increase in groundwater consumption is considered minor compared to the baseline consumption, and to the available storage in the sub-basin. The aquifer in the Project site vicinity is recharged from local surface water bodies and crop irrigation, and the Kings River and shallow groundwater are hydraulically interconnected. Since less water would be diverted upstream from the Kings River for irrigation at the Project site, more water would then be available in the River. Any lower groundwater levels would allow the water that was formerly used for irrigation to seep in from the Kings River and thus would counterbalance any water level decline due to increased groundwater consumption, with no net loss from the Kings River. Any potential decrease in groundwater levels would be less than five feet over the 75-year life of the Project. Therefore, the increase in water consumption would not significantly affect groundwater levels in the vicinity or existing off-site wells. (See EIR Section 3.9.6.3.)

The Reclamation Plan is designed to return as much land as possible back to farmland. Approximately 268 acres, or 43% of the Project site, are to be reclaimed as farmland in this manner. Overburden together with fines from processing would be used to fill selected phases. The filled phases would be topped with several feet of topsoil and reclaimed back to farmland at the approximate original grade. Approximately 351 acres, or 57% of the mined site, will be reclaimed as riparian and open-water habitat (100% of project reclaimed).

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the Kings River Regional Plan	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) AL-20 (Limited Agricultural, 20-acre minimum parcel size) O (Open Conservation)	No change
Parcel Size	A total of approximately 833 acres consisting of APN Nos. 333-160-01; 332-071-53, 52; 333-061-04, 05; 350-041-12; 360-020-20	No change
Project Site	The 619-acre Project Site is currently occupied by vineyards	Allow phased aggregate mining on 619 acres using an

Criteria	Existing	Proposed
	and walnut and olive orchards.	electric-powered dragline to a maximum depth of approximately 100 feet. Aggregate will be transported to the processing plant by electric-powered conveyor. Operations will include an aggregate processing plant, a ready-mix concrete plant, and an asphalt plant. A portable recycle plant will be brought in periodically to recycle asphalt and concrete. Farming will continue on all phases not being mined or reclaimed. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and 351 acres of open space, riparian and open-water wildlife habitat.
Structural Improvements	The Project Site has several farm residences and outbuildings and unimproved private access roads.	Aggregate processing plant, ready-mix concrete plant, and asphalt plant
Nearest Residence	Six farm residences across Riverbend Avenue. Closest residences are approximately 100 feet from the Project Site boundary. See EIR Figure 3.11-1 Noise Measurement Locations.	No change
Surrounding Development	Surrounding land uses include an aggregate mining operation with a ready-mix concrete plant to the north (Central Valley Ready-Mix, CUP 2203), and an aggregate mining operation, including a ready-mix concrete plant to the east and southeast (Calaveras Materials, Inc., CUP 3052). Irrigated farmland with scattered farm residences is located to the north, south, and east of the Project site, and also across the Kings River to the west and south. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern	No change

Criteria	Existing	Proposed
	parts of the Project site. Roadways surrounding the site include Riverbend Avenue and Goodfellow Avenue. The closest community, Sanger, is located approximately 1.5 miles northwest of the site.	
Operational Features	Maintenance, irrigation and harvesting associated with farming vineyards and walnut and olive orchards	See above "Project Site"
Employees	Four permanent employees plus seasonal contract labor	29 permanent employees upon reaching peak sales of 1.25 million tons per year. Average number of employees during peak season will be 38.
Customers	N/A	See Project Traffic Trips
Project Traffic Trips	Residential trips associated with the four homes located within the Project Site; employee and farm equipment trips associated with farming vineyards and walnut and olive orchards	Average of 516 daily one-way truck trips (258 round trips per day) Average of 90 daily one-way other trips (*i.e.*, employees, outside services, miscellaneous visitors) (45 round trips per day)
Lighting	Residential lighting associated with the four homes located within the Project Site. Seasonal lighting associated with maintenance, irrigation and harvesting	For nighttime lighting, high-pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) would be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting would also be designed to confine illumination to the Project site, and/or to areas that do not include light-sensitive uses.
Hours of Operation	As needed for maintenance, irrigation and harvesting associated with farming vineyards and walnut and olive orchards	Typical Hours and Days[1,2,3] Excavation and aggregate processing: 7:00 am-7:00 pm, weekdays; loading and aggregate trucking: 6:00 am-9:00 pm, weekdays; loading and aggregate

Criteria	Existing	Proposed
		trucking[4]: 6:00 am-9:00 pm, weekdays; asphalt and ready-mix concrete plants[5]: 4:00 am-6:00 pm, weekdays (May – October: 5:30 am-6:00 pm, weekdays; November – April: 7:00 am-2:00 pm, Saturdays)

1 Maintenance of mobile and plant equipment extend beyond these hours.
2 Hours can be extended during periods of public emergency and/or for major public road projects affecting the health and safety of the community.
3 Mining and processing hours, including nighttime hours, will vary during different seasons of the year to comply with California's "Flex Your Hours" program by utilizing electricity during off-peak hours, to the extent feasible.
4 Major public road projects may be required to be completed during night hours or on weekends to avoid traffic conflicts. Such projects may require loading operations beyond the hours and days of operation shown.
5 Asphaltic oil, cement and other supplies may be delivered during night time hours.

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: NONE

CUP FINDINGS ANALYSIS:

Finding 1: *That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet Street Side: 35 feet	Front: 25 feet Side: 25 feet Rear: 25 feet Street Side: 100 feet	Yes
Building Heights	Main: 35 feet Accessory: 35 feet	Aggregate processing plant: 50 Feet; ready-mix concrete plant: 60 Feet; asphalt plant: 65 feet	Yes, conditioned by CUP as operational features
Lot Area, Width, Depth, Ratio, Frontage, Density, and Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Signs	No requirement	Facility identification sign at the Project Site entrance. All signage to conform to Fresno County signage requirements. Plants: Safety signage as required by the entities with jurisdiction	Yes
Height of Fences	Six feet	Six feet	Yes
Height of Other Structures	35 feet	Electric power poles: 50 feet; dragline boom: 120 feet	Yes, conditioned by CUP as operational features
Wall Requirements	No requirement	N/A	N/A
Parking	No requirement	Parking to be provided for workers and equipment at the plant site.	Yes. Required Site Plan Review will require on-site parking to adhere to County requirements.
Access	No requirements for lots greater than five (5) acres – Fresno County Zoning Ordinance Section 816.5.J	Project Site would be accessed via Goodfellow Avenue.	N/A
Turnarounds	No requirement	N/A	N/A
District Size	No requirement	N/A	N/A
Septic Separations	No requirement	N/A	N/A
Landscaping	No requirement	N/A	N/A
Plan Lines	No requirement	N/A	N/A

Analysis

The total Project Site encompasses 619 acres of an 883-acre parcel adjacent to the Kings River. The remaining 214 acres of the parcel, including the entire existing riparian habitat along the Kings River, are excluded from the Project and are not part of the Project site (DEIR, p. ES-1).

Fresno County Zoning Ordinance Section 858.H precludes any extraction of material or overburden within 25 feet of any property line and within 50 feet of a public road right-of-way. Moreover, no stockpiled soil or material is permitted closer than 25 feet from a property boundary. The Project includes setbacks between the Project boundary and the mine disturbance areas to provide a buffer between the Project and adjacent areas. Specifically, the setback from the excavation of material or overburden is a minimum of 100 feet from the public right-of-way and 25 feet from other property lines (DEIR, p. 2-30). In order to protect habitat, the Project establishes the following setbacks and buffer areas in which no excavation of material or overburden will take place:

- 100 feet from the top of the Kings River bank;
- 50 feet from the regulated and designated floodways; or
- 50 feet from the drip line of riparian vegetation or mature oak trees, whichever is greater (DEIR, pp. 2-29, 2-30).

setbacks

All proposed setbacks either meet or exceed the minimum requirement per the Fresno County Zoning Ordinance.

Moreover, the subject property provides sufficient area to maintain the proposed setbacks and is adequate in size and shape for the proposed excavation and processing operations. Sufficient area is available for the access road and circulation of trucks within the processing plant area. Finally, the surrounding vicinity where the Project is located is largely agricultural, with existing and approved mining operations within the same zoning district as the Project.

The subject property provides sufficient area to maintain the proposed setbacks and will be adequate in size and shape for the proposed excavation and processing operations. Additionally, as the Project anticipates on-site vehicular access/entry, parking, and circulation via construction of a new entrance at Goodfellow Avenue at the southeast corner in Phase 2A (*see* DEIR Section 2.3.5), sufficient area is available for the access road and circulation of trucks within the processing plant area. The Project site encompasses 619 acres, allowing the Mining Plan to exist with the on-site agriculture use. The Project will not cause any interference with the owner's ability to maintain existing agricultural operations, prior to mining occurring in those areas.

Reviewing Agency/Department Comments

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Recommended Conditions of Approval

See the recommended Conditions of Approval included in the Mitigation Monitoring and Condition Compliance Matrix attached as Exhibit 2.

Conclusion

The Project site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls, fences, parking, loading, landscaping, and other features required by the Fresno County Zoning Ordinance, and to adjust said use with land and uses in the neighborhood. Based on the analysis above, and the record for the Project, there is a sufficient

basis to make Finding 1.

Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		Existing Conditions	Proposed Operation
State Route	No	N/A	N/A
Private Road	Yes	Unimproved, non-dedicated private internal access roads located on the Project site (DEIR, 3.12-2)	These internal access roads support agricultural operations and provide access to the residences onsite (DEIR, 3.12-2).
Public Road Frontage	Yes	Riverbend Avenue forms the eastern boundary of the Project site and is improved north of East Goodfellow Avenue and unimproved south of East Goodfellow. East Goodfellow Avenue bisects the Project site boundary (east-west alignment) and is classified as an arterial roadway (DEIR, 3.12-2).	No change
Direct Access to Public Road	Yes	Access to be provided from Goodfellow Avenue west of Riverbend Avenue (DEIR, p. 3.12-73).	Project driveway to be constructed off of Goodfellow Avenue
Road Average Daily Trips		Level of Service (LOS) for Goodfellow Avenue between Riverbend Avenue and Newmark Avenue is 'B' for both AM and PM peak hours, respectively (DEIR p. 3.12-22)	Impact to LOS at the Project driveway along Goodfellow Avenue is less than significant (DEIR, p. 3.12-73). However, due to General Plan specifications for new development along arterials, the Project driveway at Goodfellow Avenue will be improved with an eastbound left-turn lane, a westbound right-turn lane, and a westbound acceleration lane for trucks exiting the Project site (DEIR, p. 3.12-74, Mitigation Measure TRANS-2).

		Existing Conditions	Proposed Operation
Road Classification		Goodfellow Avenue is classified as an arterial roadway.	No changes
Road Width		Goodfellow Avenue and Riverbend Avenue are both two-lane roadways.	The Project driveway at Goodfellow Avenue will be improved with an eastbound left-turn lane, a westbound right-turn lane, and a westbound acceleration lane for trucks exiting the Project site (DEIR, p. 3.12-74, Mitigation Measure TRANS-2).
Road Surface		Goodfellow Avenue and Riverbend Avenue are both paved roadways.	No changes.
Project Traffic Trips		N/A	Phase 1 (Year 2015): 162 truck trips; 62 other trips (employee, outside services, visitors). Phase 2 (Year 2017): 308 truck trips; 86 other trips. Phase 3 (Year 2019): 516 truck trips; 90 other trips. (DEIR, p. 3.12-24.)
Traffic Impact Study (TIS) Prepared	Yes	The TIS analyzed traffic conditions for 12 intersections and 11 roadway segments under 9 condition scenarios (DEIR, App. K, p. 2). Existing LOS for study intersections and roadway segments are presented in Tables 2-1 and 2-2 of the TIS, respectively (DEIR, App. K, p. 32-33).	The existing road network is generally either adequate or can be mitigated to accommodate the proposed development through the year 2035 (DEIR, App. K, p. 2). After mitigation improvements, LOS impacts will be less than significant, although they are still considered significant and unavoidable for CEQA purposes because the timing of mitigation, given fair share contribution requirements, and cannot be precisely determined (DEIR, App. K, p. 10).
Road Improvements Required		N/A	The Project Applicant must pay proportional fair share contributions for improvements to five study intersections and

	Existing Conditions	Proposed Operation
		seven study roadway segments over the course of the study condition scenarios (DEIR, Mitigation Measures TRANS-1, 2, and 3).

Traffic Setting

The principal regional vehicular transportation corridor is State Route 180 located approximately 2.75 miles from the northern Project site boundary (DEIR, p. 3.12-1). Predicted levels of service (LOS) were determined for condition years both with and without the Project for the street and highway intersections and roadway segments in the Traffic Impact Study (TIS) study area. Although the Project would take a number of years to operate at full build-out, the TIS analysis assumed maximum trip generation during the AM and PM peak-hour periods that are the basis of the analysis (DEIR, p. 3.12-24). The sole access point to the Project would be located along Goodfellow Avenue west of Riverbend Avenue (the "project driveway").

PERCENTAGE OF PROJECT TRIPS (2035 CONDITIONS)

Location	Project % of Total (AM Peak Hour at Maximum Project Operations)
SR 180/McCall	5.9%
McCall/Jensen	8.5%
McCall/North	18.6%
McCall/Central	23.0%
Central/FWY 99 On-Ramp	0.5%
Central/FWY 99 On-Ramp	0.3%
Central/Bethel	24.6%
Central/Academy	17.8%
Central/Newmark	34.7%
Goodfellow/Riverbend	4.2%
Goodfellow/Project Driveway	100.00%

Traffic Analysis and Impacts

Table 3-1 in the EIR provides a list and a brief summary of the projects that were evaluated in regards to potential cumulative impacts. The projects include four mining projects and three non-mining projects. The Carmelita project has completed the entitlement phase but is not yet operational. The Sanger-Centerville, Kings River Sand and Gravel, and Santa Fe Aggregates mining projects are operational. The non-mining projects are in the entitlement phase and include Sanger Crossing Apartments, Pitman Farms and Family Dollar Store, and are all located in the City of Sanger.

As identified in Impacts TRANS-1 and TRANS-2 of the Draft EIR, the Project would result in increased vehicle trips, primarily truck trips associated with haul trucks leaving the Project site with materials and coming to the site to receive materials. After required mitigation, only one

(1) study area intersection and three (3) study area roadway segments are projected to operate at an unacceptable LOS (LOS D or worse) under 2035 (cumulative) conditions. (*See* DEIR, Tables 3.12-14, 3.12-15.) The intersection and two of the roadway segments would operate at unacceptable LOS (LOS D or worse) ***with or without*** Project implementation by 2035 (cumulative) conditions. (*Cf.* DEIR, Table 3.12-10 with Tables 3.12-14 and 3.12-15.)

As discussed in Impact TRANS-3, Project implementation would not result in changes to air traffic patterns or result in a safety risk. This impact was deemed less than significant (DEIR, p. 3.12-72). Impact TRANS-4 evaluated whether the Project would substantially increase hazards due to a design feature or incompatible use. The Draft EIR concluded that the Project impact to LOS in the Cumulative Year 2035 Plus Phase 3 at the Project driveway would be less than significant (DEIR, p. 3.12-73).

As discussed in Impact TRANS-5, the Project would not result in inadequate emergency access (DEIR, p. 3.12-75). As discussed in Impact TRANS-6, the Project would not significantly impact existing or planned bicycle and pedestrian facilities in the Project study area and therefore would not trigger any fair share contribution for bicycle or pedestrian improvements (DEIR, p. 3.12-76). The Draft EIR deemed Impacts TRANS-5 and TRANS-6 to be less than significant.

Impact TRANS-7 identified as a potentially-significant impact that truck traffic generated by the Project would accelerate damage and decrease the life expectancy of pavement on seven (7) out of eleven (11) roadway segments. This was measured by an increase in the Traffic Index (TI) by a factor of 0.5 (DEIR, p. 3.12-76). Mitigation Measures will render these impacts less than significant, but they are still considered significant and unavoidable (as required by CEQA, but not required for the CUP Findings) due to the timing of mitigation funding (DEIR, p. 3.12-77).

Reviewing Agency/Department Comments

The Road Maintenance and Operations Division of the Fresno County Public Works Department has reviewed CUP 3390 and associated FEIR for the Project and concludes that impacts to the County road system resulting from the development have been addressed in the EIR and accompanying TIS.

No other comments specific to the adequacy of streets and highways were expressed by reviewing agencies or departments.

Public Concerns and Comments on Traffic Impacts

The City of Reedley expressed general concerns about increased truck traffic generated from the Project and cumulatively from other localized and existing mining operations. The City of Reedley argues that the TIS failed to account for trips generated by projects in the vicinity of the Riverbend Project. They suggested that increased traffic will cumulatively impact a roadway structural section not designed to accommodate the additional truck trips. Finally, they request that Mitigation Measure TRANS-1 be modified to ensure the Applicant pays proportional fair share contributions toward required improvements (FEIR, p. 2-61).

Several commenters expressed general concern regarding the increased number of truck trips associated with the Project and the resulting impact on traffic circulation and congestion. Some commenters expressed concerns about individual intersections and/or roadway segments. One commenter expressed concern that the traffic analysis underestimates traffic counts and does

not reflect permitted truck traffic expected from other recently-permitted gravel mines in the region, and further argued that traffic generated by the Project, in conjunction with other nearby operations, will result in more than 5,500 truck trips per day, of which the Project will contribute 600 to 850 truck trips. The commenter also indicated that Central Avenue has flood and pavement thickness issues. Finally, he stated that the Highway 99/Central Avenue interchange, as well as Reed Avenue from Highway 180 through Reedley, should have been included in the traffic study area (FEIR, p. 2-130). One commenter expressed her concerns about traffic safety due to Project truck traffic (FEIR, p. 2-202).

All traffic issues raised by the public commenters were previously addressed by the transportation and traffic analysis in the Draft EIR, except as addressed below.

Proposed Mitigation and Significant and Unavoidable Impacts

To reduce LOS impacts due to an increase in Project vehicle trips, Mitigation Measure TRANS-1 requires that the Project Applicant enter into traffic mitigation agreements with the County and Caltrans and further requires the Applicant to contribute proportional fair share funding toward various identified improvements, specifically targeted for each impacted study area intersection or roadway segment (*e.g.*, widening of lanes; installation of signalization; adjustment to signal timing). The post-mitigation impacts would result in a less than significant impact, although the EIR considers the impacts significant and unavoidable as required by CEQA (but not required for the County's CUP Findings) because the necessary improvements may not occur prior to the Project's introduction of additional vehicle trips (DEIR, p. 3.12-72).

Although Project hazard increases due to design features or incompatible uses are considered less than significant under the Draft EIR, the County General Plan nonetheless specifies that new development along arterials (Goodfellow Avenue) abide by certain specifications. To this end, Mitigation Measure TRANS-2 requires installation of an eastbound left-turn lane and westbound right-turn lane at the Project driveway at Goodfellow Avenue to minimize safety concerns. In addition, for safety considerations, there would be a need for a westbound acceleration lane for trucks exiting the Project site. All improvements at the Project driveway will be designed in accordance with the Caltrans Highway Design Manual and are required by Mitigation Measure TRANS-2 to be completed prior to any product being shipped (DEIR, p. 3.12-74).

To reduce impacts related to TI increase, Mitigation Measure TRANS-3 requires that the Project Applicant enter into traffic mitigation agreements with the County and Caltrans and further requires the Applicant to contribute proportional fair share funding toward the structural section improvements for impacted roadway segments as shown in the following tables. Table 3.12-16 of the Draft EIR shows the equitable share responsibility for improvements to Caltrans and Fresno County facilities. The equitable share responsibility shown in Table 3.12-16 is the result of LOS enhancements related to capacity. Table 3.12-17 of the Draft EIR shows the Project's Fair Share Cost to SR 99 at Manning Avenue and Central Avenue Interchanges. Table 3.12-18 of the Draft EIR shows the Project's Equitable Fair Share Responsibility for TI Impacts. The estimated costs of road improvements and funding amounts are determined as part of the required road agreements with the County and Caltrans.

With Mitigation Measures in place, the result is a less than significant impact. The EIR considers the impacts significant and unavoidable as required by CEQA (but not required for the County's CUP Findings) since, even with the Applicant's contribution of the Project's proportional fair share of funding for these improvements, the improvements necessary to

achieve acceptable LOS may not occur prior to the Project's introduction of additional vehicle trips (DEIR, p. 3.12-77).

Equitable Fair Share Responsibility

Intersections	Existing	Project Trips	Cumulative Year 2035 Plus Project	Fair Share Percentage
McCall Avenue/Jensen Avenue • Eastbound approach: add one left-turn lane and one right-turn lane • Westbound approach: add one right-turn lane • Northbound approach: add one left-turn lane, one through lane, and one right-turn lane • Southbound approach: add one left-turn lane, one through lane, and one right-turn lane	1,735	311	3,666	8.5%
McCall Avenue/North Avenue • Install Traffic Signal	702	311	1,676	18.6%
Academy Avenue/Central Avenue • Install Traffic Signal	668	344	1,933	17.8%
McCall Avenue/Central Avenue • Install Traffic Signal	461	317	1,379	23.0%
McCall Avenue/SR 180 Northbound approach: one through lane, and one right-turn lane Southbound approach: add one through lane and one right-turn lane	2,121	303	5,139	10.0%
McCall Avenue/SR 180 Northbound approach: add one left-turn lane	2,121	303	5,139	100%
Segments				
McCall Avenue				
SR 180 to Jensen Avenue • Northbound direction: add one travel lane • Southbound direction: add one travel lane	741	303	1,859	16.3%
Jensen Avenue to North Avenue • Northbound direction: add one travel lane	324	311	825	37.7%

1.2 Lobbies

Project's Fair Share Responsibility to SR 99 at Manning and Central Avenue

Improvement	Number of Project Trips Impacting Facility	Cost per Trip	Fair Share Cost
Manning Avenue			
SR 99 NB Off-Ramp to Manning Avenue – Traffic Signal	18	$420	$7,560
SR 99 SB Off-Ramp to Manning Avenue – Traffic Signal	9	$250	$2,250
Manning Avenue between SR 99 SB Off-Ramp and SR 99 NB Off-Ramp – Widen overcrossing, WB Left at NB Ramps	9	$1,860	$16,740
Central Avenue			
SR 99 SB Off-Ramp to Central Avenue – Traffic Signal and dedicated right-turn lane	3	$800	$2,400

Source: VRPA, 7/2014 (Appendix K)

Equitable Fair Share Responsibility for Traffic Index (TI) Impacts

Segments	Project Trips (AADTT)	Cumulative Year 2035 Plus Project (AADTT)	Fair Share Percentage
Central Avenue			
McCall Avenue and Bethel Avenue	342	743	46.0%
Bethel Avenue and Academy Avenue	342	806	42.4%
Academy Avenue and Newmark Avenue	370	946	39.1%
Goodfellow			
Newmark Avenue and Riverbend Avenue	370	919	40.3%
McCall Avenue			
SR 180 (Kings Canyon) and Jensen Avenue	327	533	61.4%
Jensen Avenue and North Avenue	335	502	66.7%
North Avenue and Central Avenue	335	454	73.8%

AADTT = Average Annual Daily Truck Traffic
Source: VRPA, 7/2014 (Appendix K)

Regarding the specific public comment that Central Avenue has flood and pavement thickness issues, in 2008 the Maintenance and Operations Division of the Fresno County Department of Public Works and Planning identified nine areas along Central Avenue subject to periodic road flooding during heavy events, but 98% of Project-related truck traffic and 95% of Project-related automobile traffic would not use these segments. The County also concluded that these were not unusual circumstances and would not pose significant traffic concerns (FEIR, pp. 2-134, 2-135).

Project Alternatives and Overriding Considerations

A number of Project alternatives were considered to determine their impact on traffic as compared to the proposed Project. The No Project Alternative would avoid potentially significant traffic impacts, but aggregate would continue to be transported from other and farther aggregate sources resulting in additional County-wide impacts to traffic, greenhouse gases, and air quality. The Reduced Annual Production Alternative, the Reduced Project Size Alternative, and the Reduced Mining Depth Alternative would all have, on a County-wide basis, equal or greater impacts on traffic than the Project, depending on the location of alternate supplies if local construction demand is greater than what could be supplied by the Project site. Finally, the Different Phasing Alternative would not affect traffic impacts (DEIR, p. 3.12-85). None of the Project alternatives considered would fully meet the Applicant's objectives.

Despite the Project's significant and unavoidable traffic and circulation impacts discussed above, overriding considerations supporting CUP approval include: sourcing of local, high-quality aggregate; State- and County-designated importance of mining aggregate resources; stimulating the County's economy/job creation; increased tax revenue for the County; alleviating environmental impacts associated with trucking aggregate material from more distant locations; beneficial impacts to biological resources; and promoting recycling (Exhibit 1, CEQA Findings of Fact and Statement of Overriding Considerations).

Recommended Conditions of Approval

See the recommended Conditions of Approval included in the Mitigation Monitoring and Condition Compliance Matrix attached as Exhibit 2.

Conclusion

In conclusion, Mitigation Measures TRANS-1, TRANS-2, and TRANS-3 provide for proportional and adequate funding for roadway improvements necessary to achieve acceptable LOS and provide measures for the protection of public safety resulting from Project impacts. Therefore, based on the analysis above and on the record for the Project, Finding 2 can be made that the site for the proposed use relates to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

Surrounding Parcels				
	Size:	**Use:**	**Zoning:**	**Nearest Residence:**
North	23 acres 30 acres 44 acres	Aggregate processing plant and ready-mix concrete plant Irrigated agriculture	AE-20 (all)	500 feet across Riverbend Ave from the Project site
South	90 acres 31 acres 18 acres	Irrigated agricultural land	AE-20 (all)	A single-family residence is located over ½ mile from the Project site, across the Kings River
East	140 acres 30 acres 154 acres 26 acres 26 acres 90 acres 80 acres 48 acres 28 acres 30 acres 125 acres 224 acres	Irrigated pasture and agricultural land; aggregate mining operation with processing plant and approved for ready-mix concrete plant	AE-20 (all)	Approximately 100 feet across Riverbend Ave from the Project site
West	23 acres 21 acres 13 acres 12 acres 107 acres 13 acres 41 acres 9 acres 45 acres 39 acres	Ponds; irrigated agricultural land	AE-20 (all)	Approximately 350 feet across the Kings River from the Project Site

Analysis

The Project site is currently occupied by walnut and olive orchards and grape vineyards. Surrounding land uses include: aggregate mining operations to the north, east, and southeast; irrigated cropland to the east and across the Kings River to the west and south; and stone fruit orchards between the northern and southern parts of the Project site.

Aesthetics and Visual Quality

Regarding aesthetics and visual resources, on balance, the Project would not have an adverse effect on abutting property and the surrounding neighborhood. As discussed in Impact AES-1, the Kings River vantage point would be shielded because views would be screened by a vegetated berm (Mitigation Measure AES-1), and the dragline would be visible only during mining of the phases nearest the River. The Project would not cause significant impacts to nearby residences south and east of the Project site. The residences south of the Project site are screened by a naturally-dense oak woodland, riparian vegetation, and non-native landscape trees (DEIR, p. 3.1-14). A vegetated berm will screen the residences east of the Project site (Mitigation Measure AES-1), and the dragline would be painted a neutral tone color to achieve the best blending with the surrounding landscape (Mitigation Measure AES-3) (DEIR, p. 3.1-16). Furthermore, the dragline would move throughout the Project site as the various phases are being completed and would only be visible when mining the phases nearest the residences. A vegetated berm will screen a residence directly west of the Project site, across the Kings River (Mitigation Measure AES-4) (FEIR, p. 2-152).

The Project site is visible by the traveling public from the adjacent roadways of Goodfellow Avenue and Riverbend Avenue, but plant site equipment, stockpiles, and the mining area would be shielded along Riverbend Avenue by a vegetated berm (Mitigation Measure AES-1). Plant site equipment, stockpiles, and the mining area would be shielded along Goodfellow Avenue by an orchard-like screen (Mitigation Measure AES-2) (DEIR, p. 3.1-17). Activities associated with the Project could result in a new source of glare due to the addition of structures, equipment and vehicles. However, design features incorporated into the Project to minimize potential visual impacts (*i.e.*, high-pressure sodium and/or cut-off fixtures or equivalent IDA-approved fixtures to confine illumination to the Project site) would minimize potential impacts associated with glare.

Agriculture Resources

Irrigated cropland with scattered farm residences is located to the east and across the Kings River to the west and south. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the Project. Of the 833 acres contained within the property parcels upon which the Project site is located, 768.8 acres are mapped Important Farmlands by the Department of Conservation's Farmland Mapping and Monitoring Program.

The Project site is currently occupied by walnut and olive orchards and grape vineyards. Soil on the site is extremely rocky, and as a result, rapidly drains. These conditions not only limit the types of crops and agricultural practices available for use on the site, but also increase the cost of farming due to the necessary soil preparation requirements and equipment damage. Locally, the Project would not be anticipated to produce any direct impacts on agricultural land uses that would cause a need to convert them to other land uses. Existing mining operations in the Project vicinity operate with no identified negative impacts on local agricultural uses. Within the 619-acre mining area, Project implementation would permanently convert 351 acres of farmland to non-agricultural use and reclaim 268 acres for agricultural use (DEIR, p. 3.2-16).

Air Quality

The Project would comply with all applicable San Joaquin Valley Air Polution Control District (SJVAPCD) rules, including compliance with best available control technology (BACT)

requirements and Regulation VIII requirements to mitigate sources of fugitive dust (PM_{10} and $P_{2.5}$).

The ambient air quality impacts resulting from the Project would not result in exceedances of ambient air quality standards (AAQS) for NO_2 (annual average), CO (1-hour and 8-hour), or SO_2 (1-hour, 3-hour NAAQS, 24-hour). The Project could, however, cause or contribute to exceedances of the National AAQS (NAAQS) and California AAQS (CAAQS) for NO_2 (1-hour), PM_{10} (24-hour and annual), and $PM_{2.5}$ (24-hour and annual). The exceedances of these standards would occur near the Project boundary in locations that would not generally be inhabited for long periods. The Project would contribute to exceedances of the CAAQS for PM_{10} (24-hour average) in areas that are inhabited, such as local residences. The Project may also contribute to exceedances of the NAAQS for NO_2 (1-hour) at one residential receptor. The largest contributors to off-site ambient concentrations of PM_{10} and $PM_{2.5}$ emissions are from paved and unpaved roads, fugitive dust from other unpaved areas, and material handling in the processing area. Unpaved roads would be controlled with water and/or chemical suppressants, and replaced with conveyors as production increases. Paved roads would be cleaned periodically to remove accumulated surface dust. Fugitive dust from other unpaved areas would be controlled with frequent application of water and/or chemical suppressants. Material handling in the processing area would be controlled by water spray/fogging, and would be required to meet BACT where applicable. All sources of fugitive dust would meet San Joaquin Valley APCD Regulation VIII requirements. Section 3.3.5.1 and pages 3.3-55 to 3.3-56 of the Draft EIR discuss additional Project design features and environmental protection measures to mitigate these air pollutant emissions (DEIR, pp. 3.3-55, 3.3-56).

The asphalt plant would incorporate modern technology designed to reduce odor emissions (Impact AQ-5). Odor concentrations (dilutions to threshold) would decrease rapidly with distance, and are not expected to be frequently (or at all) detectable at locations outside of the Project boundary. Given the rural nature of the Project location, there are very few (less than ten) residences located within one (1) mile of the majority of the on-site emissions of diesel exhaust from mobile equipment/vehicles and the asphalt plant. Therefore, it is not anticipated that any objectionable odors affecting a substantial number of people could result from the Project. Based on the County's experience with similar facilities, it is not anticipated that odors emanating from the batch plant would cause a nuisance or rise to the level of a potentially significant odor source. Mitigation (*e.g.*, use of lower VOC/SVOC cements, periodic burner tune-ups) would further reduce this impact to less than significant (DEIR, pp. 3.3-73, 3.3-74).

Biological Resources

Sensitive habitats in the study area include Great Valley Mixed Riparian Forest and riverine communities. The Project will not remove any riparian vegetation, and a minimum 50-foot setback will be established from the edge of the mixed riparian forest community, which is considered a beneficial impact because the buffer will increase the distance between the riparian habitat and the current land use (agriculture) in some cases by more than 40 feet. Completion of the Reclamation Plan will create approximately 351 acres of riparian habitat which would be a net beneficial effect of the Project (Mitigation Measure BIO-1).

Hazards and Hazardous Materials

The Project would not have an adverse effect on abutting property and the surrounding neighborhood for hazards or hazardous materials. Diesel, gasoline and asphaltic oil would be stored in above-ground storage tanks with appropriate secondary containment. Any spill of these materials would be small and localized. Aggregates (rock, sand, and gravel) would be

stockpiled in accordance with best management practices, cement would be stored in cement silos, and asphaltic oil would be stored in silos/tanks with applicable containment requirements (Impacts HAZ-1 and HAZ-2).

Because there was a concern regarding the creation of stagnant water from the reclaimed open ponds, which could be suitable habitat for mosquito development, this potential hazard was evaluated. This impact was determined to be less than significant considering the depth of the created water ponds, movement of water to prevent stagnation, and numerous Mitigation Measures recommended by the Consolidated Mosquito Abatement District (*e.g.*, personnel training, mosquito-eating fish, vegetation removal/thinning, dewatering) (DEIR, pp. 3.8-16, 3.8-17).

Hydrology and Water Quality

The Project would not affect the banks, channel, or capacity of the Kings River. Project elements would be set back 50 feet from the designated and regulated floodways, would not alter the designated and regulated floodways, and would not involve construction of dikes or other structural flood control features.

Mining areas containing exposed groundwater would be protected from runoff and overspray of pesticides and herbicides used in agricultural operations. Berms and roadside ditches would be placed between the ponds and agricultural areas to prevent agricultural runoff from entering the ponds, and groundwater quality monitoring adjacent to exposed groundwater ponds at other existing aggregate operations has not produced evidence of airborne residue from agricultural chemicals in groundwater. Washing of materials at the plant would result in generation of a slurry composed of silt and water. The plant would not cause the silt materials to be affected by hazardous substances, so they would still essentially consist of native material. Therefore, backfilling with silt materials would not be expected to affect quality of surface water or groundwater (Impact HWQ-1).

Because topsoil could potentially be affected by agriculture-related chemicals, topsoil removed prior to each mining phase would not be placed beneath the highest anticipated groundwater elevation. Construction and operation of a septic system for disposal of domestic wastewater generated in conformance with County requirements would reduce any potentially significant water quality impacts associated with septic discharges to less than significant levels. Prior to mining in areas containing existing on-site irrigation wells, such wells would be abandoned in conformance with applicable regulations so that the wells do not become potential vertical conduits for contaminants.

If a new groundwater well is drilled to meet domestic water demands, a site plan will be filed with a Domestic Water Supply Permit Application. Since the mining excavation would terminate at 100 feet, the well would be sealed with an annular seal to a depth of at least 125 feet. Therefore, the water production zone for the domestic well would not be disturbed, and bacterial and chemical contamination of the well would not occur. Considering the above factors, the Project would not degrade surface water or groundwater water quality.

Groundwater would be used to supply the Project's mining-related water demand.. Mining-related water usage would include pond evaporation, landscape irrigation, and plant operations. Plant-related consumption would consist of plant and site-wide dust suppression, and losses associated with outgoing products such as concrete and rinsed aggregate products. Groundwater would be exclusively used to supply Project-related mining needs (*i.e.*, non-agricultural).

The maximum mining-related water consumption during mining would be approximately 1,320 acre feet per year, which would occur during the final phases of mining. Most of this consumption would consist of evaporation from ponds that would be created by the Project. Plant-related consumption would average 180 acre feet per year, and would be minimized by recirculating process water. After mining and reclamation conclude, plant operations would cease and groundwater consumption would be limited to pond evaporation and riparian plant evapotranspiration, totaling approximately 1,130 acre feet per year. Acreage would be converted back to agricultural use, changing irrigation demand to approximately 1,005 acre feet per year, which is less than half of the baseline consumption surface water use for irrigation (2,320 acre feet per year). Overall, the Project would cause surface water consumption (for agriculture) to decrease and groundwater consumption to increase.

Cumulatively, the Project is anticipated to increase total groundwater consumption by approximately 140 acre feet per year over baseline as of the end of mining, and 195 acre feet per year after reclamation concludes in 75 years. This increase in groundwater consumption is considered minor compared to the baseline consumption, and to the available storage in the sub-basin. The aquifer in the Project vicinity is recharged from local surface water bodies and crop irrigation. The Kings River and the shallow groundwater are hydraulically interconnected. Since less water would be diverted upstream from the Kings River for irrigation at the Project, more water would be available in the river. Any lower groundwater levels would allow the water that was formerly used for irrigation to seep in from the Kings River and thus will counterbalance any water-level decline due to increased groundwater consumption, with no net loss from the Kings River. Any potential decrease in groundwater levels would be less than five (5) feet over the 75-year life of the Project. Therefore, the increase in water consumption would not significantly affect groundwater levels in the vicinity or levels of existing off-site wells.

Noise

There are 15 residences within 2,000 feet of the project site. The closest residence is located across Riverbend Ave approximately 100 feet from the Riverbend property line and 200 feet from the excavation setback (See Exhibit 10, Noise Measurement Locations). The Project would not produce significant vibrations at representative sensitive receivers in the Project vicinity. This is due to the type of mining extraction equipment used at the site and the planned extraction methods (*i.e.*, no blasting), combined with the distance of active mining areas and plant locations to the nearest off-site sensitive uses.

Noise generated by plant-area sources (aggregate processing, asphalt, concrete, recycling plants) are anticipated to satisfy the daytime and nighttime median noise standards of Fresno County at all of the nearest residences with the exception of one sensitive receptor, where aggregate plant noise levels could exceed the County's nighttime noise standard. Due to a much closer proximity to existing residences, Project excavation and the combined Project activities (*i.e.*, plant and excavation together) would likely result in exceedance of the County's nighttime noise standards of significance at seven of the 15 receptors (residences) located closest to the Project site. These impacts are considered potentially significant (DEIR, pp. 3.11-22 3.11-23).

To reduce these impacts to a less than significant level, the Project will require mitigation to reduce dragline excavation noise impacts for certain sensitive receptors at specified distances (Mitigation Measure NO-1). The Project would also require mitigation to ensure impacts associated with concurrent nighttime operation of the aggregates processing plant, mine, and

other activities are less than significant (Mitigation Measure NO-2). The Applicant must also designate a contact person for noise complaints. Mitigation Measures described above would reduce ambient noise levels at nearby receivers to less than the Federal Interagency Commission on Noise ("FICON") threshold. Although mitigation is not feasible to reduce significant increased off-site ambient noise levels caused by on-road heavy trucks, the Project design incorporates all other feasible Mitigation Measures.

Traffic and Circulation

Regarding traffic and circulation, on balance, the Project would not have an adverse effect on abutting properties or the surrounding neighborhood. For further analysis, see the discussion for Finding 2 that the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Reviewing Agency/Department Comments

A comment letter from APCD was received which stated the comments and conditions of project approval for the EIR are also valid for the CUP. The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.

No other comments were expressed by reviewing Agencies or Departments.

Recommended Conditions of Approval

See the recommended Conditions of Approval included in the Mitigation Monitoring and Condition Compliance Matrix attached as Exhibit 2.

Conclusion

The analysis for Finding 3 discussed topics with potential adverse effects on neighboring properties. These topics include aesthetics, agriculture, air quality, biological resources, hazards and hazardous materials, hydrology and water quality, noise, and traffic and circulation. The Project was refined from the original application as a result of comments received during the EIR scoping process, the results of preliminary technical evaluations, and the environmental analysis conducted during the preparation of the Draft EIR. The Applicant has modified the originally proposed Project to further reduce impacts identified for these resource areas, and has applied available and reasonable mitigation. In addition to increasing the 10-foot-tall berm on the western boundary to 15 feet, sound curtains will be constructed for nighttime operations of crushers to provide additional noise shielding to reduce noise from the aggregate plant. The proposed use has been determined to have no adverse effect on abutting property or the surrounding neighborhood. Additional Conditions of Approval have been applied to CUP 3390 to further reduce potential adverse effects on abutting properties, including compliance with County noise standards, filing Williamson Act Notices of Nonrenewal, and ensuring compliance with project Mitigation Measures, Conditions of Approval, and Project Notes through the funding of a third-party monitor and staff time to administer and monitor compliance throughout the lifetime of the project. Based on this analysis, implementation of the required Conditions of Approval, and the record for the Project, there is a sufficient basis to make Finding 3.

Finding 4: *The proposed development is consistent with the General Plan.*

Analysis

The Fresno County General Plan (General Plan) goals and policies related to the proposed Project have been reviewed to determine whether use of the Project site for mining is consistent with the General Plan. The Project is located in Mineral Resource Zone 2 (MRZ-2), a designation established by the California Geological Survey for areas where data indicates that significant mineral deposits are present. The establishment of this resource as an important and valuable commodity within Fresno County is affirmed within the established goals and policies of the County's General Plan and indicates that mining is an appropriate use of the land.

Relevant Policies:	**Consistency/Considerations:**
Policy LU-A.1: The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.	The Project is not an urban growth project; however, it would result in the temporary loss of 619 acres of Important Farmland and the permanent removal of 351 acres of Important Farmland. In accordance with Policy LU-A.14, the County reviewed the proposed land conversion during the CUP process. Mitigation Measure AG-1 requires that an Agricultural Conservation Easement will be placed on 351 acres of Important Farmland as mitigation. In addition, County Policies OS-C.1, OS-C.2, and OS-C.10 each emphasize the necessity of mineral resource development on lands designated MRZ-2 over all other land uses, including agriculture. This classification indicates that both the County and the State believe that extraction of mineral resources in MRZ-2 designated areas is a legitimate and valuable land use, even when it removes valuable farmland from production. The Project is consistent with this Policy.
Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture shall be subject to specified criteria.	Table LU-3, Typical Uses Allowed in Areas Designated Agriculture in the Fresno County General Plan considers mineral extraction an allowed use pursuant to the policies in the Mineral Resources section of the Open Space and Conservation Element. The Project is consistent with this policy.
Policy LU-A.4: The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element.	Mining is a permitted use on the Project site, through a CUP. The Conditions of Approval would include implementation of Mitigation Measures, as well as the Reclamation Plan requirement to reclaim the Project's mined areas and processing area. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.	County land use policy permits mining activities on the Project site, subject to the conditions established in a CUP. The Project is consistent with this policy.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	The Project site plan includes setbacks and/or screening buffers from the surrounding roadways and other sensitive receptors, which would protect agricultural operations from potential Project-related impacts. The Project is consistent with this policy.
Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required when appropriate.	Assessment of the Project's impacts to agricultural land is addressed in Finding #3 above. The Project is consistent with this Policy.
Policy LU-A.17: The County shall accept Williamson Act contracts on all designated agricultural land subject to location, acreage, and use limitations established by the County.	The Project site contains 88 acres of land protected by existing Williamson Act contracts. Because mining operations would begin on parcels not currently subject to a Williamson Act contract, and would be phased so that mining operations would not start in new mining areas until related Williamson Act contracts, or portions thereof, have expired, this impact was found to be less than significant. The Project is consistent with this Policy.
Policy LU-C.1: The County shall regulate land use along the Kings River in accordance with policies of the Kings River Regional Plan. Policy LU-C.5: The County may allow the extraction of rock, sand, and gravel resources along the Kings River consistent with the Kings River Regional Plan policies and Section OS-C, Minerals Resources, of the Open Space and Conservation Element.	Specifically, the Project is consistent with Kings River Regional Plan Policy 4.05 Recovery of Mineral Resources ("The recovery of mineral resources in all zone districts will occur under the appropriate locational and operational standards specified in the Mineral Resources Unit of the Open Space/Conservation Element of the Fresno County General Plan.") on the basis of the Project's consistency with the General Plan's Open Space and Conservation policies. The Project is also consistent with Kings River Regional Plan Policy 8.01 Sand and Gravel Location Criteria ("Sand and gravel operations should be encouraged in appropriate locations and should meet all Standards of Section 306-06 (Mineral Resources) of the General Plan.") on the basis of the Project's consistency with the General Plan Policy OS-C.2. The Project is consistent with these Policies.

Relevant Policies:	Consistency/Considerations:
Policy OS-A.24: The County shall require new development near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in storm waters, flowing river, stream, creek, or reservoir waters.	As a result of implementation of sediment and erosion control measures, the Project is not expected to exacerbate the flow or pollutant load of nearby drainages. Refer to Section 3.9.6.4 of the Draft EIR for further discussion. The Project is consistent with this Policy.
Policy OS-A.29: In areas with increased potential for groundwater degradation (*e.g.*, areas with prime percolation capabilities, coarse soils, and/or shallow groundwater), the County shall only approve land uses with low risk of degrading groundwater.	A variety of management practices and design features would minimize the possibility of significant releases of harmful substances to groundwater. Refer to Section 3.9.6.2 of the Draft EIR for further discussion. The Project is consistent with this Policy.
Policy OS-C.2: The County shall not permit incompatible land uses within the impact area of existing or potential surface mining areas.	The Project proposes the removal, processing, and off-site transport of an identified high-quality mineral resource in an MRZ-2-designated area. Development of a mining operation involves mineral resource recovery, and is therefore compatible with the MRZ-2 designation. The Project is consistent with this Policy.
Policy OS-C.3: The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions. Policy OS-C.5: The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.	As part of the Project application, the Project proponent has prepared a Reclamation Plan according to the requirements of SMARA. The Reclamation Plan and its implementation would be included in the Conditions of Approval for the Project. The Reclamation Plan requires that, once a specific phase has been completed, that phase would be reclaimed concurrently with the mining of the next phase. Reclamation would return the Project site to agriculture, and riparian and open-water habitat. The Department of Conservation, Office of Mine Reclamation ("OMR") has reviewed the Reclamation Plan and has concluded that all of OMR's comments have been addressed. The Project is consistent with these Policies.
Policy OS-C.4: The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.	Based on the analysis presented in the EIR, Mitigation Measures have been recommended that would be adopted by the County. The County would also adopt Conditions of Approval as necessary for the Project's compliance with this Policy. The Project is consistent with this Policy.
Policy OS-C.6: The County may accept California Land Conservation (Williamson	The Project site contains 88 acres of land protected by existing Williamson Act contracts.

Relevant Policies:	Consistency/Considerations:
Act) contracts on land identified by the State as containing significant mineral deposits, subject to the use and acreage limitations established by the County.	Because mining operations would begin on parcels not currently subject to a Williamson Act contract, and would be phased so that mining operations would not start in new mining areas until related Williamson Act contracts, or portions thereof, have expired, this impact was found to be less than significant. The Project is consistent with this Policy.
Policy OS-C.9: The County shall require that any proposed changes in land use within areas designated MRZ-2 along the San Joaquin and Kings Rivers comply with the provisions of the State Surface Mining and Reclamation Act (SMARA).	The Project site is located within an area designated MRZ-2. A Reclamation Plan intended to meet SMARA requirements has been prepared; the County would consider approval of this Reclamation Plan as part of the Project approval. The Project is consistent with this Policy.
Policy OS-C.10: The County shall not permit land uses that threaten the future availability of the mineral resource or preclude further extraction of those resources.	The Project is a mining Project that is located on agriculturally-zoned lands that permit mining subject to a CUP. Reclaiming the land for agriculture and open-space uses would not preclude further extraction of the Project site's remaining resources. The Project is consistent with this Policy.
Policy OS-E.1: The County shall support efforts to avoid the "net" loss of important wildlife habitat where practicable. In cases where habitat loss cannot be avoided, the County shall impose adequate mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function and value of the habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements should include provisions for maintenance and management in perpetuity. The County shall recommend coordination with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat	The Project site has been surveyed for sensitive habitats and special-status species. Areas of the Project site containing natural vegetation potentially serving as habitat are limited to riparian areas adjacent to the Kings River, and an approximate three-acre Valley Oak grove located on the boundary of Phases 5 and 9. Neither of these areas would be mined. Such lands would be preserved by the Project. Areas of the Project site that would be mined are limited to lands previously disturbed and used for agriculture; such areas do not offer important wildlife habitat as discussed in Section 3.4 of the EIR. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
and habitat components include nesting, breeding, and foraging areas; important spawning grounds; migratory routes; migratory stopover areas; oak woodlands; vernal pools; wildlife movement corridors; and other unique wildlife habitats (*e.g.*, alkali scrub) critical to protecting and sustaining wildlife populations.	
Policy OS-E.2: The County shall require adequate buffer zones between construction activities and significant wildlife resources, including both on-site habitats that are purposely avoided and significant habitats that are adjacent to the project site, in order to avoid the degradation and disruption of critical life cycle activities such as breeding and feeding. The width of the buffer zone should vary depending on the location, species, etc. A final determination shall be made based on informal consultation with the U.S. Fish and Wildlife Service and/or California Fish and Wildlife Service. Policy OS-E.3: The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the value of the habitat for wildlife is maintained.	The Project would incorporate buffer zones around excavations as follows: all riparian habitats along the Kings River are preserved as a buffer; 100 feet from the top of the Kings River bank or 50 feet from the Designated Floodway, or 50 feet from the drip line of riparian vegetation or mature oak trees, whichever is greater. With the incorporation of these buffers, the Project would avoid significant wildlife resources. Refer to Section 3.4 of the EIR. The Project is consistent with these Policies.
Policy OS-E.9: Prior to approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of significant resources and/or special-status plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible.	Field surveys and analyses were completed to identify the potential impacts to biological resources. These were conducted according to professional standards, consistent with the requirements of CEQA, and proposed approval procedures established by the County as discussed in Section 3.4 of the EIR. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
Policy OS-E.12: The County shall ensure the protection of fish and wildlife habitats from environmentally-degrading effluents originating from mining and construction activities that are adjacent to aquatic habitats. Policy OS-E.13: The County should protect to the maximum extent practicable wetlands, riparian habitat, and meadows since they are recognized as essential habitats for birds and wildlife.	The Project has been designed to avoid all riparian habitat and natural vegetation along the Kings River. Additionally, there would be setbacks of 100 feet from the top of the Kings River bank, 50 feet from the Designated Floodway, or 50 feet from the drip line of riparian vegetation or mature oak trees, whichever is greater. Refer to Section 3.4 of the EIR for further discussion. The Project is consistent with these policies.
Policy OS-E.17: The County should preserve, to the maximum possible extent, areas defined as habitats for rare or endangered animal and plant species in a natural state consistent with State and Federal endangered species laws.	See Policies OS-E.12, and OS-E.13 above. The Project is consistent with this Policy.
Policy OS-F.3: The County shall support the preservation of significant areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.	Areas of the Project site that would be mined are limited to areas of existing agricultural operations, with areas of natural habitat being preserved in their current state. Reclamation would increase the amount of natural vegetation in the area, by reclaiming 351 acres to riparian and wildlife habitat. The Project is consistent with this Policy.
Policy OS-F.5: The County shall establish procedures for identifying and preserving rare, threatened, and endangered plant species that may be adversely affected by public or private development projects. As part of this process, the County shall require, as part of the environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based on field reconnaissance performed at the appropriate time of year to determine the presence or absence of significant plant resources and/or special-status plant species. Such evaluation shall consider the potential for significant impact on these resources and shall either identify feasible mitigation measures or indicate why mitigation is not feasible.	Biological surveys were conducted at the Project site (see Section 3.4 of the Draft EIR for a list of survey dates). The surveys assessed sensitive species, sensitive habitats, and other biological resource issues which might occur on or adjacent to the Project site. Areas of the Project site that would be mined have been used for agriculture production for decades, and contain no natural vegetation and include no rare, threatened, or endangered species. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
Policy OS-F.8: The County should encourage landowners to maintain natural vegetation or plant suitable vegetation along fence lines, drainage and irrigation ditches and on unused or marginal land for the benefit of wildlife.	The Project would preserve natural vegetation as a buffer along the Kings River, and additionally include setbacks and berms to minimize views of the Project site (*see* Policy OS-E.2 above). In addition, reclamation would increase the amount of natural vegetation in the area, by reclaiming 351 acres to riparian and wildlife habitat. The Project is consistent with this Policy.
Policy OS-G.2: The County shall ensure that air quality impacts identified during the CEQA review process are fairly and consistently mitigated. The County shall require projects to comply with the County's adopted air quality impact assessment and mitigation procedures.	An Emission Inventory and Air Quality Impact Analysis Study and Health Risk Assessment were prepared for the Project. Refer to Section 3.3 of the Draft EIR for further discussion. Numerous air quality Mitigation Measures were required for the Project, as further discussed in Section 3.3 of the Draft EIR. The Project is consistent with this Policy.
Policy OS-J.1: The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archaeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archaeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.	Based on the records search (Section 3.5.2.2 of the Draft EIR) and field survey results (Section 3.5.2.3 of the EIR), the Project would not cause significant adverse impacts to known archaeological, paleontological, and cultural resources on the Project site. The project was redesigned early on to minimize any cultural resource impacts. Mitigation Measures are incorporated which reduce impacts to unknown resources to below a level of significance. One archaeological site was located outside of the Project site and Mitigation Measures are incorporated which reduce any impacts to below a level of significance. Refer to Section 3.5 of the Draft EIR for further discussion. The Project is consistent with this Policy.
Policy OS-J.3: The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.	Consultations with the Native American Heritage Commission (NAHC) and American Indian tribal representatives identified by the NAHC occurred as part of the cultural resources study. Refer to Section 3.5 of the Draft EIR for further discussion. The Project is consistent with this Policy.
Policy OS-K.1: The County shall encourage the preservation of outstanding scenic views, panoramas, and vistas whenever possible. Methods to achieve this may include encouraging private property owners to enter into open-space easements for designated scenic areas.	The Project is located on and within agricultural property (part of the dominant land use in the region). Views of the Project site from the Kings River and other areas in the vicinity would be limited by setbacks, preservation of all riparian areas adjacent to the Kings River, and vegetation berms. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
Policy OS-K.4: The County should require development adjacent to scenic areas, vistas, and roadways to incorporate natural features of the site and be developed to minimize impacts to the scenic qualities of the site.	The Project site is adjacent to the Kings River. The Project proposes to protect all riparian habitat adjacent to the Kings River, in addition to minimum setbacks from the riverbank and riparian vegetation drip line. The Project is consistent with this Policy.
Policy HS-D.3: The County shall require that a soils engineering and geologic-seismic analysis be prepared by a California-registered engineer or engineering geologist prior to permitting development in areas prone to geologic or seismic hazards.	A geotechnical review of the Project site was completed in support of this EIR (refer to Section 3.6 of the Draft EIR). The review found no significant risk related to seismic ground rupture or ground shaking, and recommended no Mitigation Measures related to these hazards. The Project is consistent with this Policy.
Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.	The design features presented in the Aesthetics Section of the EIR address safety hazards associated with glare and reflective sources; the established mitigation reduces Project impacts to a less than significant level. The Project site is not located near an airport; therefore, hazardous materials associated with the Project construction and operations would not result in hazards to airport operations (refer to Section 3.8 of the Draft EIR for further discussion). The Project is consistent with this Policy.
Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous waste be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	The Project would store and use fuels and other potentially hazardous materials. Therefore, the operator would be required to submit the appropriate documentation and plans as to how the Project would manage these materials (*e.g.*, storage and use of gasoline, diesel fuel, and oil) for compliance with State and County regulations (refer to Section 3.8 of the Draft EIR for further discussion). The Project is consistent with this Policy.
Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste, reduction, recycling, and storage.	The Hazards and Hazardous Materials Section 3.8 of the Draft EIR outlines the types of hazardous materials that the Project would use, and identifies the regulations the Project proponent would comply with. The proponent would need to provide the County with a Hazardous Materials Safety and Management Plan. The Plan would identify the type and amount of materials that would be present and show how they would be stored, used, and disposed of in compliance with regulations. The Project is consistent with this Policy.

Relevant Policies:	Consistency/Considerations:
Policy HS-F.7: The County shall ensure that the mining and processing of minerals in the County is conducted in compliance with applicable environmental protection policies.	The Hazards and Hazardous Materials Section 3.8 of the Draft EIR provides a discussion of how the mining and processing of minerals would comply with applicable environmental protection policies. The Project is consistent with this Policy.
Policy HS-G.1: The County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses. Policy HS-G.5: Where noise mitigation measures are required to achieve acceptable levels according to land use compatibility or the Noise Control Ordinance, the County shall place emphasis on such measures upon site planning and project design. These measures may include, but are not limited to, building orientation, setbacks, earthen berms, and building construction practices. The County shall consider the use of noise barriers, such as sound walls, as a means of achieving the noise policies after other design-related noise mitigation measures have been evaluated or integrated into the project.	The Noise Section 3.11 of the Draft EIR presents the analysis of the potential impacts of noise during construction and operation of the Project. Findings were that potentially significant noise impacts could occur during nighttime operations. The Project incorporates design elements and mitigation measures such as setbacks and earthen berms to minimize adverse noise impacts. The Project is consistent with these Policies.
Policy HS-G.4: So that noise mitigation may be considered in the design of new projects, the County shall require an acoustical analysis as part of the environment review process where: (a) Noise sensitive land uses are proposed in areas exposed to existing or projected noise levels that are "generally unacceptable" or higher according to the Chart HS-1: "Land Use Compatibility for Community Noise Environments;" (b) Proposed projects are likely to produce noise levels exceeding the levels shown in the County's Noise Control Ordinance at existing or planned noise-sensitive uses.	An acoustical analysis has been prepared for the Project and is provided as an appendix to the EIR. Refer to Section 3.11 of the Draft EIR for further information. The Project is consistent with this Policy.
Policy HS-G.8: The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, "Land Use	The surrounding land uses of the Project site consist of farmland, rural residential development, and mining operations. The Noise Section 3.11 of the Draft EIR discusses the potential noise

Relevant Policies:	Consistency/Considerations:
Compatibility for Community Noise Environments."	impacts associated with the development of the Project. The Project is consistent with this Policy.
Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: [specified determinations].	An evaluation of water supply necessary for the Project's operations has been prepared and is consistent with this Policy. Refer to Section 3.9 of the Draft EIR. The Project is consistent with this Policy.
Policy PF-C.25: The County shall require that all new development within the County use water conservation technologies, methods, and practices as established by the County.	The Project includes plans to conserve water including use of recycled water. The Project is consistent with this Policy.
Policy PF-E.16: The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat. Policy PF-E.20: The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in floodwaters, flowing rivers, streams, creeks, or reservoirs waters. Policy PF-E.21: The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities, and shall encourage the urban storm drainage systems and agricultural activities to use BMPs.	The Project includes provision for the use of erosion control design facilities, such as a storm water basin for the plant site, ditches, stream bank stabilization, and dikes, to control runoff and erosion so as to not impact the surrounding areas. The Project is also required to have a Storm Water Pollution Prevention Plan. (Refer to Section 3.9 of the Draft EIR.) The Project is consistent with these Policies.
Policy TR-A.1: The County shall plan and construct County-maintained streets and roads according to the County's Roadway Design Standards. Roadway design standards for County-maintained roads	The Traffic Impact Study Report prepared for the Project evaluated potential impacts on levels of service for roadways in the Project vicinity and identified roadway and intersection improvements and fair share contributions necessary to mitigate

Relevant Policies:	Consistency/Considerations:
shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards, and supplemented by California Department of Transportation (Caltrans) design standards and by County Department of Public Works & Planning Standards. County standards include typical cross sections by roadway classification, consistent with right-of-way widths summarized in Table TR-1. The County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the roadway. Policy TR-A.2: The County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influences of the cities of Fresno and Clovis and LOS C on all other roadways in the County. Roadway improvements to increase capacity and maintain LOS policies should be planned and programmed based on consideration of the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing road system. The County may, in programming capacity-increasing projects, allow exceptions to the LOS policies in this policy where it finds that the improvements or other measures required to achieve the LOS policy are unacceptable based on established criteria. In addition to consideration of the total overall needs of the roadway system, the County shall consider the following factors: (a) The right-of-way needs and the physical impacts on surrounding properties; (b) Construction and right-of-way acquisition costs; (c) The number of hours that the roadway would operate at conditions below the policy; (d) The ability of the required improvement to significantly reduce delay and improve traffic operations; and (e) Environmental impacts upon which the County may base	the Project's traffic impacts. (Refer to Section 3.12 of the Draft EIR.) The Project is consistent with these Policies.

Relevant Policies:	Consistency/Considerations:
findings to allow an exceedance of the standards. In no case shall the County plan for worse than LOS D on rural County roadways, worse than LOS E on Urban roadways within the spheres of influence of the cities of Fresno and Clovis, or in cooperation with Caltrans and the Council of Fresno County Governments, plan for worse than LOS E on State highways in the County. Policy TR-A.5: The County shall require dedication of right-of-way or dedication and construction of planned road facilities as a condition of land development, and require an analysis of impacts of traffic from all land development projects including impacts from truck traffic. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project. The County may allow a project to fund a fair share of improvements that provide significant benefit to others through traffic impact fees. Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system. Policy TR-A.8: The County shall ensure that land development that affects roadway use or operation or requires roadway access to plan, dedicate, and construct required improvements consistent with the criteria in the Circulation Diagram and Standards section of this element.	
Policy TR-A.3: The County shall require that new or modified access to property abutting a roadway and to intersection roads conform to access specifications in the Circulation Diagram and Policies section. Exceptions to the access policies may be permitted in the manner and form prescribed in the Fresno County Zoning	The Project does include a new access point which is consistent with County policies. Prior to construction of the access point, County review would be required during which engineering design details would be assessed for consistency with County policies. Improvements are required by Mitigation Measure TRANS-2 to be completed prior to any product being shipped. (Refer to

Relevant Policies:	Consistency/Considerations:
and Subdivision Ordinances, provided that the designed safety and operational characteristics of the existing and planned roadway facility will be substantially diminished.	Section 3.12 of the Draft EIR) The Project is consistent with this Policy.

The Kings River Regional Plan addresses the recovery of mineral resources. The text of the policy is included below.

4.05 *The recovery of mineral resources in all zone districts will occur under appropriate locational and operational standards specified in the Mineral Resources Unit of the Open Space/Conservation Element of the Fresno County General Plan.*

Kings River Regional Plan Policy 4.05 is almost identical to General Plan Policy LU-C.5 which is addressed in the table above. The Project is consistent with this Policy.

Reviewing Agency/Department Comments

The Policy Planning section of the Department of Public Works and Planning submitted comments regarding Williamson Act Contract No. 6322. The Project site contains 88 acres of land protected by existing Williamson Act contracts. Mining operations would begin on parcels not currently subject to a Williamson Act contract, and would be phased so that mining operations would not start in new mining areas until related Williamson Act contracts, or portions thereof, have expired. At least ten (10) years prior to the scheduled mining of Phases 8A and 8B, a Notice of Non-Renewal shall be filed with the County to ensure by the time Phases 8A and 8B are to be mined, the Williamson Act contract will have expired. Additionally General Plan Policies and Kings River Regional Policies were also mentioned. Those are included and analyzed in the EIR and above in the Staff Report.

No other comments specific to General Plan consistency were expressed by reviewing agencies or departments.

Recommended Conditions of Approval

See the recommended Conditions of Approval included in the Mitigation Monitoring and Condition Compliance Matrix attached as Exhibit 2.

Conclusion

Based on the discussion and analysis above, as well as the record for the Project, there is a sufficient basis to make Finding 4 that the proposed development is consistent with the County General Plan.

Finding 5: *The Mining and Reclamation Plan has been reviewed for compliance with the Regulations for Surface Mining and Reclamation in all Districts, Section 858, and meets the applicable requirements therein.*

Analysis

The Riverbend Mine Reclamation Plan complies with Section 858 of the Fresno County Zoning Ordinance, "Regulations for Surface Mining and Reclamation in All Districts" (Section 858). The Reclamation Plan includes all the components required and provides for aggregate extraction while maintaining ongoing agricultural use of undisturbed phases and incorporating concurrent reclamation by phase. Excavation would not occur within 25 feet of another property line. In addition, 15 phases would be excavated with cut slopes of 2:1 (horizontal to vertical) to a maximum depth of approximately 100 feet below natural ground surface. For each of the phases to be reclaimed as farmland, farming will resume within two (2) years after filling in the manner described in the Reclamation Plan. For each of the phases to be reclaimed as open water and riparian habitat, the phases will be reclaimed within two years of completion of mining in that phase in the manner described in the Reclamation Plan (Reclamation Plan, p 42).

Financial assurances for reclamation will be provided prior to the approval of a Site Plan Review. The financial assurances will be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Mining and Reclamation Plan. (See Reclamation Plan pp 40-51 for details.)

Section 858 outlines the primary components of what constitutes an adequate reclamation plan for a surface mining site. Section 858 states that the plan shall include a description of the planned reclamation indicating the methods used to accomplish the reclamation, a schedule showing the timing and phasing of the reclamation activities, a soil salvage plan, the disposition of any equipment or structures used for the excavation or processing operation, and how the reclamation of the site may affect future on-site mining and the mining of the surrounding area. The reclamation plan shall include a site plan of the reclamation showing any proposed vegetation, irrigation land, and water features. The site plan shall also show access to the site and the treatment of that access. These components are included in the Riverbend Mine Reclamation Plan.

The Operator has developed a plan that provides for mineral extraction while maintaining ongoing agricultural use of undisturbed phases and incorporating concurrent reclamation by phase, which returns mined areas to productive end uses at the earliest feasible time. The Project site encompasses approximately 619 acres where planned surface mining would take place. Farming operations will continue on all phases not being actively mined or reclaimed. Approximately 268 acres or 43% of the mined site will be reclaimed to farmland and approximately 351 acres or 57% of the mined site will be reclaimed to riparian and open-water habitat (Reclamation Plan p. 40).

Provided that reclamation of the Project site is conducted in accordance with the Reclamation Plan, the Mitigation Measures, the Conditions of Approval, and all applicable mandatory regulations, the proposed method of reclamation will not adversely impact the environment and will comply with the provisions of SMARA and the County's Zoning Ordinance Section 858, "Regulations for Surface Mining and Reclamation in All Districts."

Sections 2770 and 2773.1 of SMARA require surface mining operators to obtain financial assurances to ensure implementation of approved reclamation plans. The County annually requires the permittee to update the existing financial assurances to ensure adequate financial assurances are in place for all costs related to completing the reclamation. Financial assurances for reclamation will be provided, payable to Fresno County and the California Department of Conservation. The financial assurances will be adjusted annually to account for

new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Mining and Reclamation Plan. The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.

Public Concerns and Comments

A letter was received from the Greater Fresno Chamber of Commerce supporting the proposed project.

Conclusion

Based on the discussion and analysis above, as well as the record for the Project, there is a sufficient basis to make Finding 5, that the Project's proposed Mining and Reclamation Plan has been reviewed for compliance with regulations for surface mining and reclamation in all districts, Section 858, and meets all applicable requirements therein.

SUMMARY CONCLUSION:

Staff believes that the required Findings can be made for granting Unclassified Conditional Use Permit Application No. 3390 and Reclamation Plan for the Riverbend Sand and Gravel Project, based on the factors cited in the analysis provided above, as well as the record for the Project, the Mitigation Measures, recommended Conditions of Approval and notes regarding mandatory requirements that ensure compliance with applicable County General Plan and zoning code requirements.

PLANNING COMMISSION ACTION:

Recommended Motion

A. CEQA Determination

Staff recommends that the Planning Commission certify the following findings:

1. That a Draft and Final EIR have been prepared for the Project in compliance with CEQA;
2. That the Draft and Final EIR have been presented to the Planning Commission, and the information in the EIR has been reviewed and considered by the Commission;
3. That the Draft EIR and Final EIR represent the County's independent judgment and analysis;
4. That based on the evidence before the Commission, the EIR identified potentially significant impacts related to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, greenhouse gases/climate change, hazards and hazardous materials, hydrology and water quality, and land use and planning, which have been determined to be "less than significant" or mitigated to less than significant with the implementation of the Mitigation Measures identified in the EIR;
5. That the Commission has considered the Mitigation Monitoring and Reporting Program included in the EIR to reduce the potential impacts associated with the Project to the maximum extent feasible;

6. That certain impacts associated with air quality, noise, and traffic and circulation remain significant and unavoidable, even after the application of all feasible Mitigation Measures and feasible alternatives; and
7. That the Commission has considered the alternatives to the Proposed Project discussed in the EIR and believes that the Reduced Mine Depth Alternative is environmentally superior, but does not meet all of the Project objectives.

Should the Planning Commission make the above findings, the following motion is first recommended:

> Move to certify the Environmental Impact Report prepared for Unclassified Conditional Use Permit Application No. 3390 and Reclamation Plan for the Riverbend Sand and Gravel Project;

B. Approval Action

Staff recommends that the Planning Commission then make the following motions:

1. Move to approve the CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit 1) and the Mitigation Monitoring and Reporting Program and Conditions of Compliance Reporting Matrix (Exhibit 2) prepared for Unclassified Conditional Use Permit Application No. 3390 based on the Findings above;
2. Move to determine that the required Findings discussed above can be made for the proposed Project and move to approve Unclassified Conditional Use Permit Application No. 3390, including the additional Finding (Finding 5), related specifically to surface mining operations, with Conditions and notes;
3. Move to approve the Reclamation Plan for the proposed Project;
4. Pursuant to Zoning Ordinance Section 873.F, the Conditions incorporated into this Project are necessary for public health, safety, and general welfare; and
5. Direct the Secretary to prepare a Resolution documenting the Commission's action and direct staff to file a Notice of Determination for the approved Project.

Alternative Motion 1 (denial action)
- Move to not certify the EIR (state basis for non-certification); and
- Do not make CEQA Findings (state basis for not making Findings); and
- Move to deny Unclassified Conditional Use Permit Application No. 3390; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion 2 (denial action)
- Move to certify the EIR; and
- Do not make CEQA Findings (state basis for not making Findings); and
- Move to deny Unclassified Conditional Use Permit Application No. 3390; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 2.

BGS:EVB:CM
G:\4360Devs&Pln\EnvPlan\EIR\EIR 6606 Riverbend Sand & Gravel\CUP\Staff Report\Riverbend Staff Report Final.doc

EXHIBIT 1

FRESNO COUNTY CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR RIVERBEND SAND AND GRAVEL PROJECT

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CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE RIVERBEND SAND AND GRAVEL PROJECT

The findings and determinations contained herein are based on competent and substantial evidence, both oral and written, contained in the record relating to the Riverbend Sand and Gravel Project (the "Project") and the environmental impact report ("EIR") prepared for the Project. These findings and determinations constitute the independent findings and determinations by the County of Fresno ("County") in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR and Final EIR in support of various conclusions reached below, the County incorporates by reference and adopts as its own the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. The County further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

A. INTRODUCTION

The County of Fresno proposes to approve Riverbend Sand and Gravel, LLC's (the "Applicant") application for a Conditional Use Permit ("CUP") (Application No. 3390) and Reclamation Plan. In accordance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the County published the Draft Environmental Impact Report ("DEIR") for the Project in July 2014. The DEIR assessed the potential environmental impacts of implementing the Project. The DEIR was circulated for public review and comment for a period of 45 days that began on July 17, 2014, and ended on September 2, 2014. In addition, a duly noticed public meeting to present the DEIR's conclusions and to receive comments on the DEIR was held on July 30, 2014.

The County reviewed the comments on the DEIR to identify specific environmental concerns and to determine whether any additional environmental analysis would be required to respond to issues raised in the comments. The County determined that the comments raised no new significant environmental issues, and responses to all comments received on the DEIR were prepared and included in the Final EIR ("FEIR"), which was made available to the public on January 16, 2015.

Section 15132 of the CEQA Guidelines requires that the Final EIR consist of:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The County has reviewed the FEIR and has determined that it contains each of the items required by CEQA Guidelines Section 15132. The County certifies that the FEIR has been completed in compliance with CEQA. Following certification of the FEIR, the County will evaluate the action it will take regarding the Project, which could include approving the Project as proposed by the Applicant, approving the Project with modifications, or approving an alternative to reflect changes or concerns identified as a result of this CEQA review.

On February 26, 2015, the Fresno County Planning Commission ("Commission") considered and heard testimony on the Project from the Project proponents, the general public, and County staff. The Commission on _____, 2015 voted to certify the EIR and approve the Project by the following vote:

AYES:	<insert names>
NOES:	<insert names>
ABSTAIN	<insert names>
ABSENT:	<insert names>

The documents and other materials that constitute the record of the proceedings on which the County's decision is based are located at the County of Fresno, Public Works & Planning Department, 2220 Tulare Street, 6th Floor, Fresno, California. The custodian for these documents and materials is Briza Sholars, Planner III; Fresno County Public Works and Planning Department; Planning & Environmental Analysis. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

B. DESCRIPTION OF THE PROJECT

1. PROJECT LOCATION

The 619-acre Project site is located in unincorporated Fresno County in the easterly portion of the San Joaquin Valley, approximately 1.5 miles southeast of the City of Sanger between the Kings River and Riverbend Avenue. (DEIR p. 2-1; FEIR p. 1-1.) East Goodfellow Avenue bisects the Project site. (DEIR p. 3.12-2.) The Project site is located in Township 14 South,

Range 22 East, Sections 25 and 36; Township 14 South, Range 23 East, Sections 19, 30 and 31; and Township 15 South, Range 22 East, Section 1 (Mt. Diablo Baseline and Meridian) on the Sanger and Wahtoke 7.5-minute U.S. Geological Survey (USGS) topographic quadrangles. (DEIR p. 2-3 & Appendix B-1 p. 1.)

2. PROJECT OBJECTIVES

The Project has the following objectives, broadly described herein and set forth in detail in the EIR (DEIR p. 2-2):

- Provide a reliable and sustainable local source of high quality aggregate to help meet the current and long-term demand (75 years) for construction materials in Fresno County.
- Create additional, long-term supply of local aggregate reserves.
- Utilize aggregate reserves from property already designated by the State and County as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).
- Utilize high quality aggregate resources that meet the California Department of Transportation's stringent specifications for use in Portland cement concrete (PCC) and asphalt concrete (AC).
- Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy, competitive market.
- Obtain aggregate resources with access to an efficient local road network and State Highway system.
- Create a project that would not require dewatering of groundwater.
- Create an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality.
- Create a project that would return a significant amount of mined land back to farming.
- Create local quality jobs, while also benefiting local downstream businesses and creating enhanced tax revenue to the County.

3. PROJECT DESCRIPTION

The Project as proposed and evaluated in the EIR consists of the following:

- Conditional Use Permit to Allow an Aggregate Mining Operation at the Project Site: The EIR considered environmental impacts associated with the granting of a CUP to allow for: (a) aggregate mining on an approximately 619-acre portion of an 833-acre parcel, and (b) operation of the following facilities: (1) aggregate processing plant, (2) Ready-Mix Concrete (RMC) plant, (3) Hot Mix Asphalt (HMA) plant, and (4) portable asphalt and concrete recycling plant. (DEIR pp. 2-1 – 2-2; FEIR p. 1-1.) The application is for an aggregate production rate of 1.25 million tons/year of finished product and an operating life of up to 75 years. (DEIR p. 2-12; FEIR p. 1-1.) The proposed operator of the facility is Riverbend Sand and Gravel, LLC ("Operator"). (DEIR p. 1-1 & Appendix B-1 p. 1; FEIR p. 1-1.)

- Reclamation Plan: The EIR considered the reclamation plan submitted by the Applicant in compliance with the California Surface Mining and Reclamation Act ("SMARA") and Section 858 of the Fresno County Zoning Ordinance. (DEIR p. 2-48 & Appendix B-1). The Applicant's reclamation plan contemplates concurrent and final reclamation of disturbed areas to the proposed end use of farmland, riparian and open water habitat. (DEIR p. 2-48.) Mining and reclamation will occur in multiple phases during the course of the Project's 75-year lifetime, with the reclamation of previously-mined phases taking place concurrently with ongoing mining operations. (DEIR pp. 2-32, 2-48, 3.10-13.)

- Additional County Entitlements and Approvals: For the Project to be implemented, the following County entitlements and permits would need to be obtained in addition to the CUP and Reclamation Plan (DEIR pp. 1-14 – 1-15):
  - County Health Department (CUPA) approvals;
  - County Fire Department approval;
  - County site plan review;
  - County building permits.

C. RECORD OF PROCEEDINGS

In addition to this Statement of Findings, in accordance with Public Resources Code Section 21167.6(e), the record of proceedings for the Project includes, but is not limited to, the following elements:

- Notice of Preparation of a Draft Environmental Impact Report and all other public notices issued by the County in conjunction with the Project;

- Draft Environmental Impact Report for the Riverbend Sand and Gravel Project, July 2014 (State Clearinghouse No. 2013071097);
- Final Environmental Impact Report for the Riverbend Sand and Gravel Project, January 2015 (State Clearinghouse No. 2013071097);
- Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, staff reports, or other documents related to the Project prepared by the County, or consultants to the County, with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- All documents submitted to the County by other public agencies, by the Applicant or the Applicant's consultants, or members of the public in connection with the Project, up through the close of the public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

D. FINDINGS REQUIRED UNDER CEQA

These findings have been prepared in accordance with CEQA and the CEQA Guidelines. Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects which require EIRs. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions, pursuant to CEQA Guidelines, Section 15091, that:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other

agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The County's findings with respect to the Project's significant effects and mitigation measures are set forth below. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the DEIR or FEIR and adopted by the County, and states the County's findings on the significance of each impact after imposition of the adopted mitigation measures. In making these findings, the County ratifies, adopts, and incorporates into these findings the analysis and explanation in the DEIR and FEIR and the determinations and conclusions of the DEIR and FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

CEQA does not require a lead agency to make individual findings for impacts that are determined to be less than significant without mitigation. (CEQA Guidelines, § 15091(a).) Impacts deemed to be less than significant prior to mitigation are discussed in detail in the DEIR. (See DEIR pp. ES-19 – ES-44.)

The County has reviewed the DEIR and the FEIR. The FEIR contains any text changes to the DEIR and additional information. The County has also considered the public record on the Project.

The following impacts were determined to be less than significant prior to mitigation, and thus do not require individual findings under CEQA (CEQA Guidelines, § 15091(a)): AES-2, AG-2, AG-3, AQ-1, AQ-4, BIO-1, BIO-2, BIO-3, BIO-4, CPR-1, GS-1, GS-2, GS-3, GS-4, GHG-1, GHG-2, HAZ-1, HAZ-2, HAZ-3, HWQ-1, HWQ-2, HWQ-3, HWQ-4, HWQ-5, HWQ-6, HWQ-8, LUP-1, NO-3, TRANS-3, TRANS-5, and TRANS-6. Nevertheless, Impact AQ-4 is addressed below because the County has decided to require adoption of mitigation measures with respect to this impact to ensure that the Project design features are implemented as proposed.

After reviewing the public record, as composed of the aforementioned elements, the County hereby makes the following findings regarding the significant effects of the proposed Project, pursuant to Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines.

1. AESTHETICS IMPACTS

Impact AES-1: The Project may substantially degrade the existing visual character or quality of the site and its surroundings.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects of the impact to a less than significant level. The Project site, upon which mining and processing activities will take place, may be seen from multiple locations to varying degrees, but there are three potentially sensitive viewpoints: (1) Kings River; (2) several rural residences located near the Project site; and (3) adjacent roads (Goodfellow Avenue and Riverbend Avenue). (DEIR pp. 3.1-11 – 3.1-17.) Several design features, Best Management Practices ("BMPs"), operating practices and other environmental protection measures have been incorporated into the Project by the Applicant to minimize the Project's potential visual impacts, including the use of vegetated berms, orchard-like screens and excavation setbacks. (DEIR pp. 3.1-9 – 3.1.10.) Implementation of these measures would screen views of the majority of the operation from all of the potentially sensitive viewpoints. (DEIR pp. 3.1-11 – 3.1-17.) However, the dragline would be visible at times during the mining of the phases nearest the receptors because it is too tall to be entirely screened from view. (DEIR pp. 3.1-12, 3.1-16, 3.1-17.) In order to reduce the Project's visual impacts on the surrounding environment, the County adopts the following mitigation measures which, in combination with the Project's design features, will reduce the Project's visual impacts to a less than significant level. (DEIR p. 3.1-18.)

Mitigation Measure AES-1:

A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15' high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.

Mitigation Measure AES-2:

Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high

vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g. olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.

Mitigation Measure AES-3:

The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding landscape and vegetation.

After the DEIR was circulated for public review, the County received a comment raising concerns about the Project's visual impacts to a residence ("Findley residence") located directly across the river from the Project site. (FEIR pp. 2-139 – 1-144.) Since the views and visual simulations from across the Kings River included in the VIA were at a lower elevation than the residence, the commenter felt that the potential impacts to the residence were not properly assessed. (FEIR pp. 2-142 – 2-143.) Although the original visual assessment was legally adequate, in response to the comment, the County prepared an additional visual assessment to evaluate the commenter's concerns and, based on the findings of that assessment, adopts the following additional mitigation measure, which will reduce the Project's potential visual impact to the Findley residence to a less than significant level (FEIR pp. 2-152 – 2-153, 3-1):

Mitigation Measure AES-4:

Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9).

The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.

2. AGRICULTURE AND FORESTRY RESOURCES IMPACTS

Impact AG-1: The Project would convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measure that will reduce the adverse impact to a less than significant level. Within the 619-acre mining area, Project implementation would permanently convert 351 acres of Important Farmland to non-agricultural use and reclaim 268 acres for agricultural use. (DEIR p. 3.2-16.) Due to the depth of mining and the volume of aggregate material that would be removed, it is not possible to reclaim the entire Project site to agricultural land without importing fill. (*Ibid.*) Importing fill to replace all the aggregate removed would be prohibitively expensive and would significantly increase air emissions, including GHG. (*Ibid.*) According to the California Land and Site Assessment (LESA) Model, which was developed as a tool for lead agencies to quantitatively and consistently evaluate significant effects on the environment of agricultural land, the Project site has a LESA score of 92 points. (DEIR p. 3.2-13 – 3.2-14, 3.2-17.) As identified in the California LESA Model Scoring Thresholds, the conversion of farmland with a score between 80 and 100 is considered to be a significant impact under CEQA. (DEIR p. 3.2-17.) Thus, the farmland loss impact would be significant prior to mitigation.

The Project site is classified by the State and the County as MRZ-2, and the State also designated the Project site as having construction-grade aggregate deposits that are of regional significance. (DEIR p. 3.2-16.) This MRZ-2 classification and regional designation indicates that both the County and the State believe that extraction of mineral resources on the Project site is a legitimate and valuable land use, even when it removes valuable farmland from production. (*Ibid.*) As analyzed in the EIR, at the beginning of 2015, existing permitted aggregate reserves in the Fresno Production-Consumption Region ("P-C Region") constituted only approximately 50% of the Region's projected 50-year demand. (*Ibid.*) Within Fresno County's 6,017 square miles, only 32 square miles (approximately 0.5%) have been designated MRZ-2 lands containing construction-grade aggregates of regional importance, while lands mapped Important Farmland make up 2,141 square miles (approximately 36%) of the County's 6,017 square miles. (DEIR p. 3.2-17.) Given that lands with an MRZ-2 designation are far less common in Fresno County than Important Farmland, mineral resources development on such rare sites therefore serves a greater public purpose than continued agricultural operations on those sites. (*Ibid.*)

To reduce the Project's impacts on agricultural resources, the Applicant incorporated the following design features and environmental protection measures as part of the Project's design (DEIR pp. 3.2-17):

- Agriculture would be continued on the Project site as an on-site activity until a given phase is deemed necessary to mine.
- The proposed mining operation would be phased and agriculture use would continue on each phase until approximately one year before scheduled mining.

Substantial areas of Important Farmland (approximately 350 acres or over 55%) on the Project site would continue to operate for at least 30 years after Project implementation has begun. Therefore, phasing of Project implementation would reduce impacts related to the loss of farmland. Approximately 268 acres of the Project site would be reclaimed to farmland.

- For each of the phases to be reclaimed as farmland, farming will resume within two years after the phase has been filled. By about halfway through the anticipated 75-year life of the Project, approximately 135 of the 268 acres to be reclaimed to farmland would be reclaimed.
- Overburden will be stored during the mining process and used to fill the mined areas to be reclaimed to farmland as identified in the Reclamation Plan. Top soil will be carefully removed prior to mining an area and then stored and protected to be used as a final cover of farmable soils for the mined areas to be reclaimed to farmland as required in the Reclamation Plan.

These design features would achieve partial mitigation of the Project's potentially significant impacts associated with farmland conversion, but they would not reduce those impacts below the level of significance. (DEIR p. 3.2-18.) Accordingly, the County adopts the following mitigation measure and finds that the implementation of this mitigation measure would reduce the adverse impacts to a less than significant level. (*Ibid.*; FEIR p. 3-1.)

Mitigation Measure AG-1:

The Project shall conserve agriculture land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule:

- *Within one year of existing agricultural land being taken out of production for the Project 100 acres shall be placed in an ACE.*
- *Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE.*
- *Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.*

- *Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE.*

Temporarily taking of land out of agricultural production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.

4. **AIR QUALITY IMPACTS**

Impact AQ-2: The Project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen some of the significant air quality effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible certain air quality mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: The County finds that no feasible mitigation can reduce the Project's emissions of criteria pollutants or contributions to existing air quality violations to a less than significant level. The EIR evaluated the manner in which the Project's construction, mining and processing activities would generate emissions of criteria pollutants and whether such emissions would violate air quality standards or substantially contribute to air quality violations. (DEIR pp. 3.3-54 – 3.3-57; FEIR pp. 3-8 – 3-9.) Emissions of Particulate Matter (PM_{10} and $PM_{2.5}$), Nitrogen Oxides (NO_x), Carbon Monoxide (CO), and Sulfur Dioxide (SO_2) were modeled for comparison to State and federal Ambient Air Quality Standards ("AAQS"). (DEIR p. 3.3-55.) Maximum modeled concentrations (i.e. maximum predicted concentrations outside of the Project boundary) were then compared to the AAQS for the Point of Maximum Impact ("PMI"). (*Ibid.*) Modeled concentrations and ambient air concentrations are presented in EIR Table 3.3-16. (FEIR p. 3-9.) As more fully discussed below, the EIR determined that the Project has the potential to result in significant impacts by exceeding the federal Nonattainment Air Quality Standards ("NAAQS") and California ambient air quality standards ("CAAQS") for NO_2 (1-hour), PM_{10} (24 hour and annual averages), and $PM_{2.5}$ (annual and 24 hour averages). (FEIR p. 3-9.)

The Project would include an initial construction phase during which the access road would be installed and paved; equipment for the aggregate plant, asphalt plant, and concrete plant would be brought on-site; and support buildings and parking areas would be built. (DEIR p. 3.3-53.). The Project's construction phase would involve minimal grading, but would require removal of existing orchard trees and other vegetation. (*Ibid.*) Construction of the Project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials to the Project site. (DEIR pp. 3.3-53 – 3.3-54.) Fugitive dust emissions would primarily result from fine grading and site preparation activities, and NO_x and CO emissions would primarily result from the use of construction equipment and motor vehicles. (DEIR p. 3.3-54.) Project's on-site activities associated with construction would comply with the San Joaquin Valley Air Pollution Control District ("SJVAPCD") Regulation VIII; thus, fugitive emissions would be minimized to less than significant levels in accordance with SJVAPCD CEQA guidance. (*Ibid.*) All delivery trucks and construction equipment would be in a fleet that complies with the Air Toxic Control Measures ("ATCMs") for diesel-fueled on-road and off-road vehicles, respectively. (*Ibid.*) Because these construction activity levels will be less than during operations, air quality impacts from Project construction were not quantitatively determined. (*Ibid.*) By assessing air quality impacts from Project operations starting with the calendar year representing the earliest potential approval date for this Project, the air quality impact assessment is conservative.

For its air quality analysis, the EIR considered two operating scenarios representing potential operating conditions of the Project. (DEIR pp. 3.3-27, 3.3-31 – 3.3-37.) The first scenario assumes the conditions that would occur in 2015, the first year of production, when the facility would operate at substantially lower production rates, operating hours, and traffic levels. (DEIR pp. 3.3-27.) The second scenario assumes the conditions that would occur in 2019, when the aggregate, asphalt, and concrete processing plants are expected to reach full production levels, and haul trucks transporting material to the aggregate plant would be replaced by a conveyor system. (*Ibid.*) The production rates used in the air quality assessment are the peak production rates requested by the Applicant; therefore, these production rates represent the worst-case scenario. (*Ibid.*)

The DEIR determined that the Project could cause or contribute to exceedances of the NAAQS and CAAQS for NO_2 (1-hour), SO_2 (1-hour NAAQS), PM_{10} (24 hour and annual averages) and $PM_{2.5}$ (annual and 24 hour averages), when the maximum activity levels occur. (DEIR p. 3.3-55.) In response to SJVAPCD's comment on the air impact analysis in the DEIR, additional modeling of NO_2, SO_2, and $PM_{2.5}$ was performed to assess the effect of using a point source, rather than two volume sources, to model the asphalt plant stack. (FEIR pp. 2-25, 3-8 – 3-9.) As a result, NO_2, SO_2, and $PM_{2.5}$

modeled concentrations were updated in the FEIR to incorporate the asphalt plant stack which resulted in lower concentrations and elimination of a significant impact on SO_2 concentrations. (*Ibid.*) The significant impacts reported for NO_2 (1-hr CAAQS and NAAQS) and $PM_{2.5}$ (24-hr NAAQS and annual average CAAQS/NAAQS) remain significant, but are less than reported in the DEIR. (FEIR p. 2-25 – 2-26.) PM_{10} was not re-modeled with the stack because even though the results would show a decreased concentration and the impact would be less, it would not likely be reduced to a level that is less than significant. (FIER p. 2-26.) There was no need to re-model pollutants that were reported in the DEIR to have less than significant impacts (e.g., CO and toxic air contaminants ("TACs")) because such remodeling would necessarily exhibit the same decrease in concentration as the results for SO_2, NO_2, and $PM_{2.5}$. (*Ibid.*) FEIR Table 3.3-16 presents updated data on the Project's localized air quality impacts. (FEIR p. 3-9.)

The largest contributors to offsite ambient concentrations of PM_{10} and $PM_{2.5}$ are emissions from paved and unpaved roads, fugitive dust from other unpaved areas, and material handling in the processing area. (DEIR p. 3.3-56.) The exceedances of the CAAQS for PM_{10} (24-hour average) would occur in areas that are inhabited, such as local residences. (DEIR p. 3.3-55 – 3.3-56.) As analyzed in the EIR, the Project also has the potential to contribute substantially to exceedances of the NAAQS for NO_2 (1-hour) at residential receptor R12 (as shown on DEIR Figure 3.3-3). (DEIR p. 3.3-56.) Therefore, NO_2, PM_{10} and $PM_{2.5}$ emissions from the Project are considered to be significant. (*Ibid.*)

The following design features and environmental protection measures have been incorporated into the Project by the Applicant to reduce the level of potentially significant air quality impacts (DEIR pp. 3.3-28 – 3.3-30):

- The aggregate mine and associated aggregate plant, asphalt plant, concrete plant, and recycling facilities would operate in compliance with applicable air quality regulations.
- Authorities to Construct and Permits to Operate would be obtained from the SJVAPCD for the aggregate processing plant, asphalt plant, and concrete plant at which time the equipment would be required to utilize Best Available Control Technology (BACT).
    - The aggregate processing plant would be equipped with water sprays at key emissions points.
    - Crushers and screens in the aggregate processing plant would be controlled by baghouses or another technology that the SJVAPCD determines would achieve equivalent effectiveness when BACT is applied during New Source Review (NSR).

- The HMA plant would be equipped with a baghouse for the aggregate dryer/batch tower and a fiberbed filter (or equivalent) for the storage silos and truck loadout. Odorous emissions (primarily VOCs and semi-volatile organic compounds (SVOCs)) from asphaltic cement would be minimized by circulation of mixing drum vapors to the dryer burner before discharge, and the fiberbed filters.
- The RMC plant would be equipped with baghouses to control fugitive emissions from silos and truck loadout and will utilize water sprays at sand and gravel transfer points as necessary.

- Diesel engines would comply with applicable state regulations (i.e. air toxic control measures, ATCMs). This includes labeling of off-road equipment with registration numbers assigned by CARB, establishment of an idling policy, and limiting idle time to less than five minutes (13 CCR §2449).
- A fugitive emission control plan would be implemented to comply with SJVAPCD Regulation VIII, "Fugitive PM10 Prohibition" and would include the following measures:
  - Prior to removal of topsoil and overburden, the area will be irrigated or sprayed by water trucks if removal occurs during the dry season.
  - A water truck will be utilized to wet down the haul road from the mining area to the plant site as necessary to meet SJVAPCD fugitive dust requirements.
  - A water truck will be utilized to wash fugitive dust from the access road and the paved portion of the plant road.
  - Records demonstrating compliance with fugitive dust requirements will be maintained for those days that a control measure was implemented and include the type of control measure(s) used, the location and extent of coverage, the date, the amount, and frequency of dust suppressant applied (Section 6.2, Rule 8011).
  - Visible dust emissions will be limited to 20% opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour and comply with the conditions for stabilized surface areas (Section 5.0, Rule 8021; Section 5.0, Rule 8031).
  - Disturbed areas that are greater than 0.5 acres in size and which remain inactive for seven (7) days will be stabilized (Section 5.2, Rule 8021).
  - Stockpile surfaces will be stabilized (Section 5.0, Rule 8031).
  - A stabilized surface will be maintained on the unpaved mine haul road (Section 5.2, Rule 8021).

- During high wind conditions, excavation and other earthmoving activities that disturb the soil will cease whenever visible dust emissions exceed 20% opacity. Continue operation of water trucks/control devices when activities cease, unless unsafe to do so. (Section 5.4, Rule 8021).
- Visible mud or dirt deposited onto public adjacent paved roads will be prevented or cleaned up at the end of the work day (Section 5.1, Rule 8041).
- Facilities and signs will be provided directing drivers to level with six inches of freeboard, wet, and/or cover loads (Section 5.0, Rule 8031).
- Materials accumulated on paved interior roads shall be removed with sufficient frequency, but not less frequently than once per workday, to prevent carryout and trackout onto paved public roads (Section 5.9.3, Rule 8041).
- Unauthorized vehicle disturbance of open areas will be prevented by posting signs or installing physical barriers such as fences, gates, posts, and/or other appropriate barriers to effectively prevent access to the area(s) (Section 5.0, Rule 8051).
- Unpaved vehicle and/or equipment parking areas, fueling and services areas, and stockpile areas will be maintained in a stabilized condition (Section 5.0, Rule 8071).

- The Project would not store hazardous substances or acutely hazardous substances in quantities that would be subject to chemical accident prevention provisions of the Clean Air Act or the implementing regulation (40 CFR Part 68).
- Excavated aggregate would contain approximately 10% natural moisture from having been excavated below the groundwater level.
- Dust palliatives, such as lignin sulfonate or magnesium chloride, would be applied to unpaved plant roads and surfaces.
- The Plant access road and a portion of the Plant road in the vicinity of the asphalt and concrete plants would be paved.
- A wheel washer would be installed after the scales to prevent trackout to the public highway.
- Mined aggregate would be initially transported to the processing plant by off-road haul trucks for approximately one year. Subsequently, mined aggregate would be transported to the plant by electric-powered conveyors.
- An electric-powered dragline would be used after overburden is removed from each mining phase. This eliminates diesel engine emissions that would otherwise

occur from a diesel dragline or other diesel excavation equipment and enables "wet mining" methods which reduce fugitive dust.

In response to a comment provided by the SJVAPCD, Mitigation Measures AQ-2 and AQ-3 were added to the FEIR to ensure that certain EIR assumptions are made a condition of project approval. (FEIR p. 3-15.) Although the FEIR discusses Mitigation Measures AQ-2 and AQ-3 with respect to Impact AQ-4 (*ibid.*), the County finds that these mitigation measures are applicable to all of the Project's potentially significant air quality impacts. Accordingly, the County requires adoption of Mitigation Measures AQ-2 and AQ-3 with respect to Impact AQ-2 to ensure that the EIR assumptions regarding offroad engine model year and tier and truck idling, which assumptions were incorporated in the original Project design, are made a condition of project approval and included in the Mitigation Monitoring and Reporting Program.

Beyond the Project design features above and Mitigation Measures AQ-2 and AQ-3 below, no additional feasible mitigation measures exist to reduce the air quality standard exceedances impact to a less than significant level, and thus the impact is significant and unavoidable. (DEIR p. 3.3-57.) To the extent that this impact will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

Mitigation Measure AQ-2

Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 non-road engine standard. Engines in off-road haul trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.

Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2015 or later. Engines in scrapers shall meet the Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.

Mitigation Measure AQ-3

Diesel trucks shall not idle for greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).

Impact AQ-3: The Project may cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: The County finds that no feasible mitigation can reduce the adverse impact to a less than significant level. As shown in EIR Table 3.3-17, regional effects of the Project have the potential to result in significant impacts by exceeding the threshold for NO_x. (DEIR p. 3.3-58; FEIR p. 3-11.) In response to DEIR comments provided by SJVAPCD, the mass of NO_x emissions emitted by Project haul trucks operating off-site was clarified in the FEIR, and the regional/fair share emissions estimates from Project haul trucks carrying aggregates were updated to include the maximum potential increase in annual emissions above the straight line per capita forecast used by the California Geological Survey to estimate 50-year demand. (FEIR p. 3-10.) As discussed in the FEIR, the regional fair share approach is appropriate for NO_x emissions impact assessment. (FEIR pp. 2-27 – 2-28, 3.11 – 3.13.) Project NO_x emissions based on its fair share of future increases in vehicle miles traveled ("VMT") for aggregates within the Fresno Production-Consumption Region were determined to be 7.5 tpy, which is less than the 10 tpy significance threshold. (FEIR p. 3-13.) Nevertheless, in order to be conservative, the Potential to Emit ("PTE") approach to calculating NO_x was used as the basis for determining the Project's impacts on regional air quality. (FEIR p. 3-13.) Based on the PTE calculation, the Project impact on NO_x was determined to be significant. (FEIR p. 3-13.)

No feasible mitigation measures exist that would reduce the Project PTE impact on NOx to less than the significance threshold (10 tpy). (DEIR p. 3.3-61; FEIR p. 3-14.) The Project is electrified to the maximum extent feasible and cannot reduce emissions from on-road trucks owned by Project customers and suppliers, which constitute the source of the majority of Project NO_x emissions. (*Ibid.*)

Although the Project could enter into a Voluntary Emissions Reduction Agreement ("VERA") with the SJVAPCD, a VERA is not an economically feasible option for this Project. (FEIR p. 3-14.) Under a VERA, the SJVAPCD would require the Project to fund sufficient emission reduction projects to offset the emissions from the Project. (*Ibid.*) The Project will already be required to repower, replace, and/or retrofit diesel engines in Project-owned off- and on-road vehicles in order to comply with the California Air Resources Board ("CARB") diesel engine regulations and has committed to electrifying much of the process that would otherwise require diesel-fueled vehicle operation. (*Ibid.*) In addition, a VERA has not been a requirement for the other approved aggregate mining projects in Fresno County. (*Ibid.*) Requiring this Project to have a VERA would, at a minimum, put the Project at a competitive disadvantage with other nearby aggregate mines and could threaten the economic viability of the Project. (*Ibid.*)

In response to a comment provided by the SJVAPCD, Mitigation Measures AQ-2 and AQ-3 were added to the FEIR to ensure that certain EIR assumptions are made a condition of project approval. (FEIR p. 3-15.) Although the FEIR discusses Mitigation Measures AQ-2 and AQ-3 with respect to Impact AQ-4 (*ibid.*), the County finds that these mitigation measures are applicable to all of the Project's potentially significant air quality impacts. Accordingly, the County requires adoption of Mitigation Measures AQ-2 and AQ-3 with respect to Impact AQ-3 to ensure that the EIR assumptions regarding offroad engine model year and tier and truck idling, which assumptions were incorporated in the original Project design, are made a condition of project approval and included in the Mitigation Monitoring and Reporting Program

Beyond the Project design features and Mitigation Measures AQ-2 and AQ-3, which are discussed above with respect to Impact AQ-2, no additional feasible mitigation measures exist to reduce the impact to a less than significant level, and the Project's NO_x impact is considered significant and unavoidable. (FEIR p. 3-14.) To the extent that this impact will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

Impact AQ-4: The Project may expose sensitive receptors to substantial pollution concentrations.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: Although the EIR concludes that the Project's air quality impacts on sensitive receptors would be less than significant, the County requires

adoption of mitigation measures AQ-2 and AQ-3 to ensure that the Project design features are implemented as proposed. (DEIR p. 3.3-72; FEIR p. 3-15.) To address whether the Project would expose sensitive receptors to substantial pollutant concentrations, the concentrations of both toxic and criteria pollutant were evaluated and compared to applicable health standards. (DEIR p. 3.3-62.) Sensitive receptors generally include long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, schools, playgrounds, and childcare centers. (*Ibid.*) There are none of these within 2 miles of the Project site; however, there are several residences which were considered as sensitive receptors. (*Ibid.*)

Based on the comparison of worst-case off-site concentrations for NO_2, SO_2, O_3, PM_{10} and $PM_{2.5}$, the DEIR concluded that impacts associated with health effects of all of these pollutants would be less than significant. (DEIR pp. 3.3-67 – 3.3-72.) In particular, DEIR Table 3.3-19 shows the maximum cancer risk at residential receptors near the Project and along East Goodfellow Road. (DEIR p. 3.3-63.) The cancer risks at the points of maximum impact are 6.3 in 1 million, which is much less than the SJVAPCD significance threshold of 10 in 1 million for cancer impacts. (DEIR p. 3.3-62.) The maximum acute and chronic hazard indices (H.I.) at selected receptors are shown in DEIR Table 3.3-20 and Table 3.3-21. (DEIR p. 3.3-63.) The acute and chronic hazard indices at the points of maximum impact are 0.7 H.I. and 0.36 H.I., which are each less than the SJVAPCD significance threshold of 1.0 for non-cancer health impacts from TACs. (DEIR p. 3.3-64.)

The original Project design incorporated the concepts from Mitigation Measures AQ-2 and AQ-3, below, as assumptions in the health risk assessment. (FEIR p. 3-15.) In response to a comment provided by the SJVAPCD, the County adopts Mitigation Measures AQ-2 and AQ-3, discussed with respect to Impact AQ-2 above, to ensure that assumptions regarding offroad engine model year and tier and truck idling, which assumptions were incorporated in the original Project design, are made a condition of project approval and included in the Mitigation Monitoring and Reporting Program. (*Ibid.*) With incorporation of Mitigation Measures AQ-2 and AQ-3, the impact will remain less than significant. (*Ibid.*)

Impact AQ-5: The Project may create objectionable odors affecting a substantial number of people.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measure that will reduce the impact to a less than significant level. Diesel exhaust from mobile equipment/vehicles and air emissions from the asphalt plant will contain odorous substances. (DEIR p. 3.3-73.) Due to the existence of sensitive receptors (residences) within one mile of the Project site, the SJVAPCD Guide for Assessing and Mitigating Air Quality Impacts ("GAMAQI") presumes that the emission of odors poses a significant impact. (DEIR p. 3.3-74.) However, in the County's actual experience, these odorous substances will not rise to the level of causing a significant environmental impact, due to a combination of project design features and the location of the Project site. (*Ibid.*) In particular, the plant design is specifically engineered to significantly reduce odor emissions by recycling exhaust back through the combustion chamber, thereby oxidizing odorous compounds. (*Ibid.*) Further, these odor concentrations would decrease rapidly with distance, and are not expected to be frequently (or at all) detectable at locations outside of the Project site boundary. (DEIR p. 3.3-73.) Additionally, the aggregate processing plant, asphalt plant, and concrete plant would have to obtain the Authority to Construct ("ATO") and Permit to Operate ("PTO") from the SJVAPCD. (DEIR p. 3.3-28.) As part of the permitting process, the Applicant would need to demonstrate to the satisfaction of the SJVAPCD permitting staff that the plans would be equipped with Best Available Control Technology ("BACT") for controlling air emissions. (*Ibid.*) Therefore, it is not anticipated that any objectionable odors affecting a substantial number of people could result from the Project. (DEIR p. 3.3-73.)

Nevertheless, the County conservatively concludes that the impact may be significant based on the presumption of a potentially significant impact in the SJVAPCD GAMAQI. (DEIR p. 3.3-74.) The following mitigation measure is included to further reduce any potential for odor impacts. (*Ibid.*) The Project's impact will be less than significant after mitigation. (*Id.*)

Mitigation Measure AQ-1: *The following design features will mitigate VOC, SVOC, and/or SO2 emissions:*

1. *The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions will be used to the extent feasible.*
2. *Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups will be implemented.*
3. *Mixing drum vapors will be routed back to the dryer burner.*

5. BIOLOGICAL RESOURCES IMPACTS

Impact BIO-5: The Project may have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the impact to a less than significant level. The DEIR analysis of the Project's potential impacts to sensitive biological resources is based on the findings in the Biological Resources Evaluation and addenda thereto, and associated field work and surveys. (DEIR pp. 3.4-1, 3.4-19 – 3.4-21.) There are eight special-status species that could potentially occur in the Project area based on database records and an assessment of on-site habitats. (DEIR p. 3.4-28.) These include the pallid bat, hoary bat, San Joaquin kit fox, tricolored blackbird, Swainson's hawk, Pacific pond turtle, Valley Elderberry Longhorn Beetle ("VELB"), and Sanford's arrowhead. (*Ibid.*) However, as analyzed in the DEIR, the Project may have a potentially significant impact only on the following four species: Pallid Bat, Hoary Bat, Swainson's hawk, and VELB. (DEIR pp. 3.4-29 – 3.4-35.)

Pallid Bat and Hoary Bat

The Project would remove approximately 619 acres of existing vineyards and orchards that provide potential foraging habitat for the pallid bat and hoary bat. (DEIR p. 3.4-29.) However, phasing of mining activities along with concurrent reclamation activities would provide foraging opportunities for bats within the Project limits. (*Ibid.*) The net loss of approximately 351 acres of potential farmland foraging habitat represents a small percentage of the total quantity of similar habitat available in the region and is considered a less than significant impact. (*Ibid.*) The Project would not remove any riparian vegetation or mature trees that could support roosting bats. (*Ibid.*) In addition, a minimum 50-foot setback would be established from the edge of the mixed riparian forest or mature oak trees, providing further protection for roosting bats. (*Ibid.*) However, the Project would remove several agricultural buildings that could potentially support roosting bats. (*Ibid.*) Mitigation Measure BIO-1 is adopted to avoid or minimize impacts to bats potentially roosting in agricultural buildings within the Project limits, which would be removed. (*Ibid.*) Implementation of this measure would reduce the Project's

potential impacts on roosting bats to a less than significant level. (DEIR p. 3.4-29 – 3.4-30.)

Mitigation Measure BIO-1:

1. *All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active.*

2. *Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15).*

3. *If a building is determined to support a day/maternity roost, a mitigation plan (i.3., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.*

Swainson's Hawk

Swainson's hawk and other raptors could potentially nest in the mixed riparian forest community or in the mature valley oaks within the olive orchard. (DEIR p. 3.4-31.) The Project would not remove any riparian vegetation or mature trees that could support nesting Swainson's hawks or other raptors, and a minimum 50-foot setback would be established from the edge of the mixed riparian forest or mature oak trees. (*Ibid.*) However, if work begins during the nesting season and Swainson's hawks or other raptors are nesting in the Biological Study Area ("BSA"), these species could be impacted. (*Ibid.*) The following mitigation measure is adopted to avoid or minimize the Project's potential impacts on Swainson's hawks or other raptors nesting in the BSA. (DEIR p. 3.4-31 – 3.4-32.) Implementation of this measure would reduce impacts to nesting birds to a less than significant level. (*Ibid.*)

Mitigation Measure BIO-2:

1. *To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be*

scheduled between September 15 and February 1, which is the typical non-nesting season.

2. *If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities.*

3. *If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above:*

    a. *A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours.*

    b. *CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities.*

    c. *If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.*

4. *If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found 250 feet of the work limits as described in measure 2 above, work can proceed as planned.*

5. *Construction initiated during the nonnesting season and continuing into the nesting season shall not be subject to the above measures.*

Valley Elderberry Longhorn Beetle

Elderberry shrubs, the host plant and habitat for VELB, occur in the BSA within the mixed riparian forest community along the Kings River. (DEIR p. 3.4-33.) It is unknown whether the elderberry shrubs are inhabited by VELB. (*Ibid.*) Generally, the habitat of a species listed under the Federal Endangered Species Act is only protected if it is occupied. (*Ibid.*) No riparian habitat will be directly impacted by the Project as the disturbance footprint was specifically designed to avoid any encroachment into riparian habitat. (*Ibid.*) In fact, the Project design includes a 50-foot setback from the mixed

riparian forest community which would provide substantially more protection to VELB than the currently existing 10-foot setback. (*Ibid.*) Consequently, the Project would not result in direct impacts to elderberry shrubs or VELB (e.g., removal of a shrub). (*Ibid.*) However, indirect impacts could occur to VELB if Project grading encroaches within 100 feet of the dripline of an elderberry shrub with one or more stems of 1-inch diameter at ground level (i.e., suitable VELB habitat). (*Ibid.*) The following mitigation measure is adopted to avoid or minimize the Project's potential impacts to VELB. (DEIR p. 3.4-34.) Implementation of this measure would reduce impacts to VELB to a less than significant level. (*Ibid.*)

Mitigation Measure BIO-3:

1. *Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines.*

2. *To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the BSA or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines:*

    a. *Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.*

    b. *Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist.*

    c. *Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."*

    d. *Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All*

work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs.

e. *During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.*

6. CULTURAL AND PALEONTOLOGICAL RESOURCES IMPACTS

Impact CPR-2: The Project may cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects of the impact to a less than significant level. An archeological survey conducted for the Project resulted in identification of two archeological sites on or near the Project site: (1) prehistoric archaeological site CA-FRE-3591/P-10-005976, and 2) historic-era trash scatter CA-FRE-3590H/P-10-005972. (DEIR p. 3.5-5.) However, the Cultural Resource Study has determined that CA-FRE-3590H is not eligible for listing on the California Register, and thus no further action is recommended for this resource. (DEIR p. 3.5-21.) The Project was redesigned before submittal to avoid site CA-FRE-3591. Site CA-FRE-3591 is located in a vineyard, outside the Project site boundary. (DEIR p. 3.5-20.) An activity exclusion area of 50 feet between the Project activities and site FRE-3591 will be maintained as part of the Project design features and BMPs, which will serve to protect site FRE-3591 from accidental encroachment by mining activities, personnel and/or equipment. (*Ibid.*) Additionally, Mitigation Measure CPR-1, as described below, will require site marking prior to commencement of construction and mining activities in the vicinity of Site CA-FRE-3591. (DEIR pp. 3.5-20 – 3.5-21.) With the implementation of Mitigation Measure CPR-1, potential impacts to this cultural resource will be less than significant. (*Ibid.*)

The possibility exists that cultural resources could be discovered during construction grading, trenching, augering, and/or excavation work. (DEIR p. 3.5-20.) The implementation of Mitigation Measures CPR-2 and CPR-3, which are consistent with the requirements of CEQA Guidelines Section 15126.4(b), will reduce the Project's potential impacts to cultural resources to a less than significant level. (DEIR pp. 3.5-20 – 3.5-21.)

Mitigation Measure CPR-1:

Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.

Mitigation Measure CPR-2:

The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.

Mitigation Measure CPR-3:

If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.

Impact CPR-3: The Project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measure that will reduce the impact to a less than significant level. While the Project site has long

been surficially disturbed by agricultural use and no paleontological resources were identified during the cultural resources field surveys of the Project site, the potential exists for discovery of paleontological resources during Project-related earth-moving and excavation activities. (DEIR p. 3.5-22.) Direct or indirect destruction of a unique paleontological resource or site would be a significant adverse impact. (*Ibid.*) The County adopts the following mitigation measure, which will render this impact less than significant. (*Ibid.*)

Mitigation Measure CPR-4:

If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.

Impact CPR-4: The Project may disturb human remains, including those interred outside of formal cemeteries.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the effects of the impact to a less than significant level. While no human remains were discovered during the cultural field surveys of the Project site, the possibility that such resources exist on the Project site cannot be completely ruled out; therefore, the impact is potentially significant. (DEIR p. 3.5-23.) The County adopts the following mitigation measures, which will reduce the impact to a less than significant level. (*Ibid.*)

Mitigation Measure CPR-5:

In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a

qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.

Mitigation Measure CPR-6:

The CEQA Guidelines (§15164.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed steps in Public Resources Code §5097.98, which include but are not limited to the following:

- *The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American.*
- *The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods.*
- *The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.*

7. HYDROLOGY AND WATER QUALITY IMPACTS

Impact HWQ-7: The Project may expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: Implementation of the mitigation measure listed below will reduce significant impacts to less than significant levels. The Hydraulic Flood Analysis conducted for the Project indicates that portions of the plant site are within the floodplain fringe. (DEIR p. 3.9-35.) Exceptionally high Kings River flows associated with heavy precipitation and/or meltwater could potentially result in flooding. (*Ibid.*) Such flooding could potentially expose employees or structures to significant risk of loss

or injury, which is a potentially significant impact. (*Ibid.*) The County adopts the following mitigation measure, which will render the impact less than significant. (*Ibid.*)

Mitigation Measure HWQ-1:

To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.

8. NOISE AND VIBRATION IMPACTS

Impact NO-1: The Project may result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the following mitigation measures that will reduce the impact to a less than significant level. The major on-site noise sources identified for the Project include aggregate mining (heavy equipment operations in pit areas), the aggregate processing plant, the hot mix asphalt plant, the ready-mix concrete plant, on-site heavy truck traffic, and the periodic use of the portable recycle plant. (DEIR p. 3.11-13.) To quantify the existing ambient noise environment at residential receivers, short-term and long-term ambient noise level measurements were conducted at the six locations shown on DEIR Figure 3.11-1. (DEIR p 3.11-4 – 3.11-5). Based on the six measurements, existing noise levels at the 15 closest noise-sensitive receivers were assigned. (*Ibid.*) Evaluation of the 15 closest noise-sensitive receivers conservatively accounts for potentially-affected receivers at locations farther from the Project. (DEIR p. 3.11-4.) DEIR Table 3.11-3 summarizes the existing noise levels at each receiver. (DEIR p. 3.11-6.)

The County General Plan establishes L_{dn} values of 60 dB or less as normally acceptable for residential land uses as well as for other sensitive receivers. (DEIR p. 3.11-22.)

Between 55 and 65 dB is conditionally acceptable. (*Ibid.*) The County Code limits median noise levels to less than 50 dB L_{50} and 45 dB L_{50} or less for day and night, respectively. (*Ibid.*)

The Applicant has incorporated various design features and environmental protection measures into the Project that would reduce the Project's noise-related impacts. (DEIR pp. 3.11-15 – 3.11-16.) These measures include the following:

- The HMA plant would be equipped with an exhaust stack silencer.
- The main aggregate plant would be equipped with urethane screens on the elevated screen decks and heavy urethane or rubberized liners on the hoppers and chutes.
- All mobile equipment would be equipped with noise suppressor mufflers in compliance with all applicable local, state, and federal laws and regulations.
- Smart backup alarms would be utilized and adjusted to ambient noise levels. Strobe lights would replace audible back-up alarms during non-daylight working hours subject to California Division of Occupational Safety and Health ("Cal OSHA") and United States Department of Labor Mine, Safety and Health Administration ("MSHA") approval.
- Electric dragline excavation operations within 1,000 feet of an existing residence would be conducted such that the dragline boom is facing the nearest residences, thereby providing greater separation between those residences and the dragline motors/fans, and orienting the cooling fan outlet (which is the loudest dragline noise source and located on the opposite side of the dragline than the boom) away from those residences.
- The reference sound levels associated with dragline operation would be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.
- A 10-foot tall berm would be constructed along Riverbend Avenue near the western edge of the proposed 100-foot excavation setback.
- A 10-foot tall vegetated berm would be constructed along the west boundary to attenuate noise and visually screen the Plant site from the Kings River and areas to the west of the Project site.

- An 8-foot tall berm would be constructed along the South side of Goodfellow from Riverbend Avenue to 2,000 feet West of Riverbend Avenue near the southern edge of the proposed 100-foot excavation setback.
- Recycle plant operation would be limited to daytime hours (7 a.m. to 10 p.m.).
- Following construction of berms along Riverbend and Goodfellow Avenues, to the maximum extent possible, excavation activities within 500 feet of an existing residence located adjacent to those roadways shall start on the portion of the pit furthest from the nearest residences, progressing below grade in the direction of those residences. In this way, mining activities may be visually and acoustically shielded as the mining equipment moves towards the potentially impacted residences.

DEIR Table 3.11-8 shows the reference noise levels corresponding to the operation of the types of equipment that would be used at the Project site and the approximate distances to the 50 and 45 dB L_{50} noise contours for each on-site noise source, adjusted for source-specific noise control measures. (DEIR p. 3.11-14.) The Project noise impacts were calculated for the maximum operating schedule (i.e. 24 hours per day and 7 days per week), which may temporarily be required under certain circumstances. (DEIR p. 3.11-17.)

For noise generated by the plant area sources (aggregate processing, asphalt, concrete, and recycle plants with associated truck traffic), DEIR Table 3.11-11 shows that Project noise control measures would satisfy the daytime and nighttime median noise standards of Fresno County at 14 of the 15 nearest residences. (DEIR p. 3.11-18, 3.11-22.) For the one significantly impacted residence (Receptor 8), implementation of Mitigation Measure NO-2, below, would reduce the impact to less than significant levels. (FEIR p. 3-15 – 3.16.) As explained in the FEIR, Mitigation Measure NO-2 was refined in the FEIR to include specific design criteria for the berm height and noise barrier. (FEIR p. 3-15.)

Applying Fresno County Noise Ordinance standards, the DEIR also evaluates the potential for Project excavation and combined operations (i.e., Plant area and excavation) to exceed County thresholds. (DEIR pp. 3.11-19, 3.11-22 – 3.11-23.) DEIR Table 3.11-12 indicates that, due to a much closer proximity to existing residences, those operations would result in exceedance of the County's nighttime noise standards of significance at 7 of the 15 residences located closest to the Project site. (DEIR p. 3.11-19.) If excavation activities were limited to daytime hours, Table 3.11-12 indicates that the County's daytime noise standards would be satisfied at 14 of the 15 receivers; one receiver would exceed the daytime threshold by one (1) dB prior to mitigation. (*Ibid.*) The DEIR provides Mitigation Measure NO-1 for the receivers impacted during the daytime and nighttime excavation and/or combined operations. (DEIR p. 3.11-23.)

The County adopts the following mitigation measures, and finds that implementation of these measures, in combination with the Project design features, will reduce the Project's potentially significant noise impacts to less than significant levels. (DEIR p. 3.11-23 – 3.11-24; FEIR p. 3-15 – 3-17.)

Mitigation Measure NO-1:

The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant:

1. *The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.*
2. *Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers:*
    a. *When operating the mine and aggregates plant only:*
        i. *600 ft from R3, R4, R5, R7, R9, R10.*
        ii. *900 ft from R8.*
        iii. *725 ft from R13.*
        iv. *925 ft from R14.*
    b. *When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant:*
        i. *600 ft from R3, R4, R5.*
        ii. *750 ft from R7, R9, R10.*
        iii. *1,050 from ft R8.*
        iv. *850 ft from R13.*
        v. *975 ft from R14.*
3. *Prior to mining within 900 feet of Residences 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm should be constructed near the western*

edge of the proposed 100-foot excavation setback.

4. *Prior to mining within 900 feet of Residence 10 along Riverbend Avenue, an 11-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback.*

5. *Prior to mining within 900 feet of Residence 13, the proposed 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue.*

6. *Excavation activities within 1,000 feet of an existing residence shall be conducted such that the dragline cooling exhaust fans do not directly face the residence.*

Mitigation Measure NO-2:

The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8:

1. *Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures:*

   a. *A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7.*

   b. *Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in 8 dBA reduction in noise from the aggregate plant.*

2. *Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.*

Mitigation Measure NO-3:

The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.

Impact NO-2: The Project may result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Findings: As to non-traffic noise impacts, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant noise effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

As to traffic noise impacts, specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: The County adopts the following mitigation measures, but finds that no feasible mitigation can reduce the adverse traffic noise impacts to a less than significant level.

Table 3.11-7 of the DEIR lists the Federal Interagency Commission on Noise (FICON) thresholds used for identifying Project-related noise level increases according to the varying levels of pre-Project ambient conditions. (DEIR 3.11-13.) These thresholds are consistent with the Fresno County General Plan Health and Safety Element. (FEIR p. 2-10.) These graduated thresholds were applied to address whether the Project would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (DEIR pp. 3.11-25 – 3.11-27.) Changes in noise level predicted for each receiver in the peak day hour and peak night hour are presented in EIR Table 3.11-16. (DEIR p. 3.11-25 [this table appears as Table 3.11-15 in the DIER; however, it was subsequently renumbered as Table 3.11-16 in the FEIR]; FEIR p. 3-17.) As shown in Table 3.11-16, the increase in daytime noise levels at two residential receivers is predicted to be greater than the FICON threshold during the daytime. (DEIR p. 3.11-25.) The increase in nighttime noise at the same two receivers and an additional five receivers is predicted to be greater than the FICON threshold at night. (*Ibid.*) Mitigation Measures NO-1 and NO-2 are provided to reduce Project noise levels to less than the FICON thresholds for the receivers impacted during the daytime and nighttime excavation and/or combined operations. (DEIR pp. 3.11-27; FEIR pp. 3-15 – 3-16.)

The DEIR utilized the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) to project the noise associated with traffic that the Project is expected to generate. (DEIR p. 3.11-20.) Traffic volumes for Year 2015, Year 2019 and Year 2035 conditions with and without the Project were determined in the Traffic Impact Assessment (DEIR Appendix K) and used in the Noise Assessment to predict existing and future noise levels at receivers located near roadways traveled by

Project vehicles. (DEIR pp. 3.11-25 – 3.11-26.) Table 3.11-14 of the DEIR summarizes the predicted future Project traffic noise levels in terms of L_{dn} (Day-Night Average Noise Level) at a reference distance of 100 feet from the centerlines of Project area roadways for each Project scenario and already accounts for cumulative traffic conditions. (DEIR p. 3.11-20.) Table 3.11-14 shows the change in traffic noise levels due to the addition of Project trucks in each of the three years assessed. (*Ibid.*)

The DEIR concludes that a substantial permanent increase in ambient noise levels (e.g. an increase of 3dB or greater) will occur at receivers located along several of the off-site haul routes. (DEIR p. 3.11-27.) Traffic noise impacts were identified at residences located along Central Avenue, between McCall and Bethel and between Academy and Newmark; and along Goodfellow Avenue, between Newmark and Riverbend. (DEIR p. 3.11-28; FEIR p. 2-11.) As analyzed in the EIR, mitigation measures that could be employed to reduce off-site heavy truck traffic noise levels, such as reduction of truck speeds, construction of off-site noise barriers, etc., are infeasible. (DEIR p. 3.11-27; FEIR p. 2-11.) Specifically, speed limits on roadways are determined by several factors, including the classification of the roadway (i.e., collector, arterial, expressway) and sometimes speed studies and cannot be arbitrarily lowered. (*Ibid.*) Construction of off-site noise barriers would also be infeasible because the Project Applicant does not own the right-of-way upon which such barriers would be constructed. (*Ibid.*) Further, openings that would be required in such barriers for driveway access would significantly reduce noise barrier effectiveness. (*Ibid.*) Therefore, off-site traffic noise impacts remain significant and unavoidable. (DEIR p. 3.11-28.)

Implementation of Mitigation Measure NO-1 and Mitigation Measure NO-2, described above, would reduce the Project's noise levels at nearby receivers to less than the FICON thresholds of significance. (DEIR p. 3.11-27 – 3.11-28.) However, traffic noise impacts identified at residences located along Central Avenue, between McCall and Bethel and Academy and Newmark, and Goodfellow Avenue, between Newmark and Riverbend, would remain significant and unavoidable. (DEIR p. 3.11-28.) To the extent that this impact will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

9. TRANSPORTATION AND TRAFFIC IMPACTS

Impact TRANS-1: The Project may conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to

intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Impact TRANS-2: The Project may conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen some of the significant traffic effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible the other traffic mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: The County below adopts one mitigation measure for the above listed two traffic impacts, but finds that no feasible mitigation can reduce the adverse impacts to a less than significant level. The Project would result in increased vehicle trips on roadways in the Project study area, primarily truck trips associated with haul trucks leaving the Project site with materials and coming to the site to receive materials. (DEIR p. 3.12-23.) Should the Project's generation of traffic either create or contribute to existing exceedances of acceptable levels of service ("LOS") for effected roadways, the impact would be considered significant. LOS is an indicator of operating conditions on a roadway or at an intersection and is defined in categories ranging from LOS A (best traffic flow conditions) to LOS F (poor traffic flow conditions). (DEIR pp. 3.12-12 – 3.12-13.) DEIR Table 3.12-1 provides the County General Plan LOS target level by study intersections. (DEIR p. 3.12-13.)

The EIR considered traffic LOS under the following traffic scenarios: (1) Existing Conditions; (2) Existing Plus Project Conditions; (3) Existing Plus Approved/Pending Conditions; (4) Existing Plus Project Plus Approved/Pending Conditions; (5) Year 2015 (Phase 1 of the Project) Conditions; (6) Year 2017 (Phase 2 of the Project) Conditions; (7) Year 2019 (Phase 3 of the Project) Conditions; (8) Cumulative 2035 No Project Conditions; and (9) Cumulative 2035 Plus Project Conditions. (DEIR p. 3.12-10.) The Project's estimated trip generation data are found at DEIR Table 3.12-8 and Figures 3.12-5 & 3.12-6. (DEIR p. 3.12-24 – 3.12-26.) The number of Project truck trips, distribution of trucks on the roadways and percent contribution to traffic are based on theoretical peak

day trips and annual average daily trips during periods of maximum Project annual output. (DEIR p. 3.12-24; FEIR p. 2-3.)

As analyzed in the DEIR, the increase in traffic attributable to the Project would result in decreases to the level of service at some intersections and roadways. (DEIR pp. 3.12-59 – 3.12-61.) DEIR Tables 3.12-9 and 3.12-10 show the intersections and roadway segments that are expected to have significant impacts for various analyzed scenarios. (DEIR pp. 3.12-59 – 3.12-60.) DEIR Table 3.12-11 provides a queue length summary for left and right turn lanes at the study intersections. (DEIR p. 3.12-61.) Depending upon the projected increased traffic at a particular intersection or roadway segment, Mitigation Measure TRANS-1 identifies improvements that need to be implemented to reduce the potential impact to a less than significant level (e.g., the addition of turn lanes, through lanes, traffic signals, and/or storage length). (DEIR pp. 3.12-63 - 3.12-72.) The Project Applicant will be required to enter into a traffic mitigation agreement with the County and Caltrans that will require the Applicant to contribute proportional fair share funding towards the improvements identified to make the impacts less than significant. (*Ibid.*) However, even with the Applicant's contribution, the improvements necessary to achieve acceptable levels of service and minimize road damage may not occur prior to the Project's introduction of additional vehicle trips due to issues such as County or Caltrans lack of complete funding for the improvements. (DEIR p. 3.12-72.) Therefore, for legal purposes, the impacts are considered significant and unavoidable. (*Ibid.*)

Accordingly, the County adopts the following mitigation measure, but finds that no feasible mitigation can reduce the adverse impact to a less than significant level. (DEIR pp. 3.12-63 – 3.12-72.) To the extent that these traffic impacts will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

Mitigation Measure TRANS-1:

The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments.

The required improvements incorporated into Mitigation Measure TRANS-1 are listed on DEIR pages 3.12-63 through 3.12-68.

Impact TRANS-4: The Project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).)

Facts in Support of Finding: The County adopts the mitigation measure below that will reduce the effects of the above traffic impact to a less than significant level. The Project would increase vehicle trips at the Project site access intersection which could increase hazards. (DEIR p. 3.12-73.) There will be one access point to the Project site located along Goodfellow Avenue west of Riverbend Avenue. (*Ibid.*) As analyzed in the DEIR, the impact to LOS at the Project access road would be less than significant. (*Ibid.*) However, Goodfellow Avenue is classified as an arterial in the Transportation Element of the County General Plan. (*Ibid.*) Pursuant to the General Plan, new developments along arterials are required to comply with certain design requirements. (*Ibid.*) To minimize safety concerns in compliance with the County General Plan, the Applicant will be required to comply with Mitigation Measure TRANS-2, below, which requires the Applicant to add an eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. (DEIR p. 3.12-74.) In addition, a westbound acceleration lane for trucks exiting the Project site will be required to minimize the Project's potential safety impacts. (*Ibid.*) Through incorporation of Mitigation Measure TRANS-2, this impact will be reduced to a less than significant level. (*Ibid.*)

Mitigation Measure TRANS-2:

The Project applicant shall make the following improvements prior to any product being shipped from the Project site:

Project Driveway at Goodfellow

- *Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue.*

- *Westbound acceleration lane for trucks exiting the site.*

Impact TRANS-7: Truck traffic generated by the Project may result in the Traffic Index (TI) increasing by a factor of 0.5.

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen some of the significant traffic index effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible any other mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Finding: The County adopts the following mitigation measure, but finds that no feasible mitigation can reduce the adverse impact to a less than significant level. Project truck traffic has the potential to accelerate damage and decrease the life expectancy of pavement on the study area roads. (DEIR p. 3.12-76.) The DEIR analyzed the Project's potential impacts on road pavement and road conditions using the Traffic Index (TI). (*Ibid.*) The TI is a measure of the number of truck-equivalent single-axle loads expected over the design period of a particular roadway. (*Ibid.*) An increase in the TI as a result of a project's traffic or regional growth generally creates a corresponding decrease in the expected life of the existing pavement. (*Ibid.*) If truck traffic generated by a project results in the TI increasing by a factor of 0.5, the project is required to mitigate the roadway structural section to accommodate the increase in truck traffic. (*Ibid.*) As shown in DEIR Table 3.12-12, the Project would impact seven out of eleven roadways analyzed because the Project's truck traffic results in the TI increasing by a factor of 0.5 or greater. (DEIR pp. 3.12-62, 3.12-76.) Therefore, the Project could have a significant impact, and the Project will be required to contribute its fair share cost for the purposes of improving the structural section of the impacted roadways. (*Ibid.*) Implementation of the identified improvements is expected to reduce the impact to a less than significant level. (DEIR p. 3.12-77.) However, even with the Applicant's contribution of the Project's proportional fair share of funding for these improvements, the necessary improvements may not occur prior to the Project's introduction of additional vehicle trips due to issues such as lack of government funding. (*Ibid.*) Therefore, the Project's impact is considered significant and unavoidable. (*Ibid.*)

Accordingly, the County adopts Mitigation Measure TRANS-3, but finds that no feasible mitigation can reduce the adverse impact to a less than significant level. To the extent that these impacts will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

Mitigation Measure TRANS-3:

The Project will contribute its fair share cost for the purposes of improving the structural section of the identified impacted street segments.

Central Avenue

- *McCall Avenue and Bethel Avenue*
- *Bethel Avenue and Academy Avenue*
- *Academy Avenue and Newmark*
- *Newmark Avenue and Riverbend Avenue*

McCall Avenue

- *SR 180 (Kings Canyon) and Jensen Avenue*
- *Jensen and North*
- *North Avenue and Central Avenue*

10. CUMULATIVE IMPACTS

The EIR evaluated the potential for cumulative impacts within each of the potentially significant topical environmental issues. (DEIR Sections 3.1 - 3.12, & 5.1.5.) The County identified the following seven currently or reasonably foreseeable projects that could result in cumulative impacts for the resource areas affected by the Project: (1) Carmelita Mine and Reclamation Project; (2) Sanger-Centerville Aggregate Operations Expansion (Vulcan Materials); (3) Kings River Sand and Gravel (CMI); (4) Santa Fe Aggregate (Central Valley Ready-Mix); (5) Sanger Crossing Apartments; (6) Pitman Farms; and (7) the Family Dollar Store. (DEIR p. 3-5, Table 3-1.) As analyzed in the EIR, the Project's potential impacts in the following resource categories have been determined to be cumulatively considerable: (1) air quality; (2) noise; and (3) traffic and transportation. (DEIR pp. 5-3 – 5-27.)

a. Cumulative Air Quality Impacts

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen some of the significant effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible other mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: As analyzed in EIR Section 3.3.6.2, short term concentrations of NO_x, PM_{10} and $PM_{2.5}$ each exceed the applicable threshold when added to background or compared to applicable thresholds. (DEIR pp. 3.3-54 – 3.3-56; FEIR p. 3-9.). Therefore, the Project's impact on short term concentrations of these pollutants

is also cumulatively considerable. (DEIR pp. 3.3-75, 5-6.) Additionally, long term concentrations of PM_{10} and $PM_{2.5}$ each exceed the applicable threshold when added to background or compared to applicable thresholds. (DEIR pp. 3.3-55, 3.3-75; FEIR p. 3-9.). Thus, Project impacts on long term concentrations of these pollutants are considered cumulatively considerable. (DEIR pp. 3.3-75, 5-6.) Lastly, the Project may result in a cumulatively considerable impact on regional ozone under the applicable ambient air quality standards. (DEIR p. 3.3-76, 5-6.)

As discussed in detail in these findings with respect to Impacts AQ-2 and AQ-3, above, beyond the numerous Project design features and Mitigation Measures AQ-2 and AQ-3, no feasible mitigation measures exist to reduce the Project's remaining air quality impact to a less than significant level. (DEIR pp. 3.3-57, 3.3-61; FEIR p. 3-14.) To the extent that this impact to air quality will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

b. Cumulative Noise Impacts

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant noise effects on the environment, other than traffic noise. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible any additional traffic noise-related mitigation measures or alternatives. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: As analyzed in the DEIR, the Project would not cause a permanent increase in noise levels exceeding the applicable thresholds at any of the receivers near the Project. (DEIR pp. 3.11-28, 3.11-30.) However, Project traffic would cause noise levels along roadways to exceed the FICON threshold resulting in a significant noise impact. (DEIR pp. 3.11-25 – 3.11-28.) Therefore, the Project, together with the noise from the Kings River Sand and Gravel project traffic and the Carmelita project traffic, would also have a cumulatively considerable noise impact due to the permanent increase in traffic noise at roadside receivers. (DEIR pp. 3.11-30, 5-23.)

As discussed in these findings with respect to Impact NO-2, above, beyond the Project design features and Mitigation Measures NO-1 and NO-2, no feasible mitigation exists to reduce the impact below the level of significance. Therefore, cumulative traffic noise

impacts to roadside receivers would remain significant and unavoidable. (DEIR p. 3.11-28, 3.11-30.) To the extent that this impact will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

c. **Cumulative Transportation and Traffic Impacts**

Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant traffic effects on the environment. (14 Cal. Code Regs. § 15091, subd. (a)(1); Pub. Resources Code, § 21081, subd. (a)(1).); and

Specific economic, legal, social, technological, or other considerations as specified in Section I below of these findings make infeasible any other traffic mitigation measures or alternatives identified in the EIR. (Pub. Resources Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).)

Facts in Support of Findings: The EIR determined that the increase in traffic attributable to the Project would result in decreases to the level of service at certain intersections and roadways. (DEIR pp. 3.12-59 – 3.12-61.) Based on this determination, the EIR concluded that the Project may conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system and may also conflict with an applicable congestion management program. (*Ibid.*) The Traffic Impact Study conducted for the Project specifically evaluated Carmelita, Sanger-Centerville and Kings River Sand and Gravel projects. (DEIR pp. 3.12-81, 5-24.) The Project traffic impacts were analyzed considering future traffic conditions, approximately twenty years after the assumed opening day of the Project, or in this case the year 2035. (*Ibid.*) The levels of traffic expected in 2035 relate to the cumulative effect of traffic increases resulting from the implementation of the General Plans of local agencies, including the City of Fresno and Fresno County. (*Ibid.*)

Depending upon the projected increased traffic at a particular intersection or roadway segment, Mitigation Measure TRANS-1 identifies improvements that need to be implemented to reduce the potential impact to a less than significant level (e.g., the addition of turn lanes, through lanes, traffic signals, and/or storage length). (DEIR pp. 3.12-63 - 3.12-72.) The Project Applicant will be required to enter into a traffic mitigation agreement with the County and Caltrans that would require the Applicant to contribute proportional fair share funding towards the improvements identified to make the impacts less than significant. (*Ibid.*) It is only because the contemplated improvements may not be installed prior to the Project's introduction of additional

vehicle trips to public roadways that the impact was determined to be significant and unavoidable. (DEIR p. 3.12-72.)

Regionally, all proposed projects are assessed for potential impacts due to increased traffic volumes, or impacting capacities of the street system on an individual basis. (DEIR p. 3.12-80.) If project impacts are expected to occur, the project proponent is required to mitigate the impact to a less than significant level either through direct project construction or fair share contribution. (*Ibid.*) Each of the cumulative projects identified on DEIR Table 3-1 has been evaluated or will also be additionally evaluated during their CEQA review for their potential impacts to transportation and traffic on a localized and regional level. (*Ibid.*) The individual project approval processes have identified or will identify both project related and cumulative traffic impacts that would be mitigated through project related construction and fair share contribution toward mitigation of regional impacts. (*Ibid.*) However, since it is unclear when these measures will be fully funded and therefore actually be implemented, the Project's potential cumulative traffic impacts remain significant and unavoidable. (DEIR pp. 3.12-80 – 3.12-82, 5-25.) To the extent that this impact will not be substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

The EIR further determined that, on a project level, truck traffic generated by the Project would result in the TI increasing by a factor of 0.5 at seven out of eleven impacted roadways, which is a potentially significant impact. (DEIR pp. 3.12-62, 3.12-76.) Pursuant to Mitigation Measure TRANS-3, the Project will be required to contribute its fair share cost for the purposes of improving the structural section of the impacted roadways. (DEIR p. 3.12-77.)

Regionally, all proposed projects are assessed for potential impacts to the structural condition of the roadway due to increased traffic volumes. (DEIR p. 3.12-84.) If truck traffic generated by a project results in the TI increasing by a factor of 0.5, the project would be required to mitigate the roadway structural section to accommodate the increase in truck traffic to a level of less than significant either through direct project construction or fair share contribution. (*Ibid.*) Each of the cumulative projects identified on EIR Table 3-1 has been evaluated or will be evaluated for their potential impacts to the TI. (*Ibid.*) The individual project approval processes have identified or will identify both project related and cumulative traffic impacts that would be mitigated through project related construction and fair share contribution toward mitigation of regional impacts. (*Ibid.*) However, since it is unclear when these measures will be fully funded and therefore actually be implemented, the potential cumulative traffic impacts remain significant and unavoidable. (DEIR pp. 3.12-84, 5-27.) To the extent that these impacts will not be

substantially lessened or avoided, the County finds that specific economic, social and other considerations identified in the Statement of Overriding Considerations (Section I below) support certification of the EIR and approval of the Project.

11. GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a proposed project. There are two types of growth inducing impacts that a project may have: direct and indirect. (DEIR p. 5-27.) Direct growth inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. (DEIR p. 5-28.) Projects that physically remove obstacles to growth, or projects that indirectly induce growth are those, which may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents. (*Ibid.*)

The Project is not considered growth inducing, but rather growth dependent because the development of the Project is in response to the region's growing population and building industry. (*Ibid.*) In other words, growth will occur whether or not the Project is implemented. (*Ibid.*) Therefore, implementation of the Project would not induce growth not already envisioned by the County. (*Ibid.*)

12. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines Section 15126.2(c) states that significant irreversible environmental changes must be discussed when the project includes future commitments to non-renewable resources either during construction or operation. Irretrievable commitments of non-renewable resources must be evaluated to assure that such current consumption is justified. (DEIR p. 5-35.)

Section 5.4 of the EIR identified irreversible environmental changes which would result from approval of the Project. (DEIR pp. 5-35 – 5-36.) In particular, the EIR stated that the Project lies within a state-designated Mineral Resources Zone (MRZ-2), and is recognized by the Department of Conservation as possessing construction grade aggregates of regional significance. (DEIR p. 5-36.) At the core of the Project is development of these non-renewable aggregate resources in order to meet the Fresno region's need for aggregate. (*Ibid.*)

Approval and implementation of the Project would also result in an irretrievable commitment of energy supplies. (*Ibid.*) The energy resource demands would be used for on-site mining activities, transportation of products and mineral resources, as well as other energy associated needs related to the on-site processing plants. (*Ibid.*) Non-renewable energy resources would be

committed primarily in the form of fossil fuels, and would include diesel fuel, oil, natural gas, and gasoline used by vehicles and equipment associated with the operation of the Project. (*Ibid.*)

The development of the Project is in direct response to the region's growing population and building industry. (*Ibid.*) Aggregate deposits will be mined to provide needed construction-grade aggregate, and energy supplies will be used for mining activities, transportation of products and mineral resources, as well as other energy associated needs related to processing the material. (*Ibid.*) The commitment of resources and the levels of consumption associated with the Project are consistent with these anticipated changes; therefore, there is no particular justification for avoiding or delaying the commitment of these resources. (*Ibid.*)

E. MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code Section 21081.6(a)(1) states:

> When making the findings required by paragraph (1) of subdivision (a) of Section 21081 [that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment] . . . [a] public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

The County will use the Mitigation Monitoring and Reporting Program to track compliance with Project mitigation measures. The Final Mitigation Monitoring and Reporting Program is attached to and incorporated into the environmental document approval resolution and is hereby approved in conjunction with certification of the EIR and adoption of these CEQA findings.

F. NO RECIRCULATION OF DRAFT EIR IS REQUIRED

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- A substantial increase in the severity of an environmental impact would result unless mitigation are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines § 150885(a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The County recognizes that the FEIR incorporates information obtained by the County since the DEIR was completed, and contains several clarifications. In particular, four mitigation measures were added (AES-4, AQ-2, AQ-3, and NO-3), and two mitigation measures were updated (AG-1, and NO-2). (FEIR pp. 3.1 – 3.3.) Mitigation Measures MM AQ-2 and MM AQ-3 were added at SJVAPCD's request to ensure that the assumptions regarding offroad engine model year and tier presented on DEIR page 3.3-37 will be made a condition of project approval and included in the Mitigation Monitoring and Reporting Program. (FEIR p. 3-15.) In response to a public comment, Mitigation Measure NO-2 was refined to specify berm height and that sound curtains will be used to further reduce noise levels at Receiver 8. (FEIR p. 3-15.) Also, Mitigation Measures AES-4 and NO-3 were added in response to DEIR comments. (FEIR pp. 3-1, 3-15 – 3.16.)

Further, the FEIR added discussion of the SJVAPCD 2012 $PM_{2.5}$ Plan to Section 3.3 of the DEIR. (FEIR pp. 3-4 – 3-8.) Environmental analysis for the Project began before the SJVAPCD 2012 $PM_{2.5}$ Plan was adopted, which is why this discussion was not in the DEIR. (FEIR p. 2-78.) Additionally, as discussed in the FEIR, modeled concentrations of NO_2, SO_2, and $PM_{2.5}$ were updated in response to SJVAPCD comments to incorporate the asphalt plant stack which resulted in lower concentrations and elimination of a significant impact on SO_2 concentrations. (FEIR p. 3-8.) In response to DEIR comments provided by the SJVAPCD, the mass of NO_x emissions emitted by Project haul trucks operating off-site was refined and additional discussion on the feasibility of a VERA was provided. (FEIR pp. 3.10 – 3.14.)

The regional/fair share emissions from Project haul trucks carrying aggregates that was presented in DEIR Appendix D was updated in the technical memo (Final EIR Appendix C) to include the maximum potential increase in annual emissions above the straight line per capita forecast used

by the California Geological Survey to estimate 50-year demand. (FEIR p. 3-10.) In the past, the most that annual consumption of aggregates has exceeded the per capita estimate has been 38% based upon actual historical consumption reported in Open File Report 99-02 (CGS, 1999). (*Ibid.*) Thus, the values in Appendix D of the DEIR may be understated in a boom year and have been increased by 38% to account for fluctuations in the market. (*Ibid.*) Using the regional/fair share approach yields a Project NO_x impact that is less than significant. (*Ibid.*) However, in order to be conservative, the Project NO_x impact determination was made based on the more conservative potential to emit (PTE) approach rather than the regional/fair share approach. (*Ibid.*) Using the PTE approach, the Project NOx impact is significant, as reflected in both DEIR and FEIR. (DEIR p. 3.3-61, FEIR p. 3.14.)

Lastly, the FEIR corrected several typographical errors, which corrections had no impact on the validity or accuracy of DEIR's analysis or conclusions. (FEIR pp. 3-3, 3-8, 3-10, 3-17, 3-18.)

None of the changes between the DEIR and FEIR involve "significant new information" triggering recirculation because the additional information did not result in any new significant environmental effects, nor any substantial increase in the severity of any previously identified significant effects, and would not otherwise trigger recirculation. Instead, the modifications made were either environmentally beneficial or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion and the lead agency properly responds to public and responsible agency comments. On this basis, the County finds that none of the circumstances exist requiring recirculation of the DEIR. (See CEQA Guidelines, § 15088.5.) For this reason, recirculation of the DEIR is not required.

G. FINDINGS REGARDING PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. (See, e.g., *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445.)

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Italics added.) Section 21002 further states that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors." (Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364.) Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6(f)(1).) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1166.) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002; *Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Thus CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project alternatives are not required, however, where such changes are infeasible. (Pub. Resources Code, § 21002.)

As noted in the preceding discussion regarding Project impacts, the County finds that most of the significant effects identified in the EIR have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. However, there are no feasible mitigation measures available that will avoid or substantially lessen the following significant unavoidable impacts of the Project: air quality impacts from operation emissions; substantial increase in traffic-caused ambient noise levels at receivers located along several of the off-site haul routes; and traffic impacts to certain intersections and roadway segments.

Thus, as a legal matter, the County, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts to air, noise, and traffic. If any alternatives are in fact superior with respect to those impacts, the County is then required to determine whether the alternatives are feasible. If the County determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the EIR, the County may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require an evaluation of all possible alternatives, only an evaluation of "a reasonable range of potentially feasible alternatives" so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6(a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286.)

The County has considered the Project alternatives presented and analyzed in the EIR and presented during the comment period and public hearing process. In considering the Project alternatives, the County considered not only the relative environmental impacts and the feasibility of the alternatives, but also the ability of the alternatives to achieve the stated objectives and purposes of the Project.

The Project has ten distinct objectives, which are listed at page 2-2 of the DEIR, and Chapter 4 of the DEIR contains an evaluation of the alternatives. The project alternatives evaluated in detail in the EIR are (DEIR pp. 4-5 – 4-13):

- Alternative 1 - No Project Alternative
- Alternative 2 - Reduced Annual Production Alternative
- Alternative 3 - Reduced Project Size Alternative
- Alternative 4 - Reduced Mining Depth Alternative
- Alternative 5 – Different Phasing

It is the finding of the Planning Commission that there is no feasible environmentally superior alternative to the Project. Thus, the Project may be approved as mitigated, along with a Statement of Overriding Considerations (see Section I below.)

1. ALTERNATIVES CONSIDERED AND REJECTED FROM DETAILED EVALUATION

CEQA requires that the lead agency identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying the infeasibility determination. (CEQA Guidelines, § 15126.6(c).) Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. The DEIR included the following alternatives that were considered, but dismissed from detailed consideration.

Five alternatives to the Project were considered and rejected during the scoping process: (1) Alternative Location; (2) Alternative Mining Method; (3) Alternative Reclamation or End Use; (4) Reduced Project Duration Alternative; and (5) Transport of Aggregate by Rail

Alternative. (DEIR pp. 4-2 – 4-5.) Reasons for eliminating these alternatives include failure to meet basic project objectives, infeasibility, or the fact a particular alternative would not avoid significant environmental impacts. (*Ibid.*)

a. Alternative Location

CEQA Guidelines Section 15126.6(f)(2)(A) states that "only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." Implementation of the Alternative Location alternative would require the relocation of the Project to another potential location within the County. An Alternative Location would require control of a land block containing a high quality aggregate resource that was also large enough to support a major aggregate mine with crushing and screening, asphalt, and concrete plants. (DEIR p. 4-2.) Site-specific studies would be required to evaluate a new site and its adequacy to support mining and processing operations. (DEIR p. 4-3.) An alternative site would need to be available for purchase or long-term lease with abundant aggregate resources to justify the company's investment. (*Ibid.*) Feasibility and environmental impact studies would have to be prepared, similar to the Project, to evaluate the environmental and logistical concerns associated with locating the Project at an alternative site, including but not limited to the quality and quantity of aggregate resources, available utility services, distance to markets, traffic routes and impacts to traffic, existing and future surrounding land uses and the impact of mining on said uses, potential impacts to water, biological and cultural resources, and the ability to reclaim the site after mining is completed. (*Ibid.*)

The CEQA Guidelines recognize that mining projects are an example of why evaluation of an alternative location may not be feasible, due to the fact that location of any mineral resource is fixed to the specific site, cannot move, and may not be available elsewhere. (CEQA Guidelines § 15126.6(f)(2)(B).) In order to site an aggregate mine, the geologic resource must actually exist at the proposed location. Here, the Project site is located in area identified by the Department of Conservation as a Mineral Resource Zone-2 (MRZ-2), meaning that there is significant evidence to suggest that substantial mineral deposits exist on site. (DEIR p. 4-2.)

An alternative mining location would either require excavated materials to be transported to the existing plants on public roads or new private haul roads, or new plants would need to be developed at the alternative site. (DEIR p. 4-3.) Both of these scenarios would create additional environmental impacts at a new location related to traffic, noise, air quality, and possibly biological resources. (*Ibid.*)

No alternative sites have been identified, for which enough sufficient information exists to analyze whether they would meet any of the basic Project objectives, or to compare impacts to the proposed Project's impacts. (*Ibid.*) The elimination of impacts at the Project site is also

analyzed for the No Project Alternative. Therefore, an alternative location was not considered further.

b. Alternative Mining Method

Once the topsoil and overburden are removed by conventional equipment, the Project proposes to use a "wet mining" method utilizing an electric dragline that does not require dewatering of the excavation. (DEIR pp. 1-1, 4-3.) Material would be transferred to the process plant via overland conveyor belts. (DEIR pp. 2-36, 4-3.) An alternative mining method would utilize conventional mining to excavate the aggregate which would require dewatering of the active mining area to allow "dry mining" beneath the current water table. (DEIR p. 4-3.) Conventional mining would use diesel-powered construction equipment to extract aggregate from the deposit. (DEIR pp. 4-3 – 4-4.) Material would be then loaded onto diesel-powered haul trucks for transport to an on-site aggregate plant. (DEIR p. 4-4.) Diesel exhaust emissions and dust generated by conventional mining methods using diesel-powered excavator and haul trucks would be substantially increased compared to the proposed methods. (*Ibid.*) Conventional "dry mining" would also create increased local hydraulic impacts due to de-watering. (*Ibid.*)

Since the Project would create less air quality and hydrologic impacts than conventional mining methods, an alternative mining method was not further considered.

c. Alternative Reclamation or End Use

The proposed Project includes the creation of approximately 268 acres of reclaimed farmland and approximately 351 acres of riparian (33 acres) and open water (318 acres) wildlife habitat. (DEIR pp. 2-48, 4-4.) The Project site will support significantly more acres of native habitat at Project completion (approximately 558 acres) than it currently does (approximately 217 acres), an increase of approximately 257%. (DEIR p. 4-4.) In addition, the quality of the habitat created on the Project site will be significantly higher than what currently exists on the site. (*Ibid.*) At Project completion, the site will be able to support a higher diversity, density, and abundance of wildlife and plant species than under the current conditions. (*Ibid.*) Therefore, the proposed Project will result in a net benefit to the region in that it will provide a significant habitat area for wildlife and native vegetation. (*Ibid.*)

An alternative end use would be to return more acres back to farmland. (*Ibid.*) Due to the depth of mining (100 feet) and the volume of aggregate material that would be removed, it is not possible to reclaim the entire Project site to agricultural land without importing fill. (DEIR p. 3.2-16, 4-4.) Importing fill to replace all the aggregate removed would be prohibitively expensive and would increase criteria air and GHG emissions. (*Ibid.*) Under the Reduced Mining Depth Alternative, reclamation of an additional 104 acres back to farmland is already

discussed. (DEIR p. 4-4.) Therefore, an Alternative Reclamation or End Use was not considered further.

d. Reduced Project Duration Alternative

The Project would mine aggregate from the Project site for approximately 75 years. (DEIR pp. 1-1, 4-4.) Under the Reduced Project Size Alternative and the Reduced Mining Depth Alternative, the impacts associated with a reduced Project duration are already discussed. Therefore, a separate Reduced Project Duration Alternative was not considered further.

e. Transport of Aggregate by Rail Alternative

During the scoping process, a commenter noted that consideration should be given to transporting aggregate by rail. (DEIR p. 4-4.) During the hearings on the Jesse Morrow Mountain aggregate project in Fresno County in 2012 and during the Carmelita Mine project hearings in 2012 and 2013, it was suggested that the Selma Rail Yard facility approved in 2011 along Freeway 99 near the City of Selma could handle much of the aggregate demand in Fresno. (*Ibid.*) However, as indicated at the Jesse Morrow Mountain and Carmelita hearings, rail hauling is not an economically feasible alternative because the average trucking cost for aggregate in this region is only $10.50/ton vs $27/ton to transport aggregate by rail. (DEIR pp. 4-4 – 4-5.) In addition, there would be the cost to load the aggregate on to the railcars, the cost to off-load aggregate at the Selma rail yard, the cost to load the trucks that would deliver aggregate to the end user, and the cost to deliver aggregate to the end user. (DEIR p. 4-5.) There would also still be the same number of truck trips to pick up and distribute aggregate from the Selma rail site, and there would be additional air emissions from rail. (*Ibid.*)

County Planning staff has also determined that only 780,000 tons of aggregate a year could be shipped from the Selma Rail Yard since only 208 truck trips/day were evaluated in the Traffic Impact Study for that rail yard project. (*Ibid.*) The Riverbend Project proposes 513 truck trips per day to sell 1.25 million tons of aggregate a year. (*Ibid.*) Finally, many if not most of the environmental impacts that would be caused by the proposed Project would generally be incurred in some other location in California in order to supply aggregate via rail to the Selma site. (*Ibid.*) Thus, from an overall environmental impacts analysis, the impacts would be moved but not avoided, and air emissions would be increased by rail haul given the further hauling distance. (*Ibid.*)

For all of the above reasons, the transport of aggregate by rail was not considered further.

2. ALTERNATIVES CONSIDERED FOR DETAILED EVALUATION

a. No Project Alternative

Under the No Project Alternative, no mining would occur and agricultural activities would continue on the 619-acre Project site. (DEIR p. 4-5.) This would eliminate impacts associated with the proposed Project and the need for mitigation.

The No Project Alternative eliminates near-term mineral development of the Project site in conflict with the existing State MRZ-2 classification, the State's designation of the Project site as having aggregate deposits of regional significance, and County General Plan and Zoning Designation. (*Ibid.*) The loss of this aggregate resource in the near-term market could cause future shortages of construction material in the Fresno region. (*Ibid.*) The No Project Alternative would not meet any of the Applicant's objectives. (*Ibid.*)

The No Project Alternative would be considered environmentally superior because it would have no additional site impacts to Aesthetics, Biological Resources, Cultural Resources, Hydrology, Land Use/Agriculture, and Noise. (*Ibid.*) The No Project Alternative would avoid potentially significant environmental impacts to Agricultural Resources, Air Quality, and to Traffic. (*Ibid.*) However, traffic impacts would depend on where aggregate material would be supplied from to make up the loss of reserves and production capacity of the Project site. (*Ibid.*) Aggregate material would continue to be transported from other aggregate sources located farther away from the Fresno-area market resulting in additional County-wide impacts to traffic, greenhouse gases and air quality. (*Ibid.*) Further, the Project would employ electrified equipment to do tasks commonly performed by diesel fueled equipment at other mines. (*Ibid.*) Thus, the GHG impact would be increased by this alternative.

Finding:

Based on the whole record, the County finds that the No Project Alternative would result in fewer environmental impacts than under the proposed Project. The County also finds that the No Project Alternative would not meet any of the Project objectives and, as such, it is not a feasible alternative.

b. Reduced Annual Production Alternative

The Reduced Mining Production Alternative was considered to determine whether limiting production would avoid or lessen any potentially significant impacts. (DEIR p. 4-6.) Under this alternative, annual sales would be limited to 1.0 million tons as compared to the requested 1.25 million tons. (*Ibid.*) The Reduced Annual Production Alternative would reduce annual

production by 20%, thereby extending the life of the mining operation by 20% from 75 years to 90 years in order to recover all of the resources. (*Ibid.*)

There would be no change in the following impacts between the Reduced Annual Production Alternative and the Project except for extending the duration of the mining and processing activities: Aesthetics, Biological Resources, Cultural Resources, Geology, Hazardous Materials, Hydrology, Land Use, and Agriculture. (*Ibid.*) The principal issues affected by reducing annual production are Air Quality, Greenhouse Gases, and Traffic. (*Ibid.*)

> Air Quality: The reduction in aggregate production and sales would incrementally decrease annual excavation, processing, and truck emissions but would not avoid or substantially lessen a potentially significant air impact. Additionally, to meet Fresno County's aggregate demand, the 25 million tons not generated by the Project would need to be transported from other locations, which could be farther from the local market. Thus, on a Countywide basis, the Reduced Annual Production Alternative would have equal or greater (depending on the exact location of the alternative supply location) air quality impacts than the Project. Impacts to air quality would be extended over the longer period, i.e. 90 years instead of 75 years. (*Ibid.*)
>
> Greenhouse Gases: As explained above, the reduction in aggregate production would result in production elsewhere. Because the Project features close proximity to the market and the use of electrified equipment, GHG emissions from the Project site would be less than or equal to those from other mines. Thus, the GHG impact would be increased by the Reduced Annual Production Alternative. (*Ibid.*)
>
> Traffic: The reduction in truck traffic due to limiting sales would incrementally decrease truck traffic on the local road system but would not avoid or lessen a potentially significant impact. If local construction demand is greater than what could be supplied from the Project site, then aggregate material would need to be transported from another aggregate source which could be further away. Thus, on a Countywide basis, the Reduced Annual Production Alternative would have equal or greater (depending on the exact location of the alternative supply location) traffic impacts than the Project. Impacts to traffic would be extended over the longer period, i.e. 90 years instead of 75 years. (*Ibid.*)

The Reduced Annual Production Alternative would not meet or would be contrary to the Applicant's following objectives (DEIR pp. 4-6 – 4-7):

- *Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy competitive market.*

Under the Reduced Annual Production Alternative, annual sales would be reduced from 20% from 1.25 million tons to 1.0 million tons. (DEIR p. 4-7.)

- *Create local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the County.*

Under the Reduced Annual Production Alternative, local quality jobs benefiting local downstream businesses and creating an enhanced tax revenue to the county could be reduced by 20%. (*Ibid.*)

Finding:

Based on the whole record, the County finds that the Reduced Annual Production Alternative would only moderately reduce air quality and traffic impacts, but would not substantially avoid or lessen any potentially significant impacts. Therefore, this Alternative would not be considered environmentally superior to the Project. The Reduced Annual Production Alternative meets some of the objectives of the Applicant, but to a lesser degree than the Project. Given these considerations, the Reduced Annual Production Alternative is rejected.

c. Reduced Project Size Alternative

The Reduced Project Size Alternative was considered in order to reduce potential impacts to the biological resources along the Kings River and to create a larger buffer between the proposed mining operations and homes to the east across Riverbend Avenue. (DEIR p. 4-7.) This alternative would include the following:

- The proposed 50-foot setback from the existing riparian habitat would be increased by 100-feet to a 150-foot setback along the Kings River. The additional habitat buffer area would amount to about 25 acres.
- The 100-foot setback from Riverbend Avenue would be increased by 100-feet to a 200-foot setback. The additional setback from the road would amount to approximately 15 acres.
- Since less land (40 acres) would be available for mining, this alternative would reduce the available aggregate reserves by approximately 5 million tons or by 7% and would reduce the lifespan of the project by approximately 5 years.

There would be no change in the following impacts between the Reduced Project Size Alternative and the Project except for the duration of the mining and processing activities: Air Quality, Cultural Resources, Hazardous Materials, Hydrology, Geology, and Traffic. (*Ibid.*) The

principal issues affected by the Reduced Size Alternative are Biological Resources, Land Use and Agriculture, and Noise. (*Ibid.*)

Air Quality: The Reduced Project Size Alternative would incrementally decrease excavation, processing, and truck emissions because the Project life would be reduced by 5 years, but this alternative would not avoid or substantially lessen a potentially significant air impact. Additionally, to meet Fresno County's aggregate demand, the 5 million tons not generated by the Project would need to be transported from other locations, which could be farther from the local market. Thus, on a Countywide basis, the Reduced Annual Production Alternative would have equal or greater (depending on the exact location of the alternative supply location) air quality impacts than the Project. (DEIR pp. 4-7 – 4-8.)

Biological Resources: The assessment of potential impacts to biological resources for the Project determined that no additional impacts would occur given the planned implementation of avoidance measures because the proposed mine operations would not occur any closer to existing riparian habitat than mechanized farming activities that currently take place. The Reduced Project Size Alternative would eliminate mining within an expanded setback area but existing farming activities would continue within that area resulting in no reduction in impacts to biological resources. (DEIR p. 4-8.)

Greenhouse Gases: Reducing the Project's footprint would reduce GHG emissions from the Project by limiting the duration of the Project. However, since annual production throughput would not be reduced by the Reduced Project Size Alternative, the annual GHG emissions would be consistent with impacts identified for the Project. In addition, GHG impacts from farming activities in the non-mined areas would continue. Also, depending on the relative proximity of alternative aggregates sources to the market many years from now, material may travel longer distances resulting in greater GHG impacts from this alternative than would occur with the Project. (DEIR p. 4-8.)

Land Use/Agriculture: The Reduced Project Size Alternative would reduce permanent agricultural land conversion by 40 acres. Since only 20 acres of the 40 acres to be restricted from mining under this alternative were planned to be reclaimed back to farmland, implementation of this alternative would result in 20 additional acres of farmland, or approximately 7.5 % more than proposed under the Project. The Agricultural Conservation Easement mitigation measure for the Project that reduces potential impacts to less than significant would also be applicable to the Reduced Mining Depth Alternative. Therefore, implementation of this alternative would not avoid or substantially lessen any potentially significant impacts to agricultural resources. (DEIR p. 4-8.) The additional setback from Riverbend Avenue would reduce land use impacts to neighbors east of Riverbend Avenue.

Noise: The noise assessment for the Project determined that no significant noise impacts would occur at receptors east of Riverbend Avenue due to the implementation of avoidance measures. The Reduced Project Size alternative would reduce noise impacts to only a minor degree and, therefore, would not avoid or substantially lessen any potentially significant noise impacts. (*Ibid.*)

Traffic: Truck traffic impacts on the local road system over the life of the Project would be reduced by 5 years but would not avoid or lessen a potentially significant impact. The 5 million tons of aggregate material not available from the Project site would be transported from another aggregate source which could be further away. Thus, on a County-wide basis, the Reduced Size Alternative would have equal or greater (depending on the exact location of the alternative supply location) traffic impacts than the Project. (*Ibid.*)

The Reduced Project Size Alternative would not fully meet the applicant's following objectives (DEIR pp. 4-8 – 4-9):

- *Creating additional long-term supply of local aggregate reserves.*

Available aggregate reserves would be reduced by 5 million tons, a decrease of 7%. (DEIR p. 4-9.)

- *Utilize the aggregate reserves from property already designated by the State and County as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).*

Aggregate resources on the Project site would not be fully utilized, thereby restricting the public from access to a recognized valuable resource. (*Ibid.*

- *Utilize the high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.*

The high quality aggregate resources on the site would not be fully utilized thereby restricting the public from access to a recognized valuable resource. (*Ibid.*)

Finding:

Based on the whole record, the County finds that the development of the Reduced Size Alternative would not substantially avoid or substantially lessen any potentially significant impacts and, therefore, would not be considered environmentally superior to the Project. The Reduced Annual Production Alternative meets some of the objectives of the Applicant, but to a lesser degree than the Project. Given these considerations, the Reduced Project Size Alternative is rejected.

d. Reduced Mining Depth Alternative

The Reduced Mining Depth Alternative was considered to determine whether reducing the mining depth would avoid or lessen any potentially significant environmental impacts. (DEIR p. 4-9.) Under the Reduced Mining Depth Alternative, the Project acreage would remain the same but the maximum depth of mining would be 50 feet below ground surface (bgs) as opposed to 100 feet bgs, as proposed in the Project. (DEIR p. 4-9.)

Under the Reduced Mining Depth Alternative, the following changes to the Project would occur (DEIR pp. 4-9 – 4-10):

- The Project footprint would remain the same. However, since an average 20 feet of topsoil and overburden overlays the aggregate resource, reducing the mining depth to 50 feet from the proposed 100-feet would only provide 30 feet of aggregate material instead of 80 feet. Therefore, available aggregate reserves would be reduced by potentially 42 million tons, from 70 MMtons to 28 MMtons, or by up to 60 percent.
- The duration of mining and processing activities would be reduced from approximately 75 years to approximately 30 years, as less material would be available for mining.
- Since there would be less mining depth to fill, the mined land reclaimed to farmland would be increased by about 104 aces (Phases 2B, 5 and 7A) or an increase of about 39%.
- The surface area of reclaimed open water habitat would be reduced by about 93 acres, thereby reducing annual surface water evaporation by approximately 30%.
- The reduced depth may make it cost-prohibitive to mine with an electric dragline and require mining with a diesel excavator, potentially causing increased air quality impacts. Use of an excavator would require dewatering of the active mining area to allow "dry mining" beneath the water table.

- Annual groundwater use for processing would remain the same but long-term use would be reduced by 45 years.

The Reduced Mining Depth Alternative restricts the full mineral development of the Project site in conflict with the existing state MRZ-2 classification, the State's designation of the site as having aggregate deposits of regional significance, and County General Plan and Zoning Designation. The interim loss of this aggregate resource could cause future shortages of construction material in the Fresno region. In addition, the shortened life of the Project would require Riverbend, or other aggregate suppliers, to search for another aggregate source to supply the County's needs. Another mine in the County could potentially have similar or additional significant environmental impacts, and would increase the footprint of aggregate mines in the County. (DEIR p. 4-10.)

Potential changes in environmental impacts associated with the Reduced Depth Alternative as compared to the Project are summarized below.

Aesthetics: Impacts from excavation equipment on views to surrounding receptors would not be altered. However, the duration of those impacts would be less as this alternative would operate 45 years less than the Project. Therefore, the Reduced Mining Depth Alternative would lessen long-term aesthetic impacts; however, aesthetics is not considered a significant unavoidable environmental impact. (DEIR p. 4-11.)

Agricultural Resources: The Reduced Mining Depth Alternative would increase the amount of agricultural land reclaimed by approximately 104 acres. The resulting increase in agricultural land reclamation would be approximately 39 % more than would be reclaimed to agricultural uses under the Project. The Agricultural Conservation Easement mitigation measure for the Project that reduces potential impacts to less than significant would also be applicable to the Reduced Mining Depth Alternative. Therefore, implementation of this alternative would reduce but would not avoid or substantially lessen any potentially significant impacts to agricultural resources, remaining after mitigation. (*Ibid.*)

Air Quality: Annual production throughput and sales would not be reduced by this alternative over the life of the operation. However, mining with a diesel excavator instead of the proposed electric dragline could increase annual emissions resulting from this Alternative. A reduction in Project life would reduce the Project's contribution to long term regional emissions. The Reduced Mining Depth Alternative would substantially lessen the project-specific significant and unavoidable impact to air quality impacts in the vicinity of the Project. However, the demand that would have been generated by mining the additional 50 feet of reserves at the Project site would need to be satisfied by transporting aggregate from other suppliers, which could be farther from the

anticipated market. Thus, on a County-wide basis, the Reduced Mining Depth Alternative could have equal or greater (depending on the exact location of the alternative supply location) air quality impacts as compared to the Project. (*Ibid.*)

Biological Resources: Potential biological impacts associated with the Project would not change with the Reduced Mining Depth Alternative. Thus, this alternative would not avoid or substantially lessen any significant impacts to biological resources. (*Ibid.*)

Geology and Soils: The slope stability avoidance measures established for the Project include design features and BMPs that reduce potential impacts to less than significant that would be applicable to the Reduced Mining Depth Alternative. Therefore, implementation of this alternative would not avoid or substantially lessen any potentially significant impacts to geology and soils. (DEIR p. 4-12.)

Greenhouse Gases: Reducing the depth would reduce GHG emissions from the Project by limiting the duration of the Project but would not reduce the annual emissions upon which GHG impact significance is determined. Depending on the relative proximity of alternative aggregates sources to the market many years from now, material may travel longer distances resulting in greater GHG impacts from this alternative than would occur with the Project. Therefore, this alternative would not avoid or substantially lessen a significant unavoidable impact relating to GHG emissions. (*Ibid.*)

Hazards and Hazardous Materials: A reduction in the depth of disturbance area would not alter the use of hazardous materials in the production process or their potential for spill or contamination. Therefore, the Reduced Mining Depth Alternative would not avoid or substantially lessen any significant hazards and hazardous materials impacts identified for the Project. (*Ibid.*)

Hydrology: Annual use of process water would not be altered by this alternative. Long-term total water consumption associated with aggregate production may be reduced due to a shortened Project life. Additionally, surface water evaporation would be reduced due to a 30% reduction in reclaimed open water habitat. Therefore, this alternative would lessen a potential long-term adverse impact, but would not avoid or substantially lessen the Project's hydrology-related impacts. (*Ibid.*)

Land Use/Mineral Resources: The Reduced Mining Depth Alternative would not alter or reduce existing impacts of the Project related to land use. The entire surface acreage of initial agricultural land conversion would not change from the Project and the alternative would still result in the net loss of agricultural land. The alternative therefore will not avoid or lessen a potentially significant impact. This alternative would result in the loss of approximately 45 million tons of mineral resources known to occur in an area

classified as a MRZ-2 zone. The alternative will also increase the applicant's operational costs (and thus the cost to the consumer) because overburden will still need to be removed over the same mining area, but less mineral resources will now be available to spread the overburden removal costs over. Therefore, the Reduced Mining Depth Alternative's impacts would be greater than the Project regarding mineral resource conservation because the recovery of a known resource would be reduced by approximately 45 million tons. (*Ibid.*)

Noise: Project site noise impacts associated with the Project have been mitigated to a less than significant level. The Reduced Mining Depth Alternative would not further reduce noise generation except by shortening the Project duration. Project traffic noise would remain significant and unavoidable. Proximity to noise receptors, disturbance boundaries and operation procedures would not change noise generation levels. Mitigation measures suggested for the Project would be applicable for this alternative. Therefore, the alternative would not avoid or substantially lessen any significant and unavoidable Noise impacts associated with the Project. (*Ibid.*)

Traffic and Circulation: This alternative would not reduce short-term, truck traffic generation or its impact to circulation systems. The alternative would not avoid or substantially lessen a potential long-term significant and unavoidable traffic impact associated with the Project. However, the demand for aggregate products would need to be met from an alternative aggregate supply. Therefore, depending on the location of that supply source, the County-wide traffic impacts under the Reduced Mining Depth Alternative could be equal to, or greater than, the Project. (DEIR p. 4-13.)

Based on the above, the implementation of the Reduced Mining Depth Alternative would result in a decrease to impacts associated with the Project related to the long-term conversion of agricultural land and surface water evaporation. (*Ibid.*) Project-specific impacts associated with Air Quality, Greenhouse Gas, and Traffic would be less under the Reduced Mining Depth Alternative because the duration of this alternative would be less than the Project. (*Ibid.*) However, as discussed above, impacts to mineral resources and Countywide impacts to air quality and greenhouse gas would be greater than the Project. Countywide impacts to traffic would be equal to or greater than the Project. (*Ibid.*)

The Reduced Mining Depth Alternative would not meet the applicant's following objectives (DEIR pp. 4-10 – 4-11):

- *Create additional, long-term supply of local aggregate reserves.*

The supply of local aggregate reserves would be reduced by 45 years and the Project site's total contribution would be reduced by up to 60%. (DEIR p. 4-10.)

- *Utilize aggregate reserves from property already designated by the State and County as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).*

Aggregate resources on the Project site would not be fully utilized thereby restricting the public's access to a recognized valuable resource. (*Ibid.*

- *Utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC), which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.*

Aggregate resources on the site would not be fully utilized thereby restricting the public's access to a recognized valuable resource. (*Ibid.*)

- *Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy competitive market.*

The supply of local aggregate reserves would be reduced by 45 years and by up to 60%. (*Ibid.*)

- *Obtain aggregate resources with access to an efficient local road network and State Highway system.*

The supply of local aggregate reserves would be reduced by 45 years and by up to 60%. (DEIR p. 4-11.)

- *Create local quality jobs, while also benefiting local downstream businesses and creating enhanced tax revenue to the County.*

Local quality jobs benefiting local downstream businesses and creating enhanced tax revenue to the County would be reduced by 45 years. (*Ibid.*)

Finding:

Based on the whole record, the County finds that the Reduced Mining Depth Alternative would result in fewer environmental impacts than under the Project to Aesthetics, Agricultural Resources, Air Quality, Greenhouse Gas, Hydrology, and Traffic, and thus this alternative is considered to be an environmentally superior alternative to the Project. While the Reduced Mining Depth Alternative is environmentally superior to the Project,

it does not substantially meet the Project objectives, and it does not fully utilize County and State designated mineral resources. As such, the Reduced Mining Depth Alternative is rejected as not a feasible alternative.

e. Different Phasing

The Different Phasing alternative was considered to determine if modifying the Project's phasing plan would avoid or lessen any potentially significant impacts. (DEIR p. 4-13.) Under this Alternative, the Project footprint, depth of mining and duration of the Project would remain the same. (*Ibid.*) However, mining would be initiated in the phases south of Goodfellow Avenue instead of north of Goodfellow Avenue as in the Project. (*Ibid.*)

The Different Phasing alternative would change the timing of potential impacts of aesthetics and noise to surrounding areas but would not avoid or substantially lessen any of the potentially significant, short-term or long-term impacts to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural, Greenhouse Gas, Hazardous Materials, Hydrology, Geology, Noise, and Traffic. (*Ibid.*)

Finding

Based on the whole record, the County finds that the Different Phasing alternative would not be considered environmentally superior to the Project because this alternative would not avoid or substantially lessen any of the Project's potentially significant impacts, and thus the County rejects this alternative.

3. THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE IS THE REDUCED MINING DEPTH ALTERNATIVE

CEQA Guidelines Section § 15126.6(e)(2) requires that an EIR identify the environmentally superior alternative. Additionally, if the environmentally superior alternative is the No Project Alternative, the EIR must also identify an environmentally superior alternative from the remaining alternatives. The alternative that would appear to reduce or eliminate the greatest degree of impacts at the Project site is the No Project Alternative. This alternative fails to meet any of the basic Project objectives, and simply transfers the impacts associated with construction aggregates production and distribution to other sites in the region. As such, it does not mean that this alternative would actually eliminate any environmental effects from a regional or countywide perspective. Aside from the No Project Alternative, the remaining alternative that appears to have the greatest potential to reduce environmental effects of the Project is the Reduced Mining Depth Alternative.

The Reduced Mining Depth Alternative would result in fewer environmental impacts than the Project to Aesthetics, Agricultural Resources, Air Quality, Greenhouse Gas, Hydrology, and Traffic. However, the Reduced Mining Depth Alternative does not substantially meet the Project objectives, and it does not fully utilize County- and state-designated mineral resources. Specifically, the Reduced Size Alternative would decrease the amount of aggregate recovered during the operational phase, which means that the goals of supplying the County's aggregate needs, providing jobs, and maximizing a return on capital investments would not be fully satisfied. As such, the Reduced Mining Depth Alternative is not a feasible alternative. Moreover, the environmental impacts of aggregate mining would merely be displaced, as this alternative, while limiting local production, would not simultaneously decrease local demand.

H. PROJECT BENEFITS

The County finds that approving the Riverbend Sand and Gravel Project will provide the following social and economic benefits to the County:

1. Additional Source of Local, High-Quality Aggregate

One of the main objectives of the Project is to provide a reliable and sustainable local source of high quality aggregate to help meet the current and long-term demand (75 years) for construction materials in Fresno County. (DEIR p. 1-5.) Aggregate is necessary to construct schools, offices, freeways, bridges, homes, hospitals, roads, airports, shopping centers, sewers, stormwater systems, and other components of the County's infrastructure. Developing and maintaining the County's infrastructure depends on access to local, low-cost, and plentiful aggregate resources. For example, according to the California Department of Conservation ("DOC"), the average 1,500 square-foot home with attendant infrastructure requires approximately 328 tons of sand and gravel and 202 cubic yards of concrete. In addition, public works projects (e.g. CalTrans and Fresno County Public Works) comprise 43% of aggregate consumption. (John Parrish, State Geologist, CalCIMA Conference March 2007.)

In 1999, the DOC estimated that every person in the Fresno area used approximately 6.5 tons of aggregate per year. (DOC Open File Report, *Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region*, p. 18 (April 1999).) By 2002, that estimate had risen to 7 tons of aggregate per year. (*California Department of Conservation Aggregate Availability in California, Map Sheet 52*, by Susan L. Kohler (updated 2006).) As the County's population continues to increase, it is reasonable to expect that average per capita aggregate consumption in the region will also rise in the next few decades. (FEIR Appendix E, *Aggregate Demand Forecast for the Fresno P-C Region: 2015-2064*, p. 19 (VEA, October 22, 2014).)

In 2012, the DOC projected that, based on the Department of Finance future population estimates, the Fresno P-C Region's 50-year aggregate demand was approximately 435 million tons ("MMtons"), while the existing permitted reserves at that time were indicated to be only 46 MMtons. (*California Department of Conservation Aggregate Sustainability in California, Map Sheet 52*, by John P. Clinkenbeard (updated 2012).) Although three new mining projects have been approved in the Fresno P-C Region in the last several years (the Sanger-Centerville Expansion, the Madera Quarry, and the Carmelita Mine and Reclamation project), the currently permitted quantity (244 MMtons) still remains significantly lower than the region' forecasted 50-year aggregate demand. (FEIR Appendix E, *Aggregate Demand Forecast for the Fresno P-C Region: 2015-2064*, p. 4 (VEA, October 22, 2014).) It is estimated that the Project would produce approximately 70 million tons of finished aggregate material over the Project's 75-year lifespan, which would significantly diminish the estimated aggregate shortfall in the region. (DEIR p. 2-1.)

When local sources cannot provide sufficient supply to meet demand for aggregate, consumers will then need to import the material from more distant sources. As a result, importation of aggregate increases long-haul truck trips, which in turn cause a number of adverse environmental impacts, such as reduced air quality, increased traffic congestion, and degradation of roadways. (Pub. Res. Code § 2711(d).) Moreover, without sufficient local sources of aggregate, imports to the County may rise, increasing both the cost of raw material and the cost of projects which utilize construction materials. The price that private consumers pay for aggregate is most significantly impacted by transportation costs; the further the material must be hauled, the higher the price paid by the consumer. (*California Department of Conservation Aggregate Availability in California, Map Sheet 52*, by Susan L. Kohler, p. 15 (updated 2006). When aggregate is hauled for more than 20 miles, shipping costs can outweigh production costs. State and local governments, in addition to paying shipping premiums for aggregate, also shoulder the cost of repairing roads and highways degraded by haul trucks that transport the material. Accordingly, adding a local source of high-quality aggregate will reduce economic burdens to both private consumers and state and local government.

2. Mining of Aggregate Resources Designated as Important in State and County Plans

Geological conditions determine where aggregate deposits are located. The Project area is designated in both the County General Plan and in the State mineral classification report as a significant regional aggregate resource zone. As emphasized in County's General Plan Policy for Mineral Resources:

> Aggregate and petroleum are the county's most significant extractive resources and play an important role in maintaining the county's overall economy. Policies in this section ... seek to promote the orderly extraction of mineral resources

while minimizing the impact of these activities on surrounding land uses and the natural environment.

Thus, mining at the Project site furthers State and County planning goals, as the targeted resource will be utilized as planned for in the relevant documents. In addition, approving the Project advances the recently enacted California Public Resources Code Section 2711(d) (effective January 1, 2012), which emphasizes that the production and development of local sources of aggregate is critical for both improving the State's economy and building the State's infrastructure.

Not only is the location of the aggregate deposits decided by nature and not people, certain physical characteristics and qualities must be present to make aggregate resources suitable for their ultimate use. For example, there are strict specifications for aggregates used in Portland cement concrete ("PCC") to ensure strength and durability. The aggregate deposits at the Project site are of such quality that they qualify for use as PCC aggregate, thus making the Project site one of the most important and valuable aggregate locations in the County and in the State. (DEIR p. 3.10-3.) Therefore, approving the Project would not only provide an additional local source of aggregate in compliance with the State and County mineral policies, but that aggregate would be of the type that is the most valuable to the County.

3. Stimulating the County's Economy/Job Creation

Aggregate mining is an important aspect of the County's economy and development, and the Project is consistent with the applicable provisions of the County General Plan. The Project will provide substantial economic benefits to the County, both directly and indirectly. According to the economic report prepared by Valley Economic Associates, Inc., the Project's annual net contribution to the County economy is estimated to amount to $58.9 million. (*The Net Economic Contribution of the Riverbend Sand & Gravel Project to the Economy of Fresno County*, pp. 2, 12, 15 (VEA, October 22, 2014).) In addition, approximately 335 jobs (including 29 on-site jobs) will be supported annually by the Project, earning $18.15 million in income, with an average income of $54,224 per employee. (*Ibid.*) Therefore, the Project's net economic contribution to the County economy will be positive and significant.

4. Increased Tax Revenue for Fresno County

The Project will increase tax revenue for Fresno County, both in terms of sales tax through the sale of aggregate and real property taxes because the Project site's property value over the next several decades as a mine site is significantly greater than the property value as agricultural land. It has been estimated that, from sales and property taxes alone, the Project has the potential to generate $1.6 million in annual tax revenue for the County. (*The Net Economic Contribution of*

the Riverbend Sand & Gravel Project to the Economy of Fresno County, pp. 2, 13 (VEA, October 22, 2014).)

5. Implementation of Environmentally Friendly Mining Methods

The Project's use of a "wet mining" method, an electric dragline, and an overland conveyor system would decrease the Project's potential environmental impacts as compared to conventional mining methods used by some mines in the Fresno region (i.e. excavating aggregate with diesel-powered construction equipment and transporting material to the processing plant in diesel-fueled trucks). Since combustion of diesel fuel results in greater regional air quality impacts than electricity use, utilizing electric field conveyors and an electric dragline would reduce the Project's overall impacts to air quality. Co-locating the asphalt and ready-mix concrete plants with the mine would also reduce air emissions by eliminating on-road truck travel.

Additionally, a "wet mining" method, which utilizes an electric dragline to excavate aggregate from beneath the water, would avoid negative hydrologic impacts associated with dewatering of the active mining area that would be required if conventional "dry mining" was used to extract aggregate below the water table.

Therefore, the Project would create less air quality and hydrologic impacts than conventional mining methods.

6. Alleviating Environmental Impacts Associated with Trucking Aggregate from More Distant Locations

The Project will create an additional source of local aggregate, thereby reducing negative environmental impacts associated with importing aggregate from more distant sources, including air pollution, traffic congestion and road maintenance. Evidence of this benefit is provided by the California Department of Conservation:

> Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. **Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance.**

(*California Department of Conservation Aggregate Sustainability in California, Map Sheet 52*, by John P. Clinkenbeard, p. 1 (updated 2012) (emphasis added).)

The DOC's claims are consistent with research by Peter Berck at the University of California at Berkeley:

> The opening of a new site for the production of aggregates has both direct and indirect impacts on the environment. The indirect impacts include changes in the environmental costs of hauling aggregates and possible changes in the level of construction activity. In this note, **we show that the most likely effect of a new aggregate site is to reduce the truck miles used for aggregate hauling, which is an environmental benefit.** We also show that the change in construction activity induced by a new site is likely to be extremely small.

(*A Note on the Environmental Costs of Aggregates*, Working Paper No. 994 by Peter Berck, Department of Agricultural and Resource Economics and Policy, Division of Agriculture and Natural Resources, University of California at Berkeley, California, p. 2 (January 10, 2005) (emphasis added).)

Thus, having an additional local source of aggregate near Fresno would avoid or reduce environmental impacts resulting from hauling aggregate from distant locations (e.g., Coalinga). Moreover, shorter haul distances provide economic benefits by lessening County expenditures for road maintenance and by suppressing project costs through lower aggregate transportation costs.

7. Beneficial Impacts for Biological Resources

The Project site is currently highly disturbed and fragmented from a biological standpoint because of the historical and current heavy agricultural activity on the site. Currently, there are no or minimal buffers or setbacks between the riparian habitat and the farming access roads and agricultural activities. Farming involves trucks and tractors, and equipment that creates noise and air quality impacts (e.g., dust and exhaust fumes), and also involves the use of potentially hazardous chemicals such as fertilizers and weed/pest control products. All of these activities currently occur within 10 feet or less of the riparian habitat. (FEIR pp. 2-14 – 2-16.)

The Project would not remove any riparian vegetation, and 50 to 100 foot setbacks and buffers areas would be maintained in which no excavation of material or overburden would take place. (DEIR p. 2-29.) Additionally, the Project's mitigation measures include species-specific setbacks and buffer zones during certain seasons, such as bird nesting. (DEIR p. 3.4-31 – 3.4-32.) These additional setbacks are considered a beneficial impact since they increase the buffer between the riparian habitat and current disturbance activities (i.e. the current environmental baseline). (FEIR p. 2-15.)

In addition, completion of Project reclamation activities would create approximately 351 acres of riparian and open water wildlife habitat. (DEIR p. 1-1.) This reclaimed habitat would eventually expand the existing wildlife corridor by almost 1/3 to 3/4 of a mile wide (width of phases to be reclaimed as open water and riparian wildlife habitat) and almost 2.5 miles long (length of reclaimed habitat along the river). (FEIR p. 2-16.) The reclamation to wildlife habitat would occur after each phase of the mining operation (planned for reclamation to wildlife habitat) is complete, as described in DEIR Section 2.4. Therefore, reclamation to wildlife habitat would be an on-going activity throughout the life of the Project, not just at the end of the Project. It is anticipated that about halfway through the Project, approximately 94 acres would be reclaimed to wildlife habitat (DEIR p. 2-33, Table 2-6). Accordingly, the Project is expected to have an overall positive impact on the existing wildlife habitats and corridors.

8. Promoting Recycling

The Project's plant facilities will include periodic use of a portable plant to recycle up to 125,000 tons per year of concrete and asphalt debris generated on-site and from off-site regional construction projects. (DEIR p. 1-1.) On-site recycling facilities will aid in conserving and reducing the consumption of new construction materials as well as reducing the volume of fill at the County's landfills.

I. STATEMENT OF OVERRIDING CONSIDERATIONS

This section of the findings addresses Section 15093 of the CEQA Guidelines requiring the public agency "to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." This is known as a "statement of overriding considerations."

The County hereby determines that specific economic, legal, social, technological, and other benefits of the proposed Project outweigh the unavoidable adverse environmental effects identified in the EIR and stated in these CEQA findings, including any significant adverse effects not mitigated because of the infeasibility of mitigation measures and/or alternatives and that therefore the adverse environmental effects are considered acceptable. This statement of overriding considerations is adopted by the County given the benefits listed in Section H, above, that warrant Project approval as provided in CEQA Guidelines section 15093. This statement of overriding considerations warrants rejection of project alternatives, including the No Project Alternative, set forth in the EIR, and for finding the significant adverse environmental effects from the Project acceptable which cannot otherwise be avoided or substantially lessened.

The County further determines that, based on the findings herein and the evidence in the record, the benefits identified are each one in and of themselves sufficient to make a determination that the adverse project-levels and cumulative environmental effects are acceptable and that, having balanced the adverse environmental effects of the Project, which cannot otherwise be avoided or substantially lessened, against each of the benefits, hereby adopts this Statement of Overriding Considerations based upon each of the benefits individually as stated herein.

EXHIBIT 2

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX
FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1:** A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1:** Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2:** Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2:** Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3:** The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3:** Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1:** The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions shall be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups shall be implemented. 3. Mixing drum vapors shall be routed back to the dryer burner.	**AQ-1:** Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that	**AQ-2:** Compliance through annual County Mine Inspections. In addition, documentation demonstrating compliance with the identified off-road engine	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact AQ-3: Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *Impact AQ-4:* Would the Project expose sensitive receptors to substantial pollution concentrations?	meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	requirements shall be maintained on-site and provided to the County upon request.	
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? *Impact AQ-3:* Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing	MM AQ-3: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	AQ-3: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
emissions which exceed quantitative thresholds for ozone precursors)? *Impact AQ-4:* Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1:** 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At	**BIO-1:** Qualified biologist shall conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist shall conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2:** 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb	**BIO-2:** Qualified biologist shall conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat	**MM BIO-3:** 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry	**BIO-3:** Qualified biologist shall conduct pre-construction surveys for elderberry shrubs and oversee	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for	avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1:** Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-	**CPR-1:** Cultural site geographic coordinates shall be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2:** The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2:** Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3:** If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3:** Earthmoving activities shall cease and a qualified archaeologist shall be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or	**MM CPR-4:** If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning	**CPR-4:** Earthmoving activities shall cease and a paleontologist shall be retained to assess the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
site or unique geologic feature?	Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5:** In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she shall contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6:** The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human remains.	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.		
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1:** To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid	**HWQ-1:** Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.		
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1:** The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers: a. When operating the mine and aggregates	**NO-1:** 1. Upon commencement of operation, dragline noise measurements shalll be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the event the measured ambient noise level exceeds the noise level standard, the standard	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residence Nos. 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence No. 10 along Riverbend Avenue, an 11-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence No. 13, the proposed 8-foot tall berm shall be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that	shall be adjusted so as to equal the ambient noise level. Compliance shall additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2:** The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in an 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.	**NO-2:** Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance. during operating hours. 24 hrs.	**NO-3:** Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Impact TRANS-2:** Would the Project conflict with an applicable congestion management program,	**MM TRANS-1:** The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1:** The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2:** The Applicant shall construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7: Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project shall contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue <u>McCall Avenue</u> • SR 180 (Kings Canyon) and Jensen Avenue	**TRANS-3:** The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		• Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation shall proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		associated with the Project.		Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal shall be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation Administration; Fresno County Dept. of Public Works & Planning

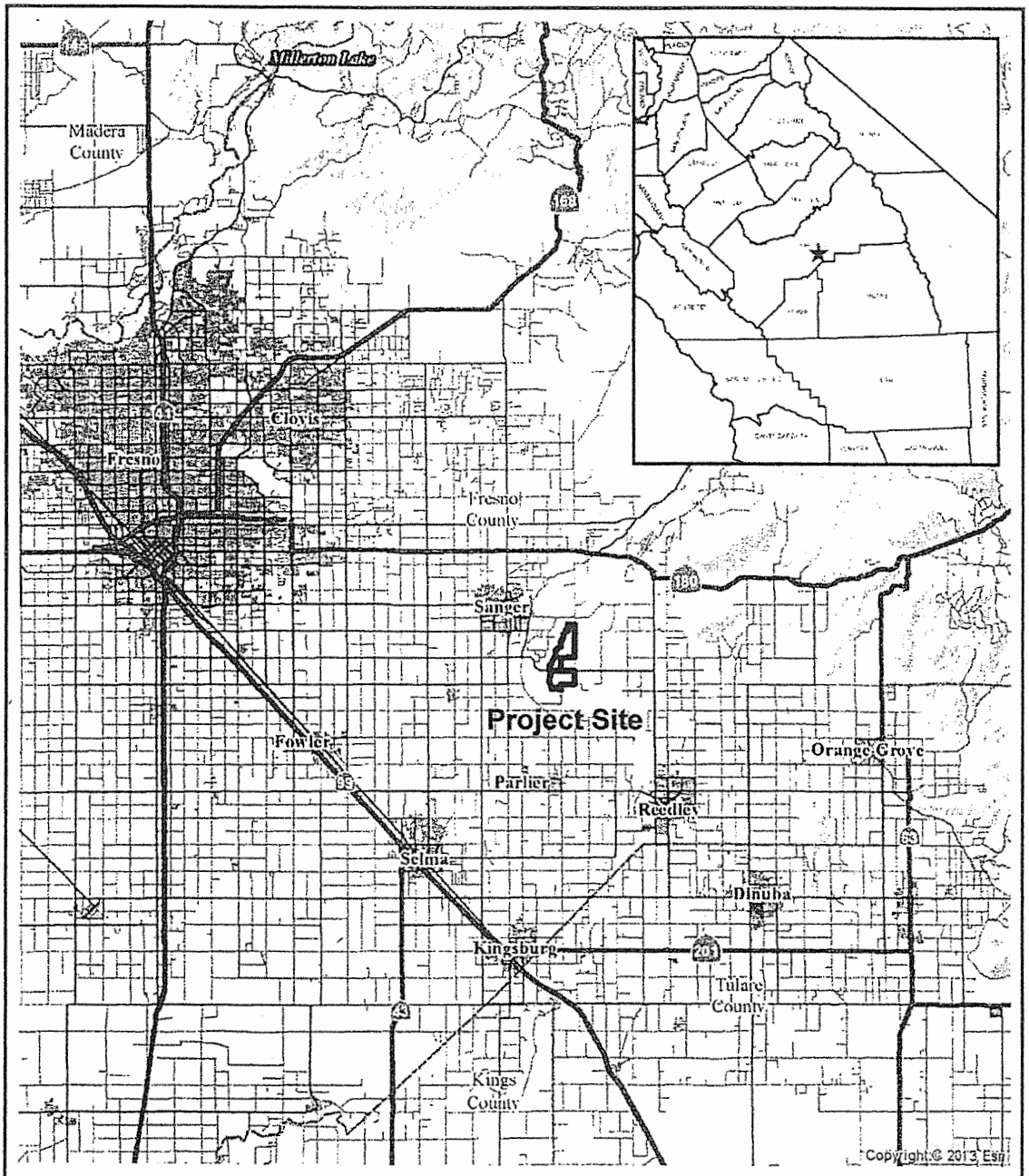
	Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services Division.	Fresno County Dept. of Public Works & Planning Development Services Division
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the	If an amendment to the reclamation plan is required, and	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services Division
NOTES: The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the Project Applicant				

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
1.	This Use Permit will become void, unless there has been substantial development within two years of the effective date of this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT 3

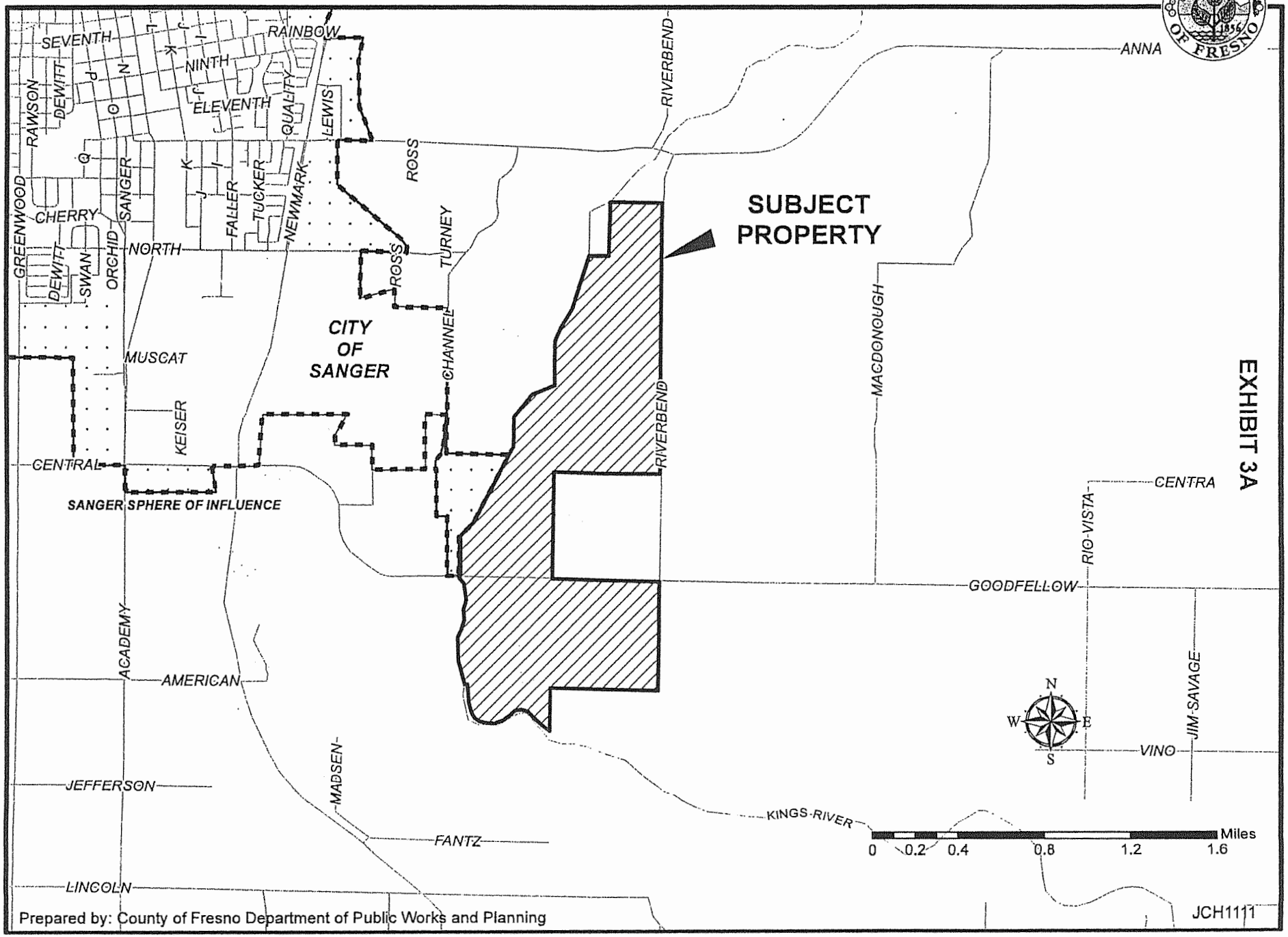


Source: LSA, 2013

Figure 2-1 Regional Location

Riverbend

LOCATION MAP

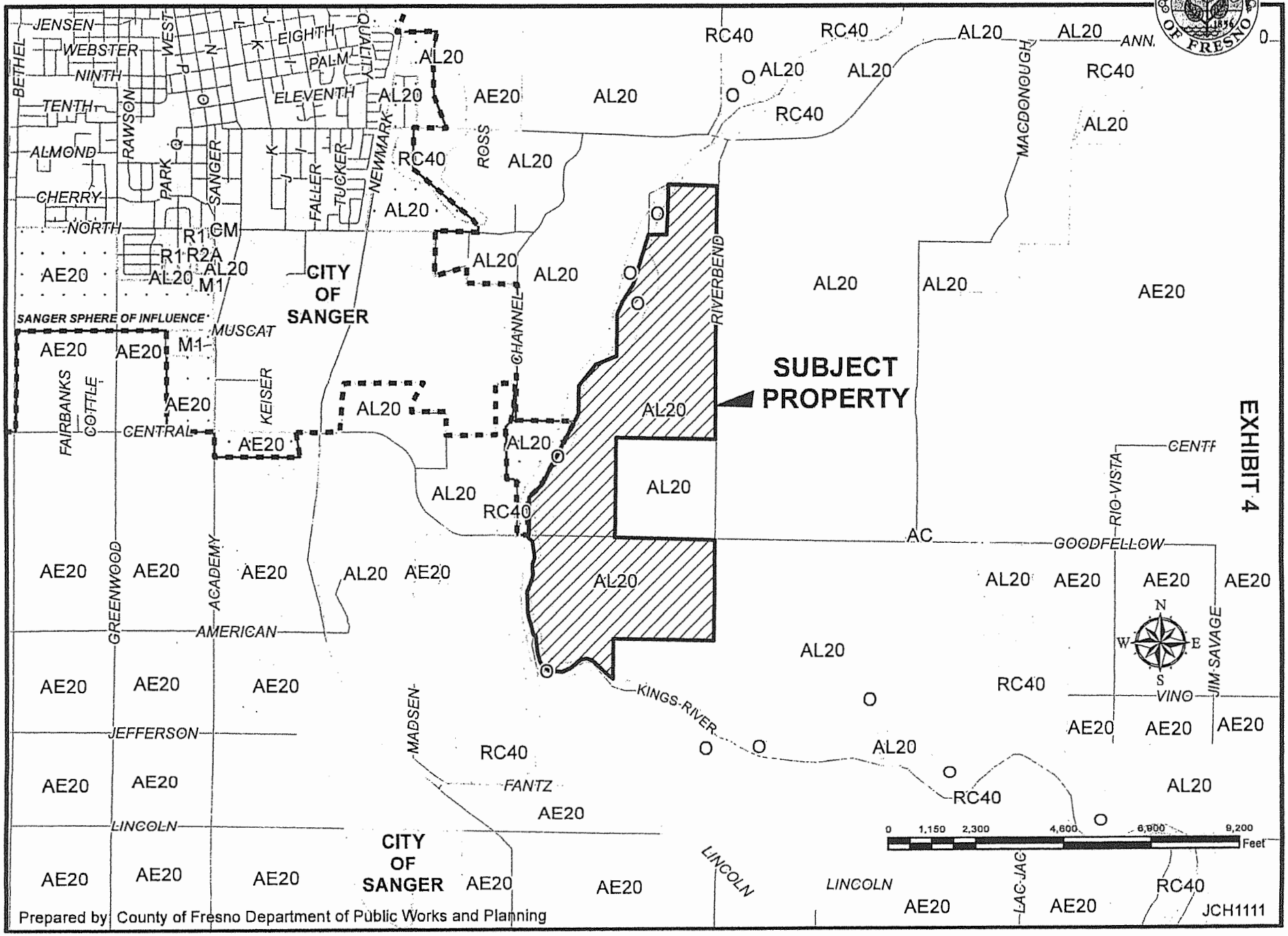


Prepared by: County of Fresno Department of Public Works and Planning

JCH1111

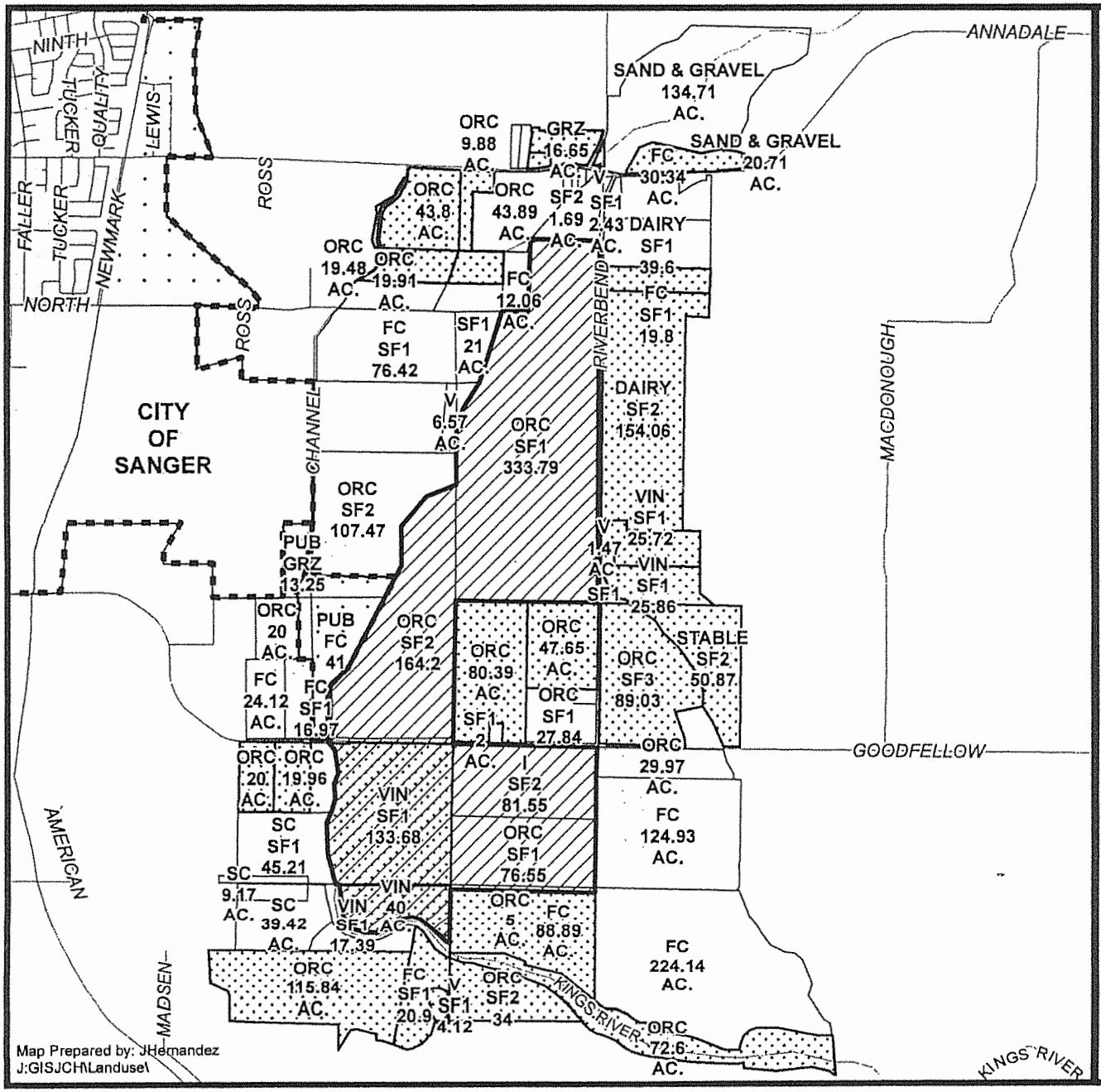
Riverbend

EXISTING ZONING MAP



RIVERBEND

EXISTING LAND USE MAP



LEGEND

FC - FIELD CROP
GRZ - GRAZING
I - INDUSTRIAL
ORC - ORCHARD
PUB - PUBLICLY OWNED
SC - SEASONAL CROP
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

LEGEND:

Subject Property

Ag Contract Land

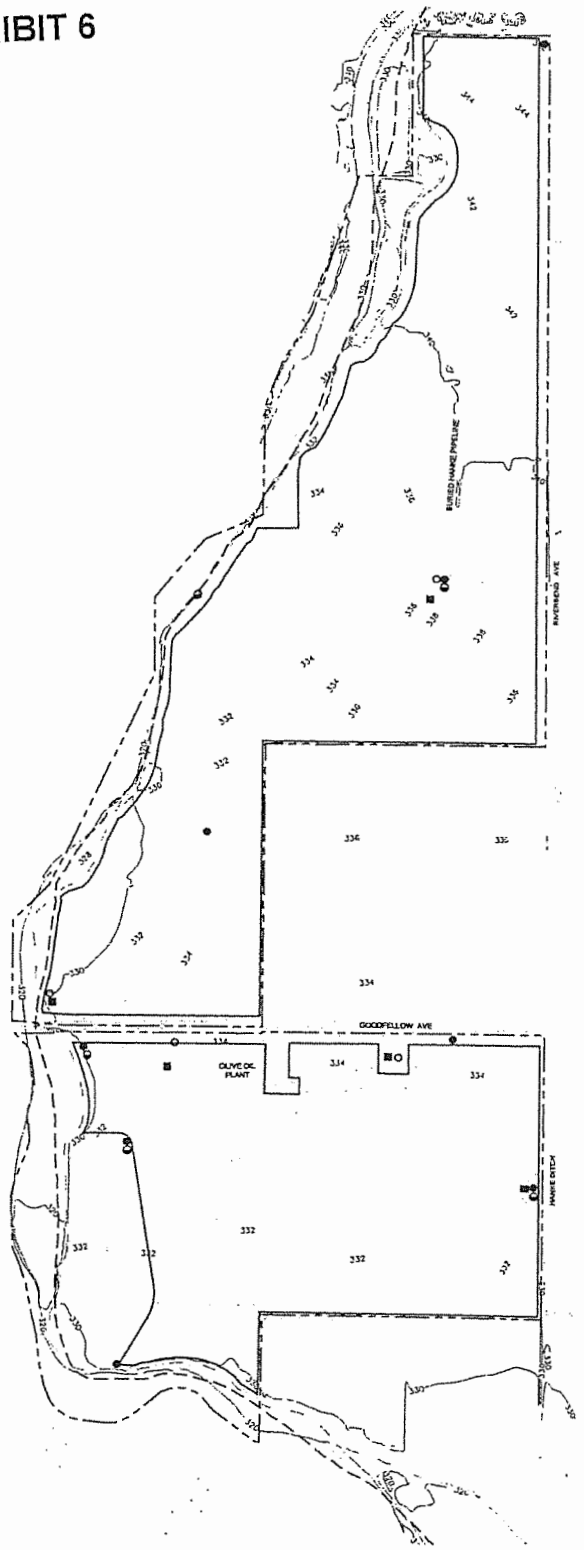
N
W E
S

0 700 1,400 2,800 4,200 5,600 Feet

Department of Public Works and Planning
Development Sevices Division

EXHIBIT 5

EXHIBIT 6



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- FEMA REGULATORY FLOODWAY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTES:

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011

GRAPHIC SCALE

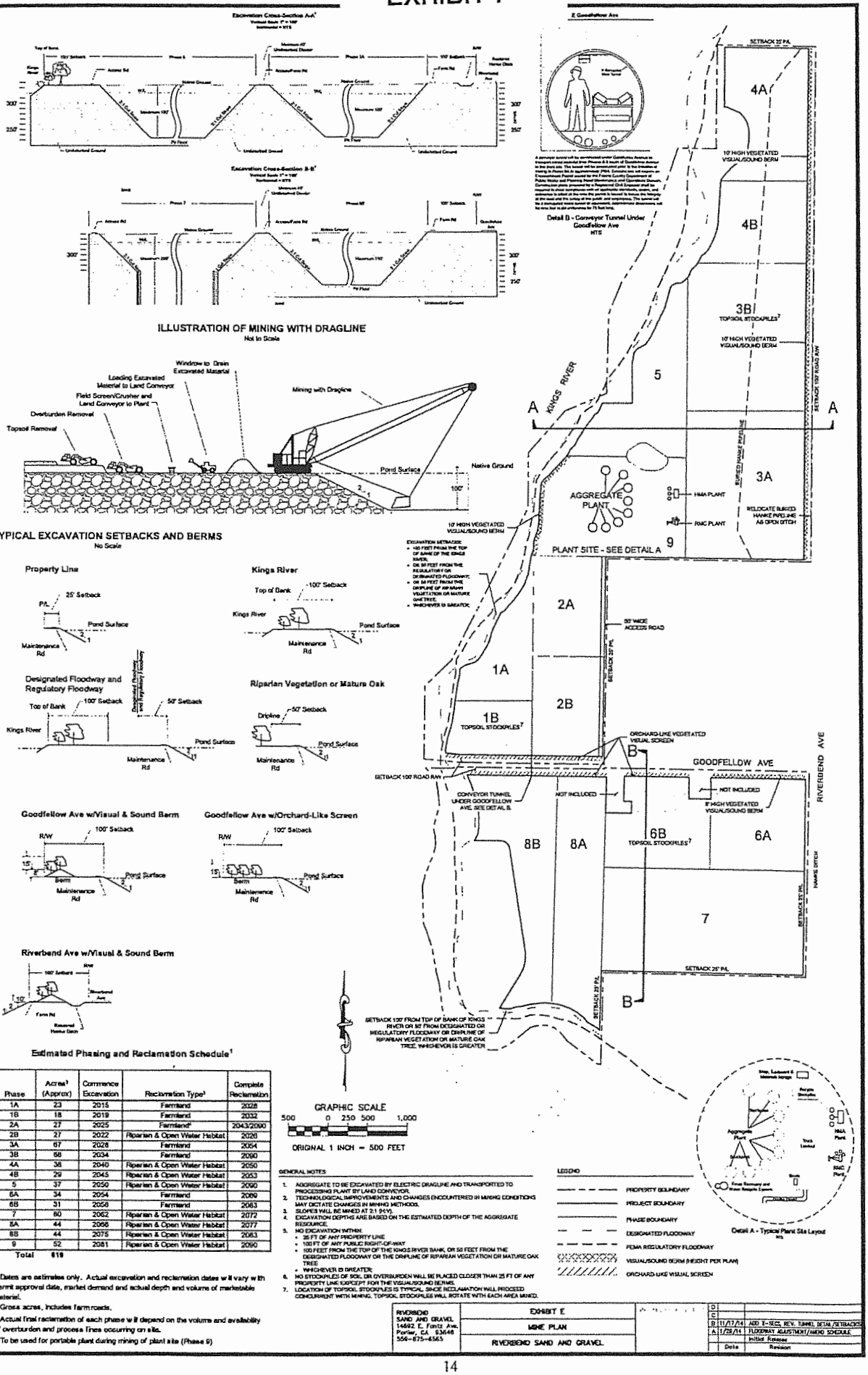
500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL	EXHIBIT C
14692 E. Fentz Ave. Porter, CA 93648 559-875-6565	CURRENT SITE PLAN
	RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B	11/17/14	ADD EXISTING CONTOUR ELEVATIONS
A	1/29/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
	Initial Release	

EXHIBIT 7



Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2026	Farmland	2054
3B	58	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2089
6B	31	2058	Farmland	2083
7	60	2062	Riparian & Open Water Habitat	2072
8A	44	2066	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	619			

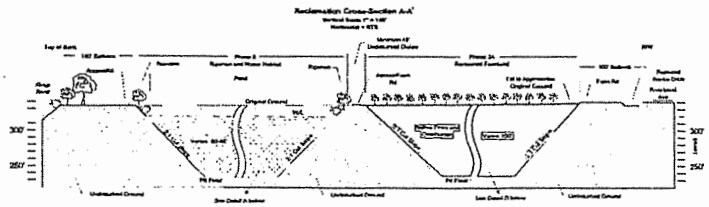
[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

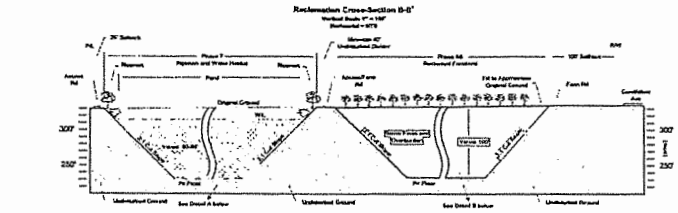
[2] Gross acres, includes farm roads.

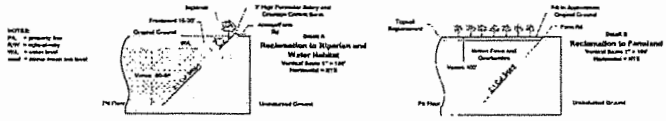
[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

EXHIBIT 8







Reclamation End Uses and Estimated Schedule[1]

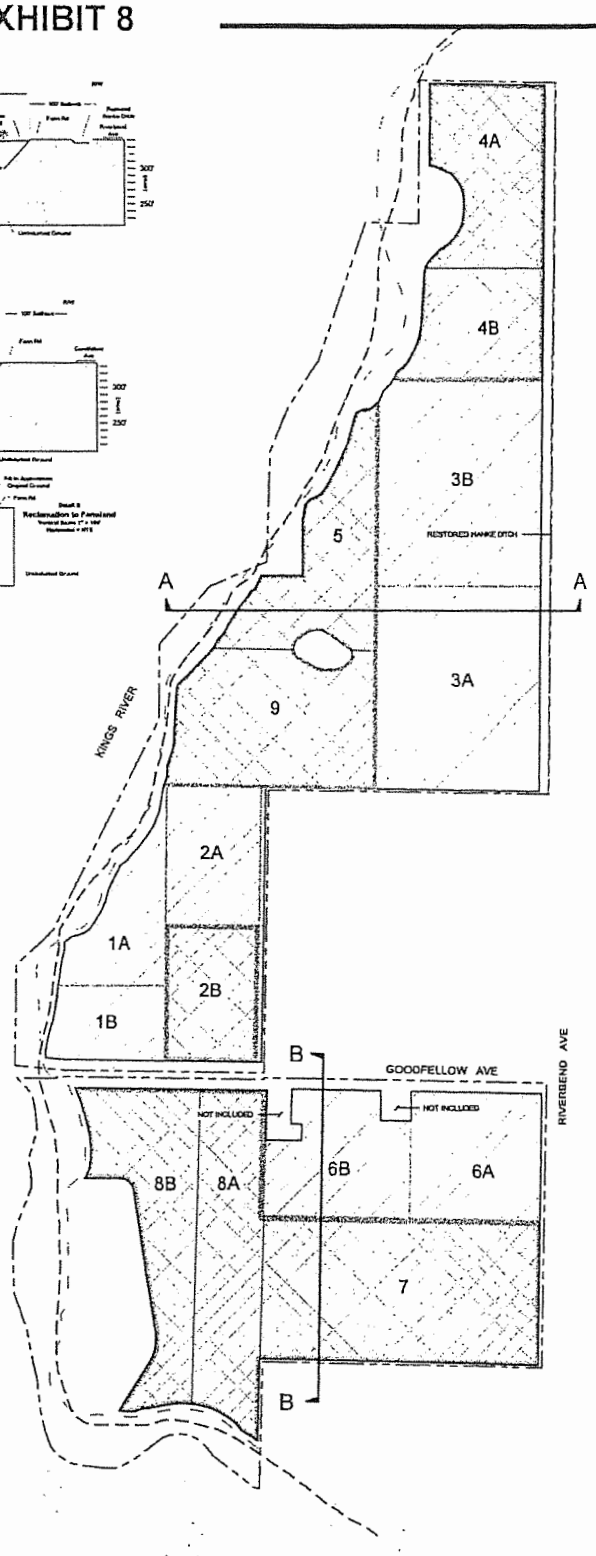
Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2060
2B	27		23	4	2026
3A	67	67			2054
3B	66	66			2060
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2060
6A	34	34			2068
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		36	5	2063
9	52		46	3	2060
Totals	619	268	318	33	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill

[4] To be used for portable plant during mining of plant site (Phase 9)



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES:

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

GRAPHIC SCALE

500 0 250 500 1,000

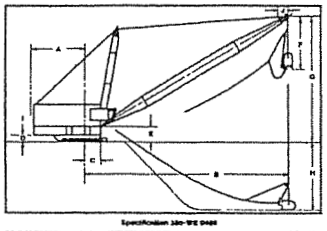
ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Ferlo Ave. Parlier, CA 93648 559-875-6565	EXHIBIT F	
	RECLAMATION PLAN	
	RIVERBEND SAND AND GRAVEL	

	Date	Revision
D		
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/MEND SCHEDULE
		Initial Release

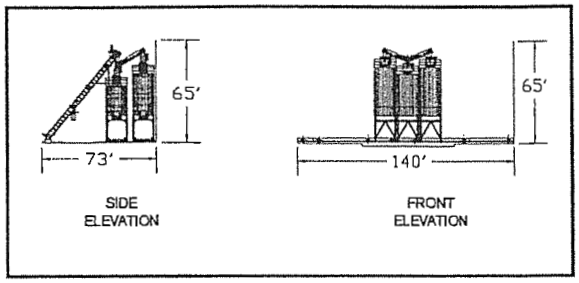
EXHIBIT 9

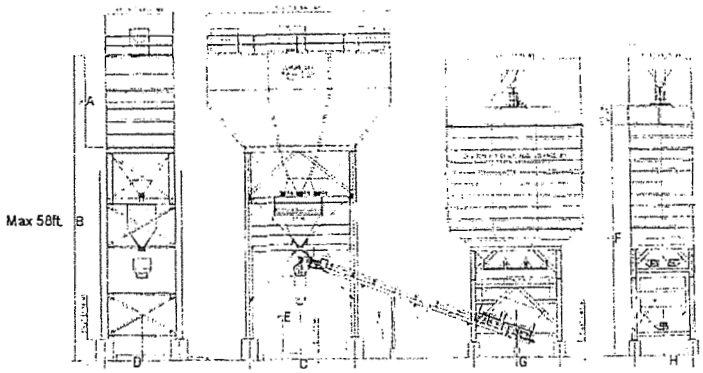
TYPICAL DRAG LINE EXCAVATOR



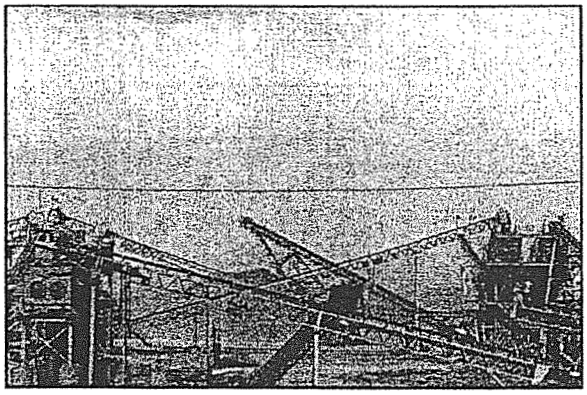
Boom Length	B Operating Radius	Boom Angle	Maximum Suspended Load (lbs.)	G Boom Pt. Height	C-F Approx. Operating Height	H Digging Depth	Drag Drum Diam.	Drag Rope Min.	Drag Rope Diam.	Hoist Drum Diam.	Hoist Rope Min.	Hoist Rope Diam.
170'	138'	40°	64,000	120'	82'	100'	57½"	1	2"	73½"	1	2"

TYPICAL ASPHALT PLANT DIMENSIONS

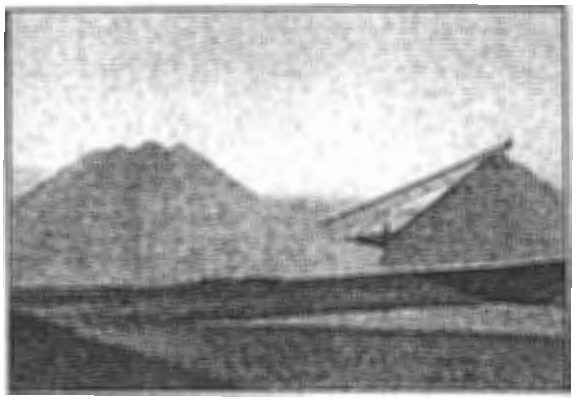




TYPICAL CONCRETE PLANT DIMENSIONS



Typical Processing Plant Configuration



Materials Stockpiles (Up to 40' High)

ELEVATION AND PHOTOS OF PROPOSED PLANT EQUIPMENT

EXHIBIT 10

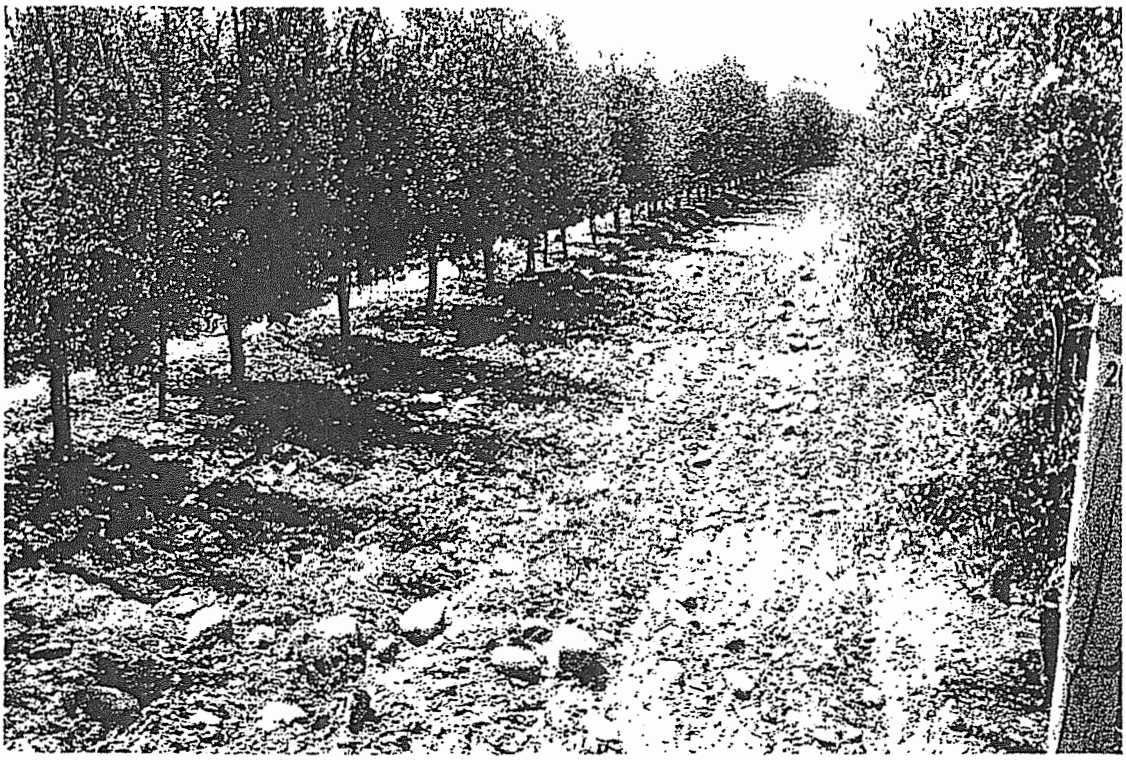


Figure 3.11-1: Noise Measurement Locations

EXHIBIT 11

Operational Statement
Riverbend Sand and Gravel Project

Fresno County, California



Prepared For:

Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734

Submitted to:

Fresno County Department of Public Works and Planning
2220 Tulare Street, Street Level
Fresno, CA 93721

Updated January 2015

Prepared By

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e-mail: jcbuada@buada.com

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B Vicinity Map/Land Use 3
C Current Site Plan 4
D *(Intentionally skipped)*
E Mine Plan 14
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ATTACHMENTS

A Elevations and Photos of Proposed Plant Equipment

PROJECT SPECIFIC STUDIES

Copies on file with Fresno County Department of Public Works and Planning

Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates; John Stebbins, Consulting Botanist; LSA Associates, July 2013

Biological Resources Evaluation Addendum, LSA Associates, January 2014

Biological Resources Evaluation Addendum #2, LSA Associates, April 2014

Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California, Applied Earthworks, Inc., June 2012

Emission Inventory and Air Quality Impact Analysis, Riverbend Sand and Gravel Project, Dudek, October 2013

Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California, Bollard Acoustical Consultants, April 2014

Environmental Noise Assessment Addendum, Bollard Acoustical Consultants, May 2014

Geotechnical Review of Quarry Slope Stability & Geologic Hazards, Tetra Tech BAS, August 2013

Groundwater Conditions at the Riverbend Sand and Gravel Project, Kenneth D. Schmidt & Associates (KDSA), December 2013

Groundwater Conditions Addendum, KDSA, May 2014

Health Risk and Odor Assessment for the Riverbend Sand and Gravel Project, Dudek, October 2013

Revegetation Guidelines for the Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates and John Stebbins, Consulting Botanist, October 2012

Riverbend Sand and Gravel Hydraulic Flood Analysis, Chang Consultants, February 2014

Riverbend Surface Water and Drainage Plan, Chang Consultants, August 2013

Slope Stability Considerations Addendum to Geotechnical Review of Quarry Slope Stability & Geologic Hazards, Tetra Tech BAS, April 2014

Supplemental Health Risk Assessment for the Riverbend Sand and Gravel Project, Dudek, October 2013

Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California, VRPA Technologies, Inc., July 2014 [Separate Binder]

Water Supply Assessment for the Riverbend Sand and Gravel Project, KDSA, October 2012

Visual Impact Assessment for Riverbend Sand and Gravel, Fresno County, California, RGP Planning & Development Services, November 2012

OPERATIONAL STATEMENT
RIVERBEND SAND AND GRAVEL PROJECT

This Operational Statement has been prepared for the Riverbend Sand and Gravel Project (Riverbend) in response to the questions posed in the Fresno County Operational Statement Checklist.

1. Purpose and Scope

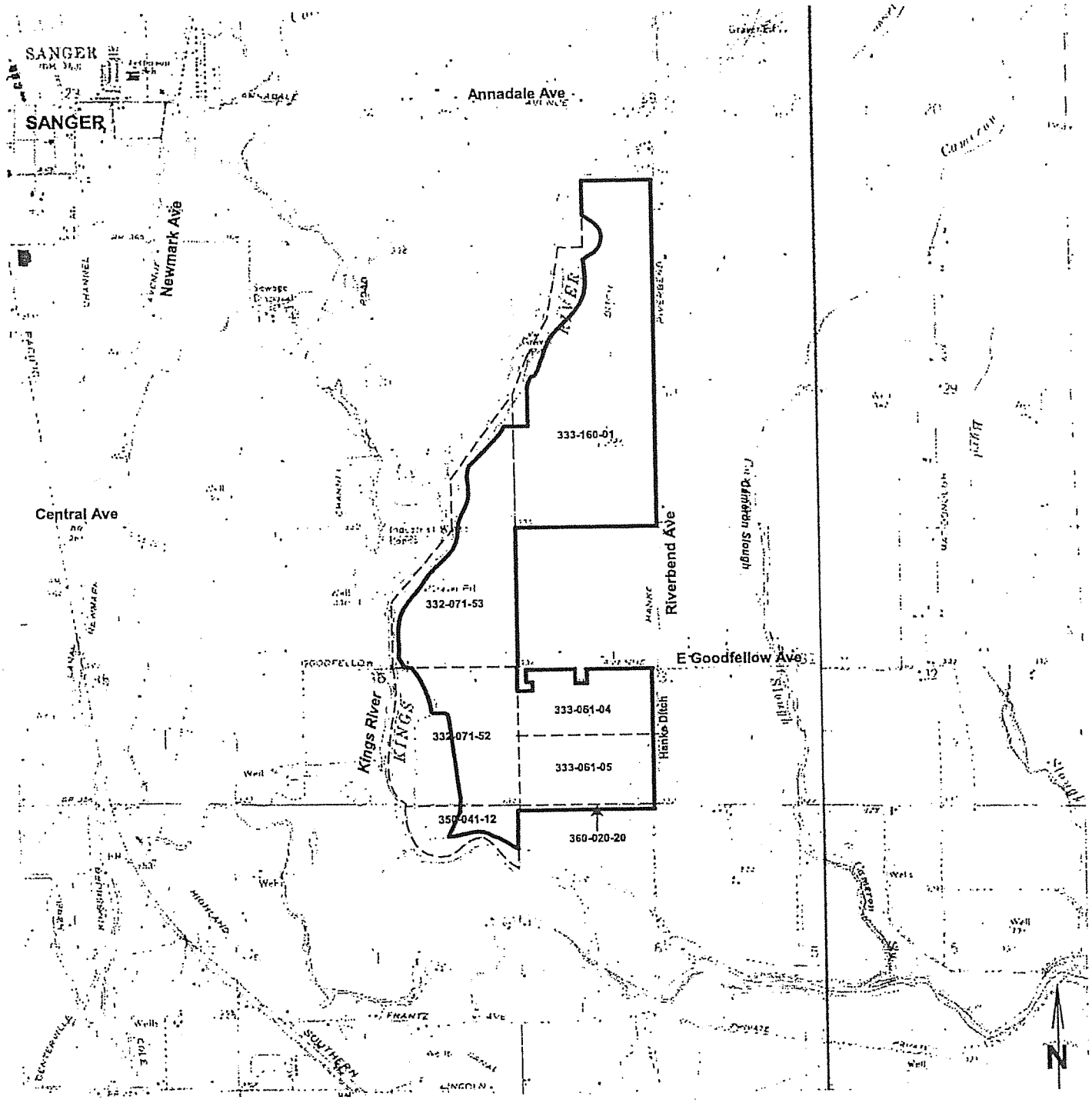
Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of the Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E (Exhibits A and B). The Project Site includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River. The remaining 214 acres of the property, including all of the existing riparian habitat along the Kings River, are excluded from the project. The Project Site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. The Hanke Ditch is piped and runs through the eastern portion of the Project Site north of Goodfellow Avenue and is an open ditch along the east side of the Project Site south of Goodfellow Avenue (Exhibit C).

Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat.

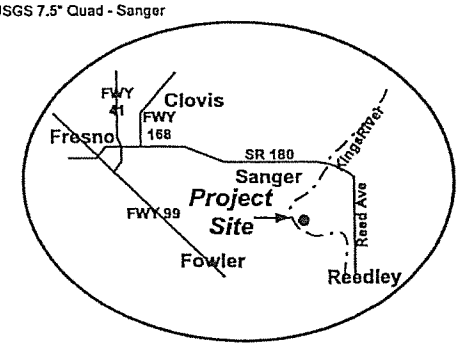
2. Objectives of Project

The following are Riverbend's objectives for this project:

a. Provide a reliable and sustainable, local source of high quality aggregate to help meet the current and long-term demand (75 years) for construction materials in Fresno County.
b. Create additional, long-term supply of local aggregate reserves.
c. Utilize aggregate reserves from property already designated by the state and county as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).
d. Utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.
e. Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy competitive market.
f. Obtain aggregate resources with access to an efficient local road network and State Highway system.
g. Obtain aggregate resources unconfined by a restrictive conservation easement.
h. Create a project that would not require dewatering of groundwater.
i. Create an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality.
j. Create a project that will return a significant amount of mined land back to farming.
k. Create local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county.



Source: USGS 7.5" Quad - Sanger

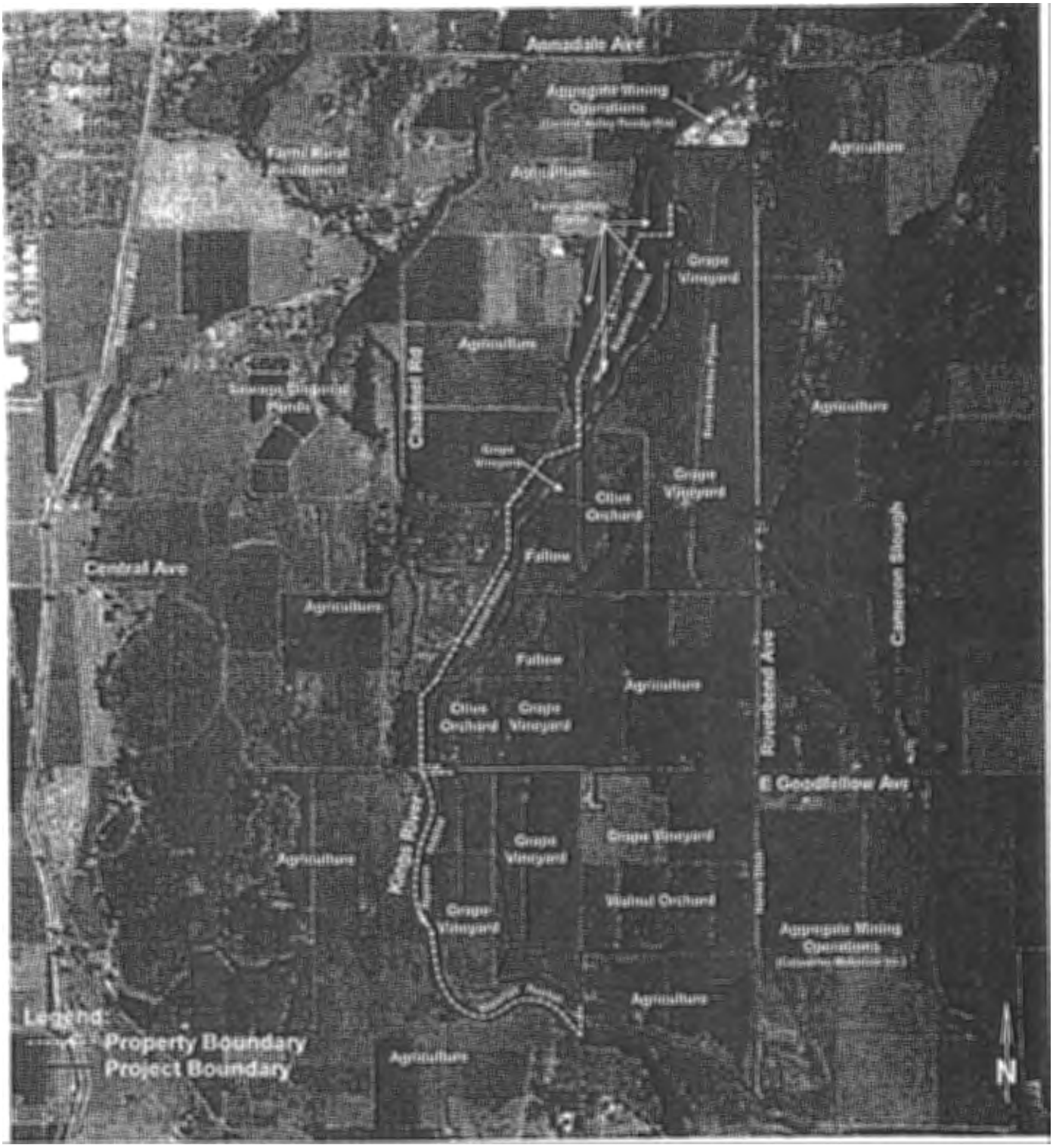


Regional Location

Legend:

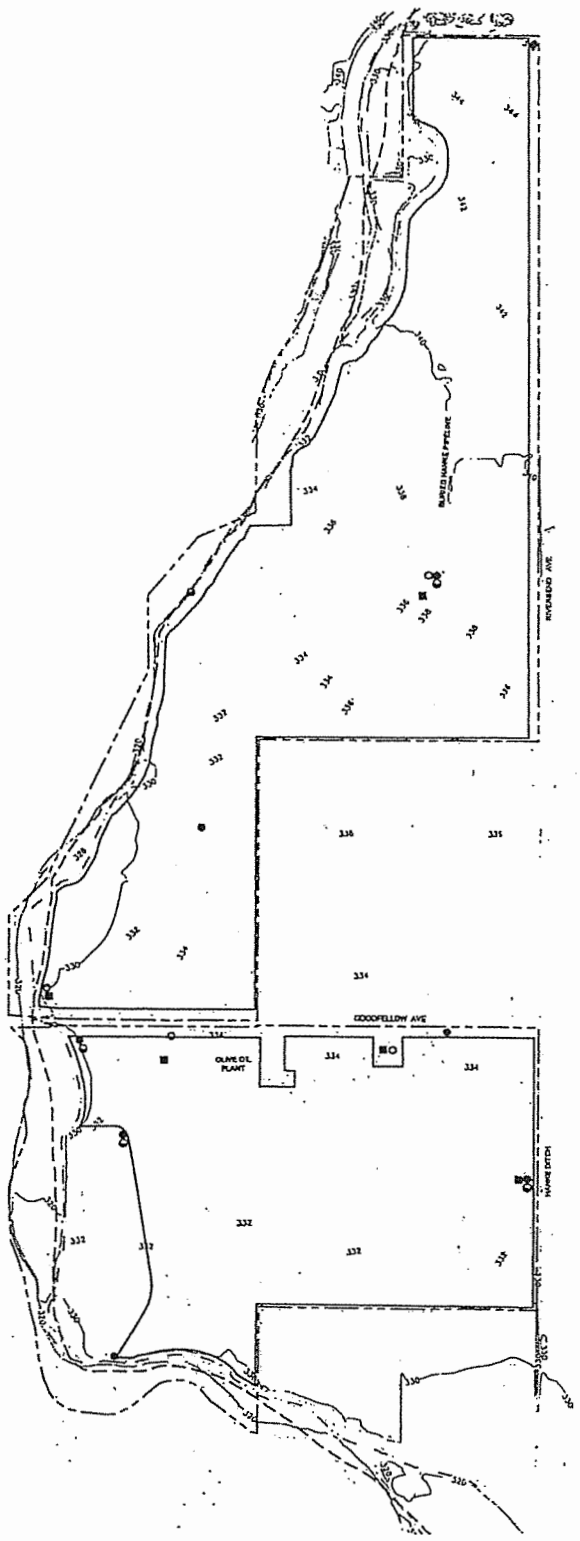
- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel
Exhibit A
Location Map



Aerial Source: Google Maps 2013

Riverbend Sand and Gravel
Exhibit B
Vicinity and Land Use Map



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- FEMA REGULATORY FLOODWAY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTE:

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Fortz Ave. Parker, CA 83642 559-875-8563	EXHIBIT C		D	
	CURRENT SITE PLAN		C	
	RIVERBEND SAND AND GRAVEL		B	11/17/14 ADD EXISTING CONTOUR ELEVATIONS
			A	1/29/14 FLOODWAY ADJUSTMENT/MINE SCHEDULE
				Initial Release
				Date Revision

3. Project Need

In California, the supply and demand for aggregate resources are tracked by the California State Department of Conservation's California Geological Survey (CGS). The CGS regularly analyzes the supply and demand of aggregate resources in California, and publishes reports indicating the past consumption and anticipated future demand for regional aggregate supplies. The various regions studied throughout the State are market areas referred to as "Production-Consumption Regions." The Project is in the Fresno Production-Consumption (P-C) Region, which services the needs of portions of central and eastern Fresno County and portions of southern Madera County. According to the California Department of Finance, population in the region is expected to nearly double in the next 50 years from 1,083,705 in 2010 to 1,989,331 in 2060.

The CGS report titled *Aggregate Availability in California – Map Sheet 52* (updated 2012) uses the Department of Finance future population estimates and historical per capita consumption to estimate future aggregate demand. Map Sheet 52 indicates that the P-C Region's projected 50-year aggregate demand as of January 1, 2011, was approximately 435 million tons (MT). Existing permitted reserves at that time was indicated to be 46 MT. However, that estimate did not include the 63 MT approved for the Sanger-Centerville Expansion (Vulcan Materials Company) in 2007 or the 50 MT approved for the Madera Quarry (Shimmick Construction) in Madera County in 2010. In 2012, the Carmelita Mine and Reclamation project (Colony Land Company) was approved for 85 MT. Those three projects added 198 MT (net finished aggregate product) of permitted reserves to the P-C Region. Without adjusting for reserves consumed since January 1, 2011 total permitted reserves in the P-C region would be 244 MT.

In 2010, Map Sheet 52 indicated that the P-C Region consumed approximately 6.0 MT per year (MT/y). At that consumption rate for the four-year period from 2011 through 2014 approximately 24 MT of permitted reserves would have been consumed leaving 220 MT of permitted reserves at the beginning of 2015, or approximately 50% of the region's 50-year aggregate demand.

The Riverbend Project, if approved, would add 70 MT increasing the permitted aggregate reserves to 290 MT, or 67 % of the 50-year demand. If the proposed Austin Quarry project in Madera County is approved, it would add 250 MT. Total permitted reserves in the region would then be 540 MT.

Future consumption of permitted reserves is affected by the maximum annual sales permitted for each site and annual consumption rates as described in the following two scenarios.

Table 1 shows the existing permitted aggregate operations in the Fresno P-C Region, assuming Austin Quarry and Riverbend were both permitted. If Austin and Riverbend were both approved, annual permitted sales would be 10.4 MT per year (MT/y). (Central Valley RM & River Rock annual sales are not included in the total since their permits expire in 2015 and 2016 respectively.)

Assuming that Carmelita, Riverbend and Austin Quarry are fully operational in 2015 and that annual sales would equal the permitted annual sales, aggregate consumption in the next 50 years would be as follows (not all mine projects are permitted so this assumption assumes a maximum reserve scenario):

- 2023 (in 8 years): Rockfield permit expires, 83 MT would be consumed, and annual permitted sales would drop to 9.4 MT.
- 2043 in (29 years): CMI permit expires, an additional 188 MT would be consumed and annual permitted sales would drop to 8.4 MT.
- 2060 (in 45 years): Sanger reserves would be depleted, an additional 143 MT would be consumed and annual permitted sales would drop to 5.9 MT.

Table 1
Maximum Permitted and Proposed Annual Aggregate Sales: Fresno P-C Region

Operation	Maximum Annual Sales Permitted (million tons)
Cent. Valley RM (Sante Fe)[1]	Negligible
River Rock (Vulcan)[2]	Negligible
Rockfield (Cemex)[3]	1.0
Kings River (CMI)[4]	1.0
Sanger (Vulcan)[5]	2.5
Madera Quarry[6]	0.9
Carmelita[7]	1.25
Austin Quarry[8]	2.5
Riverbend[8]	1.25
Total	**10.4**[9]

1. Permit expires in 2015
2. Permit expires in 2016
3. Permit expires in 2023
4. Permit expires in 2043
5. Reserves depleted in 2059
6. Reserves depleted in 50 years
7. Not yet operational
8. Proposed
9. CVRM & River Rock not included since their permits expire in 2015 and 2016 respectively.

- 2065 (in 50 years): Madera Quarry's reserves would be depleted, an additional 30 MT would be consumed and annual permitted sales would drop to 5.0 MT.

Total consumption for the next 50 years would be 444 MT or 9 MT more than the 435 MT projected in Map Sheet 52. The remaining permitted reserves would be 96 MT. However, at the annual consumption rate of 11 MT/y in 50 years, as estimated by Map Sheet 52, there would be less than 9 years of reserves remaining.

It should be noted that the 50-year demand is simply a measuring tool and not a limit. In a healthy supply and demand market, having more than 50 years of permitted reserves would provide more sources for aggregate products and should result in more competitive pricing for the consuming public.

In order to meet the required specifications for the broad range aggregate products needed in the construction materials market, there needs to be a suitable balance of available rock and sand, roughly in the 50% rock/50% sand ratio. However, it appears that future market supply in the region may hit an imbalance with far more rock in supply than sand. This imbalance is primarily based on greater hard rock resources being developed and permitted than that of alluvial deposits which contain natural sand resources as well as rock. If the proposed Austin Quarry project in Madera County is approved, 300 MT (Madera Quarry 50 MT + Austin Quarry 250 MT), or 55% of the 546 MT of the region's reserves, would be from hard rock quarries, creating an imbalance in the rock to sand regional production. Technology allows for the production of sand from rock; however this process is more expensive than the washing and processing of natural sand. Manufactured sand is not the desired product by the local Ready-Mix Concrete (RMC) producers or users. Producers of RMC have traditionally paid more and travelled great distances for natural concrete sand than manufactured sand because it flows better, is easier to pump and in some cases requires less cement than manufactured sand. With 55% of the local operations being rock reserves, natural occurring sand from the alluvial deposit on the Riverbend site on the Kings River will be

critical to meet the sand demand for the region, including the demand of governmental agencies like Caltrans and the Fresno County Department of Public Works.

The California Department of Conservation (DOC) classifies areas of known important mineral commodities, referred to as Mineral Resource Zones (MRZ), so that these areas may be given land use consideration by local agencies in their general plan preparation process. DOC classified most of the Kings River Resource Area as MRZ-2 (including the Riverbend Project site), indicating that significant mineral deposits (i.e., sand and gravel) of regional or statewide significance are present, or there is a high likelihood for their presence.

In 1988, the State published SMARA Designation Report No. 8 (DR-8), which designated the Kings River Resource Area, including the Project site, as having construction grade aggregate deposits that are of regional significance (*Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8,* DOC and DMG, July 1988).

Distance matters since transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs will significantly increase the cost of the aggregate by the time it reaches the consumer. Transporting aggregate from distant sources also results in increased fuel consumption, air pollution, traffic congestion, and road maintenance. Moreover, transportation cost is the principal constraint defining the market area for an aggregate mining operation.

4. Environmental Data

A. Land Use

Surrounding land use includes an aggregate mining operation with a ready-mix concrete plant to the north (Central Valley Ready-Mix, CUP 2203) and an aggregate mining operation, to include a ready-mix concrete plant, to the east and southeast (Calaveras Materials Inc., CUP 3052). Irrigated cropland with scattered farm residences are located to the east and to the west and south across the Kings River. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the Project Site.

B. Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. The mining and reclamation plan for this Project has been prepared in accordance with SMARA and associated SMARA regulations adopted by the State Mining and Geology Board (SMGB) (CCR Sections 3500-3800).

C. Fresno County General Plan

The following Fresno County General Plan policies apply to the project:

1. Agricultural and Land Use Element

Policy LU-A.4 "The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Unit of the Open Space and Conservation Element. (See Section OS-G)"

The Kings River Regional Plan designates the land use for the Project Site as Agriculture. The recovery of mineral resources from lands designated Agriculture is permitted by the above policy. The project is also consistent with the Mineral Resources Unit of the Open Space and Conservation Element as discussed below.

2. River Influence Areas

Policy LU-C.1: The County shall regulate land use along the Kings River in accordance with policies of the Kings River Regional Plan.

The project is consistent with the Kings River Regional Plan as discussed below.

Policy LU-C.5: The County may allow the extraction of rock, sand and gravel resources along the Kings River consistent with the Kings River Regional Plan policies and Section OS-C, Mineral Resources, of the Open Space and Conservation Element. (See Policy OS-C.11.)

The project is consistent with the Kings River Regional Plan and Section OS-C, Mineral Resources, of the Open Space and Conservation Element as discussed below.

3. Kings River Regional Plan

The following policies apply to the project.

Policy 4.05: The recovery of mineral resources in all zone districts will occur under the appropriate location and operational standards specified in the Mineral Resources Unit of the Open Space and Conservation Element of the Fresno County General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

The project is consistent with the Mineral Resources Section of the Open Space and Conservation Element as discussed below.

Policy 8.01: Sand and gravel operations should be encouraged in appropriate locations and should meet all Standards of Section 306-06 (Mineral Resources) of the General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

See discussion under Policy OS-C.2 below.

4. Mineral Resources Section of the Open Space and Conservation Element

The introduction to Mineral Resources section states, "Aggregate and petroleum are the county's most significant extractive resources and play an important role in maintaining the county's overall economy. The combined annual impact of the construction and aggregates industries in Fresno County in 2003 was estimated to be $4.4 billion. (*Construction & Aggregates in Fresno County, An Economic Analysis of the Construction and Aggregates Industries in Fresno County*, Sharon Prager and Randy Evans, October 2003)

Policy OS-C.2: The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)

Policy OS-C.2 preserves MRZ-2 properties, which includes the Project Site, for mineral resource recovery.

Policy OS-C.3: The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.

The mining and reclamation plan has been prepared in accordance with SMARA and Section 858 of the Fresno County Zoning ordinance (FCZO). No phase exceeds eighty (80) acres in size.

Policy OS-C.5: The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.

D. Mineral Resource Zone

In 1986, the State of California included the Project Site in the classification of the aggregate resources in Kings River area as MRZ-2 [*Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, Special Report 158*, Judy Wiedenheft Cole and David Fuller, California Department of Conservation (DOC) and Division of Mines and Geology (DMG), 1986]. Fresno County incorporated the MRZ-2 classification into the Mineral Resources Unit of the Open Space/Conservation Element of the General Plan in 1987.

In 1988, the State also designated this site as having construction grade aggregate deposits that are of regional significance (*Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8,* DOC and DMG, July 1988). SMARA requires that a lead agency's land-use decisions involving the designated area be made in accordance with its mineral resource management policies, and that the lead agency consider the importance of the mineral resource to the region as a whole and not just the lead agency's area of jurisdiction.

E. Fresno County Zoning Ordinance, Section 858, Regulations for Surface Mining and Reclamation in all Districts

The Fresno County Zoning Ordinance (FCZO), Section 858, Regulations for Surface Mining and Reclamation in all Districts sets forth regulations for conducting surface mining and reclamation in a manner consistent with SMARA and associated SMARA regulations adopted by the SMGB (CCR Sections 3500-3800).

Section 858 specifies that mineral resources are valuable community assets which must be safeguarded against preemption by competing or conflicting land uses. However, mineral deposits are frequently located in areas which are also suited for other types of development or are in areas characterized by significant natural resources. Care must be taken to ensure that mineral resources are recovered efficiently and safely, with minimal disruption to surrounding land uses and environmental values, and that sites are reclaimed to a usable condition which is readily adaptable for alternative land uses.

The mining and reclamation plan for this Project has been prepared in accordance with SMARA and Section 858 of the FCZO.

F. Zoning

The Project Site is zoned "AL-20" Limited Agriculture, 20 acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in the AL-20 district subject to a CUP and the provisions of Section 858 of the FCZO.

G. Williamson Act Contract

Approximately 88 acres of the Project Site (Phases 8A and 8B) are currently subject to a Williamson Act contract (AP-6322). At least 10 years prior to the scheduled mining of Phases 8A and 8B a Notice of Non-renewal will be filed with Fresno County. By the time Phases 8A and 8B are ready to be mined the Williamson Act contract will have expired.

H. Vegetation Types and Conditions

The Project Site is currently in walnut and olive orchards and grape vineyards. All the native riparian habitat which is located along the Kings River on the western and southern edges of the Project Site will be avoided. (*Biological Resources Evaluation* (BRE), *Riverbend Sand and Gravel Project, Fresno County, California*, Buada Associates; John Stebbins, Consulting Botanist; LSA Associates, July 2013)

I. Soil Types and Conditions

Native surface soils on the Project Site as noted below are primarily Grangeville soils as shown on Maps #63 and #73 of the *Soil Survey of Eastern Fresno Area, California*, USDA, Soil Conservation Service (October 1971) and as described below.

Dello loamy sand (Dm): Capability unit III, Storie Index rating 58

Dello sand loam (Dn): Capability unit III, Storie Index rating 65

Grangeville fine sandy loam (Gf): Capability unit I, Storie Index rating 90

Grangeville fine sandy loam, saline-alkali (Gg): Capability unit II, Storie Index rating 72

Hanford fine sandy loam (Hm): Capability unit I, Storie Index rating 100

Terrace escarpments (ThF): Capability unit IIIV, Storie Index rating 10

Tujunga sand, 0 to 3% slopes (TzaA): Capability unit IV, Storie Index rating 54

Tujunga soils, channeled, 0 to 9% slopes (TzeB): Capability unit IV, Storie Index rating 36

J. Groundwater

Groundwater conditions were analyzed in the groundwater study prepared for the Project Site (*Groundwater Conditions at the Riverbend Sand and Gravel Project, Fresno County, California,* Kenneth D. Schmidt & Associates (KDSA), December 2013; and *Groundwater Conditions Addendum,* KDSA, May 2014).

The alluvial deposits at the Project Site are highly productive. Yields of many irrigation wells in the area range from 500 to 2,000 gallons per minute (gpm).

Groundwater levels in the Project Area range from 16 to 20 feet below the ground surface (bgs). The main sources of recharge to groundwater in the vicinity are deep percolation from irrigation return flow, seepage from the Hanke Ditch, Kings River, and Cameron Slough, and groundwater inflow from the north. The main sources of groundwater discharge are pumping and groundwater outflow to the south, including to the Kings River during low river stages.

There are 4 domestic wells and 4 active irrigation wells on the Project Site (Exhibit C). In addition five 70-foot deep groundwater monitoring wells have been installed on the property. Groundwater levels since December 2010 have ranged from 8 to 22 feet. The direction of groundwater flow has been south-southwest. The base of the useable aquifer in the vicinity ranges from 500 to more than 800 feet.

The on-site irrigation wells are used to supplement the Hanke Ditch surface water supply as described below.

K. Surface Water

The Kings River, located along the western boundary of the Project Site is the predominant surface water feature in the area (Exhibit C). All of the Project Site is in the Kings River Water District. Most of the irrigation water (95%) used at the Project Site has come from the Hanke Ditch, which passes along the eastside of the Project Site. In the northern portion of the Project Site the Hanke Ditch is in a buried pipeline. A pump is also used to divert water to the site from the Kings River for about 5 acres of grapes next to the river. The river pump can also be used to supplement the Hanke Ditch supply. The District has delivered an average of 3.5 to 4.0 acre-feet per acre per year of water to the site. For the current irrigated land at the Project Site (619 acres), this would total about 2,320 acre-feet per year. Current consumptive water use for irrigation is estimated to be 1,630 acre-feet per year. (KDSA, December 2013)

L. Flooding

The Project Site is setback at least 50-feet from the 100-year floodway as mapped by FEMA (Regulatory Floodway) and the Designated Floodway as mapped by Central Valley Flood Protection Board. The FEMA floodplain maps indicate that portions of the Project Site are within the mapped 100-year floodplain. However, review of the existing topography indicates that much of the area mapped by FEMA as floodplain on the Project Site is no longer within the current 100-year floodplain (*Riverbend Sand and Gravel Hydraulic Flood Analysis*, Chang Consultants, February 2014).

M. Special Status Species

The BRE was prepared for the Biological Study Area (BSA), totaling 833 acres. The BSA consisting of the property controlled by Riverbend, on which the 619-acre Project Site (i.e., the area to be mined) is proposed (Buada, Stebbins, LSA, July 2013; LSA, Jan 2014; LSA April 2014). The BRE determined that no native habitats exist on the Project Site and that the mining/reclamation project will avoid impacts to all of the native plant communities that occur outside of the Project Area. These communities are considered sensitive habitats because they support a high diversity of wildlife species. By avoiding all of the existing native habitats outside of the project boundary, the native wildlife in the area will continue to have habitat available for foraging, shelter, and breeding activities during all phases of mining.

Plant surveys and biological surveys were conducted. The following is an overview of the presence of special status species on the site.

Valley Elderberry Longhorn Beetle: The Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*), a federally threatened (FT) species, occurs only in the Central Valley of California. The Mexican elderberry (*Sambucus mexicana*), which is the habitat of the VELB, is located adjacent the Project Site. In October 2012, the United State Fish & Wildlife Service (USFWS) formally proposed the rule to delist the VELB (Federal Register Volume 77, Number 191, Pages 60237-60276). The project avoids all the elderberry shrubs. In addition, mining-related activities, including access and maintenance roads, will not occur any closer to existing elderberry plants than current farming activities.

Swainson's Hawk: The Swainson's hawk (*Buteo swainsoni*) is a State threatened species. It has no formal federal status. The mixed riparian forest community could provide suitable nesting habitat for Swainson's hawk. However, the other communities in the BSA, specifically the vineyards and orchards, are not suitable foraging habitat for this species.

Sanford's Arrowhead : Sanford's arrowhead (*Sagittaria sanfordii*), a California Native Plant Society List 1B plant, was observed in the northernmost of the two ponded areas within the wetland associated with the mixed riparian forest located adjacent to, but outside of the Project Site.

Pacific Pond Turtle: The Pacific pond turtle (*Actinemys marmorata*) is a California Species of Special Concern. The riverine habitat in the Kings River and the ponded areas associated with the wetlands within the mixed riparian forest community near the north end of the BSA provide suitable aquatic habitat for Pacific pond turtle. However, the adjacent uplands in the BSA, which are predominantly vineyards and orchards and includes the entirety of the Project Site (i.e., the area to be mined), are not suitable nesting habitat for this species. Based on this information, there is moderate potential for Pacific pond turtle to occur in the BSA, but outside of the Project Site.

N. Sensitive Habitats

Great Valley Mixed Riparian Forest: Approximately 40.5 acres of Great Valley mixed riparian forest is located as a narrow, almost solid band of vegetation along the eastern edge of the Kings River adjacent to, but outside of the Project Site.

Riverine: The riverine community in the BSA, totaling 20.3 acres, consists of the active channel of the Kings River (excluding extensive area of riparian vegetation). The active channel consists primarily of open water, but occasional gravel bars, either unvegetated or with scattered vegetation, also occur. All of the riverine community is outside of the Project Site.

O. Cultural

A cultural resources study was prepared for the Project Site and the surrounding property controlled by Riverbend but not included in the project (*Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California,* Applied Earthworks, Inc., June 2012). Prehistoric archaeological sites or features were encountered or recorded within the study area but not within the Project Area. Since the project avoids these sites, including a 50-foot exclusion zone, no further action was recommended.

P. Geological

The Project Site is within the Great Valley geologic province, lying between the Coast Ranges province and the Sierra Nevada province. The Great Valley province is characterized by relatively flat-lying alluvial sediments formed by the coalescence of successive alluvial fans derived from the Sierra Nevada and Coast ranges. The Kings River deposits were derived from the Sierra Nevada.

Granitic rock types compose the majority of clast types within the Kings River fan with the majority of the remainder of the deposit composed of quartzite, fine-grained basaltic volcanics, and fine-grained metavolcanics. The Kings River is geomorphologically similar to the San Joaquin River, except that it has a broader floodplain and a thicker section of recent sand and gravel. Unlike the San Joaquin River deposits, a persistent underlying clay layer has not been reported in existing aggregate operations on the Kings River. No materials deleterious to the production of quality aggregate have been found in the Kings River deposits. (DOC and DMG, 1986)

Relatively coarse-grained deposits of the ancestral Kings River are generally predominant in the subsurface above a depth of about 200 to 220 feet. These deposits are primarily sand, gravel, and cobbles, and have been termed the Quaternary Older Alluvium. Some interlayered clay and silt layers are also present, but these are generally thin and discontinuous. Clay is also intermixed with the coarse-grained deposits in some depth intervals. Because of the overall lack of thick continuous clay layers above a depth of about 220 feet, one aquifer is generally considered to be present in the vicinity.

Crystalline rock or bedrock is not known to have been encountered by wells in the vicinity. Based on information from Sanger, Reedley, and the Great Western School (south of Reedley Airport), where deeper test holes and supply wells have been drilled, the top of the bedrock in the vicinity of the Project Site is expected to be below a depth of 700 feet. (KDSA, December 2013)

5. Nature of Operations

A. Mine Plan

The mine plan (Exhibit E) is designed to preserve all existing riparian habitat along the Kings River and to protect the 100-year Floodway. Setbacks include the following:

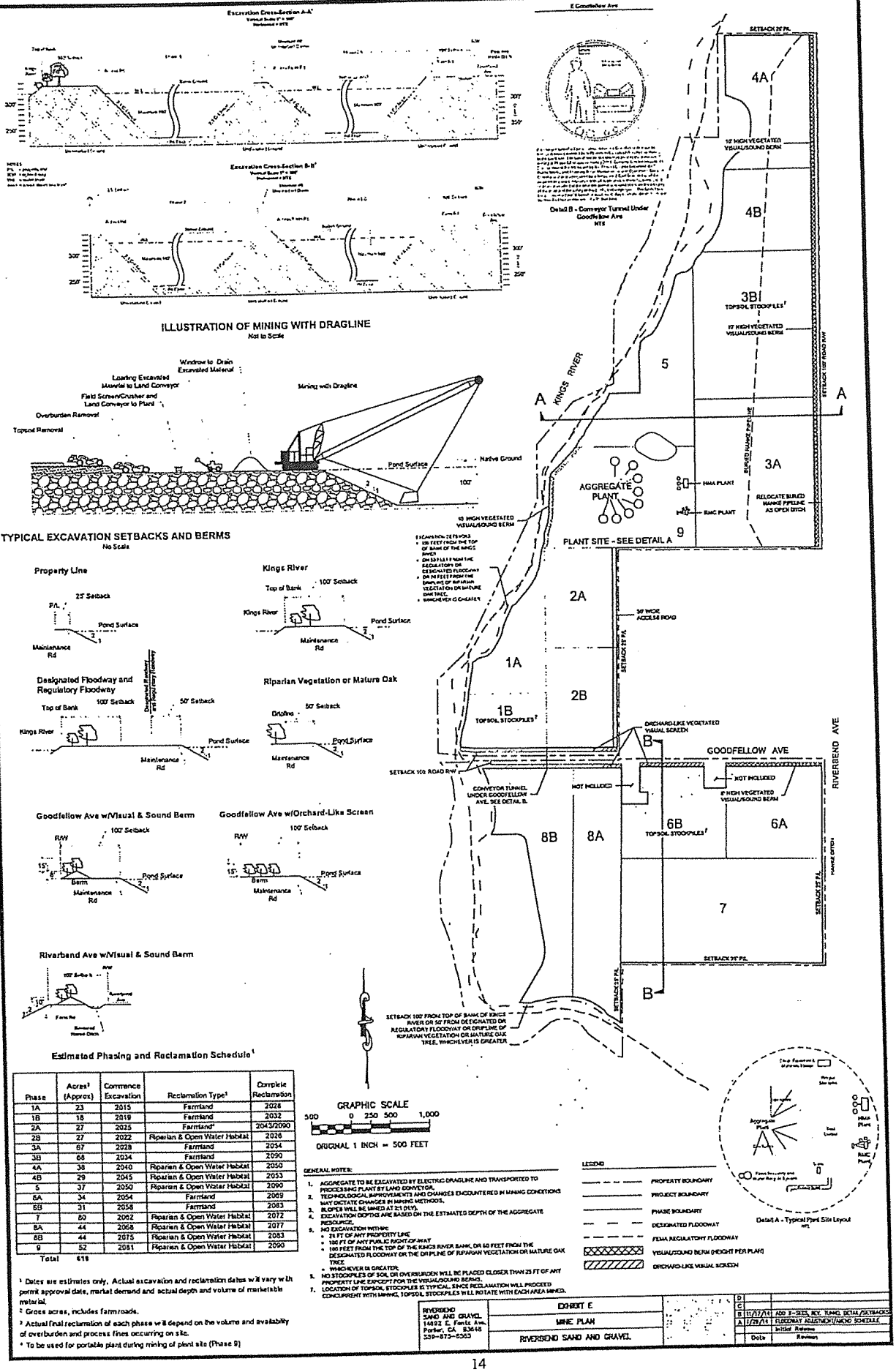
- 100 feet from the top of the Kings River bank; or 50 feet from the FEMA Regulatory Floodway or Designated Floodway; or 50 feet from the dripline of riparian vegetation or mature oak tree; whichever is greater;
- 100 feet from the public right-of-way; and
- 25 feet from other property lines.

The project site will be mined in phases. Farming operations will continue on all phases not being mined or reclaimed. Mining will be conducted in 14 sequential phases (Exhibit E). The timing of the phasing and scheduling shown in Table 2 are rough estimates only. Actual excavation may occur sooner or later depending on the actual volume of material available in each phase and market conditions over time.

Topsoil will be removed prior to mining each phase and stored separately for later use as final cover for reclaimed farmland and final slopes of ponds. Overburden will be removed and stored for later use as fill or transported directly to fill the phases to be reclaimed as farmland.

The phases will be excavated by an electric-powered dragline with cut slopes of 2:1 (horizontal to vertical) to a maximum depth of approximately 100 feet below natural ground surface. Blasting will not be used. For the phases that will be reclaimed to farmland, 40 foot wide undisturbed (not mined) levees will separate those phases from the phases to be reclaimed as riparian and open water wildlife habitat.

Mined aggregate will be initially transported to the processing plant by off-road haul trucks for approximately one year. Subsequently, mined aggregate will be transported to the plant by electric-powered field conveyors.



Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2026
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	618			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
[2] Gross acres, includes farm roads.
[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.
[4] To be used for portable plant during mining of plant site (Phase 9)

GENERAL NOTES:

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR.
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY CREATE CHANGES IN MINING METHODS.
3. SLOPES WILL BE MINED AT 2:1 (H:V).
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE.
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 50 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE
   - WHICHEVER IS GREATER
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXCEPT FOR THE VISUAL/SOUND BERMS.
7. LOCATION OF TOPSOIL STOCKPILES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

RIVERBEND SAND AND GRAVEL	EXHIBIT E
14923 E. Foothill Ave. Porter, CA 93648 559-875-5565	MINE PLAN
	RIVERBEND SAND AND GRAVEL

D		
C		
B	11/17/14	ADD E-SIDE, REV. TUNNEL DETAIL/SETBACKS
A	1/29/14	FLOODWAY ADJUSTMENT/MINING SCHEDULE
	Initial Release	
	Date	Revision

Table 2

Estimated Mining and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	**619**			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant at approximately 1.25 million tons. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 with sales of 1.25 million tons. Total production from the Project Site is estimated to be 90 million tons with total sales estimated to be 70 million tons. Operations are expected be on-going for at least 75 years. A Mine and Reclamation Plan Summary is shown on Table 3.

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

Table 3
Mine and Reclamation Plan Summary

Item/Activity	Description[1]
Mining Acres	Approximately 619 acres
Mining Method	Topsoil and overburden removal by scrapers. Wet mining of aggregate by electric dragline. Blasting will not be used.
Mining Depth	Approximately 100 feet below natural ground surface level
Processing	Aggregate processing plant, hot-mix asphalt plant, ready-mix concrete plant, portable plant to recycle concrete and asphalt debris (including imported)
Estimate Aggregate Volume	90 million tons
Estimated Total Sales	70 million tons
Annual Processed Volume	1.6 million tons
Annual Sales Volume	1.25 million tons
Estimated Annual Sales Per Plant[2]	
Aggregate	765,000 Tons
Hot Mix Asphalt	250,000 Tons
Ready-Mix Concrete	150,000 Cubic Yards
Concrete and Asphalt Recycling	125,000 Tons
Depth to Groundwater	15-20 feet below natural ground surface level
Reclamation End uses	
Reclaimed Farmland[3]	Approximately 268 acres
Open Space, Riparian and Open Water Habitat[3]	Approximately 351 acres
Project Life	Approximately 75 years

1. All values are approximate

2. Typical mix of products. Actual sales mix will vary based on demand. Total annual sales of aggregate will not exceed 1.25 million tons

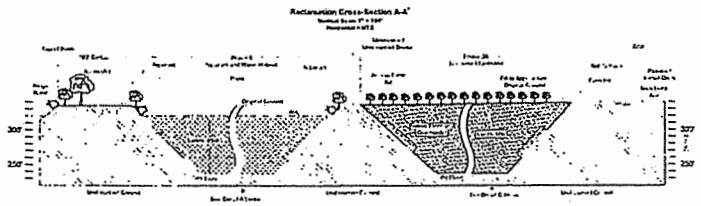
3. Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill occurring on site.

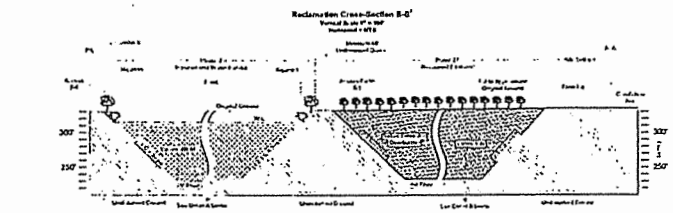
As previously described an aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A, 6B and 7, currently operates under Fresno County CUP 3052. In the future operators of CUP 3052 may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CUP 3052 plant. If such an agreement were made, and if CUP 3052 were amended to import material from the Riverbend site, the aggregate in the Riverbend proposed Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CUP 3052 plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

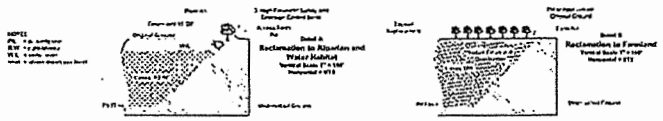
B. Reclamation Plan

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with three feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner. The reclaimed lands would be reclaimed to farmland of equal or better quality of that currently existing on the site.

Prime agricultural land on the Project site, as classified by US Natural Resources Conservation Service, includes Grangeville fine sandy loam and Hanford fine sandy loam (Hm). For such prime land, where distinct soil horizons are present, topsoil will be salvaged and stockpiled by defined A, B, and C soil



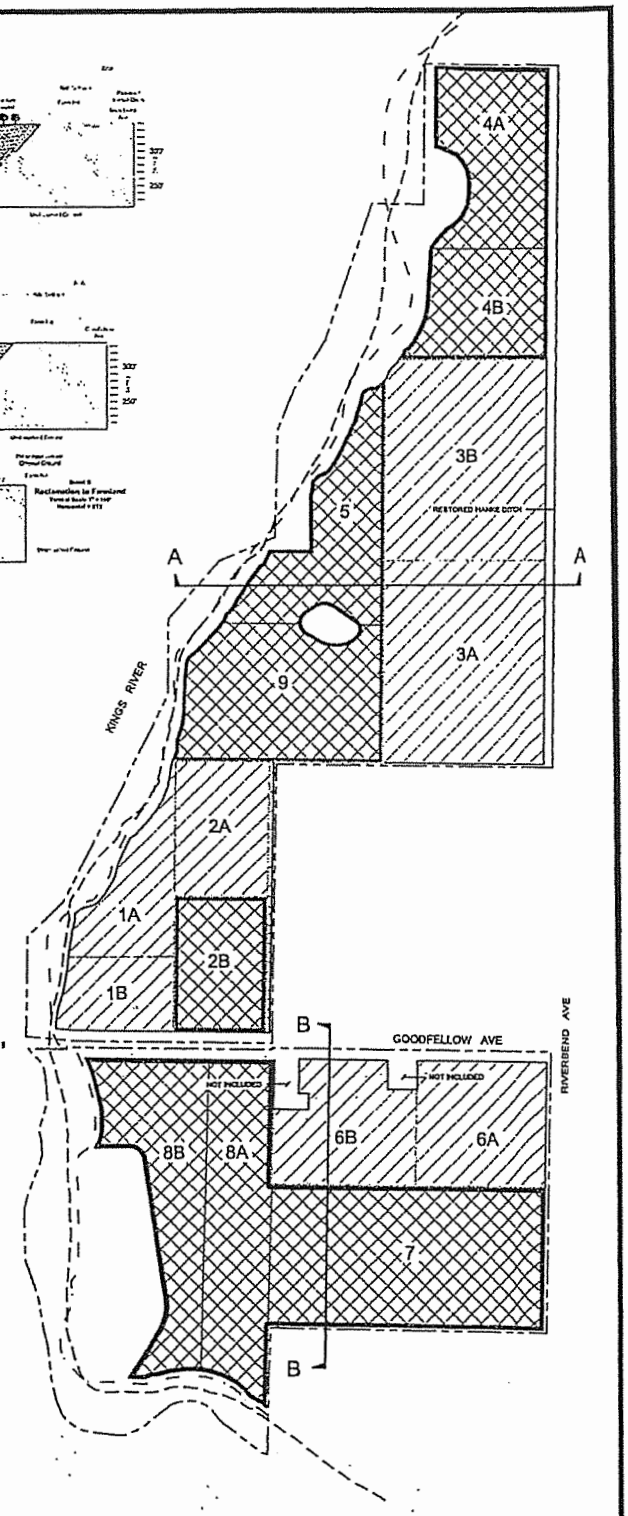




Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2026
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		25	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2063
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	619	268	318	33	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
[2] Gross acres, includes farmroads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill.
[4] To be used for portable plant during mining of plant site (Phase 9).





GRAPHIC SCALE
500 0 250 500 1,000
ORIGINAL 1 INCH = 500 FEET

LEGEND
- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER/WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES
1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

RIVERSEND SAND AND GRAVEL
14692 E. Ferris Ave.
Parlier, CA 93648
559-875-6565

EXHIBIT F
RECLAMATION PLAN
RIVERSEND SAND AND GRAVEL

	Date	Revision
D		
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/MOD SCHEDULE
	Initial Release	

horizons. Upon reconstruction of the soil, the sequence of horizons will have the A atop the B, the B atop the C, and the C atop graded overburden and processing fines.

Phases currently containing premining prime soils, which are to be reclaimed back to farmland, will be reclaimed back to a fertility level of adjacent, unmined prime farmland. Productivity of adjacent, unmined prime farmland will be determined. Reclamation will be deemed complete when productive capability of the reclaimed prime land is equivalent to or exceeds, for two consecutive crop years, that of the premining condition or similar crop production in the area (with an appropriate adjustment for tree/vine age).

The remaining phases, where there is not sufficient overburden and processing fines to fill all of the mined phases, cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation. Reclamation of these phases will create approximately 351 acres of riparian and open water wildlife habitat.

6. Operational Time Limits

Aggregate operations are proposed to occur five days a week for approximately 250 days a year. Ready-mix concrete and asphalt plant operations are proposed to operate six days a week for approximately 275 days a year (partial days on Saturdays). Typical hours are shown on Table 4, Typical Hours and Days of Operation. However, mining and processing hours, including nighttime hours, will vary during different seasons of the year to comply with California's "Flex Your Hours" program by utilizing electricity during off-peak hours. Loading of material onto to trucks during nighttime hours will occur to support major public road projects that are required to be completed during night hours or on weekends to avoid traffic conflicts. In addition asphaltic oil, cement and other supplies may be delivered during nighttime hours.

Table 4
TYPICAL HOURS AND DAYS OF OPERATION

Activity	Proposed Hours[1,2]
Excavation and Aggregate Processing	7:00 am - 7:00 pm, Weekdays
Loading and Aggregate Trucking[3]	6:00 am - 9:00 pm, Weekdays
Asphalt and Ready-Mixed Concrete Plants[4]	4:00 am-6:00pm, Weekdays, May-Oct 5:30 am-6:00pm, Weekdays, Nov-Apr 7:00 am-2:00pm, Saturdays

[1] Maintenance of mobile and plant equipment extend beyond these hours.
[2] During periods of public emergency and or major public road projects affecting the health and safety of the community, continuous 24 hours a day operations may be required.
[3] Major public road projects may be required to be completed during night hours or on weekends to avoid traffic conflicts. Such projects may require loading operations beyond the hours and days of operation shown.
[4] Asphaltic oil, cement and other supplies may be delivered during nighttime hours.

7. Number of Customers or Visitors

The estimated vehicle trips (one-way trips) associated with the project are shown on Table 5, Estimated Project Trip Generation. The majority (95%) of truck traffic will travel west on Goodfellow Avenue which changes to Central Avenue at just east of Newmark Avenue. Other smaller amounts of traffic will travel east on Goodfellow towards Reedley and eastern Fresno County (4%), north on Academy Avenue to the city of Sanger (2%) and south on Academy (5%) to the cities of Fowler, Selma and Kingsburg. Project traffic past Academy Avenue (88%) is estimated to split at McCall Avenue with 86% going north on McCall Avenue to access SR 180 , the central and northern parts of Fresno, the city of Clovis and continuing west to Freeway 99 to access the southern and western portions of the city of Fresno. The remaining 2% would travel west on Central to Freeway 99. A traffic study prepared for the project details

projected traffic impacts (*Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California,* VRPA Technologies, Inc., July 2014).

Table 5
Estimated Project Trip Generation[1]

Truck Trips	Average Daily Trips[3,4]	Maximum Daily Trips	AM Peak Hour Trips[5]	PM Peak Hour Trips[5,6]
Aggregate Loads[7]	246	266	50	2
Asphalt[7]	80	212	40	2
Ready-Mix Concrete[8]	136	224	42	4
Product Truck Totals	462	702	132	8
Liquid Asphalt[9,10]	4	10	2	0
Cement[9,11]	10	22	4	0
Propane[12]	0.4	2	0	0
Import Concrete/Asphalt for Recycle[7]	40	40	6	0
Diesel Fuel[13]	0.1	0.1	0	0
Delivery Truck Totals	52	74	6	0
Total Truck Trips	**514**	**776**	**144**	**8**
Aggregate, Asphalt Employees Trips[14]	36	36	0	4
Ready-Mix Concrete Employee Trips[15]	40	40	0	2
Outside Services & Misc Visitors	14	14	2	1
Total Employees & Outside Services	**90**	**90**	**2**	**7**
Total Trips	**604**	**866**	**146**	**15**

Assumptions

1. Actual mix of products and trucks will vary with market-driven sales
2. Aggregate sales includes aggregate for on-site asphalt and ready-mix plants
3. Trip = one-way trip (i.e. 1 load = 2 trips)
4. 250 working days/yr for aggregate & asphalt, 275 working days/yr for ready-mix concrete
5. Peak hrly sales of each product determined by hrly loading capacity of each plant and mobile loading equipment (loaders) available. 1.25 loader to load aggregate and asphalt trucks. 0.75 loader to feed HMA and RMC plants.
6. PM peak trips are negligible. Almost all trips in the aggregate related industry occur before 3:00 pm.
7. Aggregate, asphalt, recycle 25 tons/load
8. 1.65 tons agg/cy, avg 8.0 cy/load, peak 9.5 cy/load
9. Liquid asphalt & cement 27 tons/load
10. 0.05 tons of liquid asphalt/ton of asphalt
11. 0.235 tons cement/cy
12. 4.1 lbs/gal propane, delivered by 12,165 gal (25 ton) tanker, = fuel for 4,679 tons of asphalt at avg 2.6 gals/ton of asphalt
13. Engineer's estimate, delivered by 8,000 gal tanker
14. 28 Employees (aggregate & asphalt 18, ready-mix concrete 10)
15. 38 Employees (aggregate & asphalt 18, ready-mix concrete 20)

8. Number of Employees

An estimated 38 employees will be employed at full operation.

9. Access to the Site

Access to the site will be from Goodfellow Avenue approximately one-half mile west of Riverbend Avenue.

10. Service and Delivery Vehicles

See Table 5.

11. Parking

The proposed 53 acre plant site will have sufficient parking for employees, customers, service/delivery vehicles as well as company and outside operated trucks.

12. Goods Sold On-Site. Goods Grown or Produced On-Site

The construction aggregate products (rock, sand and gravel) produced on-site by the aggregate processing plant will be used by an RMC plant and a HMA concrete plant located on-site or sold to outside customers. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into CMB and RAP.

13. Equipment

A. Excavation Equipment

An electric dragline will be used to mine aggregate to depths of approximately 100 feet below original grade. A dragline is an electric-powered excavating machine with a long, straight boom from which an open-mouthed bucket is suspended by a cable. The boom is used to cast the bucket away from itself and then down beneath the water to the bottom of the excavation. The bucket is pulled back toward the machine with another cable, loading the bucket with aggregate. The bucket is then hoisted up, and the excavated material is stockpiled in windrows to drain. After the stockpiled material has drained, a diesel-powered loader will transport the material to an electric-powered scalping screen which will separate oversized rock to be screened and crushed by a field crusher before the material is transported by overland conveyor to the plant.

B. Aggregate Plant

Equipment and supporting facilities for the aggregate plant will include, but will not be limited to: front-end loaders, water, trucks, conveyors, screens, screening towers, crushers, washers, sand cyclones, sand screws, sand/aggregate truck loadout bins, pollution control equipment, dewatering equipment and tanks, recycle water pumps, computer control tower, a maintenance shop, parts storage building, quality control lab, fuel tanks and other accessory equipment and buildings.

C. Asphalt Plant

Equipment and supporting facilities for the HMA plant will include, but will not be limited to: front-end

loaders, aggregate storage bunkers, conveyors, elevators, burner/dryer, storage silos, dust silo, pollution control equipment, storage tanks, control tower, shop and other accessory equipment.

D. Ready-Mix Concrete Plant

Equipment and supporting facilities for the RMC plant will include, but will not be limited to: front-end loaders, RMC mixer trucks, ground aggregate storage bins, conveyors, batch plant, cement silos, pollution control equipment, storage buildings, batch office, water reclaimer and other accessory equipment.

E. Portable Concrete and Asphalt Recycle Plant

Equipment for the diesel powered, portable recycle plant will include, but will not be limited to: front-loaders, crushers, screens and conveyors.

F. Portable Aggregate Plant

Equipment for the electric-powered, portable aggregate plant will include, but will not be limited to: front-loaders, crushers, screens, sand screws and conveyors.

G. Topsoil and Overburden Removal Equipment

Removal of material above the water table, including topsoil, overburden and aggregate, will be accomplished primarily with scrapers with the use of water trucks to minimize dust.

H. Haul Trucks

Mined aggregate will initially be transported to the processing plant by off-road trucks for approximately one year. Haul trucks will subsequently only be used for aggregate material transport during occasional repairs of overland conveyors.

I. Conveyors

Other than the first year of operation material will be transported by overland conveyors to the plant for further processing. Mined aggregate from the mining phases south of Goodfellow Avenue will be transported via a conveyor tunnel to be constructed under Goodfellow Avenue as shown on Exhibit E. The tunnel will be constructed prior to overburden removal on those phases south of Goodfellow Avenue.

J. Conveyor Tunnel

A conveyor tunnel will be constructed under Goodfellow Avenue to transport mined material from Phases 6-8 south of Goodfellow Avenue to the plant site. The tunnel will be constructed prior to the initation of mining in Phase 6A in approximately 2054. Construction will require an Encroachment Permit issued by the Fresno County Department of Public Works and Planning Road Maintenance and Operations Division. Construction plans prepared by a Registered Civil Engineer shall be required to show compliance with all applicable standards, codes, and ordinance in affect at the time the permit is issued to insure the integrity of the road and the safety of the public and employees. The tunnel will be a corrugated metal tunnel or equivalent. Approximate dimensions will be nine feet in circumference by 75 feet long.

K. Mobile Equipment

Typical mobile equipment that will operate at the site is shown on Table 6.

Table 6
Mobile Equipment

Equipment[1]	Process Location	Quantity	HP	Hrs/Year[2]	Hrs/Day		Diesel/hr (gals)	Diesel/yr (gals)	Gas/yr (gals)
Dozer D9R	Pit/Reclamation	1	410	1450	5.8	**	13	18,850	
Grader 14G	Pit/Yard	1	200	750	3	**	4	3,000	
Water Truck	Pit/Yard	1	350*	1500	6		5	7,500	
Yard Truck	Yard	1	525	1500	6	**	7	10,500	
988 Loader	Pit	1	555	2125	8.5		10.5	22,313	
980 Loaders	Yard	2	318	2250	9		5	22,500	
Man-lift-Grove	Plant	1	90	500	2	**	1	500	
Grove Crain-50 ton	Plant	1	150	500	2	**	2	1,000	
Service Truck	Pit/Plant	1	325	875	3.5		1	875	
Lube Truck	Pit/Plant	1	250	1000	4		1	1,000	
Pick Up Trucks	Pit/Plant	2	150	2250	9				1040
Fork Lift	Shop	1	100*	500	2		0.7	350	
Skid Steer	Plant	1	85	500	2		2.5	1,250	
Loader 924	RMC	1	130	633	2.3		1	633	
Dragline	Pit	1	Electrical	2125	8.5				
Scrappers-657 Series	Overburden/Top Soil Removal	2	1045	182	.7**		8	2,912	
					Total		62	93,182	1,040

[1] Or equivalent
[2] Pit, rock & asphalt = 250 working da/yr; RMC = 275 working da/yr

* Estimated Horsepower

** Equipment not used daily, but on a periodic basis, hours shown are annualized

L. Import and Export Trucking

Aggregate and asphalt products will be hauled off-site by outside trucking firms. The proposed RMC operation will include ready-mix trucks, which will be parked on-site. Other outside concrete companies may purchase ready-mix concrete and transport it in their own trucks. Independent trucking firms will import cement, asphaltic oil, fuel and construction materials needed to supply the asphalt and ready-mix concrete plants. Concrete and asphalt pavement from construction demolition or road rebuilding sites may be imported to the site by outside trucking firms for recycling.

14. Supplies or Materials Used or Stored

Construction aggregates (rock, sand and gravel) produced by the aggregate processing plant will be stockpiled on the plant site. Cement for use in producing ready-mix concrete will be imported and stored in cement silos at the RMC plant. Propane may be used to fuel the HMA plant until natural gas is available. Asphaltic oil for use by the HMA plant to produce asphalt will be imported and stored in silos or tanks in containment. Diesel fuel for use by mobile equipment will be imported and stored in a tank in containment. Gasoline for use by the plant pickup trucks will be imported and stored in a tank in containment. Products needed to service the mobile equipment such as gear and lube oil, transmission fluid and various other products will be imported and stored at or near the maintenance shop. Wastes from the facility will be stored in designated containers adjacent to the shop in the containment area and/or within the shop and disposed of in accordance with local, state, and federal safety regulations. All materials will be stored in accordance with a Hazardous Materials Business Plan and Spill Prevention Containment and Countermeasure Plan prepared for the site.

15. Appearance, Noise, Glare, Dust or Odor

Special environmental studies have been prepared for the project to identify any potential impacts related to appearance, noise, glare, dust and odor. Based on these studies measures have been incorporated into the project which are designed to mitigate any impacts to the degree feasible.

A. Appearance

The topography of the Project Site and surrounding properties is essentially flat. The site is currently occupied by agriculture, including orchard tree crops and vineyards. These orchards and vineyards are consistent with the visual character of the surrounding landscape and fit the overall rural farming environment of the region. Large stretches of mature oak woodland and willow riparian habitat are present along the banks of the Kings River, which borders the site.

The majority of surrounding land uses within the project region consist of large-lot, low-density rural residences, ranches, agriculture and farms. Several large-lot rural residences are located along the perimeter of the site, particularly across Riverbend Avenue along the project's eastern boundary. Several design measures have been proposed by the project that will help screen potential views of the mining and processing operation. These include installation of 8 to 10-foot-high vegetated berms and orchard-like vegetated visual screens along what would otherwise be the most visible portions of the Project Site. The operation also proposes to retain the existing riparian vegetation along the entire Kings River frontage to ensure additional screening of views (Exhibit E).

Views of the Project Site from the Kings River range from non-existent to a narrow glimpse of the westernmost edge of the site due to the presence of mature oak woodland and riparian vegetation that naturally occur along the banks of the river. View opportunities from the river are also limited by the fact that the elevation of the river is at least five to six feet below the grade of the Project Site. Consequently, there is no clear line-of-sight to the entire property from the river, and views of the Project Site are mostly limited to the orchards and vineyards that are located immediately adjacent to the bank of the river.

The proposed vegetated berm will screen views of the majority of the proposed plant site from along the river. In addition, all visible plant facilities will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. However, due to the height of the dragline the dragline will be visible at times from the Kings River because it is too tall to be entirely screened from view. The visual character of the potentially visible portions of the dragline contrasts with the natural form, line and texture of the surrounding environment. The dragline will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. Nonetheless, this impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the river. The Visual Study prepared for the project indicates that visual impact from the river is considered less than significant.

Seven residences are located east of the Project Site across Riverbend Avenue and one residence is located north of the Project site across Goodfellow Avenue. The proposed vegetated berm will screen views of the majority of the Project Site. However, due to the height of the dragline it will be visible at times because it is too tall to be entirely screened from view. The dragline will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. Nonetheless, this impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the residence. The Visual Study prepared for the project indicates that visual impacts to residences along Riverbend and Goodfellow Avenues are considered less than significant (*Visual Impact Assessment for the Riverbend Sand and Gravel Project*, RGP Planning and Development Services, November 2012).

One residence that is across the river just southeast of the south portion of the Project Site is located within the potential viewshed on property because it is elevated above the Project Site. However project activities will not be visible at this location because of the height and density of the oak woodland, riparian vegetation and non-native landscape trees already provide a natural visual screen between the residence and the Project Site. The Visual Study prepared for the project indicates that visual impact from this residence is considered less than significant (RGP, November 2012).

Operations during the time of year when daylight hours are shorter, or for any nighttime operations, would require lighting to provide a safe operating environment. For nighttime lighting, high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) would be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting would also be designed to confine illumination to the Project site, and/or to areas that do not include light-sensitive uses.

B. Noise

The major on-site noise sources would be the aggregate processing; HMA, RMC, and recycle plants; excavation activities; and mobile equipment. The Noise Study prepared for the project detailed noise impacts and mitigation measures required to satisfy the daytime and nighttime median (L50) noise standards of Fresno County at the nearest residences (*Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California*, Bollard Acoustical Consultants, April 2014). Riverbend has proposed the following Noise Control design features:

- The HMA plant will be equipped with an exhaust stack silencer.
- The main aggregate plant will be equipped with urethane screens on the elevated screen decks and heavy urethane or rubberized liners on the hoppers and chutes.
- All mobile equipment will be equipped with noise suppressor mufflers in compliance with all applicable local, state, and federal laws and regulations.
- Smart backup alarms will be utilized and adjusted to ambient noise levels. Strobe lights will replace audible back-up alarms during non-daylight working hours subject to Mine, Safety and Health Administration (MSHA) approval.
- Electric dragline excavation operations within 1,000 feet of an existing residence will be conducted such that the dragline boom is facing the nearest residences, thereby providing greater separation between those residences and the dragline motors/fans, and orienting the cooling fan outlet (which is the loudest dragline noise source and located on the opposite side of the dragline than the boom) away from those residences.
- The reference sound levels associated with dragline operation will be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures could include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.
- Excavation activities using the proposed dragline will be limited to daytime hours unless it can be demonstrated through on-site noise measurements that such activities could occur during nighttime hours without exceeding the project standards of significance at nearby residences.
- A 15-foot high, vegetated earthen berm will be constructed along the west side of the plant site.
- Prior to mining within 900 feet of residences 3, 4, 5, 7, 9 & 10 along Riverbend Avenue, the proposed 10-foot tall vegetated earthen berm will be constructed near the western edge of the proposed 100-foot excavation setback(See Figure 2 for berm location) .

- Prior to mining within 900 feet of Residence 13, a 8-foot tall, vegetated berm will be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue (See Figure 2 for berm location) .
- Nighttime excavation within 1,000 feet of Residence 8 will not occur concurrently with nighttime operation of the aggregate plant unless it can be demonstrated through noise level measurements that combined nighttime excavation and aggregate plant operations would not exceed 45 dBA L50 at Residence 8.
- Following construction of the berms along Riverbend and Goodfellow Avenues, to the maximum extent possible, excavation activities within 500 feet of an existing residence located adjacent to those roadways shall start on the portion of the pit furthest from the nearest residences, progressing below grade in the direction of those residences. In this way, mining activities may be visually and acoustically shielded as the mining equipment moves towards the potentially impacted residences.
- The recycle plant operation will be limited to daytime hours (7 a.m. to 10 p.m.).

C. Glare

The issue of light and glare is typically associated with excessively bright nighttime lighting that crosses over property lines and illuminates off-site yards or bedroom windows. It is also associated with the condition that occurs when excessive nighttime lighting creates a "skyglow" effect.

For nighttime lighting high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) will be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the Project Site, and/or to areas that do not include light-sensitive uses. Utilizing the proposed lighting the project is not anticipated to produce any potentially significant impacts from light and glare (RGP, November 2012).

D. Dust

An Air Quality Impact Analysis and a Health Risk Assessment prepared for the project detail project impacts (*Emission Inventory and Air Quality Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California*, Dudek, October 2013) (*Health Risk and Odor Assessment Riverbend, Sand and Gravel Project, Fresno County, California*, Dudek, October 2013, and *Supplemental Health Risk Assessment Riverbend, Sand and Gravel Project, Fresno County, California*, Dudek, October 2013).

The existing farm operations generate dust and emissions from the following: ground disturbance, e.g. plowing and disking, etc.; operation of farm equipment, e.g. tractors, farm and produce haul trucks, pickers. etc.; application of herbicides, fertilizers and insecticides; and harvesting.

Permits to Operate

The proposed aggregate, concrete and asphalt plants will obtain Authorities to Construct and operate in accordance with Permits to Operate from the San Joaquin Valley Air Pollution Control District (SJVAPCD).The aggregate mine and associated aggregate plant, asphalt plant, concrete plant, and recycling facilities would operate in compliance with applicable air quality regulations. The equipment will utilize Best Available Control Technology (BACT) and include the following features.

a. The aggregate processing plant will be equipped with water sprays at key emissions points. Crushers and screens in the aggregate processing plant will be controlled by baghouses or another technology that the SJVAPCD determines would achieve equivalent effectiveness when BACT is applied during New Source Review (NSR).

b. The HMA plant will be equipped with a baghouse for the aggregate dryer/batch tower and a fiberbed filter (or equivalent) for the storage silos and truck loadout. Odorous emissions (primarily VOCs and semi-volatile organic compounds (SVOCs)) from asphaltic cement will be minimized by circulation of mixing drum vapors to the dryer burner before discharge, and the fiberbed filters.
c. The RMC plant will be equipped with baghouses to control fugitive emissions from silos and truck loadout and will utilize water sprays at sand and gravel transfer points as necessary.

Diesel Emissions Control

Diesel engines will comply with applicable state regulations (i.e. air toxic control measures, ATCMs) and include the following features:

a. Off-road equipment with registration numbers assigned by CARB, establishment of an idling policy, and limiting idle time to less than five minutes (13 CCR §2449).
b. Mined aggregate will be initially transported to the processing plant by off-road haul trucks for approximately one year. Subsequently, mined aggregate would be transported to the plant by electric-powered conveyors.
c. An electric-powered dragline will be used after overburden is removed from each mining phase. This eliminates diesel engine emissions that would otherwise occur from a diesel dragline or other diesel excavation equipment and enables "wet mining" methods which reduce fugitive dust.

Fugitive Dust Control

A fugitive emission control plan would be implemented to comply with SJVAPCD Regulation VIII, "Fugitive PM10 Prohibition" and would include the following measures:

a. Excavated material will contain approximately 10% natural moisture from having been excavated below the groundwater level.
b. Prior to removal of topsoil and overburden, the area will be irrigated or sprayed by water trucks if removal occurs during the dry season.
c. A water truck will be utilized to wet down the haul road from the mining area to the plant site as necessary to meet SJVAPCD fugitive dust requirements.
d. A water truck will be utilized to wash fugitive dust from the access road and the paved portion of the plant road.
e. Records demonstrating compliance with fugitive dust requirements will be maintained for those days that a control measure was implemented and include the type of control measure(s) used, the location and extent of coverage, the date, the amount, and frequency of dust suppressant applied (Section 6.2, Rule 8011)
f. Visible dust emissions will be limited to 20% opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour and comply with the conditions for stabilized surface areas (Section 5.0, Rule 8021; Section 5.0, Rule 8031).
g. Disturbed areas that are greater than 0.5 acres in size and which remain inactive for seven (7) days will be stabilized(Section 5.2, Rule 8021).
h. Stockpile surfaces will be stabilized(Section 5.0, Rule 8031).
i. A stabilized surface will be maintained on the unpaved mine haul road (Section 5.2, Rule 8021).
j. During high wind conditions, excavation and other earthmoving activities that disturb the soil will cease whenever visible dust emissions exceed 20% opacity. Continue operation of water trucks/control devices when activities cease, unless unsafe to do so. (Section 5.4, Rule 8021).
k. Dust palliatives, such as lignin sulfonate or magnesium chloride, will be applied to unpaved plant roads and surfaces.

l. Unauthorized vehicle disturbance of open areas will be prevented by posting signs or installing physical barriers such as fences, gates, posts, and/or other appropriate barriers to effectively prevent access to the area(s) (Section 5.0, Rule 8051).
m. Unpaved vehicle and/or equipment parking areas, fueling and services areas, and stockpile areas will be maintained in a stabilized condition (Section 5.0, Rule 8071).
n. The plant access road and a portion of the plant road in the vicinity of the asphalt and concrete plants will be paved.
o. Materials accumulated on paved interior roads shall be removed with sufficient frequency, but not less frequently than once per workday, to prevent carryout and trackout onto paved public roads (Section 5.9.3, Rule 8041).
p. A wheel washer will be installed after the scales to prevent trackout to the public highway.
q. Visible mud or dirt deposited onto public adjacent paved roads will be prevented or cleaned up at the end of the work day (Section 5.1, Rule 8041).
r. Facilities and signs will be provided directing drivers to level with six inches of freeboard, wet, and/or cover loads (Section 5.0, Rule 8031).

E. Odor

Diesel exhaust from mobile equipment/vehicles and air emissions from the asphalt plant associated with the Proposed Project will contain quantities of odorous substances. The asphalt plant will incorporate modern technology designed to minimize odorous emissions including an exhaust filter system and a blue smoke filter system to capture gases created during truck loading and will recirculate the exhaust into the burner combustion zone to reduce concentrations of odorous organic compounds. Given the rural nature of the Project Site location it is not anticipated that any objectionable odors affecting a substantial number of people could result from the project. Based on experience with similar facilities in Fresno County, it is not likely that any odors originating from the batch plant would cause a nuisance or rise to the level of a potentially significant odor source. (*Health Risk and Odor Assessment*, Dudek, October 2013)

16. Solid or Liquid Wastes

Fines recovered from the aggregate processing will be used as fill to reclaim portions of the site back to farmland. Domestic sewage will be handled by conventional septic systems and serviced as necessary by commercial septic services. Solid waste, e.g. parts packaging, paper, etc., will be deposited in dumpsters for pickup and disposal by a licensed solid waste disposal company.

17. Estimated Volume of Water Used

The buried pipeline portion of the Hanke Ditch is proposed to be relocated next to Riverbend Avenue as an open ditch (Exhibit E). Existing farmland and reclaimed farmland will continue to be irrigated primarily with surface water pumped from the Hanke Ditch. On-site irrigation wells and the Kings River pump will continue to be used to supplement the surface water supply from the Hanke Ditch.

Process water used for the operation will include water to wash the mined aggregate (approximately 90 % of which will be recycled), water used for dust control, water used in the ready-mix concrete plant and water for domestic use. Process water will pumped from groundwater at a rate of approximately 160,000 gallons per day. The total annual net (consumptive) water use for processing is estimated to be approximately 180 acre-feet (AF/yr).

Current consumptive water use to irrigate the 619 acres that are proposed to be mined is estimated to be 1,630 AF/yr. The Water Supply Assessment prepared for this project in accordance with SB 610 (*Water Supply Assessment for the Riverbend Sand and Gravel Project*, KDSA, October 2012) concludes that the

consumptive use in 20 years would be about 1,440 AF/yr which is less than the present condition (includes process water used for the aggregate operation, farmland not yet mined, reclaimed farmland, vegetated berms, orchard-like screens, riparian vegetation around the reclaimed ponds and evaporation from the reclaimed ponds). The amount of surface water applied would be about 1,670 AF/yr. Because this value exceeds the consumptive use, a positive water balance would be maintained. The Water Supply Assessment further concludes that due to the large saturated thickness of the aquifer at or near the Project Site the groundwater supply will be more than adequate to support the project for 20 years.

18. Storm Water and Drainage

Chang Consultants prepared the *Riverbend Surface Water and Drainage Plan,* August 2013. The overall approach for managing stormwater runoff for the Project is summarized as follows:

- Stormwater runoff from existing farmland upslope of the proposed mining phases will be conveyed in separate swales to avoid commingling with active project area runoff.
- Farmland runoff that does not yet pass through active Project areas will continue to drain along existing drainage patterns.
- Stormwater runoff from the processing plant site will be captured by a retention basin and recycled within the processing plant site.
- Direct precipitation within active mining phases and on their 3-foot high perimeter safety berms will be retained within the pits. The safety berms will provide additional isolation of mining area runoff from farmland runoff.
- The existing and proposed areas east and west of the proposed north-south plant access road will not contribute runoff to the road. Runoff on the 50-foot wide road will be contained within the road and conveyed south to Goodfellow Avenue. Roadway runoff will be treated in accordance with the SWPPP.
- Stormwater runoff in mining haul roads will be conveyed within the inverted roadway section or in edge swales separated from the farmland runoff swales. Roadway runoff will be treated in accordance with the SWPPP.
- Post-reclamation stormwater runoff will either be captured by the open water ponds resulting from the mining pits (i.e. direct precipitation within the ponds and pond banks) or revert to current conditions in the backfill areas. Runoff from backfill areas that are reused as farmland will not be allowed to commingle with the open water ponds.

19. Slope Stability

Tetra Tech BAS prepared the *Geotechnical Review of Quarry Slope Stability & Geologic Hazards*, August 2013 and the *Slope Stability Considerations Addendum to Geotechnical Review of Quarry Slope Stability & Geologic Hazards*, April 2014. The calculated factors of safety indicate that the proposed slopes (cut slopes of 2:1 (horizontal to vertical) to a maximum depth of approximately 100 feet below natural ground surface) will be suitably stable against gross failure for the anticipated long term conditions, including the effects of seismic shaking.

20. Proposed Advertising

Signs will be placed at the entrance road to identify the processing plant in accordance with County signage regulations.

21. Existing or New Buildings

All buildings and structures will be new construction or relocated from another off-site operation. (In addition to the following description please refer to Item 13 above.)

A. Aggregate Processing Plant

The processing plant will typically be divided into a primary plant, secondary plant and wash plant. Operation of the plants will be controlled from a control tower.

Primary Plant: The primary plant will screen and separate sand from larger materials. Sand will be classified into different construction grade materials and stockpiled. Water will be introduced to wash fines from the excavated material. The fines will be sent to a wash plant. The remaining larger sized materials will be crushed and the combination of crushed rock and sand will be conveyed to the secondary plant for further processing. Customer trucks will be loaded with finished products by front-end loaders.

Secondary Plant: The secondary plant will utilize additional screening and washing equipment and crushers to create different construction grade materials. Finished products will be stockpiled and used by the on-site ready-mix-concrete and asphalt plants or sold directly to outside customers. Customer trucks will be loaded with finished products by front-end loaders.

Wash Plant: Fines from the excavated material and fines recovered from crushing will be sent to the wash plant where a fines recovery system will separate the fines from the water eliminating the need for settling ponds. The fines will be screened and the marketable products will be stockpiled. The non-marketable fines will be stockpiled for later use as fill in the reclamation of certain phases of the project back to farmland. Recovered water will be recycled back to the aggregate plant as process water.

B. Asphalt Batch Plant

Sand and crushed rock from the aggregate processing plant will be screened, dried and heated in a natural gas or propane-fired dryer/burner and mixed with liquid asphaltic cement to produce asphalt. Liquid asphaltic cement will be imported by truck and stored in above-ground tanks. Emissions controls will be the best-available- control technology including a baghouse, exhaust filter system and blue smoke filter system. The hot mixed asphalt concrete may be discharged directly into trucks from the mixer or conveyed to storage silos for discharge into trucks at a later time. Operation of the plant will be controlled from a control room.

At the end of each production day excess asphalt remaining in the plant will be stockpiled. This material will periodically be recycled for blending with fresh asphalt concrete. A Recycled Asphalt Pavement System or RAP system may be added to the asphalt plant. RAP would be blended with new asphaltic concrete.

C. Ready-Mix Concrete Plant

Sand and gravel from the aggregate plant and cement (imported by truck and stored in silos) will be weighed and deposited directly into the mixer truck drum. Baghouses will control dust emissions. Water will be added to the truck and the concrete will be mixed during transportation to the job site. Return concrete (concrete which is unused at the jobsite and returned to the site in the ready-mix trucks) will be stockpiled for later recycling into miscellaneous road base. Operation of the plant will be controlled from a control room.

The concrete plant will include a system to recycle water that is used to rinse out ready-mix concrete trucks. At least once a day, the mixer on each truck will be washed out and the wash water will be deposited into a series of concrete-lined holding basins. After solids are settled out, water will be recycled to the concrete plant for reuse in concrete. Residual sediment in the holding basins will be mixed with base rock for use in road base.

D. Portable Concrete and Asphalt Recycle Plant

A portable recycle plant (operating under a portable air permit) will be periodically brought in to recycle excess asphalt produced at the asphalt plant and stockpiled return concrete. The recycle plant will also recycle concrete and asphalt pavement imported to the site from construction demolition or road rebuilding sites. Asphalt or concrete to be recycled will be fed through a crusher(s), screens and conveyors and stockpiled. The recycled concrete will be sold as miscellaneous road base. The crushed asphalt debris and stockpiled, unsold HMA will be recycled as RAP and later blended with fresh asphalt concrete. Recycling old concrete and asphalt reduces the volume of fill in local landfills and helps extend the available aggregate reserves in Fresno County.

E. Portable Aggregate Plant

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

22. Buildings or Portion of Buildings Used in the Operation

Please refer to Items 13 and 21 above

23. Outdoor Lighting or Outdoor Sound Amplification System

As described in Item 6 above, operations will occur primarily during daylight hours. Operations during the time of year when daylight hours are shorter, or for any nighttime operations will require lighting to provide a safe operating environment. Shielded lighting utilizing high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) instead of mercury-vapor fixtures will be used for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the Project Site, and/or to areas that do not include light-sensitive uses.

24. Landscaping or Fencing

Screening of the site will be achieved by the construction of several berms and orchard-like vegetated screens as shown on Exhibit E. The berms include a 10-foot high, vegetated earthen berm adjacent to Riverbend Avenue, an 8-foot high vegetated earthen berm south of Goodfellow Avenue adjacent to Phases 6A and 6B; and a 15-foot high vegetated earthen along the west side of the plant site. Overburden and topsoil will be used to construct the berms. The berm west of the plant site will be constructed prior to operating the plant. The berms along Riverbend and Goodfellow will be constructed prior to removal of overburden within 900 feet of the nearest residence to be screened.

The berms will be planted with evergreen trees in two (2) staggered rows with one row on top of the berm as shown on Exhibit E. Irrigation will be provided. The open area along the Kings River where portions of the plant site would be visible from the Kings River has recently been planted with redwood trees which will provide a significant screen by the time the plant is in operation.

The orchard-like screens along Goodfellow Avenue as shown on Exhibit E will be planted prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g. olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such there are no gaps to ensure dense screening.

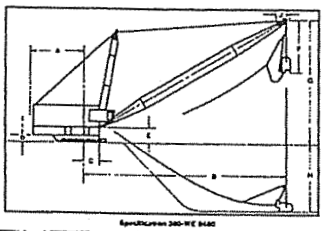
The incorporation of the above measures will reduce visual impacts to less than significant (RGP, November 2012).

The perimeter of the property along Riverbend and Goodfellow Avenues is fenced with six (6) foot high, wire, ranch fencing. The entrance gate will be at least twenty-four (24) feet wide.

Attachment A

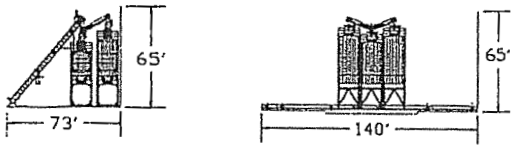
Elevations and Photos of Proposed Plant Equipment

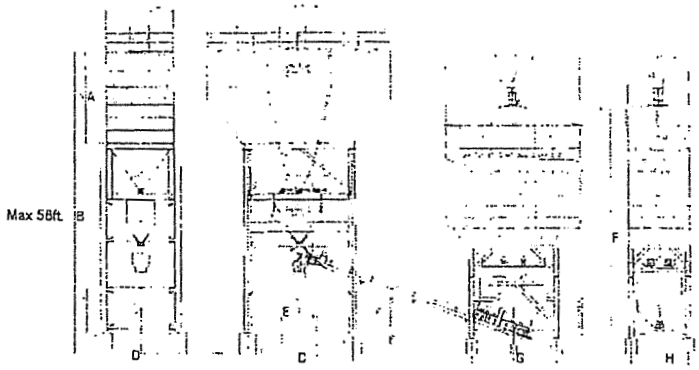
TYPICAL DRAG LINE EXCAVATOR



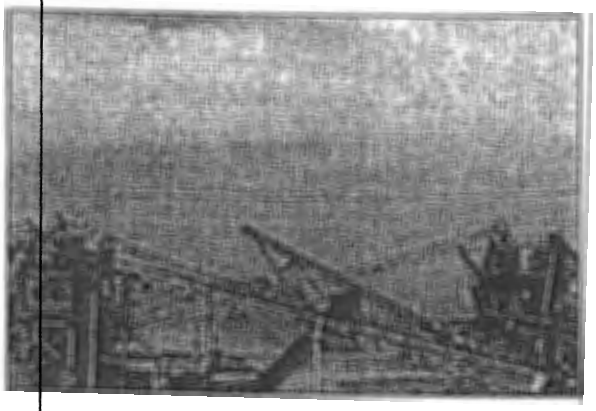
A Boom Length	B Operating Radius	Boom Angle	Maximum Suspended Load (lbs.)	C Boom Pt. Height	G or Approx. Dumping Height	H Digging Depth	Drag Drum Diam.	Drag Rope No.	Drag Rope Diam.	Hoist Drum Diam.	Hoist Rope No.	Hoist Rope Diam.
170'	135'	40°	64,000	120'	82'	100'	57½"	1	2"	73¼"	1	2"

TYPICAL ASPHALT PLANT DIMENSIONS

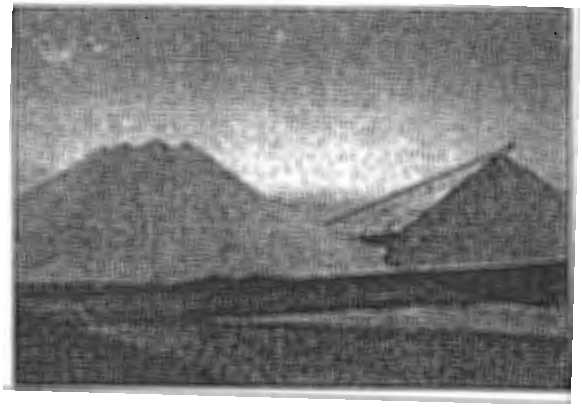




TYPICAL CONCRETE PLANT DIMENSIONS



Typical Processing Plant Configuration



Materials Stockpiles (Up to 40' High)

ELEVATION AND PHOTOS OF PROPOSED PLANT EQUIPMENT

EXHIBIT 12

Sholars, Briza

From: Robert Ledger <ledgerrobert@ymail.com>
Sent: Monday, January 26, 2015 4:17 PM
To: Sholars, Briza
Subject: Re: Riverbend Sand & Gravel Project (FEIR and PC Hearing)

The 1806Moraga report of missions, report Indians digging deeps holes to hide and fight against missionaries and many Indians and Mexicans and Spanish wars were fought that way, so deep diggings for horse killings with riders to make easier killing and hiding stock and runaway Indians nearby wetlands and old vacant Indian encampments...Reading and gong over the paper work you sent me via email the Tribe will respond,
The ground in the surrounding area is high for Cultural Resources we also are requesting that the Monitor be in place before there is any digging up concrete, and asphalt in preparation of the power lines adding more , any and all that has to do with the ground , It is the recommendation of the tribe that Tribal Monitor be in place before poll'sarein placed in the ground and the minimal amount of past pedestrian surveys not given to the tribe before,the likelihood of unanticipated discoveries of Cultural Resources is very high. TheDumna Wo-WahTribal Government recommends Native American cultural monitors be present during ground disturbing activities. Also theDumna Wo -Wah Tribal Government is requesting a copy of the report, And review any cultural finds and locations for further monitoring locations. Also theDumna Wo-Wah Tribal Government would like to discuss further iscompensention for the monitor before the project begains so the General contractors has a understanding when the monitors that will be on site,, that charge will be 8 hours per monitor for no show but this can bedicussed as well, Thank you. Tribal Chairman Robert G Ledger Sr. also i would like you to look at this link even when they say there nothing there, currently were working with AT&T in putting in cassons and mono poles and digging up even if its small to you its large to our Tribe.
http://www.gutenberg.org/

Tribal Chairman Robert G Ledger Sr
DumnaWo-Wah Tribal Government
2216 E Hammond . Fresno, CA 93703
(559) 519-1742
ledgerrobert@ymail.com

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On Friday, January 16, 2015 6:28 PM, Robert Ledger <ledgerrobert@ymail.com> wrote:

can you send the tribe a cd on the project please, Chairman Ledger

On Friday, January 16, 2015 4:36 PM, "Sholars, Briza" <bsholars@co.fresno.ca.us> wrote:

Good afternoon, the Riverbend Final Environmental Impact Report has been released. The Notice of Availability is attached with a link to the document on the County website. If you commented on the DEIR we have automatically mailed you a CD. If you would like a CD please email me back with your mailing address.
The Planning Commission Hearing is scheduled for Thursday February 26th in the County Ballroom.
Thank you and have a great weekend.

Regards,

Briza Grace Sholars, Planner III
Department of Public Works & Planning
2220 Tulare Street, Fresno CA 93721
Phone: 559-600-4207 Fax: 559-600-4200
Keep it Green

EXHIBIT 13

GREATER FRESNO AREA CHAMBER of COMMERCE

February 11, 2015

Chris Mendes
Fresno County Planning Commission Chair
Members of the Fresno County Planning Commission
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: Riverbend Sand & Gravel project - SUPPORT

Dear Mr. Mendes,

The Fresno Chamber of Commerce writes in support of Riverbend Sand & Gravel's proposed project to build a 619-acre aggregate material mining facility in Fresno County.

The Chamber's Government Affairs Council (GAC), a body of 17 business owners or representatives in the community, heard a presentation from project consultants at a meeting on February 11th, 2015, and voted unanimously in favor of the proposed project. The numbers that resonated to the group were the 38 fulltime jobs, $58.9 million in annual economic benefit to the county, and $1.6 million in annual tax revenue. Creating jobs and bettering the economy are the Chamber's core values.

Additional reasons why the GAC supports this project include:

- The project is located with the state and county's Mineral Resource Zone
- It is cost-effective to mine aggregate material locally, rather than truck it in from out of the area
- Riverbend Sand & Gravel has done its due diligence to mitigate all aspects of the operation and is committed to working with neighbors and concerned residents

For these and other reasons, the Fresno Chamber of Commerce supports the proposed mining project. Please let me know how our organization may be of assistance moving forward.

Sincerely,

Al Smith
President/CEO

Cc: John R. Lawson

Kanwarjit Batth
Barbara J. Ferguson
Randy Rocca
Ross Borba, Jr.
Astine Zadourian
Lisa C. Woolf
Bernard Jimenez

2331 Fresno Street • Fresno CA 93721 • (559) 495-4800 • Fax (559) 495-4811 • www.fresnochamber.com

EXHIBIT 14

Riverbend Sand and Gravel, LLC
14962 E. Fantz Avenue
Parlier, CA 93648
559-875-6565

February 17, 2015

Via US Mail

Fresno County Planning Commission
c/o Suzie Novak, Planning Commission Clerk
2220 Tulare St 7th Floor
Fresno, CA 93721

Re: Riverbend Sand and Gravel Project

Dear Chair and Members of the Fresno County Planning Commission:

This letter is provided by Riverbend Sand and Gravel, LLC ("Riverbend") in support of the requested approval of the Riverbend Sand and Gravel Project (the "Project") located in Fresno County (the "County"). Riverbend endorses County Planning Staff's recommendation of approving the Project, along with the attendant mitigation measures fully analyzed in the environmental impact report ("EIR") for the Project. The Project will provide a local source of construction materials, positively affect the County's economy, and promote State and County policies encouraging mineral development of known local sources of aggregate. The mitigation measures identified in the EIR effectively mitigate the Project's environmental impacts to the fullest extent feasible.

Furthermore, Riverbend agrees with the Planning Staff's conclusion that the Project alternatives analyzed in the EIR are not feasible in that these alternatives would either render the Project uneconomic and/or would reduce the scope of the Project to such an extent that it would no longer provide a cost-effective, long-term source of aggregate to meet the County's needs.

This letter outlines the benefits of approving the Project, all of which positively affect the County and substantially outweigh the Project's anticipated environmental impacts.

A. PROJECT BENEFITS

1. Promotes Fresno County Policies Pertaining to Mineral Extraction

According to the County's General Plan, aggregate mining is an important aspect of the County's economy and development, and the Project is consistent with the applicable provisions of the County General Plan, Regional Plan, and Zoning Ordinance. The County's General Plan Policy for Mineral Resources states as follows:

> Aggregate and petroleum are the county's most significant extractive resources and play an important role in maintaining the county's overall economy. Policies in this section ... seek to promote the orderly extraction of mineral resources while minimizing the impact of these activities on surrounding land uses and the natural environment.[1]

The Project area has been designated in the County General Plan since 1987 as a significant regional aggregate resource zone. Thus, mining at the Project site furthers County planning goals, as the targeted resource will be utilized as planned for in the relevant planning documents.

2. Promotes State Policies Pertaining to Mineral Extraction

Approving the Project advances the recently enacted California Public Resources Code Section 2711(d) (effective January 1, 2012), which emphasizes that the production and development of local sources of aggregate is critical for both improving the State's economy and building the state's infrastructure. In addition, the State Department of Conservation classified the site in the 1986 and then designated it in 1988 as regionally significant for aggregate extraction. Thus, for 30 years both the State and County have recognized the site as important for aggregate production

3. Reduce Regional Environmental Impacts

The Project will create an additional source of local aggregate, thereby reducing negative environmental impacts associated with importing aggregate from more distant sources, including air pollution, traffic congestion and road maintenance. Evidence of this benefit is provided by the California Department of Conservation:

> Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. **Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance.**[2]

The DOC's claims are consistent with research by Peter Berck at the University of California at Berkeley:

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[1] Fresno County General Plan, Open Space and Conservation Element, p. 5-9.

[2] California Department of Conservation Aggregate Sustainability in California, Map Sheet 52, by John P. Clinkenbeard, p. 1 (updated December 2012) (emphasis added).

> The opening of a new site for the production of aggregates has both direct and indirect impacts on the environment. The indirect impacts include changes in the environmental costs of hauling aggregates and possible changes in the level of construction activity. In this note, **we show that the most likely effect of a new aggregate site is to reduce the truck miles used for aggregate hauling, which is an environmental benefit.** We also show that the change in construction activity induced by a new site is likely to be extremely small.[3]

Thus, having an additional local source of aggregate near Fresno would avoid or reduce environmental impacts resulting from hauling aggregate from other further locations (e.g., Coalinga). Moreover, shorter haul distances provide economic benefits by lessening County expenditures for road maintenance and by suppressing project costs through lower aggregate transportation costs.

Additionally, the Project's use of a "wet mining" method, an electric dragline, and an overland conveyor system would decrease the Project's potential environmental impacts as compared to conventional mining methods (i.e. excavating aggregate with diesel-powered construction equipment and transporting material to the processing plant in diesel-fueled trucks). Since combustion of diesel fuel results in greater emissions and air quality impacts than electricity use, utilizing electric field conveyors and an electric dragline would reduce the Project's overall impacts to air quality. Co-locating the asphalt and ready-mix concrete plants with the mine would also reduce air emissions by eliminating on-road truck travel created when hauling aggregate to remote batch plants.

Additionally, a "wet mining" method, which utilizes an electric dragline to excavate aggregate from beneath the water, would avoid any hydrologic impacts associated with dewatering of the active mining area.

Therefore, the Project would reduce negative environmental impacts associated with transporting aggregate from distant sources and would also create less air quality and hydrologic impacts than conventional mining methods.

4. Provide a Continued Source of Local Aggregate

The Project will provide substantial social and economic benefits to the County, including an additional source of high-quality aggregate – a material necessary to construct and maintain:

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[3] *A Note on the Environmental Costs of Aggregates*, Working Paper No. 994 by Peter Berck, Department of Agricultural and Resource Economics and Policy, Division of Agriculture and Natural Resources, University of California at Berkeley, California, p. 2 (January 10, 2005) (emphasis added).

- County roads
- Schools
- Offices
- Freeways
- Bridges
- Homes
- Hospitals
- Airports
- Shopping centers
- Sewers
- Storm water systems
- Other vital sources of infrastructure

According to the California Department of Conservation ("DOC"), the average 1,500 square-foot home requires approximately 328 tons of sand and gravel and 202 cubic yards of concrete. In addition, public works projects (e.g. CalTrans and Fresno County Public Works) comprise 43% of aggregate consumption.[4] The purpose of the Project is to provide a local source of high-quality aggregate that will augment the existing supply and contribute to the projected future needs in Fresno County.

In 1999, the DOC estimated that every person in the Fresno area used approximately 6.5 tons of aggregate per year.[5] By 2002, that estimate had risen to 7 tons of aggregate per year.[6] As the Fresno region's population continues to increase, it is reasonable to expect that average per capita aggregate consumption in the region will also rise in the next few decades.[7] In 2012, the DOC projected that, based on the Department of Finance future population estimates, the Fresno County Production-Consumption region's ("Fresno P-C Region") 50-year aggregate demand was approximately 435 million tons ("MMtons"), while the existing permitted reserves at that time were indicated to be only 46 MMtons.[8] Three mining projects have been approved in the Fresno P-C Region in the last several years (the Vulcan Sanger-Centerville Expansion, the Madera

[4] John Parrish, State Geologist, CalCIMA conference March 2007.

[5] DOC Open File Report, *Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region*, (April 1999), p. 18.

[6] California Department of Conservation Aggregate Availability in California, Map Sheet 52, by Susan L. Kohler (updated 2006).

[7] The Aggregates Industry: Its importance to California's Economy and Infrastructure, Construction Materials Association of California (September 2001); Aggregate Demand Forecast for the Fresno P-C Region: 2015-2064, p. 19 (VEA, October 22, 2014).

[8] California Department of Conservation Aggregate Sustainability in California, Map Sheet 52, by John P. Clinkenbeard (updated December 2012).

Quarry (Madera County), and the Carmelita Mine project), which projects added approximately 198 MMtons of permitted reserves to the Fresno P-C Region.[9] However, the currently permitted quantity (244 MMtons) still remains significantly lower than the forecasted 50-year aggregate demand of more than 430 MMtons in the Fresno P-C region. Without additional local sources of aggregate, imports to the County may rise, increasing both the cost of raw material and the cost of projects which utilize construction materials.

When local sources cannot provide sufficient supply to meet demand, consumers will then need to import the material from more distant sources. As a result, importation of aggregate increases long-haul truck trips, which in turn cause a number of adverse environmental impacts, such as reduced air quality, increased traffic congestion, and rapid degradation of roadways. (California Public Resources Code § 2711(d).)

Adding a local source of high-quality aggregate will reduce costs to both private consumers and state and local government. The price that private consumers pay for aggregate is most significantly impacted by transportation costs; the further the material must be hauled, the higher the price paid by the consumer.[10] When aggregate is hauled for more than 20 miles, shipping costs can outweigh production costs. State and local governments, in addition to paying shipping premiums for aggregate, also shoulder the cost of repairing roads and highways degraded by trucks that transport the material. Accordingly, developing an additional local source of aggregate would be beneficial to both the private and public sector by keeping the costs of aggregate low and by reducing road maintenance costs.

5. Promote Recycling

As evaluated in the EIR, the Project's plant facilities will include periodic use of a portable plant to recycle up to 125,000 tons per year of concrete and asphalt debris generated on-site and from off-site regional construction projects. On-site recycling facilities will aid in conserving and reducing the consumption of new construction materials as well as reducing the volume of fill at the County's landfills.

6. Create Jobs, and Increase Tax Revenue, and Economic Activity

The Project will provide substantial economic benefits to the County. It is estimated that the Project's annual net contribution to the County economy will amount to $58.9 million. In addition, approximately 335 jobs (direct and indirect, including 29 on-site jobs) will be

[9] Aggregate Demand Forecast for the Fresno P-C Region: 2015-2064, p. 4 (VEA, October 22, 2014).

[10] California Department of Conservation Aggregate Availability in California, Map Sheet 52, by Susan L. Kohler, p. 15 (updated 2006).

supported by the Project, earning an average annual income of over $54,224 and earning $18.15 million in income during the life of the Project. [11] The County will also benefit from added tax revenue, including increased property and sales taxes. For example, from sales and property taxes alone, which are local tax categories, the Project has the potential to generate $1.6 million in annual tax revenue for the County.[12] Therefore, the Project's net economic contribution to the County economy will be positive and significant.

B. THE PROJECT ALTERNATIVES ARE NOT FEASIBLE

The EIR analyzed five alternatives to the Project. Under Alternative 1, the No Project Alternative, no mining would occur and agricultural activities would continue on the Project site. The No Project alternative would not meet any of Riverbend's project objectives, would result in the loss in availability of a known mineral resource in conflict with the State and County policies, and would also lead to future shortages of construction materials in the Fresno region.

Alternative 2, the Reduced Annual Production Alternative, would reduce the Project's annual aggregate production to 1 million tons (as compared to the requested 1.25 million tons). Although the reduction in aggregate production and sales under Alternative 2 would incrementally decrease annual excavation and processing impacts in the vicinity of the Project site, it would not avoid or substantially lessen the Project's potentially significant air and traffic impacts. Moreover, on a County-wide basis, Alternative 2 would have equal or greater impacts on air quality, greenhouse gas emissions and traffic because the 25 million tons not generated by the Project would need to be transported from other, likely more distant, locations in order to meet the County's anticipated demand for aggregate. Importantly, under Alternative 2, impacts to both air quality and traffic would be extended over a longer period, i.e. 90 years instead of 75 years under the Project.

Similarly, Alternative 3, the Reduced Project Size Alternative, and Alternative 4, the Reduced Depth Alternative, would both generate less aggregate to meet the County's needs, and could lead to diminished regional air quality. Additionally, a reduction in mining depth or the number of acres would result in a corresponding reduction in tax revenue to the County and the loss of jobs directly or indirectly supported by the Project. Alternative 4 is further compromised by the fact that it would impose on Riverbend unnecessarily burdensome operating costs and require valuable reserves to be left behind in contradiction to the policy underlying the Surface Mining and Reclamation Act. Importantly, Alternative 4 may make it cost-prohibitive to mine with an electric dragline and thus require mining with a diesel excavator. Use of an excavator would

[11] The Net Economic Contribution of the Riverbend Sand & Gravel Project to the Economy of Fresno County, pp. 2, 12, 15 (VEA, October 22, 2014).

[12] *Ibid.* at pp. 2, 13.

require dewatering, which could create impacts to groundwater depths in the surrounding area, and would also increase project-specific air quality impacts.

Finally, Alternative 5, the Different Phasing Alternative, would change the timing of potential noise and visual impacts to surrounding areas but would not lessen any of the Project's potentially significant impacts.

Therefore, a reduction in the annual aggregate production under Alternatives 2, 3, and 4 would reduce a long-term source of aggregate to meet the County's needs and would interfere with the Project's economic feasibility, thereby not fulfilling several key Project objectives. Adoption of any of these alternatives would mean that the County would forego many of the Project's economic benefits and needed aggregate to combat the regional aggregate shortage. These alternatives would merely displace environmental impacts associated with the production and transportation of aggregate onto other communities, as the County would be compelled to satisfy its aggregate needs by importing the material from more distant sources.

C. CONCLUSION

Given the Project's substantial social and economic benefits for the County, Riverbend believes that the benefits of the Project substantially outweigh its potential environmental impacts. Riverbend also believe that the alternatives set out in the EIR would fail to meet the Project objectives and would result in reduced benefits to the County. Therefore, Riverbend respectfully request that the County Planning Commission follow the County Staff's recommendation and approve the Project.

Sincerely yours,

Herb Lang
Project Manager
Riverbend Sand and Gravel, LLC

cc: Will Kettler (Fresno County Planning Department)
Chris Motta (Fresno County Planning Department)
Briza Sholars (Fresno County Planning Department)

EXHIBIT 15

EL RIO REYES
CONSERVATION TRUST

Safeguarding the Kings River area for future generations

February 18, 2015

Briza Scholars
2220 Tulare Street, 6th floor
Fresno, CA 93721

El Rio Reyes Conservation Trust Response to Riverbend Sand and Gravel FEIR

Dear Briza,

El Rio Reyes Conservation Trust would like to respond to several responses in the Riverbend Sand and Gravel FEIR. It is apparent that the FEIR responses do not adequately address or answer initial comments submitted for the DEIR by El Rio and others. We would ask that the applicant be more rigorous and complete in their responses to our comments. As per their comments in the FEIR we have listed references that substantiate evidence based facts for our comments.

Comments on FEIR to responses 9b-4&5, 11a-1, 16a-1, 17a-1, 23a-1, & 24b-1

It should be pointed out that the Final Environmental Impact Report responses to public comments exhibit disregard for scientific evidence about the effects of placing manmade facilities adjacent to a river. Numerous commenters referred to what is common knowledge about river erosion and the harmful environmental consequences of this action without adequate buffer zones. Each time, the FEIR response failed to offer a reasonable analysis of the issue and instead only repeated the following statement:

The commenter recommends that the proposed buffers and setbacks from the Kings River be increased; however, no references or substantial evidence is provided to support these recommendations. As described in CEQA Guidelines Section 15384, the County cannot rely on speculation or opinion in the CEQA analysis and must instead base its findings on substantial evidence based on facts. (FEIR p 2-98)

There is substantial evidence, see reference list below that rivers do erode, meander, and move the location of the channel over time. The reference list is not speculation or opinion but instead it contains findings based on substantial evidence and facts. Lateral river erosion rates may vary from millimeters per year to meters per year, while avulsion events can move the channel meters to kilometers in one event. The high erosion rates and channel avulsion occur during larger flood events. A 50 foot buffer could be substantially eroded in a single Kings River flood event. Larger buffer zones with riparian habitat, which also help prevent lateral erosion, would then give the river more room to

move over time before encountering the mining operation (see FEIR 9b-4 page 2-89). Such readily accessible research should not have been overlooked in the DEIR and should not have been summarily disregarded in the FEIR once many members of the public specifically addressed this vital point.

A partial list of references for river erosion, migration, and avulsion:

Allen, J.R.L., 1970, Studies in Fluviatile sedimentation, a comparison of fining-up cyclothems; Jour. Of Sed. Pet., v 40, p 298-323.

Allen, J.R.L., 1965, A review of the origin and characteristics of recent alluvial sediments; Sedimentology, v5, p 89-191.

Assine, M..L.,2005, River avulsions on the Taquari megafan, Pantual wetlands Brazil; Geormorphology, v. 701, p 357-371.

Black, E., Renshaw, C.E., et al., 2010, Determining lateral migration rates of meandering rivers using fallout radionuclides; Geomorph., v 123, p. 364-369.

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Habitat Buffers Must Be Increased Along the Kings River

The land on which the Riverbend Sand and Gravel mine pits are proposed was, until recent time, inhabited by a natural ecosystem. Before the valley oak trees were clear cut and the topography was leveled there was an expansive oak savanna/riparian biome. This unfortunate biome demise, typical of all rivers in the San Joaquin Valley, continues to occur as limited natural resources are lost to land conversion. Today, thin corridors of valley oak woodlands exist only in scattered remnant patches [1] but, historically, these forests extended 0.6 to 5.0 miles on each side of major rivers, such as the Kings [2, 3]. In 1910 there were 256,000 acres of valley oak woodland in the eastern San Joaquin Valley, this has since been reduced to approximately 1.5 percent of its original acreage [7, 8].

Now, only narrow strips of valley oak and other associated river-dependent plant species are present. These plants provide a rapidly disappearing critical habitat for unique indigenous wildlife. Collectively, valley oak riparian forests support 67 nesting bird species, more than any other California habitat for which data are available [4]. The state-threatened Swainson's hawk is closely associated with riparian habitat in the Central Valley, where these hawks use large valley oaks as nesting sites [5]. Other animal species living within the valley oak riparian forest are in danger of being lost from California. [5, 6]. Permanent loss of a riparian and woodland environment will eliminate the possibility of rare animal species from becoming re-established in the Sanger area.

A major management concern is loss of mature trees from a lowering water table; as mining proceeds valley oak trees die because of greatly lowered water tables. Mature oak trees are sensitive to grade changes and blankets of asphalt covering the root system [9]. Although they are resistant to short-term drought, mature trees suffer drought damage only when a series of dry seasons lower water tables to extreme depths [4]. The encroachment of mining activities within their root zone will cause tree mortality as aquifer levels drop due to daily evaporation of water from open pits or from any dewatering that may occur. Mature oaks have a massive root system that extends horizontally as far as 90 feet from the center of the tree. The setback prescribed in the mining proposal is inadequate for the protection of these oak roots.

The applicant has not proposed a reasonable buffer between the existing riparian oak trees and mining activities. The substantial biological loss that will occur has been denied in the Final Environment Impact Report. Past and current laws have allowed the conversion of the project site from native habitat to agriculture. Since that has occurred, no consideration of potential biological

significance was evaluated by the California Department of Fish and Wildlife and included in the EIR. In reality, the farmed land has the potential for reclamation back to native habitat at such time as a future generation may wish, but mining will preclude any such restoration.

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Comments on FEIR to response 9b-5

Response 9b-5 states:
The commenter references a document labeled "Farmland Mitigation Program for Fresno County's Sanger Riverbottom MRZ Area Due to Gravel Mining". *County staff has indicated that the document was submitted to the County by the El Rio Reyes Conservation Trust, that it was not created through collaborative efforts with the Fresno County Planning Department, and that the proposal is not under consideration by Fresno County.*

In 2011 the Fresno County Board of Supervisors requested that El Rio Reyes Conservation Trust, Sequoia Riverlands Trust, Sierra Foothill Conservancy and California Rangeland Trust create, develop, and submit, with input form the individual supervisors and county staff, a **farmland mitigation program for gravel mining**. Members of those four land trusts did meet with all five Fresno County Supervisors and with Planning Department staff, multiple times, to prepare the document. The document was then presented to the Board. The Board of Supervisors took no action to implement the recommendations made by the collaborative of land trusts. The FEIR comment response was therefore incorrect. This inaccuracy warrants a retraction in the FEIR, and the details of the proposal by the multiple land trust organizations, requested by the board, should be public record. That document is attached to this letter as evidence. It appears that the Board did not act upon the submitted document but this does not mean that the document has no substance or meaning or could be a useful document with regard to gravel mining in the county.

Respectfully,

David Cehrs, ERRCT Board President

EXHIBIT 16



Building Industry Association
of Fresno/Madera Counties, Inc.

February 19, 2015

Fresno County Planning Commission
2281 Tulare Street, Ste. 301
Fresno, CA 93721

RE: Conditional Use Permit Application
Riverbend Sand and Gravel Project

Dear Planning Commission Members:

The Riverbend Sand and Gravel Project (Project) has been proposed by Riverbend Rock and Sand, LLC and will be considered by the Planning Commission on February 26, 2015.

The Project lies within the Kings River Mineral Resource Zone and, as such, it was anticipated that projects like this Project would be developed to produce the necessary materials to meet construction demands.

The Project, during its 75 year life, will provide the building and construction industry with much needed materials for the construction of homes and subdivision improvements, roads and highways, and commercial and industrial projects. Without these locally provided materials, construction activity will require that the necessary materials be imported from outside the area. This will increase the cost of the material and will create longer trips for delivery that will increase the air quality impacts of truck traffic and other environmental impacts.

Based on documentation provided by the applicant on the Project, the Building Industry Association of Fresno/Madera Counties (BIA) believes that the project has received adequate environmental review under the California Environmental Quality Act. In addition, the Project has been conditioned with the appropriate mitigation measures to alleviate the identified impacts.

1530 E. Shaw Ave., Ste. 113 • Fresno, California 93710
(559) 226-5900 • FAX (559) 226-5903
www.biafm.org

Because of the critical nature of the materials that will be provided by the Project for the construction industry, the BIA supports the approval of the Project. We urge your affirmative vote on the project.

If you have any question, please call me at (559) 226-5900.

Sincerely,

Michael Prandini
President & CEO

cc: Alan Weaver, Director
Fresno County Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Bernard Jimenez, Deputy Director of Planning
Fresno County Public Works and Planning
2220 Tulare Street, Eighth Floor
Fresno, CA 93721

Aggregate Demand Forecast for the Fresno P-C Region: 2015-2064

Prepared on October 22, 2014

By

Valley Economics Associates, Inc.

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EXECUTIVE SUMMARY

- The California Department of Conservation (DOC) provides forecasts of the 50-year aggregate demand for each of the 31 aggregate production-consumption (P-C) regions throughout the state.

- The most recent DOC 50-year demand forecast for the Fresno P-C region, which encompasses portions of Fresno and Madera counties and covers the 50- year period from2011 to2060, is from 2012.

- The 2012 DOC report was prepared using consumption data from 1960 to 2010, and thus accounts for the impacts over aggregate demand resulting from the period of economic boom from 2000 to 2007, and for the period of economic recession from 2007 to 2009.

- Annual per capita demand for aggregate can be viewed as relatively constant over time. As such, forecasts of future demand are largely dependent on population projections.

- The 2012 DOC report was prepared after the population forecasts based on 2010 Census data became available and thus, the report is informed by the most up to date population forecasts.

- The proposed Riverbend Sand and Gravel project involves the construction and operation of an aggregate mine within the Fresno P-C region. This project motivates this report.

- Following the same methodology employed by the DOC, this report provides an updated 50-year aggregate demand forecast based on three independently produced population forecasts, all informed by the 2010 Census data.

- The aim in providing aggregate demand forecasts based on three different population forecasts is to produce a 50-year aggregate demand forecast that does not rely on a single source, and to provide a range aggregate demand forecast, rather than a single point forecast.

- This report amplifies and updates the 2012 DOC report, by covering the aggregate demand forecast for the period from 2015 to 2064.

- Based on the analysis in this report, it is estimated that the Fresno P-C region will require at least 431 million tons of aggregate to fulfill the demand within the P-C region during the 50-year period from 2015 to 2064.

I. Introduction

The California Department of Conservation (DOC) is the state agency responsible for the analysis of aggregate supply and demand requirements in the state. Among the multiple tasks undertaken by the DOC, one of the most useful and valuable – particularly for local decision makers and land-use planners – is the preparation of the 50-year aggregate demand forecasts for each of the 31 aggregate production-consumption (P-C) regions identified in California by the DOC. The DOC's 50-year aggregate demand forecast for the Fresno P-C region has been updated several times over the last 25 years and is contained in the following five documents:

a) **Cole & Fuller (1988) Report** → California Department of Conservation, California Geological Survey. Special Report 158, 1988, "*Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region*", Judy Wiedenheft Cole and David R. Fuller.

b) **Youngs & Miller (1999) Report** → California Department of Conservation, California Geological Survey. DMG Open-File Report 99-02, 1999, "*Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region*", Leslie Youngs and Russell V. Miller.

c) **Kohler (2002) Report** → California Department of Conservation, California Geological Survey. Map Sheet 52, 2002, "Aggregate Availability in California", Susan L. Kohler.

d) **Kohler (2006) Report** → California Department of Conservation, California Geological Survey. Map Sheet 52 (Updated 2006), "Aggregate Availability in California", Susan L. Kohler.

e) **Clinkenbeard (2012) Report** → California Department of Conservation, California Geological Survey. Map Sheet 52 (Updated 2012), "Aggregate Sustainability in California", John P. Clinkenbeard.

The Clinkenbeard (2012) report presents the most recent DOC 50-year aggregate demand forecast for the Fresno P-C region and identifies an estimated aggregate demand of 435 million tons from 2011 to 2060. The Clinkenbeard (2012) report also explains that the total permitted aggregate resources in the Fresno P-C region (46 million tons as of January 1, 2011) are insufficient to meet the 50-year estimated aggregate demand.

The Clinkenbeard (2012) report implements the same approach and methodology used in previous DOC analyses, and as such, allows for comparison amongst the different reports. Outright, however, there are two noteworthy observations related to the aggregate forecast contained in the Clinkenbeard (2012) report. First, the report was prepared in 2012 using aggregate consumption data from 1960 to 2010. This means that the forecast, which is based on historical data, accounts for potential impacts on aggregate

demand resulting from both the period of economic boom from 2000 to 2007, and the period of economic recession from 2007 to 2009. In fact, regarding the impact of economic cycles over aggregate demand, the Clinkenbeard (2012) report holds that "*...over long enough periods, perhaps 20 to 30 years or more, the random impacts of major public construction projects and economic recessions tend to be smoothed and consumption trends become similar to historic per capita consumption rates.*"

Second, the Clinkenbeard (2012) report does not include the 198 million tons of permitted aggregate reserves for the 3 projects recently approved in the Fresno P-C region. These projects comprise of 63 million tons approved in 2007 for the Sanger-Centerville Expansion (Vulcan Materials Company), 50 million tons approved in 2010 for the Madera Quarry (Shimmick Construction), and 85 million tons approved in 2012 for the Carmelita Mine and Reclamation project (Colony Land Company). Once these projects are fully operational, they will add a total of 198 million tons of permitted aggregate reserves in the Fresno P-C region. Without adjusting for reserves consumed since January 1, 2011, the total permitted reserves in the Fresno P-C region would be 244 million tons, not 46 million tons as listed in the Clinkenbeard (2012) report. Although this is an important observation, it also must be noted that 244 million tons in total permitted reserves is still significantly lower than the forecasted aggregate demand of 435 million tons for the 2011 to 2060 period in the Fresno P-C region.

The proposed Riverbend Sand and Gravel project involves the construction and operation of another aggregate mine within the Fresno P-C region. The mine would entail an aggregate production rate of 1.25 million tons per year and an operating life of at least 75 years. In light of this newly proposed project, and given that the Clinkenbeard (2012) forecast is already four years old, Valley Economics Associates, Inc. (VEA) prepared this report which provides an updated 50-year aggregate demand forecast for the Fresno P-C region for the 2015 to 2064 period. It should be noted that in 2012, VEA produced a 50-year aggregate demand forecast for the Fresno P-C region for the 2012 to 2061 period during the proceedings that lead to the approval of the Carmelita Mine and Reclamation project.

II. The Fresno P-C Region

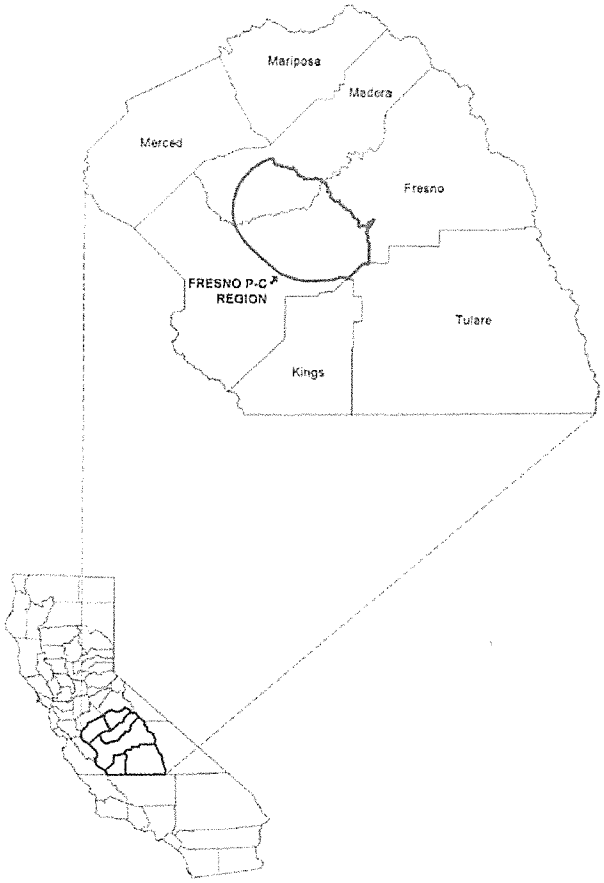
The boundary of the Fresno P-C region was originally established in the Cole and Fuller (1988) report. Cole and Fuller (1988) found that aggregate consumption within the region, though centered on the City of Fresno, reached outward, encircling an area within a 20-mile radius. Thus the Fresno P-C region was delineated encompassing:

> "*(1) the entire metropolitan area of Fresno, Clovis and Sanger, and surrounding areas anticipated to urbanize in the next 10 to 30 years; (2) outlying towns such as Madera, Selma, and Kingsburg; (3) rural areas not anticipated to urbanize but which are sparsely populated and consume aggregate from the San Joaquin and Kings rivers; and (4) the two*

resource areas (San Joaquin River resource area and Kings River resource area). The eastern boundary of the area roughly matches the break in slope between the foothills and the Sierra Nevada Mountains and follows census tract boundaries to allow use of existing census and other population data for forecasting."

According to the DOC, this boundary still encompasses over 95% of the aggregate market area for the region and thus is an appropriate geographic area to produce the 50-year aggregate demand forecast.[1] Regarding this definition, it is worth highlighting two facts: First, the Fresno P-C region includes portions of both Fresno and Madera counties (see Figure 1 below). Thus, population forecasts must incorporate information from both counties.

Figure 1
Location of the Fresno P-C Region



SOURCE: California Department of Conservation, California Geological Survey. Special Report 158, 1988, *"Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region"*, Judy Wiedenheft Cole and David R. Fuller.

[1] See Youngs & Miller (1999) Report, p 1.

Second, although according to the Cole and Fuller (1988) report the P-C region boundaries are formed by contiguous census tracts, the definition of the Fresno P-C region provided in the DOC reports does not provide a list of the specific census tracts used in the population calculations. Further, the reports do not clearly define assumptions regarding areas of anticipated growth. Therefore, the population projections for the P-C region used in this report are based on the Fresno P-C region's population percentage of the total population of the two counties, as discussed in more detail in Section IV, below.

III. The DOC 50-year Forecast Methodology

The aggregate demand 50-year forecast methodology utilized by the DOC was also introduced in the Cole and Fuller (1988) report. In the 1988 document, the DOC explains that historical aggregate use was compared to such factors as housing starts, Gross National Product (GNP), population, and several other economic factors and it was found that the only factor showing a strong correlation to historical aggregate use was population change. Consequently, the DOC employs a *per capita* aggregate consumption model for the aggregate demand forecast. According to the DOC, this method of forecasting aggregate consumption benefits from its simplicity and the availability of population forecast data. Indeed, the California Department of Finance (DOF) regularly produces 50-year state and county level population forecasts using U.S. Census Bureau information, which are the population figures that the DOC utilizes in its aggregate demand forecasts. Specifically, the steps for forecasting 50-year aggregate needs for each of the 31 aggregate P-C regions in California – including the Fresno P-C region – using the *per capita* consumption model are:

1. Collect yearly historical aggregate production and population data in the Fresno P-C region since 1960;
2. Divide yearly aggregate production in the Fresno P-C region by the population for that same year to determine annual historical per capita aggregate consumption;
3. Project yearly population for a 50-year period; and
4. Multiply each year of projected population by the average historical per capita consumption, the sum of which equals a total 50-year aggregate demand.

The DOC notes that the years chosen to determine the average historical per capita consumption may differ depending upon the availability of historical aggregate use data for specific regions.[2] The DOC also acknowledges that the assumption that each person will use a certain amount of aggregate every year is a simplification of actual usage patterns, but, overall, an increase in the

[2] It is important to highlight that historical aggregate production and consumption data for the Fresno P-C region since 1960 is available to the DOC, but much of the data is not available to the public. The only aggregate production and consumption data for the Fresno P-C region publicly available is for the 1960 to 1997 period and is found in the Youngs & Miller report, which the DOC released in 1999. The preparation of this report, therefore, cannot utilize historical aggregate production and consumption data for the 1998 to 2014 period, an issue that is addressed later in the narrative.

population leads to the use of more aggregate and the long-term per capita use is generally predictable.

The methodology used in this report follows the same four steps established by the DOC, which are applied to produce an updated forecast for the years 2015 through 2064. In addition, to improve the accuracy of the forecast, this report utilizes the most up-to-date population forecasts, as explained in the following section.

IV. The Population Forecast of the Fresno P-C Region

The DOC relies on the DOF population forecasts at the county level to estimate the population forecast for the Fresno P-C region. However, as explained earlier, the methodology described in the DOC reports does not disclose – among other things - the census tracts utilized in the calculations. Because the Fresno P-C region comprises portions of both Fresno and Madera counties, it is not possible to exactly replicate the DOC population forecast numbers for the P-C region. Therefore, an alternative way to estimate the population forecast for the Fresno P-C region is necessary, which is explained next.

The Youngs & Miller (1999) report contains population information for the Fresno P-C region for the period 1960 to 1997. The total population count for both Fresno and Madera counties is also known for this same period. Thus, it is possible to calculate the following population ratio (PR):

PR = (Pop. Fresno P-C region) / (Pop. Fresno County + Pop. Madera County)

As shown in Table 1 below, the PR ratio is relatively stable for the period 1960 to 1997 (38 years) with an average of 0.87 (or 87%). Therefore, it is appropriate to assume that the same ratio holds for future years. This ratio is employed to forecast the population for the Fresno P-C region.

The next step is to determine which county-level population forecast to use. Following the DOC methodology, the DOF population forecast is employed. However, two alternative county-level population forecasts are also available for Fresno and Madera counties: (1) the forecast of the Fresno Council of Governments (Fresno COG); and (2) the forecast of the California Department of Transportation (DOT).[3] The aim in providing aggregate demand forecasts based on three different population forecasts, produced independently by three public entities and released on different dates, is twofold: first, to construct a 50-year aggregate demand forecast that does not rely on a single source of population forecast, and second, to provide a range aggregate demand forecast, rather than a single point forecast.

[3] The Fresno COG report is entitled "San Joaquin Valley Demographic Forecasts: 2010 to 2050" and was published on March 27, 2012. The California DOT population forecast is part of the "Long-Term Socio-Economic Forecasts by County" annual report and has been available online since 2011 at http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic.html.

Table 1
Percentage that the Fresno P-C Region Population Represents from the Total Population of Fresno and Madera Counties (1960-1997)

	POPULATION			
	Fresno P-C Region	Fresno Co.	Madera Co.	PR
1960	351,400	368,500	40,700	0.86
1961	355,600	377,500	40,800	0.85
1962	359,900	384,600	40,800	0.85
1963	364,100	391,600	40,700	0.84
1964	368,400	398,000	41,000	0.84
1965	372,600	405,000	41,300	0.83
1966	376,900	410,900	41,000	0.83
1967	381,100	414,500	41,500	0.84
1968	385,400	411,500	41,100	0.85
1969	389,600	410,200	41,200	0.86
1970	393,900	413,329	41,519	0.87
1971	404,100	418,600	42,450	0.88
1972	414,200	427,200	43,850	0.88
1973	424,400	433,000	44,900	0.89
1974	434,500	437,300	46,350	0.90
1975	444,700	446,300	48,050	0.90
1976	454,900	462,300	49,350	0.89
1977	465,000	479,000	51,700	0.88
1978	475,200	490,600	54,800	0.87
1979	485,300	500,100	58,300	0.87
1980	495,500	510,800	62,100	0.86
1981	511,200	523,200	65,500	0.87
1982	526,900	535,500	68,000	0.87
1983	542,600	548,900	70,000	0.88
1984	558,200	563,700	71,900	0.88
1985	573,900	577,300	73,800	0.88
1986	589,600	588,300	75,500	0.89
1987	605,300	601,300	77,300	0.89
1988	621,000	618,400	79,900	0.89
1989	636,700	638,500	82,200	0.88
1990	652,400	667,490	88,090	0.86
1991	667,300	682,755	91,856	0.86
1992	690,400	705,720	97,514	0.86
1993	709,200	723,413	102,305	0.86
1994	727,200	735,807	106,261	0.86
1995	733,700	748,424	108,817	0.86
1996	734,800	761,143	111,663	0.84
1997	748,500	770,597	115,349	0.84
AVG				0.87

SOURCES: Youngs & Miller (1999) and County Population Estimates, California Department of Finance (several years).

However, before proceeding to the estimation of the population forecast for the Fresno P-C region, it is necessary to address two important issues regarding the DOF, the COG, and the DOT population forecasts: 1) The COG forecast is provided in 5-year intervals from the year 2010 to the year 2050; and 2) The DOT and DOF forecast, although both provided yearly, is only available until the year 2040 and the year 2060, respectively. Thus, since the three population forecasts stop short of the required year 2064 to obtain the 50-year forecast for the period 2015 to 2064, the population forecasts need to be linearly extrapolated. To fill in the gaps within the 5-year intervals, the data needs to be linearly interpolated. Since population growth in Fresno and Madera counties exhibits a near linear growth path, the application of the extrapolation techniques is relatively simple.

To extrapolate population data, this study followed these steps:

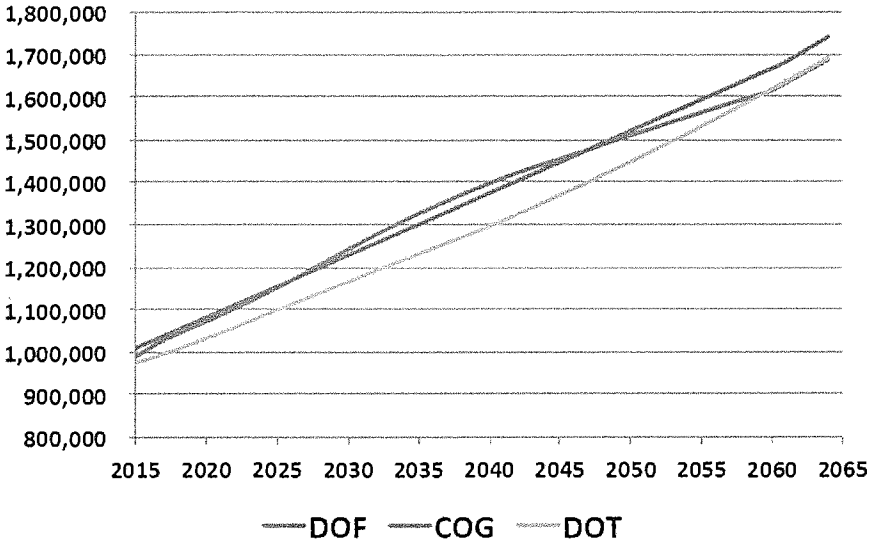
1. Calculate the average annual forecasted population growth rate for the period available: 2010 to 2060 for the DOF population forecast, 2010 to 2050 for the COG population forecasts, and 2010 to 2040 for the DOT population forecast.
2. Assume the same growth rate will continue until the year 2064 and calculate the population for the missing years using such growth rate. It is appropriate to assume the same growth rate for these years because even though growth fluctuations occur, over time the rate can be viewed as generally linear.

To interpolate population data, this study followed these steps:

1. Calculate the difference between the first and fifth data point of the 5-year interval and divide this difference by 5.
2. The number resulting from the calculation in step (1) was added one time to the first data point to obtain the second, two times to the first data point to obtain the third, and three times to the first data point to obtain the fourth.
3. Steps (1) and (2) were applied to all 5-year intervals of the COG population forecast.

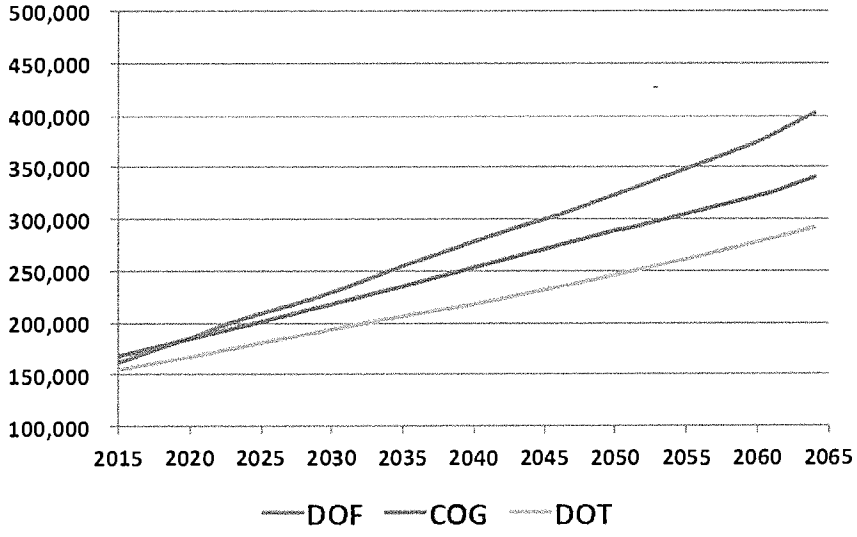
Figures 2 and 3 below show the 2015 to 2064 population forecasts for Fresno and Madera counties, based on the numbers provided by the DOF, the Fresno COG and the DOT.

Figure 2
Population Forecasts for Fresno County (2015-2064)



SOURCES: "Report P-2: State and County Population Projections - Race/Ethnicity and 5-Year Age Groups, 2010-2060 (by year)", California DOF (January 2013); "San Joaquin Valley Demographic Forecasts: 2010 to 2050", Fresno COG (March 2012) and "Long-Term Socio-Economic Forecasts by County", California DOT (October 2013).

Figure 3
Population Forecasts for Madera County (2015-2064)



SOURCES: "Report P-2: State and County Population Projections - Race/Ethnicity and 5-Year Age Groups, 2010-2060 (by year)", California DOF (January 2013); "San Joaquin Valley Demographic Forecasts: 2010 to 2050", Fresno COG (March 2012) and "Long-Term Socio-Economic Forecasts by County", California DOT (October 2013).

While the differences among the population forecasts for Madera County are relatively[4] large for the last 15 or so years of the 50-year period, the three forecasts for Fresno County show minimal differences for the entire period. This consistency among the DOF, the Fresno COG and the DOT forecasts is significant since it adds soundness to the forecast numbers as each independent forecast corroborates the others. Further, the fact that the 2010 U.S. Census data was utilized to inform such forecasts makes them more reliable and up to date as well.

At this point, two important additional facts about population growth in Fresno and Madera counties are worth underlining since they also substantively inform the forecasts. First, although business cycles (recessions and expansions) have important implications for employment, income and output in the regional economies, for at least the last 20 years, population change in these two counties has been mostly driven by net natural population change (the difference between births and deaths) rather than by net migration flows (people moving into and out of the area responding to changing relative economic conditions).

Tables 2 and 3 below show that even during recessionary periods (shadowed in grey), the population change component that dominates is natural change. This holds true even during recessionary periods, when potentially large migration outflows could be expected as residents leave the county in search of better employment opportunities. This observation is important because if empirical evidence and economic history are reliable guides, population change in Fresno and Madera counties will continue to be driven by natural change in the following decades regardless of the potential periods of recessions and expansions.

This assumption is further supported when examining the current age profile structure of the population in Fresno and Madera counties, which indicates a relatively large young population and thus large birth rate potential. Figures 4 and 5 below show the 2010 population pyramids for Fresno and Madera counties by 5-year age groups for both males and females. The relatively wide base of the pyramid indicates large groups of county residents in childbearing age groups. For example, the population between 15 and 29 years old represents almost 25% of the population in both counties. Based on this observation, simple demographic analysis suggests relatively rapid population growth, which is in fact the second important observation about population growth in Fresno and Madera counties that is worth underlining and it is discussed next.

[4] The term "relatively" is used because the variance among the three surveys at year 2064 is less than 50,000. However, when combined with the Fresno County population data, the variance among the three surveys is between 3% and 4% at year 2064.

Table 2
Components of Population Change in Fresno County (1990-2013)

	POP	Net Change	Births	Deaths	Natural Change	Net Migration	% of Tot Net Change Natural Change	% of Tot Net Change Net Migration
1990	670,250	2,760	3,810	1,107	2,703	57	97.9%	2.1%
1991	695,373	25,200	15,750	4,856	10,894	14,306	43.2%	56.8%
1992	716,140	20,700	16,376	5,112	11,264	9,436	54.4%	45.6%
1993	730,722	14,600	16,113	5,014	11,099	3,501	76.0%	24.0%
1994	740,909	10,200	15,918	5,364	10,554	(354)	103.5%	-3.5%
1995	755,971	15,100	15,369	5,258	10,111	4,989	67.0%	33.0%
1996	766,333	10,300	14,633	5,346	9,287	1,013	90.2%	9.8%
1997	774,838	8,500	14,594	5,150	9,444	(944)	111.1%	-11.1%
1998	780,261	5,500	14,307	5,233	9,074	(3,574)	165.0%	-65.0%
1999	789,748	9,400	13,924	5,510	8,414	986	89.5%	10.5%
2000	802,224	12,476	14,288	5,438	8,850	3,626	70.9%	29.1%
2001	815,003	12,779	14,189	5,450	8,739	4,040	68.4%	31.6%
2002	828,637	13,634	14,421	5,731	8,690	4,944	63.7%	36.3%
2003	845,917	17,280	15,152	5,635	9,517	7,763	55.1%	44.9%
2004	860,226	14,309	15,576	5,987	9,589	4,720	67.0%	33.0%
2005	871,910	11,684	15,964	5,806	10,158	1,526	86.9%	13.1%
2006	886,376	14,466	16,367	6,012	10,355	4,111	71.6%	28.4%
2007	899,826	13,450	16,980	6,007	10,973	2,477	81.6%	18.4%
2008	913,239	13,413	17,393	6,148	11,245	2,168	83.8%	16.2%
2009	923,895	10,656	16,275	5,862	10,413	243	97.7%	2.3%
2010	933,075	9,180	16,345	5,868	10,477	(1,297)	114.1%	-14.1%
2011	941,965	8,890	16,293	5,873	10,420	(1,530)	117.2%	-17.2%
2012	948,790	6,825	16,125	6,251	9,874	(531)	144.7%	-7.8%
2013	958,866	10,076	16,046	6,195	9,851	225	97.8%	2.2%

SOURCES: "California County Population Estimates and Components of Change", California DOF and National Bureau of Economic Research (NBER). The recession periods highlighted in grey correspond to: a) July 1990-March 1991; b) March 2001-November 2001; and c) December 2007 – June 2009.

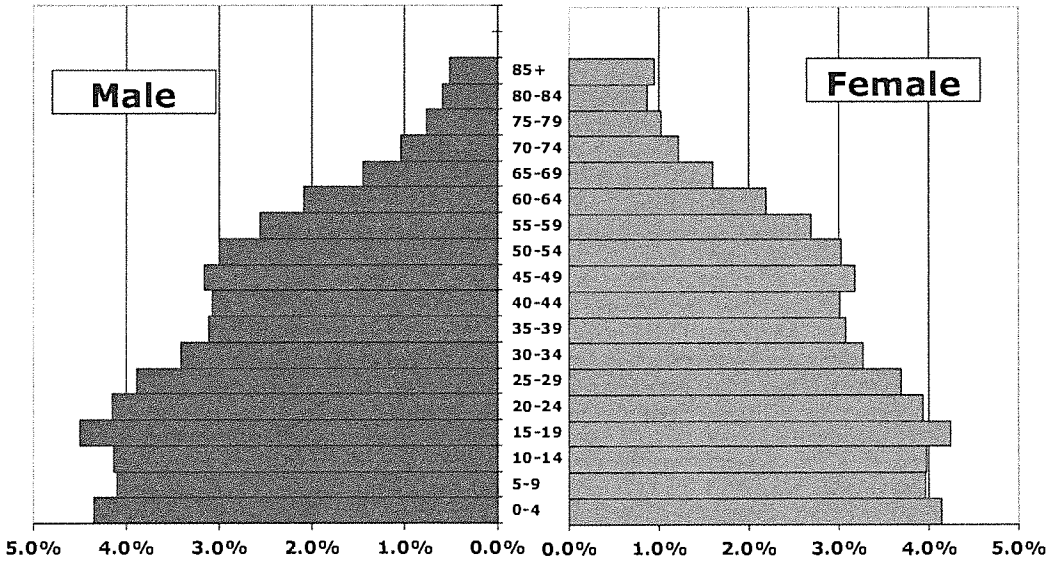
Table 3
Components of Population Change in Madera County (1990-2013)

	POP	Net Change	Births	Deaths	Natural Change	Net Migration	% of Tot Net Change	
							Natural Change	Net Migration
1990	88,506	416	476	154	322	94	77.4%	22.6%
1991	95,256	6,800	1,876	716	1,160	5,640	17.1%	82.9%
1992	99,797	4,500	2,038	732	1,306	3,194	29.0%	71.0%
1993	104,833	5,000	1,980	714	1,266	3,734	25.3%	74.7%
1994	107,697	2,900	1,968	793	1,175	1,725	40.5%	59.5%
1995	109,941	2,200	1,976	807	1,169	1,031	53.1%	46.9%
1996	113,395	3,500	1,954	825	1,129	2,371	32.3%	67.7%
1997	117,320	3,900	2,052	743	1,309	2,591	33.6%	66.4%
1998	118,947	1,600	2,044	832	1,212	388	75.7%	24.3%
1999	121,669	2,800	1,954	848	1,106	1,694	39.5%	60.5%
2000	124,265	2,596	2,080	847	1,233	1,363	47.5%	52.5%
2001	126,456	2,191	2,138	887	1,251	940	57.1%	42.9%
2002	128,484	2,028	2,126	937	1,189	839	58.6%	41.4%
2003	132,814	4,330	2,225	923	1,302	3,028	30.1%	69.9%
2004	136,488	3,674	2,313	927	1,386	2,288	37.7%	62.3%
2005	139,868	3,380	2,371	924	1,447	1,933	42.8%	57.2%
2006	143,528	3,660	2,451	924	1,527	2,133	41.7%	58.3%
2007	146,806	3,278	2,631	1,003	1,628	1,650	49.7%	50.3%
2008	149,114	2,308	2,617	948	1,669	639	72.3%	27.7%
2009	150,151	1,037	2,453	873	1,580	(543)	152.4%	-52.4%
2010	151,160	1,009	2,378	874	1,504	(495)	149.1%	-49.1%
2011	152,281	1,121	2,462	875	1,587	(466)	141.6%	-41.6%
2012	151,329	(952)	2,403	1,045	1,358	(2,078)	-142.6%	218.3%
2013	153,045	1,716	2,272	1,044	1,228	488	71.6%	28.4%

SOURCES: "California County Population Estimates and Components of Change", California DOF and National Bureau of Economic Research (NBER). The recession periods highlighted in grey correspond to: a) July 1990-March 1991; b) March 2001-November 2001; and c) December 2007 – June 2009.

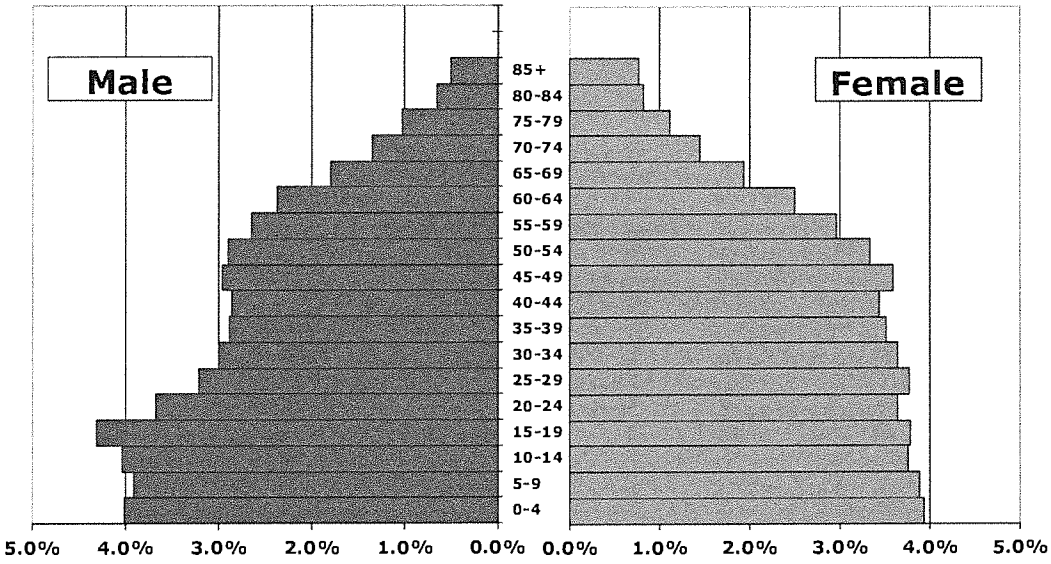
While population growth rates have declined over the last 20 years in the State of California (as a whole and also in individual counties), the population in Fresno and Madera counties is growing more rapidly than the state population (see Table 4 below). In fact, the Fresno and Madera County population growth rates are more than double the state average. The average annual population growth rate for the period 1990 to 2013 for Fresno County and Madera County was 1.57% and 2.42%, respectively, while the state of California was 1.08%. Similarly, if population growth is calculated for 5-year periods, Fresno and Madera counties - despite the declining growth rates - have grown more rapidly than the state as a whole (see Table 5 below). The relevance of this fact to aggregate demand forecasts is important: rapid population growth implies a growing demand for aggregate.

Figure 4
Population Pyramid for Fresno County (2010)



SOURCE: 2010 Census Summary File 1, Table PCT12 by Race/Ethnicity, California and Counties, California DOF

Figure 5
Population Pyramid for Madera County (2010)



SOURCE: 2010 Census Summary File 1, Table PCT12 by Race/Ethnicity, California and Counties, California DOF

Table 4
Population and Annual Population Change in Fresno County, Madera County and the State of California

	POPULATION			POPULATION (% Change)		
	Fresno	Madera	California	Fresno	Madera	California
1990	670,250	88,506	29,828,496			
1991	695,373	95,256	30,458,613	3.75%	7.63%	2.11%
1992	716,140	99,797	30,987,384	2.99%	4.77%	1.74%
1993	730,722	104,833	31,314,189	2.04%	5.05%	1.05%
1994	740,909	107,697	31,523,690	1.39%	2.73%	0.67%
1995	755,971	109,941	31,711,849	2.03%	2.08%	0.60%
1996	766,333	113,395	31,962,949	1.37%	3.14%	0.79%
1997	774,838	117,320	32,452,789	1.11%	3.46%	1.53%
1998	780,261	118,947	32,862,965	0.70%	1.39%	1.26%
1999	789,748	121,669	33,418,578	1.22%	2.29%	1.69%
2000	802,224	124,265	34,000,835	1.58%	2.13%	1.74%
2001	815,003	126,456	34,512,742	1.59%	1.76%	1.51%
2002	828,637	128,484	34,938,290	1.67%	1.60%	1.23%
2003	845,917	132,814	35,388,928	2.09%	3.37%	1.29%
2004	860,226	136,488	35,752,765	1.69%	2.77%	1.03%
2005	871,910	139,868	35,985,582	1.36%	2.48%	0.65%
2006	886,376	143,528	36,246,822	1.66%	2.62%	0.73%
2007	899,826	146,806	36,552,529	1.52%	2.28%	0.84%
2008	913,239	149,114	36,856,222	1.49%	1.57%	0.83%
2009	923,895	150,151	37,077,204	1.17%	0.70%	0.60%
2010	933,075	151,160	37,318,481	0.99%	0.67%	0.65%
2011	941,965	152,281	37,578,616	0.95%	0.74%	0.70%
2012	948,790	151,329	37,872,431	0.72%	-0.63%	0.78%
2013	958,866	153,045	38,204,597	1.06%	1.13%	0.88%
1990-2013 Annual Growth Average				1.57%	2.42%	1.08%

SOURCE: "California County Population Estimates", California DOF

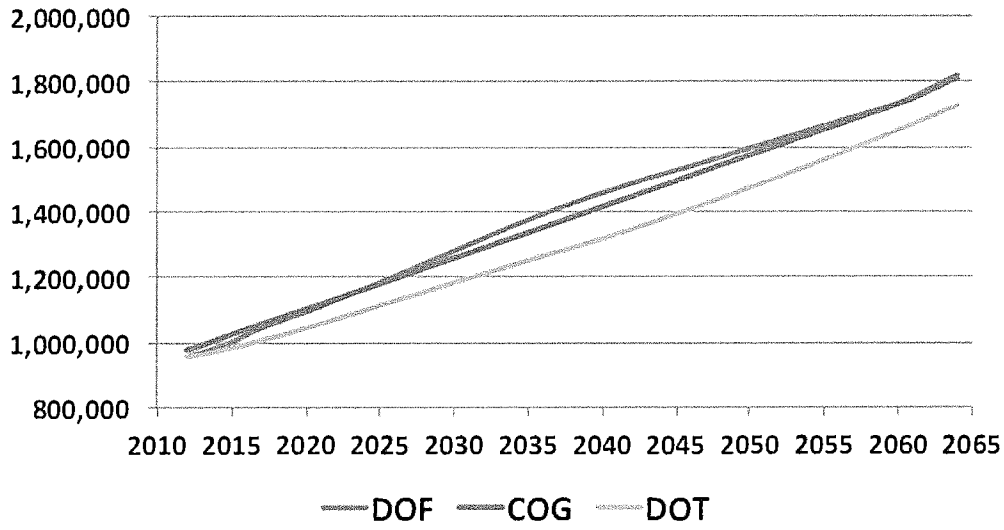
Table 5
Average Population Growth in Fresno County, Madera County and the State of California in 5-year Periods

Avg. Growth	Fresno	Madera	California
1993-1997	1.59%	3.29%	0.93%
1998-2002	1.35%	1.84%	1.49%
2003-2007	1.66%	2.70%	0.91%
2008-2013	1.07%	0.70%	0.74%

SOURCE: "California County Population Estimates", California DOF

Once the population forecast for Fresno and Madera counties is complete, the next step is to estimate the population forecast for the Fresno P-C region. As explained earlier, it is assumed that the population in the Fresno P-C region is composed of 87% of the combined total populations of Fresno and Madera counties. Thus, the forecast population for the Fresno P-C region is equal to the product of 0.87 times the combined total forecast populations of Fresno and Madera counties for the period from 2012 to 2064. Figure 6 below shows the forecast population for the Fresno P-C region based on the county population forecast of the DOF, the Fresno COG and the DOT. The three forecasts show minimal differences throughout the entire period. The consistency among the DOF, the Fresno COG and the DOT forecasts is significant, as each independent forecast supports the data of the other forecasts.

Figure 6
Population Forecast for Fresno P-C Region (2012-2064)

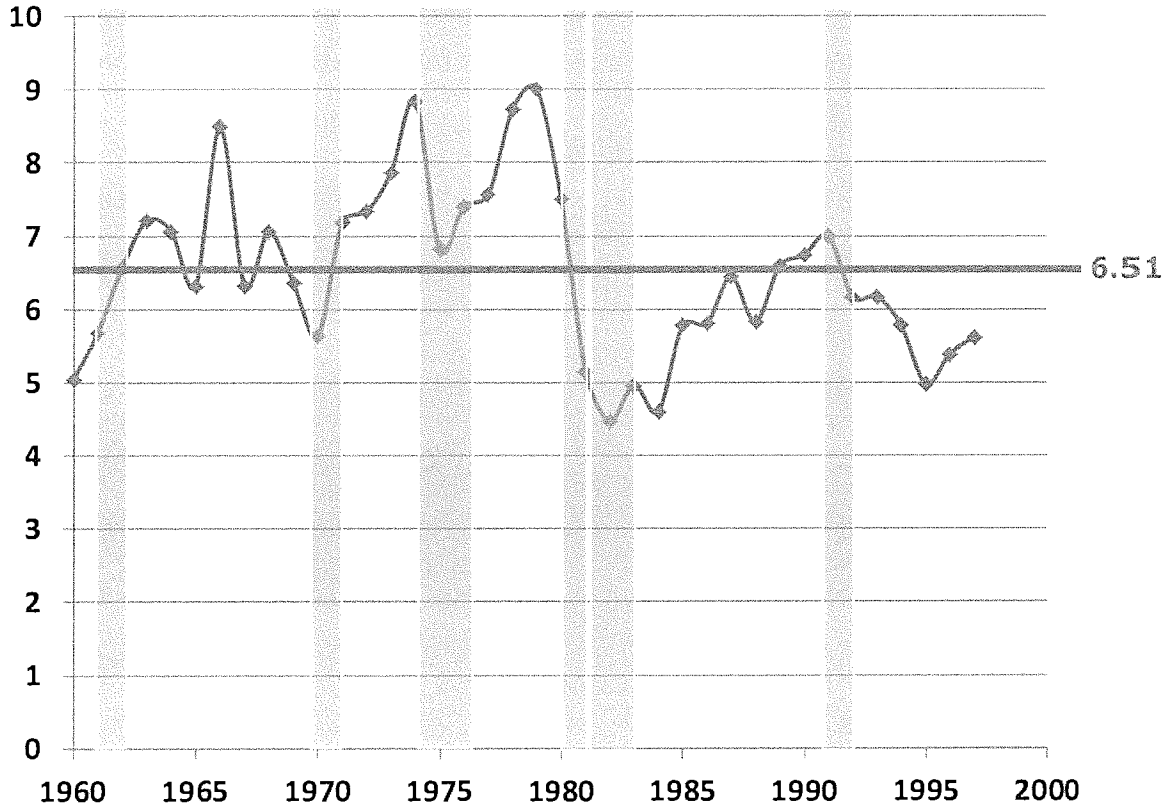


SOURCES: "Report P-2: State and County Population Projections - Race/Ethnicity and 5-Year Age Groups, 2010-2060 (by year)", California DOF (January 2013); "San Joaquin Valley Demographic Forecasts: 2010 to 2050", Fresno COG (March 2012) and "Long-Term Socio-Economic Forecasts by County", California DOT (October 2013), Youngs & Miller (1999).

V. The Aggregate Consumption Per Capita

Figure 7 below and Table 6 in next page show the historical (1960-1997) aggregate consumption per capita for the Fresno P-C region.[5] This figure also displays in grey shadows the recession occurrences that the national economy endured during this 38-year time period, according to the National Bureau of Economic Research (NBER).[6] The average historical per capita consumption of aggregate in the Fresno P-C region is 6.51 tons per year, as of 1997.

Figure 7
Historical Average per Capita Aggregate Consumption in Tons per Person for the Fresno P-C Region (1960-1997)



SOURCES: **1)** California Department of Conservation, California Geological Survey. DMG Open-File Report 99-02, 1999, "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region", Leslie Youngs and Russell V. Miller. **2)** National Bureau of Economic Research (NBER). The recession periods highlighted in grey correspond to: a) April 1960-February 1961; b) December 1969-November 1970; c) November 1973-March 1975; d) January 1980-July 1980; e) July 1981-November 1982; and f) July 1990-March 1991.

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[5] To date, the DOC has not made public more recent data for aggregate consumption per capita for the Fresno P-C Region.

[6] NBER is regarded by most scholars and policy makers as the authority in providing start and end dates for recessions in the United States.

Table 6
Historical Average per Capita Aggregate Consumption in Tons per Person for the Fresno P-C Region (1960-1997)

Year	Population	Recorded Production (tons)	Per Capita Consumption (tons/person)	Population Based Production Estimate (tons)	Difference Between Actual and Population Based Estimate (tons)	Variation Above Population Based Estimate (%)
1960	351,400	1,774,000	5.05	2,287,994	(513,994)	-
1961	355,600	2,017,000	5.67	2,315,341	(298,341)	-
1962	359,900	2,362,000	6.56	2,343,339	18,661	1%
1963	364,100	2,623,000	7.20	2,370,685	252,315	11%
1964	368,400	2,602,000	7.06	2,398,683	203,317	8%
1965	372,600	2,356,000	6.32	2,426,029	(70,029)	-
1966	376,900	3,202,000	8.50	2,454,027	747,973	30%
1967	381,100	2,409,000	6.32	2,481,373	(72,373)	-
1968	385,400	2,720,000	7.06	2,509,371	210,629	8%
1969	389,600	2,480,000	6.37	2,536,718	(56,718)	-
1970	393,900	2,218,000	5.63	2,564,715	(346,715)	-
1971	404,100	2,900,000	7.18	2,631,128	268,872	10%
1972	414,200	3,036,000	7.33	2,696,890	339,110	13%
1973	424,400	3,339,000	7.87	2,763,303	575,697	21%
1974	434,500	3,840,000	8.84	2,829,065	1,010,935	36%
1975	444,700	3,031,000	6.82	2,895,478	135,522	5%
1976	454,900	3,369,000	7.41	2,961,891	407,109	14%
1977	465,000	3,517,000	7.56	3,027,653	489,347	16%
1978	475,200	4,150,000	8.73	3,094,066	1,055,934	34%
1979	485,300	4,368,000	9.00	3,159,828	1,208,172	38%
1980	495,500	3,714,000	7.50	3,226,241	487,759	15%
1981	511,200	2,636,000	5.16	3,328,465	(692,465)	-
1982	526,900	2,356,000	4.47	3,430,689	(1,074,689)	-
1983	542,600	2,695,000	4.97	3,532,913	(837,913)	-
1984	558,200	2,569,000	4.60	3,634,486	(1,065,486)	-
1985	573,900	3,318,000	5.78	3,736,710	(418,710)	-
1986	589,600	3,419,000	5.80	3,838,934	(419,934)	-
1987	605,300	3,899,000	6.44	3,941,158	(42,158)	-
1988	621,000	3,614,000	5.82	4,043,382	(429,382)	-
1989	636,700	4,192,000	6.58	4,145,606	46,394	1%
1990	652,400	4,394,000	6.74	4,247,830	146,170	3%
1991	667,300	4,667,000	6.99	4,344,845	322,155	7%
1992	690,400	4,257,000	6.17	4,495,251	(238,251)	-
1993	709,200	4,375,000	6.17	4,617,660	(242,660)	-
1994	727,200	4,202,000	5.78	4,734,859	(532,859)	-
1995	733,700	3,653,000	4.98	4,777,181	(1,124,181)	-
1996	734,800	3,961,000	5.39	4,784,343	(823,343)	-
1997	748,500	4,204,000	5.62	4,873,545	(669,545)	-
Total	19,425,600	124,438,000	6.51	--	--	--

SOURCE: **1)** California Department of Conservation, California Geological Survey. DMG Open-File Report 99-02, 1999, "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region", Leslie Youngs and Russell V. Miller.

Figure 7 shows the average historical per capita consumption of aggregate that was used to produce aggregate demand forecasts in the Youngs and Miller (1999), Kohler (2002), Kohler (2006) and Clinkenbeard (2012) reports. The historical data shown in the figure suggests that a decline in the consumption per capita is typically preceded by an increase and followed by a recovery, while the average long-term per capita consumption remains at about 6.51 tons per year. Although Youngs and Miller (1999) caution that the rate of 6.51 tons per year "... *may be too low to accurately reflect future use*," the DOC nonetheless holds that the average historical per capita consumption is stable over time. As shown in Figure 7, empirical evidence suggests that the argument in favor of using the average historical per capita consumption of 6.51 tons per year to forecast aggregate demand for the next 50 years – where the economy will likely suffer from expansions and recessions - is sound.

Further, the American Geological Institute (AGI) has reported that nationwide, regardless of the expansions and booms that are characteristic of regular business cycles in the national economy, aggregate consumption per capita is on the rise. The AGI holds that: "*...in little more than 100 years, U.S. population has nearly quadrupled and per capita use of aggregate has increased from 0.5 ton to 10 tons per year.*"[7] Similarly, the National Stone, Sand & Gravel Association (NSSGA) reports that, currently "*...national annual consumption of aggregates including sand and gravel is more than ten tons (21,000 pounds) per capita.*"[8] Similarly, Kohler (2002) reported an aggregate per capita consumption of 7.0 tons per year for the whole state of California. Assuming that both Fresno and Madera counties continue to develop while population increases, which is expected, and that both counties continue to converge to state and national levels for production and income, as reflected in recent economic data, it is reasonable to expect that average per capita aggregate consumption in the region will actually rise above 6.51 tons per year in the next few decades.

Based on this evidence and on the criteria utilized by the DOC in forecasting demand for aggregate, this report employs the 6.51 tons per year figure used in the calculations for the aggregate demand forecast for the Fresno P-C region. This is a conservative approach in terms of predicting whether there is a need for additional aggregate supplies, since the per capita consumption is actually expected to increase in the coming decades.

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[7] American Geological Institute, "Aggregate and the Environment", AGI Environmental Awareness Series #8, William H. Langer, Lawrence J. Drew and Janet S. Sachs, 2004.

[8] http://www.nssga.org/news/review-magazine/

VI. The Updated Aggregate Demand Forecast

The final step in the DOC methodology to estimate the aggregate demand forecast is to multiply each year of projected population by the average historical per capita consumption, which as discussed in the previous section, is 6.51 tons per capita. The sum of these products equals the total 50-year aggregate demand forecast. The updated aggregate demand forecast presented in this report, however, contains two enhancements over the most recent DOC forecast. First, it is amplified such that it covers the period from 2015 to 2064. Second, it is based on three distinct and independently calculated population forecasts informed by the 2010 Census data - the DOF, the Fresno COG, and the DOT forecasts. This allows for the calculation of a range aggregate demand forecast, instead of only a single point forecast estimate.

Tables 8, 9 and 10 in the following pages present the 50-year aggregate demand forecast based on the population forecast of the DOF, the Fresno COG and the DOT. To facilitate the reading of such large tables, Table 7 below presents a summary of results. The range of the 50-year aggregate demand forecast for the Fresno P-C region is between 431.8 and 463.7 million tons.

Table 7
Summary of 50-year Aggregate Demand Forecasts for the Fresno P-C Region (2015-2064)

Population Source	50-year Demand (tons of aggregate)
DOF	463,773,278
Fresno COG	458,587,213
DOT	431,803,481

SOURCES: "Report P-2: State and County Population Projections - Race/Ethnicity and 5-Year Age Groups, 2010-2060 (by year)", California DOF (January 2013); "San Joaquin Valley Demographic Forecasts: 2010 to 2050", Fresno COG (March 2012) and "Long-Term Socio-Economic Forecasts by County", California DOT (October 2013). California Department of Conservation, California Geological Survey. DMG Open-File Report 99-02, 1999, "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region", Leslie Youngs and Russell V. Miller.

Table 8
50-year Aggregate Demand Forecast for Fresno P-C Region based on DOF Population Forecasts (2015-2064)

Year	DOF Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
2015	988,970	161,556	1,150,526	1,000,958	**6,516,236**
2016	1,009,582	166,177	1,175,759	1,022,910	**6,659,146**
2017	1,028,911	171,422	1,200,333	1,044,289	**6,798,324**
2018	1,043,431	176,116	1,219,547	1,061,006	**6,907,146**
2019	1,058,234	180,495	1,238,729	1,077,694	**7,015,789**
2020	1,071,728	185,056	1,256,784	1,093,402	**7,118,048**
2021	1,086,930	190,421	1,277,351	1,111,295	**7,234,531**
2022	1,102,832	195,826	1,298,657	1,129,832	**7,355,205**
2023	1,118,372	200,485	1,318,857	1,147,405	**7,469,609**
2024	1,134,757	204,785	1,339,542	1,165,402	**7,586,766**
2025	1,151,711	208,914	1,360,625	1,183,743	**7,706,170**
2026	1,169,283	212,802	1,382,085	1,202,414	**7,827,713**
2027	1,187,485	216,570	1,404,055	1,221,528	**7,952,146**
2028	1,206,316	220,500	1,426,816	1,241,330	**8,081,055**
2029	1,224,139	224,792	1,448,932	1,260,571	**8,206,314**
2030	1,241,773	229,277	1,471,049	1,279,813	**8,331,581**
2031	1,259,725	234,163	1,493,887	1,299,682	**8,460,928**
2032	1,277,318	239,206	1,516,525	1,319,376	**8,589,140**
2033	1,294,414	244,341	1,538,755	1,338,717	**8,715,046**
2034	1,311,046	249,591	1,560,637	1,357,754	**8,838,977**
2035	1,326,594	254,408	1,581,002	1,375,472	**8,954,321**
2036	1,341,746	259,258	1,601,004	1,392,874	**9,067,607**
2037	1,356,342	264,035	1,620,376	1,409,727	**9,177,325**
2038	1,370,409	268,737	1,639,145	1,426,056	**9,283,628**
2039	1,383,996	273,387	1,657,383	1,441,923	**9,386,919**
2040	1,397,138	278,011	1,675,149	1,457,379	**9,487,539**
2041	1,409,809	282,586	1,692,395	1,472,384	**9,585,219**
2042	1,421,992	287,080	1,709,072	1,486,893	**9,679,670**
2043	1,433,624	291,424	1,725,047	1,500,791	**9,770,151**
...	...	...	...	...	**...**

Table 8 (cont.)
50-year Aggregate Demand Forecast for Fresno P-C Region based on DOF Population Forecasts (2015-2064)

Year	DOF Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
...	...	...	...	...	...
2044	1,444,730	295,627	1,740,357	1,514,110	**9,856,858**
2045	1,455,331	299,681	1,755,011	1,526,860	**9,939,856**
2046	1,465,686	303,692	1,769,378	1,539,359	**10,021,225**
2047	1,476,827	308,672	1,785,499	1,553,384	**10,112,533**
2048	1,487,836	313,587	1,801,423	1,567,238	**10,202,721**
2049	1,498,791	318,521	1,817,312	1,581,062	**10,292,711**
2050	1,509,715	323,469	1,833,184	1,594,870	**10,382,606**
2051	1,520,587	328,443	1,849,030	1,608,656	**10,472,349**
2052	1,531,402	333,420	1,864,822	1,622,395	**10,561,794**
2053	1,542,174	338,430	1,880,603	1,636,125	**10,651,174**
2054	1,552,883	343,454	1,896,338	1,649,814	**10,740,288**
2055	1,563,519	348,491	1,912,010	1,663,449	**10,829,051**
2056	1,574,057	353,549	1,927,606	1,677,017	**10,917,382**
2057	1,584,515	358,609	1,943,124	1,690,518	**11,005,272**
2058	1,594,902	363,694	1,958,596	1,703,978	**11,092,900**
2059	1,605,195	368,806	1,974,002	1,717,381	**11,180,153**
2060	1,615,401	373,929	1,989,331	1,730,718	**11,266,972**
2061	1,633,268	380,762	2,014,030	1,752,206	**11,406,863**
2062	1,651,332	387,721	2,039,052	1,773,975	**11,548,580**
2063	1,669,595	394,806	2,064,401	1,796,029	**11,692,148**
2064	1,688,061	402,020	2,090,081	1,818,371	**11,837,595**
Total 50-Year Aggregate Demand Forecast					**463,773,278**

NOTES: 1. 2012 through 2050 based on DOF projections for Fresno and Madera counties. 2051 through 2061 extrapolated based on DOF projections. **2**. Fresno P-C region population forecast based on 87% of combined populations of Fresno and Madera counties. **3**. Demand calculated based on per capita aggregate consumption of 6.51 tons per year.

SOURCES: California Department of Conservation, California Geological Survey. DMG Open-File Report 99-02, 1999, "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region", Leslie Youngs and Russell V. Miller. "Interim Population Projections for California and Its Counties 2010-2050", California DOF.

Table 9
50-year Aggregate Demand Forecast for Fresno P-C Region based on Fresno COG Population Forecasts (2015-2064)

Year	Fresno COG Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
2015	1,010,000	168,000	1,178,000	1,024,860	**6,671,839**
2016	1,024,400	171,300	1,195,700	1,040,259	**6,772,086**
2017	1,038,800	174,600	1,213,400	1,055,658	**6,872,334**
2018	1,053,200	177,900	1,231,100	1,071,057	**6,972,581**
2019	1,067,600	181,200	1,248,800	1,086,456	**7,072,829**
2020	1,082,000	184,500	1,266,500	1,101,855	**7,173,076**
2021	1,096,600	187,800	1,284,400	1,117,428	**7,274,456**
2022	1,111,200	191,100	1,302,300	1,133,001	**7,375,837**
2023	1,125,800	194,400	1,320,200	1,148,574	**7,477,217**
2024	1,140,400	197,700	1,338,100	1,164,147	**7,578,597**
2025	1,155,000	201,000	1,356,000	1,179,720	**7,679,977**
2026	1,169,600	204,400	1,374,000	1,195,380	**7,781,924**
2027	1,184,200	207,800	1,392,000	1,211,040	**7,883,870**
2028	1,198,800	211,200	1,410,000	1,226,700	**7,985,817**
2029	1,213,400	214,600	1,428,000	1,242,360	**8,087,764**
2030	1,228,000	218,000	1,446,000	1,258,020	**8,189,710**
2031	1,242,600	221,400	1,464,000	1,273,680	**8,291,657**
2032	1,257,200	224,800	1,482,000	1,289,340	**8,393,603**
2033	1,271,800	228,200	1,500,000	1,305,000	**8,495,550**
2034	1,286,400	231,600	1,518,000	1,320,660	**8,597,497**
2035	1,301,000	235,000	1,536,000	1,336,320	**8,699,443**
2036	1,315,600	238,600	1,554,200	1,352,154	**8,802,523**
2037	1,330,200	242,200	1,572,400	1,367,988	**8,905,602**
2038	1,344,800	245,800	1,590,600	1,383,822	**9,008,681**
2039	1,359,400	249,400	1,608,800	1,399,656	**9,111,761**
2040	1,374,000	253,000	1,627,000	1,415,490	**9,214,840**
2041	1,388,600	256,600	1,645,200	1,431,324	**9,317,919**
2042	1,403,200	260,200	1,663,400	1,447,158	**9,420,999**
2043	1,417,800	263,800	1,681,600	1,462,992	**9,524,078**
...	...	...	...	...	**...**

Table 9 (cont.)
50-year Aggregate Demand Forecast for Fresno P-C Region based on Fresno COG Population Forecasts (2015-2064)

Year	Fresno COG Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
...	...	...	...	...	...
2044	1,432,400	267,400	1,699,800	1,478,826	**9,627,157**
2045	1,447,000	271,000	1,718,000	1,494,660	**9,730,237**
2046	1,461,800	274,600	1,736,400	1,510,668	**9,834,449**
2047	1,476,600	278,200	1,754,800	1,526,676	**9,938,661**
2048	1,491,400	281,800	1,773,200	1,542,684	**10,042,873**
2049	1,506,200	285,400	1,791,600	1,558,692	**10,147,085**
2050	1,521,000	289,000	1,810,000	1,574,700	**10,251,297**
2051	1,535,516	291,030	1,826,546	1,589,095	**10,345,009**
2052	1,550,171	294,468	1,844,639	1,604,836	**10,447,483**
2053	1,564,826	297,906	1,862,732	1,620,577	**10,549,957**
2054	1,579,482	301,344	1,880,826	1,636,318	**10,652,431**
2055	1,594,137	304,782	1,898,919	1,652,059	**10,754,906**
2056	1,608,792	308,220	1,917,012	1,667,800	**10,857,380**
2057	1,623,447	311,658	1,935,105	1,683,541	**10,959,854**
2058	1,638,102	315,096	1,953,198	1,699,282	**11,062,328**
2059	1,652,758	318,534	1,971,291	1,715,023	**11,164,802**
2060	1,667,413	321,971	1,989,384	1,730,764	**11,267,276**
2061	1,682,068	325,409	2,007,477	1,746,505	**11,369,750**
2062	1,701,731	330,290	2,032,022	1,767,859	**11,508,763**
2063	1,721,625	335,245	2,056,870	1,789,477	**11,649,492**
2064	1,741,751	340,274	2,082,024	1,811,361	**11,791,960**
Total 50-Year Aggregate Demand Forecast					**458,587,213**

NOTES: 1. 2012 through 2050 based on COG projections for Fresno and Madera counties. 2051 through 2061 extrapolated based on COG projections. **2**. Fresno P-C region population forecast based on 87% of combined populations of Fresno and Madera counties. **3**. Demand calculated based on per capita aggregate consumption of 6.51 tons per year.

SOURCES: "San Joaquin Valley Demographic Forecasts: 2010 to 2050", Fresno COG. "Interim Population Projections for California and Its Counties 2010-2050", California DOF.

Table 10
50-year Aggregate Demand Forecast for Fresno P-C Region based on DOT Population Forecasts (2015-2064)

Year	DOT Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
2015	973,623	155,185	1,128,808	982,063	**6,393,230**
2016	984,910	157,268	1,142,178	993,695	**6,468,954**
2017	996,323	159,557	1,155,880	1,005,616	**6,546,558**
2018	1,007,937	161,979	1,169,916	1,017,827	**6,626,053**
2019	1,019,929	164,480	1,184,409	1,030,436	**6,708,137**
2020	1,032,414	167,005	1,199,419	1,043,495	**6,793,149**
2021	1,045,364	169,603	1,214,967	1,057,021	**6,881,209**
2022	1,058,451	172,294	1,230,745	1,070,748	**6,970,570**
2023	1,071,940	174,980	1,246,920	1,084,820	**7,062,181**
2024	1,085,401	177,671	1,263,072	1,098,873	**7,153,661**
2025	1,098,980	180,348	1,279,328	1,113,015	**7,245,730**
2026	1,112,424	183,010	1,295,434	1,127,028	**7,336,950**
2027	1,125,814	185,669	1,311,483	1,140,990	**7,427,846**
2028	1,139,273	188,333	1,327,606	1,155,017	**7,519,162**
2029	1,152,614	190,966	1,343,580	1,168,915	**7,609,634**
2030	1,165,822	193,560	1,359,382	1,182,662	**7,699,132**
2031	1,178,948	196,139	1,375,087	1,196,326	**7,788,080**
2032	1,191,976	198,746	1,390,722	1,209,928	**7,876,632**
2033	1,204,987	201,297	1,406,284	1,223,467	**7,964,771**
2034	1,217,961	203,796	1,421,757	1,236,929	**8,052,405**
2035	1,230,894	206,229	1,437,123	1,250,297	**8,139,434**
2036	1,243,811	208,658	1,452,469	1,263,648	**8,226,349**
2037	1,256,714	210,996	1,467,710	1,276,908	**8,312,669**
2038	1,269,614	213,228	1,482,842	1,290,073	**8,398,372**
2039	1,282,488	215,480	1,497,968	1,303,232	**8,484,041**
2040	1,295,357	217,666	1,513,023	1,316,330	**8,569,308**
2041	1,309,865	220,330	1,530,195	1,331,270	**8,666,567**
2042	1,324,535	223,027	1,547,563	1,346,379	**8,764,930**
2043	1,339,370	225,757	1,565,127	1,361,661	**8,864,411**
...	...	...	...	...	**...**

Table 10 (cont.)
50-year Aggregate Demand Forecast for Fresno P-C Region based on DOT Population Forecasts (2015-2064)

Year	DOT Population Forecast[1]				Fresno P-C Region Aggregate Demand[3]
	Fresno County	Madera County	Fresno and Madera Counties Combined	Fresno P-C Region[2]	
...	...	...	...	...	...
2044	1,354,371	228,520	1,582,891	1,377,116	**8,965,022**
2045	1,369,540	231,317	1,600,857	1,392,746	**9,066,776**
2046	1,384,879	234,149	1,619,028	1,408,554	**9,169,687**
2047	1,400,390	237,015	1,637,404	1,424,542	**9,273,767**
2048	1,416,074	239,916	1,655,990	1,440,711	**9,379,029**
2049	1,431,934	242,852	1,674,786	1,457,064	**9,485,487**
2050	1,447,972	245,825	1,693,796	1,473,603	**9,593,155**
2051	1,464,189	248,834	1,713,023	1,490,330	**9,702,046**
2052	1,480,588	251,879	1,732,467	1,507,247	**9,812,175**
2053	1,497,171	254,962	1,752,133	1,524,356	**9,923,555**
2054	1,513,939	258,083	1,772,022	1,541,659	**10,036,200**
2055	1,530,895	261,242	1,792,137	1,559,159	**10,150,126**
2056	1,548,041	264,440	1,812,481	1,576,858	**10,265,346**
2057	1,565,379	267,676	1,833,055	1,594,758	**10,381,876**
2058	1,582,911	270,953	1,853,864	1,612,862	**10,499,729**
2059	1,600,640	274,269	1,874,909	1,631,171	**10,618,922**
2060	1,618,567	277,626	1,896,193	1,649,688	**10,739,470**
2061	1,636,695	281,024	1,917,719	1,668,416	**10,861,387**
2062	1,655,026	284,464	1,939,490	1,687,356	**10,984,690**
2063	1,673,562	287,946	1,961,508	1,706,512	**11,109,394**
2064	1,692,306	291,470	1,983,777	1,725,886	**11,235,515**
Total 50-Year Aggregate Demand Forecast					**431,803,481**

NOTES: 1. 2012 through 2040 based on DOT projections for Fresno and Madera counties. 2041 through 2061 extrapolated based on DOT projections. **2**. Fresno P-C region population forecast based on 87% of combined populations of Fresno and Madera counties. **3**. Demand calculated based on per capita aggregate consumption of 6.51 tons per year.

SOURCES: "Long-Term Socio-Economic Forecasts by County", California DOT. "Interim Population Projections for California and Its Counties 2010-2050", California DOF.

Finally, the updated forecast contained in this report is compared to the forecasts estimated in the past. The DOC has conducted aggregate demand forecasts during the last couple of decades covering five different 50-year periods. The population projections change in each period as they are updated according to the most current decennial census at the time the report is produced. With the exception of the Cole & Fuller (1988) report, which used an average historical per capita consumption of aggregate of 7.0 tons per year – corresponding to the historical average for the years 1960 to 1983 – the studies by Youngs & Miller (1999), Kohler (2002), Kohler (2006) and Clinkenbeard (2012) all used an average historical per capita consumption of aggregate of 6.5 tons per year – corresponding to the historical average for the years 1960 to 1997 – as discussed earlier in the report. Table 11 below compares results of the five reports released to date by the DOC, the VEA (2012) report and the updated forecast by VEA (2014) as presented in this report.

Table 11
Comparison of Aggregate Demand Forecasts for Fresno P-C Region

	50-year Forecast Period	Population Data Main Source	Aggregate Demand Forecast
Cole & Fuller (1998)	1985-2034	1980 Census	268 mill tons
Youngs & Miller (1999)	1998-2047	1990 Census	528 mill tons
Kohler (2002)	2001-2050	1990 Census	565 mill tons
Kohler (2006)	2006-2055	2000 Census	629 mill tons
VEA (2012)	2012-2061	2010 Census	440-447 mill tons*
Clinkenbeard (2012)	2011-2060	2010 Census	435 mill tons
VEA (2014)	2015-2064	2010 Census	431-463 mill tons*

SOURCES: Cole & Fuller (1988), Youngs & Miller (1999), Kohler (2002), Kohler (2006) and Clinkenbeard (2012).

***NOTE**: This forecast is based on the assumption that the population of the Fresno P-C region is composed of 87% of the combined total populations of Fresno and Madera counties, which is consistent with the DOC reports.

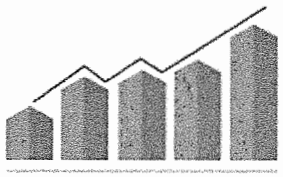
Although all these reports use a 50-year forecast period, the 50-year aggregate demand forecasts are not fully comparable among them. This is because the reports forecast demand over different periods of time, and use different population projections based on different decennial census data or different baseline years from the same census year.

VII. Conclusions and Final Remarks

The aggregate demand forecast methodology utilized by the DOC has been consistent since it was first implemented. Despite its relative simplicity, when using up to date and sound economic and population information as inputs, the DOC's methodology remains a reliable source of statewide and regional information that has proven useful to local decision makers and land-use planners.

Historical evidence, as well as the expected future growth and development of the Fresno P-C region, suggests that the assumption of an average per capita aggregate consumption of 6.51 tons per year to forecast aggregate demand for the next 50 years is accurate and may actually be low given that at the state and national levels, the average per capita aggregate consumption is significantly higher. Moreover, evidence indicates that although the per capita aggregate consumption oscillates in the short term along with the business cycle, it tends to move back to the historical average value. This record is relevant because within the next 50 years, the economy will likely experience new expansions and recessions of diverse lengths and depths, but if the past 5 decades of data are a guide, the average per capita aggregate consumption should remain at or above 6.51 tons per year, despite future economic fluctuations. Thus, reliance on the 50-year aggregate demand forecast model on the historical average per capita aggregate consumption seems a sound practice.

This report provides an updated 50-year aggregate demand forecast based on three independently produced population forecasts, all informed by the 2010 Census data. Based on the analysis in this report, it is estimated that the Fresno P-C region will require at least 431 million tons of aggregate to fulfill demand within the region during the 50-year period from 2015 to 2064.



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Dr. Antonio Avalos – Primary Contact

Dr. Antonio Avalos specializes in economic development, regional economics and international economics, as well as forensic economics. He holds a Ph.D. in Economics from Oklahoma State University. In the past, Dr. Avalos has worked as Herman Kahn Fellow at the Hudson Institute in Indianapolis, and later as an external consultant for the institute, conducting research on regional economics and workforce issues. He also was a visiting scholar at the Andean Corporation of Development in Caracas, Venezuela, where he conducted applied research in international trade, economic development and labor markets in Latin American economies.

Dr. Avalos has an extensive research and publication record in economic and fiscal impact analysis, as well as public policy analysis. In the recent past, Dr. Avalos has also investigated the dynamics of labor markets and migration in the Central Valley of California. Over the last few years, Dr. Avalos has participated and presented research at an assorted list of regional, national and international conferences, including countries such as Chile, Argentina, Nicaragua, China, and others. Currently, he is an associate professor of economics at California State University, Fresno.

Novak, Suzie

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, October 07, 2014 2:18 PM
To: Sholars, Briza
Subject: RE: CUP 3390
Attachments: SMRP Riverbend S&G 7-14 v2.pdf

Briza,

Attached is the updated SMRP (July 2014) that was sent to OMR on 9-26-14 for 30-day review. This document should be substituted for the SMRP filed with the CUP application package back in 10/12 and is the document that should be distributed for the CUP review.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
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From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, October 07, 2014 1:49 PM
To: 'Sholars, Briza'
Subject: RE: CUP 3390

The SMRP was updated in July 2014. Please let me review the application package before you send it out to check if anything else has changed since it was filed 2 years ago.

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From: Sholars, Briza [mailto:bsholars@co.fresno.ca.us]
Sent: Tuesday, October 07, 2014 12:29 PM
To: John Buada
Subject: CUP 3390

I found your 96 page electronic application!

Surface Mining and Reclamation Plan
Riverbend Sand and Gravel Project

Fresno County, California



Prepared For:

Riverbend Sand and Gravel, LLC
14962 E Fantz Ave
Parlier, CA 93648-9734

Submitted to:

Fresno County Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Updated July 2014

Prepared By

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PROJECT SPECIFIC REFERENCES

Copies on file with the Fresno County Department of Public Works and Planning

Aesthetics

Visual Impact Assessment for Riverbend Sand and Gravel, Fresno County, California, RGP Planning & Development Services, November 2012

Air Quality

Emission Inventory and Air Quality Impact Analysis, Riverbend Sand and Gravel Project, Dudek, October 2013

Health Risk and Odor Assessment for the Riverbend Sand and Gravel Project, Dudek, October 2013

Supplemental Health Risk Assessment for the Riverbend Sand and Gravel Project, Dudek, October 2013

Biological Resources

Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates; John Stebbins, Consulting Botanist; LSA Associates, July 2013

Biological Resources Evaluation Addendum, LSA Associates, January 2014

Biological Resources Evaluation Addendum #2, LSA Associates, April 2014

Cultural Resources

Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California, Applied Earthworks, Inc., June 2012

Geology and Soils

Geotechnical Review of Quarry Slope Stability & Geologic Hazards, Tetra Tech BAS, August 2013

Slope Stability Considerations Addendum to Geotechnical Review of Quarry Slope Stability & Geologic Hazards, Tetra Tech BAS, April 2014

Hydrology and Water Quality

Groundwater Conditions at the Riverbend Sand and Gravel Project, Kenneth D. Schmidt & Associates (KDSA), December 2013

Groundwater Conditions Addendum, KDSA, May 2014

Riverbend Sand and Gravel Hydraulic Flood Analysis, Chang Consultants, February 2014

Riverbend Surface Water and Drainage Plan, Chang Consultants, August 2013

Water Supply Assessment for the Riverbend Sand and Gravel Project, KDSA, October 2012

Noise and Vibration

Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California, Bollard Acoustical Consultants, April 2014

Environmental Noise Assessment Addendum, Bollard Acoustical Consultants, May 2014

Revegetation Guidelines

Revegetation Guidelines for the Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates and John Stebbins, Consulting Botanist, October 2012

Transportation and Traffic

Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California, VRPA Technologies, Inc., July 2014 (separate binder)

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Construction & Aggregates in Fresno County, An Economic Analysis of the Construction and Aggregates Industries in Fresno County, Prepared for Construction Materials Association of California, Sharon Prager and Randy Evans, October 2003

Construction Aggregate Supply Limitations, Estimates of Economic Impact, Caltrans, February 2006

Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8, California Department of Conservation and Division of Mines and Geology, July 1988

Letter Regarding Aggregate Shortage in California, Will Kempton, Caltrans, February 27, 2006

Map Sheet 52, Aggregate Sustainability in California, Susan Kohler, Department of Conservation, California Geological Survey, 2012

Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, Special Report 158, Judy Wiedenheft Cole and David Fuller, California Department of Conservation and Division of Mines and Geology, 1986

Soil Survey of Eastern Fresno Area, California, USDA, Soil Conservation Service, October 1971

Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, DMG Open File Report 99-02, California Department of Conservation and Division of Mines and Geology, 1999

Working Paper No. 994, A Note on the Environmental Costs of Aggregate, Peter Brock, California Agricultural Experiment Station, Giannini Foundation of Agricultural Economics, January 2005

ACRONYMS

bgs..... below ground surface
CCR . ..... California Code of Regulations (Title 14)
DOC ..... California Department of Conservation
DMG..... Department of Mines and Geology
H:V ..... Horizontal to Vertical, or horizontal:vertical
FCZO..... Fresno County Zoning Ordinance
PRC ..... California Public Resources Code
SMARA . ..... Surface Mining and Reclamation Act, 1975 (PRC § 2777, et seq.)
SMGB ..... State Mining and Geology Board
USGS . ..... United States Geological Survey

SURFACE MINING AND RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL PROJECT

1.0 PROJECT INFORMATION

1.1 Purpose and Scope

This application is submitted in accordance with the Regulations for Surface Mining and Reclamation in All Districts, Section 858 of the Fresno County Zoning Ordinance (FCZO), the Surface Mining and Reclamation Act (SMARA), and associated SMARA regulations adopted by the State Mining and Geology Board (SMGB) (CCR Sections 3500-3800).

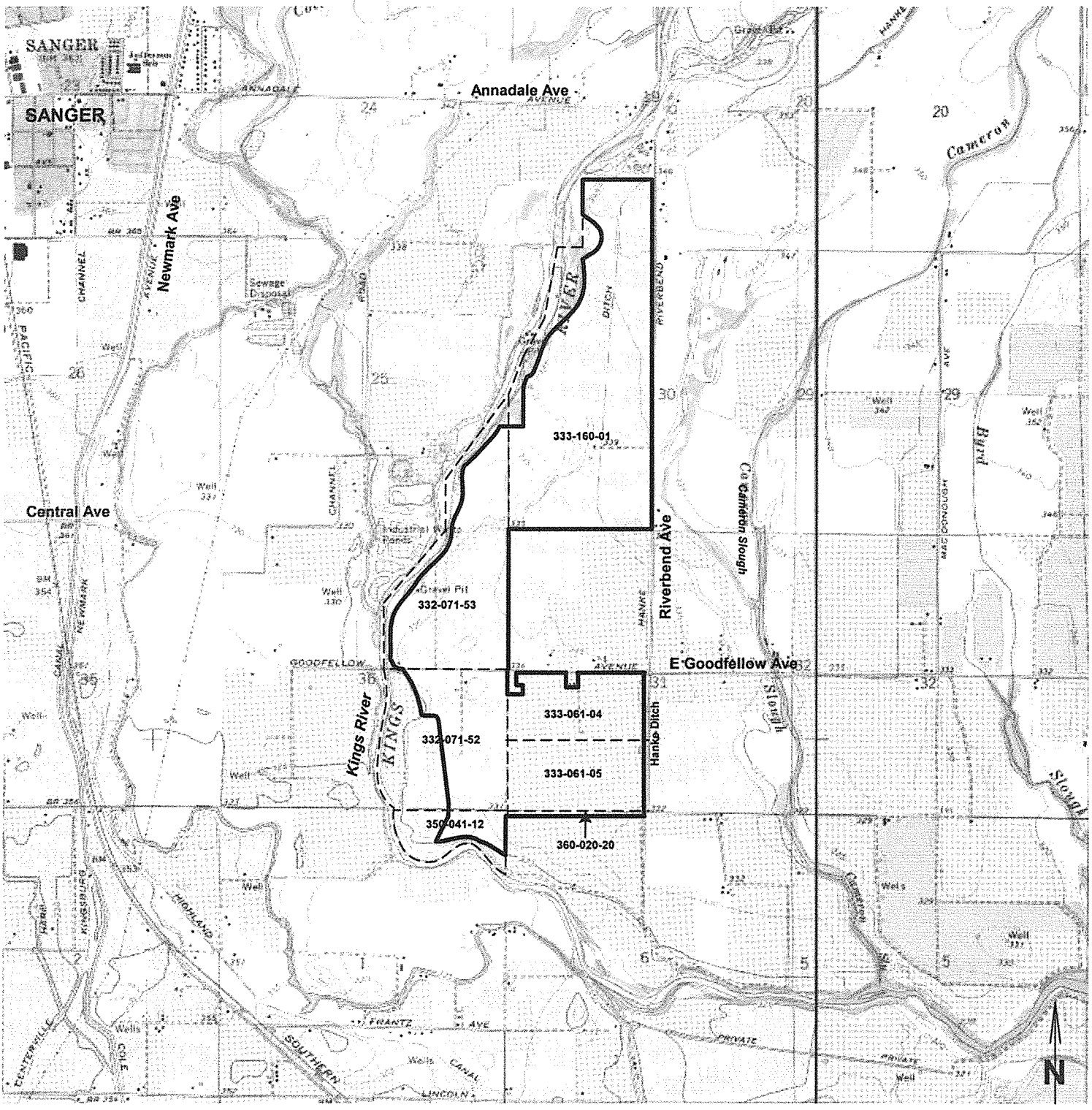
Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E and includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River (Exhibits A and B). The remaining 214 acres of the property, including all the existing riparian habitat along the Kings River, are excluded from the project. The project site is relatively flat and is currently in orchards and vineyards. The Hanke Ditch is piped and runs through the eastern portion of the project site north of Goodfellow Avenue and is an open ditch along the east side of the project site south of Goodfellow Avenue.

Mining is anticipated to occur to a depth of approximately 100 feet below natural ground surface. A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue with an anticipated annual process rate of 1.6 million tons and proposed annual sales of approximately 1.25 million tons. The processed material will be used by a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. Access to the project site is proposed from Goodfellow Avenue approximately 1/2 mile west of Riverbend Avenue. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 at sales of 1.25 million tons. Operations are expected be on-going for at least 75 years.

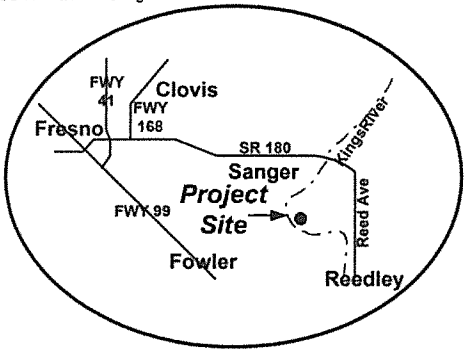
1.2 Names and Address of the Operator

Operator: Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734
(559) 875-6565

Site Address: 14684 E Goodfellow Avenue
Sanger, CA 93657-9551



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel
Exhibit A
Location Map



Aerial Source: Google Maps 2013

Riverbend Sand and Gravel
Exhibit B
Vicinity and Land Use Map

Agent: John C. Buada
Buada Associates, Inc.
4872 N Arcade Avenue, Fig Garden Studio
Fresno, CA 93704
(559)432-4902

1.3 Owners of All Surface and Mineral Interests.

APN: 332-071-52 & 53
333-061-04 & 05
333-160-01S
350-041-12
360-020-20

Owner: Running Luck Ranch, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734

Please refer to Letter of Agreement Appendix A.

1.4 Size and Legal Description

The project site includes 619 acres as shown on Exhibit C including all or portions of the properties as identified in Section 1.3.

The legal description of the above properties is contained in Appendix B.

1.5 Vicinity Map

The project vicinity is shown on Exhibit B.

1.6 Map of the Subject Property Including Boundaries and Topographic Details of the Land

Exhibit C shows the boundaries and topographic details of the project site

1.7 Objectives of Project

The following are Riverbend's objectives for this project:

a. Provide a reliable and sustainable, local source of high quality aggregate to help meet the current and long-term demand (75 years) for construction materials in Fresno County.
b. Create additional, long-term supply of local aggregate reserves.
c. Utilize aggregate reserves from property already designated by the state and county as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).
d. Utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.

e. Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy competitive market.
f. Obtain aggregate resources with access to an efficient local road network and State Highway system.
g. Obtain aggregate resources unconfined by a restrictive conservation easement.
h. Create a project that would not require dewatering of groundwater.
i. Create an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality.
j. Create a project that will return a significant amount of mined land back to farming.
k. Create local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county.

1.8 Demand for Aggregate

Construction aggregate is essential to the needs of modern society, providing material for the construction and maintenance of infrastructure such as roadways, dams, canals, buildings and other parts of California's infrastructure. Construction aggregates are the very cornerstone of today's built environment and the core building component for schools, hospitals, houses, commercial and industrial buildings. Public works projects comprise 43% of aggregate consumption (John Parish, State Geologist, CalCIMA Conference, March 2007). Aggregate is a key component in most buildings including homes, schools, hospitals and shopping centers.

As part of the infrastructure State bonds approved in 2006, Caltrans is scheduled to deliver historic amounts of highway construction in the next few years. A tremendous amount of aggregate is required to supply the projects that support the State's transportation infrastructure and the need for new aggregate sources. As part of *Go California*, a mobility action plan designed to decrease congestion, improve travel times and increase safety, Will Kempton, Director of Caltrans, expressed concern about the availability and pricing of aggregate (Letter Regarding Aggregate Shortage in California, Will Kempton, Caltrans, February 27, 2006). Caltrans' statewide strategy is to work with communities in securing adequate industry capacity for California's needs.

In California, the supply and demand for aggregate resources are tracked by the California State Department of Conservation's California Geological Survey (CGS). The CGS regularly analyzes the supply and demand of aggregate resources in California, and publishes reports indicating the past consumption and anticipated future demand for regional aggregate supplies. The various regions studied throughout the State are market areas referred to as "Production-Consumption Regions." The Project is in the Fresno Production-Consumption (P-C) Region, which services the needs of portions of central and eastern Fresno County and portions of southern Madera County. According to the California Department of Finance, population in the region is expected to nearly double in the next 50 years from 1,083,705 in 2010 to 1,989,331 in 2060.

The CGS report titled *Aggregate Availability in California – Map Sheet 52* (updated 2012) uses the Department of Finance future population estimates and historical per capita consumption to estimate future aggregate demand. Map Sheet 52 indicates that the P-C Region's projected 50-year aggregate demand as of January 1, 2011, was approximately 435 million tons (MT). Existing permitted reserves at that time was indicated to be 46 MT. However, that estimate did not include the 63 MT approved for the Sanger-Centerville Expansion (Vulcan Materials Company) in 2007 or the 50 MT approved for the Madera Quarry (Shimmick Construction) in Madera County in 2010. In 2012, the Carmelita Mine and Reclamation project (Colony Land Company) was

approved for 85 MT. Those three projects added 198 MT (net finished aggregate product) of permitted reserves to the P-C Region. Without adjusting for reserves consumed since January 1, 2011 total permitted reserves in the P-C region would be 244 MT.

In 2010, Map Sheet 52 indicated that the P-C Region consumed approximately 6.0 MT per year (MT/y). At that consumption rate for the four-year period from 2011 through 2014 approximately 24 MT of permitted reserves would have been consumed leaving 220 MT of permitted reserves at the beginning of 2015, or approximately 50% of the region's 50-year aggregate demand.

The Riverbend Project, if approved, would add 70 MT increasing the permitted aggregate reserves to 290 MT, or 67 % of the 50-year demand. If the proposed Austin Quarry project in Madera County is approved, it would add 250 MT. Total permitted reserves in the region would then be 540 MT.

Future consumption of permitted reserves is affected by the maximum annual sales permitted for each site and annual consumption rates as described in the following two scenarios.

Table 1 shows the existing permitted aggregate operations in the Fresno P-C Region, assuming Austin Quarry and Riverbend were both permitted. If Austin and Riverbend were both approved, annual permitted sales would be 10.4 MT per year (MT/y). (Central Valley RM & River Rock annual sales are not included in the total since their permits expire in 2015 and 2016 respectively.)

Table 1
Maximum Permitted and Proposed Annual Aggregate Sales: Fresno P-C Region

Operation	Maximum Annual Sales Permitted (million tons)
Cent. Valley RM (Sante Fe)[1]	Negligible
River Rock (Vulcan)[2]	Negligible
Rockfield (Cemex)[3]	1.0
Kings River (CMI)[4]	1.0
Sanger (Vulcan)[5]	2.5
Madera Quarry[6]	0.9
Carmelita[7]	1.25
Austin Quarry[8]	2.5
Riverbend[8]	1.25
Total	**10.4**[9]

1. Permit expires in 2015
2. Permit expires in 2016
3. Permit expires in 2023
4. Permit expires in 2043
5. Reserves depleted in 2059
6. Reserves depleted in 50 years
7. Not yet operational
8. Proposed
9. CVRM & River Rock not included since their permits expire in 2015 and 2016 respectively.

Assuming that Carmelita, Riverbend and Austin Quarry are fully operational in 2015 and that annual sales would equal the permitted annual sales, aggregate consumption in the next 50 years

would be as follows (not all mine projects are permitted so this assumption assumes a maximum reserve scenario):

- 2023 (in 8 years): Rockfield permit expires, 83 MT would be consumed, and annual permitted sales would drop to 9.4 MT.
- 2043 in (29 years): CMI permit expires, an additional 188 MT would be consumed and annual permitted sales would drop to 8.4 MT.
- 2060 (in 45 years): Sanger reserves would be depleted, an additional 143 MT would be consumed and annual permitted sales would drop to 5.9 MT.
- 2065 (in 50 years): Madera Quarry's reserves would be depleted, an additional 30 MT would be consumed and annual permitted sales would drop to 5.0 MT.

Total consumption for the next 50 years would be 444 MT or 9 MT more than the 435 MT projected in Map Sheet 52. The remaining permitted reserves would be 96 MT. However, at the annual consumption rate of 11 MT/y in 50 years, as estimated by Map Sheet 52, there would be less than 9 years of reserves remaining.

It should be noted that the 50-year demand is simply a measuring tool and not a limit. In a healthy supply and demand market, having more than 50 years of permitted reserves would provide more sources for aggregate products and should result in more competitive pricing for the consuming public.

In order to meet the required specifications for the broad range aggregate products needed in the construction materials market, there needs to be a suitable balance of available rock and sand, roughly in the 50% rock/50% sand ratio. However, it appears that future market supply in the region may hit an imbalance with far more rock in supply than sand. This imbalance is primarily based on greater hard rock resources being developed and permitted than that of alluvial deposits which contain natural sand resources as well as rock. If the proposed Austin Quarry project in Madera County is approved, 300 MT (Madera Quarry 50 MT + Austin Quarry 250 MT), or 55% of the 546 MT of the region's reserves, would be from hard rock quarries, creating an imbalance in the rock to sand regional production. Technology allows for the production of sand from rock; however this process is more expensive than the washing and processing of natural sand. Manufactured sand is not the desired product by the local Ready-Mix Concrete (RMC) producers or users. Producers of RMC have traditionally paid more and travelled great distances for natural concrete sand than manufactured sand because it flows better, is easier to pump and in some cases requires less cement than manufactured sand. With 55% of the local operations being rock reserves, natural occurring sand from the alluvial deposit on the Riverbend site on the Kings River will be critical to meet the sand demand for the region, including the demand of governmental agencies like Caltrans and the Fresno County Department of Public Works.

1.9 Aggregate Cost

Transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs will significantly increase the cost of the aggregate by the time it reaches the consumer. For straight hauls with minimal traffic, the price of aggregate increases about 15 cents per ton for every mile that it is hauled from the plant. Currently, transporting aggregate a distance of 30 miles will increase the FOB price by about $4.50 per ton. For example, to construct one mile of six-lane

interstate highway requires about 113,505 tons of aggregate. Transporting this amount of aggregate 30 miles adds $510,000 to the base cost of the material. Transporting aggregate from distant sources also results in increased fuel consumption, air pollution, traffic congestion, and road maintenance. Moreover, transportation cost is the principal constraint defining the market area for an aggregate mining operation.

Permitting and expansion of additional construction aggregate supply sources provides significant benefits and cost savings. (*Construction Aggregate Supply Limitations, Estimates of Economic Impact,* Caltrans, February 2006). Those benefits include:

- A reduction in emissions from trucks with the reduction in truck miles of travel for hauling aggregates;
- Shorter hauling distance reducing aggregate-truck miles of travel and the cost of the materials;
- Reduction of pavement deterioration from fewer truck miles traveled;
- Reduction in project delays due to lack of aggregate supply in the area, which leads to increased project costs; and
- Reduction in aggregate-related truck miles of travel would also reduce traffic congestion and potentially reduce traffic accidents on roads

1.10 Aggregate Quality and Use

The California Department of Conservation (DOC) classifies areas of known important mineral commodities, referred to as Mineral Resource Zones (MRZ), so that these areas may be given land use consideration by local agencies in their general plan preparation process. DOC classified most of the Kings River Resource Area as MRZ-2 (including the Riverbend Project site), indicating that significant mineral deposits (i.e., sand and gravel) of regional or statewide significance are present, or there is a high likelihood for their presence.

In 1988, the State published SMARA Designation Report No. 8 (DR-8), which designated the Kings River Resource Area, including the Project site, as having construction grade aggregate deposits that are of regional significance (*Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8,* DOC and DMG, July 1988).

The highest quality aggregate is that which meets the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC). Forming 80 to 95% of the material volume in the mix, aggregate provides the bulk and strength to PCC and AC.

The material specifications for PCC and AC aggregate are more restrictive than specifications for other applications such as Class II base, subbase, and fill. These restrictive specifications for use as PCC or AC aggregate make such acceptable deposits the scarcest and most valuable aggregate resources. Aggregate produced from such deposits can be, and commonly is, used in applications other than concrete. PCC and AC-grade aggregate deposits are of major importance when planning for future availability of aggregate commodities because of their versatility, value, and relative scarcity. (CGS, 2006) The aggregate deposits in the Kings River MRZ-2 zone, where Riverbend is located, qualify for use both as PCC or AC aggregate making it one of the most important and most valuable aggregate sites in Fresno County.

1.11 Environmental Costs of Aggregates

A local source of aggregates has both direct and indirect impacts on the environment. The indirect impacts include changes in the environmental costs of hauling aggregates and possible changes in the level of construction activity. The most likely effect of permitting a local aggregate site is to reduce the truck miles used for aggregate hauling, which is an environmental benefit, whereas the change in construction activity induced by permitting a site is likely to be extremely small. (*Working Paper No. 994: A Note on the Environmental Costs of Aggregates*, Peter Bereck, California Agricultural Experiment Station, Giannini Foundation of Agricultural Economics, January 2005)

Distance matters since transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs will significantly increase the cost of the aggregate by the time it reaches the consumer. Transporting aggregate from distant sources also results in increased fuel consumption, air pollution, traffic congestion, and road maintenance. Moreover, transportation cost is the principal constraint defining the market area for an aggregate mining operation.

2.0 ENVIRONMENTAL DATA

2.1 Environmental Setting

2.1.1 Existing Land Use

The project site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. The Hanke Ditch is piped and runs through the eastern portion of the project site north of Goodfellow Avenue and is an open ditch along the east side of the project site south of Goodfellow Avenue. Riparian habitat is located along the Kings River outside the western and southern edges of the project site. Exhibit B includes an aerial photo of the project site and vicinity and Appendix C includes photos of the existing conditions.

There are several existing farmhouses and outbuildings on the project site (Exhibit C). These structures will be removed in accordance with appropriate regulations prior to mining each particular phase where the structures are located.

Surrounding land use includes an aggregate operation (Central Valley Ready-Mix) to the north and an aggregate operation to the east and southeast (Calaveras Materials Inc.). Large-lot, low-density rural residences, ranches, agriculture and farms are located to the east and to the west and south across the Kings River. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the project site. The City of Sanger is located approximately 1.5 miles northwest of the project site.

2.1.2 Mineral Resource Zone

In 1986, the State of California included the project site in the classification of the aggregate resources in Kings River area as MRZ-2 (Mineral Resource Zone containing mineral resources, i.e. sand and gravel) [*Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, Special Report 158*, Judy Wiedenheft Cole and David Fuller, California Department of Conservation (DOC) and Division of Mines and Geology (DMG), 1986]. Fresno County incorporated the MRZ-2 classification into the Mineral Resources Unit of the Open Space/Conservation Element of the General Plan in 1987.

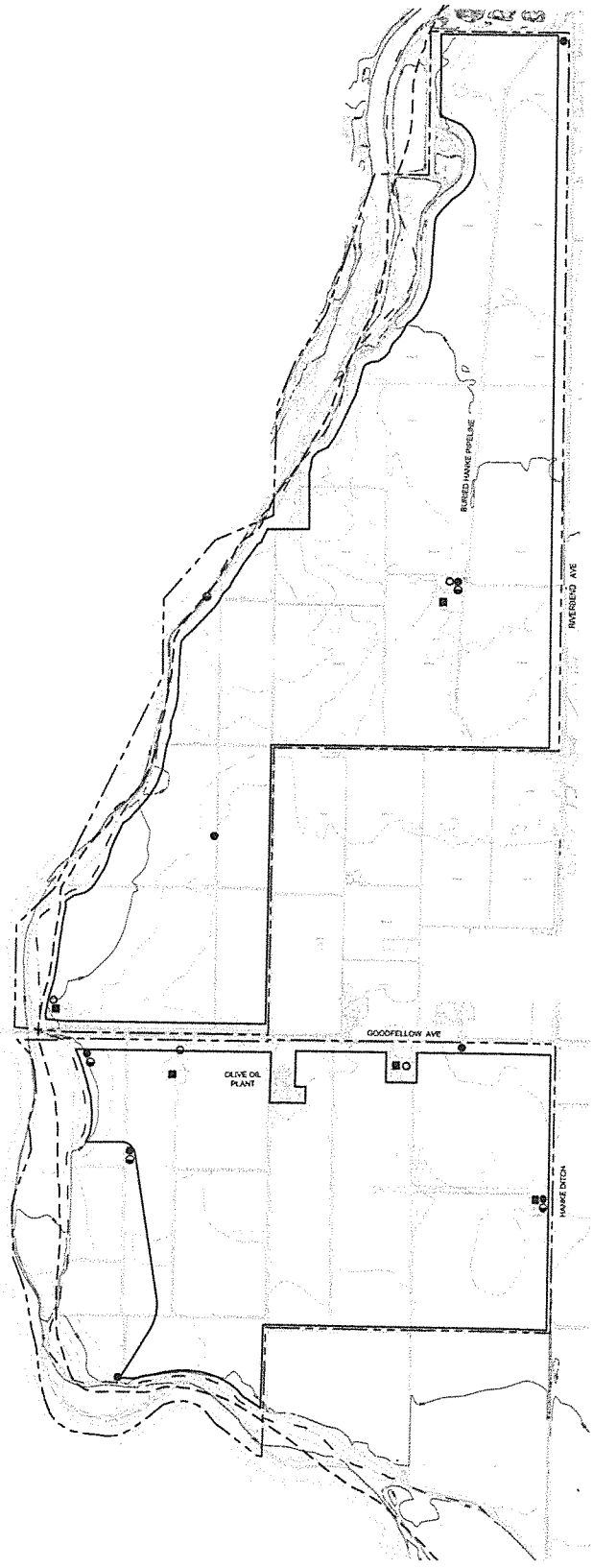
In 1988, the State also designated this site as having construction grade aggregate deposits that are of regional significance (*Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8,* DOC and DMG, July 1988). SMARA requires that a lead agency's land-use decisions involving the designated area be made in accordance with its mineral resource management policies, and that the lead agency consider the importance of the mineral resource to the region as a whole and not just the lead agency's area of jurisdiction.

2.1.3 General Plan

The following Fresno County General Plan policies apply to the project:

a. Agricultural and Land Use Element

   Policy LU-A.4 "The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Unit of the Open Space and Conservation Element. (See Section OS-G)"



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- FEMA REGULATORY FLOODWAY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTES

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL
14592 E. Fontz Ave.
Parlier, CA 93648
559-675-5565

EXHIBIT C

CURRENT SITE PLAN

RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B		
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

The Kings River Regional Plan designates the land use for the project site as Agriculture. The recovery of mineral resources from lands designated Agriculture is permitted by the above policy. The project is also consistent with the Mineral Resources Unit of the Open Space and Conservation Element as discussed below.

b. River Influence Areas

Policy LU-C.1: The County shall regulate land use along the Kings River in accordance with policies of the Kings River Regional Plan.

The project is consistent with the Kings River Regional Plan as discussed below.

Policy LU-C.5: The County may allow the extraction of rock, sand and gravel resources along the Kings River consistent with the Kings River Regional Plan policies and Section OS-C, Mineral Resources, of the Open Space and Conservation Element. (See Policy OS-C.11.)

The project is consistent with the Kings River Regional Plan and Section OS-C, Mineral Resources, of the Open Space and Conservation Element as discussed below.

c. Kings River Regional Plan

The following policies apply to the project.

Policy 4.05: The recovery of mineral resources in all zone districts will occur under the appropriate location and operational standards specified in the Mineral Resources Unit of the Open Space and Conservation Element of the Fresno County General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

The project is consistent with the Mineral Resources Section of the Open Space and Conservation Element as discussed below.

Policy 8.01: Sand and gravel operations should be encouraged in appropriate locations and should meet all Standards of Section 306-06 (Mineral Resources) of the General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

See discussion under Policy OS-C.2 below.

d. Mineral Resources Section of the Open Space and Conservation Element

The introduction to Mineral Resources section states, "Aggregate and petroleum are the county's most significant extractive resources and play an important role in maintaining the county's overall economy.

The combined annual impact of the construction and aggregates industries in Fresno County in 2003 was $4.4 billion. (*Construction & Aggregates in Fresno County, An Economic Analysis of the Construction and Aggregates Industries in Fresno County*, Sharon Prager and Randy Evans, October 2003)

Policy OS-C.2: The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)

Policy OS-C.2 preserves MRZ-2 properties, which includes the project site, for mineral resource recovery.

Policy OS-C.3: The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.

This mining and reclamation plan has been prepared in accordance with SMARA and Section 858 of the FCZO.

Policy OS-C.5: The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.

This mining and reclamation plan has been prepared in accordance with SMARA and Section 858 of the FCZO.

2.1.4 Zoning

The project site is zoned "AL-20" Limited Agriculture, 20 acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in AL-20 district subject to a CUP and the provisions of Section 858 of the FCZO.

2.1.5 Williamson Act

Approximately 88 acres of the project site (Phases 8A and 8B) are currently subject to a Williamson Act contract (AP-6322). At least 10 years prior to the scheduled mining of Phases 8A and 8B a Notice of Non-renewal will be filed with Fresno County. By the time Phases 8A and 8B are ready to be mined the Williamson Act contract will have expired.

2.1.6 Vegetation Types and Condition

The project site is currently in walnut and olive orchards and grape vineyards. All the riparian habitat which is located along the Kings River on the western and southern edges of the project site will be avoided. (*Biological Resources Evaluation* (BRE), *Riverbend Sand and Gravel Project, Fresno County, California*, Buada Associates; John Stebbins, Consulting Botanist; LSA Associates, January 2013)

2.1.7 Soil Types and Condition

Native surface soils on the project site as noted below and as shown on Exhibit D are primarily Grangeville soils as shown on maps #63 and #73 of and as described in the *Soil Survey of Eastern Fresno Area, California*, USDA, Soil Conservation Service (October 1971).

Dello loamy sand (Dm): Capability unit III, Storie Index rating 58

Dello sand loam (Dn): Capability unit III, Storie Index rating 65

Grangeville fine sandy loam (Gf): Capability unit I, Storie Index rating 90

Grangeville fine sandy loam, saline-alkali (Gg): Capability unit II, Storie Index rating 72



Source: Soils Survey of Eastern Fresno County, USDA, Soil Conservation Service, Oct 1971

Legend:

Dm: Dello loamy sand
Dn: Dello sand loam
Gf: Grangeville fine sandy loam
Gg: Grangeville fine sandy loam, saline-alkali
Hm: Hanford fine sandy loam
TzaA: Tujunga sand, 0 to 3% slopes
TzeB: Tujunga soils, channeled, 0 to 9% slopes

Riverbend Sand and Gravel
Exhibit D
Soils Map

Hanford fine sandy loam (Hm): Capability unit I, Storie Index rating 100

Terrace escarpments (ThF): Capability unit IIIV, Storie Index rating 10

Tujunga sand, 0 to 3% slopes (TzaA): Capability unit IV, Storie Index rating 54

Tujunga soils, channeled, 0 to 9% slopes (TzeB): Capability unit IV, Storie Index rating 36

2.1.8 Groundwater

Groundwater conditions were analyzed in the groundwater study prepared for the Project Site (*Groundwater Conditions at the Riverbend Sand and Gravel Project, Fresno County, California,* Kenneth D. Schmidt & Associates (KDSA), December 2013; and *Groundwater Conditions Addendum,* KDSA, May 2014)).

a. Elevation

Groundwater levels in the Project Area range from 16 to 20 feet below the ground surface (bgs).

b. Quantity and Quality

The alluvial deposits at the Project Site are highly productive. Yields of many irrigation wells in the area range from 500 to 2,000 gallons per minute (gpm).

The main sources of recharge to groundwater in the vicinity are deep percolation from irrigation return flow, seepage from the Hanke Ditch, Kings River, and Cameron Slough, and groundwater inflow from the north. The main sources of groundwater discharge are pumping and groundwater outflow to the south, including to the Kings River during low river stages.

There are 4 domestic wells and 4 active irrigation wells on the Project Site (Exhibit C). In addition five 70-foot deep groundwater monitoring wells have been installed on the property. Groundwater levels since December 2010 have ranged from 8 to 22 feet. The direction of groundwater flow has been south-southwest. The base of the useable aquifer in the vicinity ranges from 500 to more than 800 feet.

The on-site irrigation wells are used to supplement the Hanke Ditch surface water supply as described below.

2.1.9 Surface Water

a. Surface Water

The Kings River, located along the western boundary of the project site is the predominant surface water feature in the area (Exhibit C). All of the project site is in the Kings River Water District. Most of the irrigation water (95%) used at the project site has come from the Hanke Ditch, which passes along the eastside of the project site. In the northern portion of the project site the Hanke Ditch has been piped. A pump is also used to divert water to the site from the Kings River for about 5 acres of grapes. The river pump can also be used to supplement the Hanke Ditch supply. The District has delivered an average of 3.5 to 4.0 acre-feet per acre per year of water to the site. For the current irrigated land at the project site (619 acres), this would total about 2,170 to 2,480

acre-feet per year. Current consumptive water use for irrigation is estimated to be 1,630 acre-feet per year. (KDSA, December 2013)

b. Flooding

The project site is setback at least 50-feet from the 100-year floodway as mapped by FEMA (Regulatory Floodway) and the Designated Floodway as mapped by Central Valley Flood Protection Board. The FEMA floodplain maps indicate that portions of the project site are within the mapped 100-year floodplain. However, review of the existing topography indicates that much of the area mapped by FEMA as floodplain on the Project site is no longer within the current 100-year floodplain (*Riverbend Sand and Gravel Hydraulic Flood Analysis*, Chang Consultants, February 2014).

2.1.10 Biological Resources

The BRE was prepared for the Biological Study Area (BSA), totaling 833 acres. The BSA consisting of the property controlled by Riverbend, on which the 619-acre Project Site (i.e., the area to be mined) is proposed (Buada; Stebbins; LSA, July 2013; LSA, Jan 2014; LSA April 2014). Plant surveys and biological surveys were conducted. The BRE determined that no native habitats exist on the Project Site and that the mining/reclamation project will avoid impacts to the native plant communities all of which occur outside of the Project Area. These communities are considered sensitive habitats because they support a high diversity of wildlife species. By avoiding all of the existing native habitats outside of the project boundary, the native wildlife in the area will continue to have habitat available for foraging, shelter, and breeding activities during all phases of mining.

The following is an overview of the presence of special status species on the site.

a. Special Status Species

Valley Elderberry Longhorn Beetle: The Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*), a federally threatened (FT) species, occurs only in the Central Valley of California. The Mexican elderberry (*Sambucus mexicana*), which is the habitat of the VELB, is located adjacent the Project Site. In October 2012, the United State Fish & Wildlife Service (USFWS) formally proposed the rule to delist the VELB (Federal Register Volume 77, Number 191, Pages 60237-60276). The project avoids all the elderberry shrubs. In addition, mining-related activities, including access and maintenance roads, will not occur any closer to existing elderberry plants than current farming activities.

Swainson's Hawk: The Swainson's hawk (*Buteo swainsoni*) is a State threatened species. It has no formal federal status. The mixed riparian forest community could provide suitable nesting habitat for Swainson's hawk. However, the other communities in the BSA, specifically the vineyards and orchards, are not suitable foraging habitat for this species.

Sanford's Arrowhead: Sanford's arrowhead (*Sagittaria sanfordii*), a California Native Plant Society List 1B plant, was observed in the northernmost of the two ponded areas within the wetland associated with the mixed riparian forest located adjacent to, but outside of the Project Site.

Pacific Pond Turtle: The Pacific pond turtle (*Actinemys marmorata*) is a California Species of Special Concern. The riverine habitat in the Kings River and the ponded areas associated with the wetlands within the mixed riparian forest community near the north end of the BSA provide suitable aquatic habitat for Pacific pond turtle. However, the adjacent uplands in the BSA, which are predominantly vineyards and orchards and includes the entirety of the Project Site (i.e., the area to be mined), are not

suitable nesting habitat for this species. Based on this information, there is moderate potential for Pacific pond turtle to occur in the BSA, but outside of the Project Site.

b. Sensitive Habitats

Great Valley Mixed Riparian Forest: Approximately 40.5 acres of Great Valley mixed riparian forest is located as a narrow, almost solid band of vegetation along the eastern edge of the Kings River adjacent to, but outside of the Project Site.

Riverine: The riverine community in the BSA, totaling 20.3 acres, consists of the active channel of the Kings River (excluding extensive area of riparian vegetation). The active channel consists primarily of open water, but occasional gravel bars, either unvegetated or with scattered vegetation, also occur. All of the riverine community is outside of the Project Site.

2.1.11 Cultural Resources

A cultural resources study was prepared for the project site and the surrounding property owned or controlled by Riverbend, but not included in the project (*Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California,* Applied Earthworks, Inc., June 2012). Prehistoric archaeological sites or features were encountered or recorded within the study area but not within the project area. Since the project avoids these sites, including a 50-foot exclusion zone, no further action was recommended.

2.2 Geologic Description

2.2.1 General Geologic Setting

The project site is within the Great Valley geologic province, lying between the Coast Ranges province and the Sierra Nevada province. The Great Valley province is characterized by relatively flat-lying alluvial sediments formed by the coalescence of successive alluvial fans derived from the Sierra Nevada and Coast ranges. The Kings River deposits were derived from the Sierra Nevada.

Granitic rock types compose the majority of clast types within the Kings River fan with the majority of the remainder of the deposit composed of quartzite, fine-grained basaltic volcanics, and fine-grained metavolcanics. The Kings River is geomorphologically similar to the San Joaquin River, except that it has a broader floodplain and a thicker section of recent sand and gravel. Unlike the San Joaquin River deposits, a persistent underlying clay layer has not been reported in existing aggregate operations on the Kings River. No materials deleterious to the production of quality aggregate have been found in the Kings River deposits. (DOC and DMG, 1986)

2.2.2 Detailed Geologic Description

Relatively coarse-grained deposits of the ancestral Kings River are generally predominant in the subsurface above a depth of about 200 to 220 feet. These deposits are primarily sand, gravel, and cobbles, and have been termed the Quaternary Older Alluvium. Some interlayered clay and silt layers are also present, but these are generally thin and discontinuous. Clay is also intermixed with the coarse-grained deposits in some depth intervals. Because of the overall lack of thick continuous clay layers above a depth of about 220 feet, one aquifer is generally considered to be present in the vicinity.

Crystalline rock or bedrock is not known to have been encountered by wells in the vicinity. Based on information from Sanger, Reedley, and the Great Western School (south of Reedley Airport), where

deeper test holes and supply wells have been drilled, the top of the bedrock in the vicinity of the project site is expected to be below a depth of 700 feet. (KDSA, December 2013)

3.0 MINE PLAN

The mine plan (Exhibit E) is designed to preserve all existing riparian habitat along the Kings River and to protect the 100-year Floodway. Setbacks include the following:

- 100 feet from the top of the Kings River bank, or 50 feet from the FEMA Regulatory Floodway or Designated Floodway; or 50 feet from the dripline of riparian vegetation or mature oak tree; whichever is greater;
- 100 feet from the public right-of-way; and
- 25 feet from other property lines.

The project site will be mined in phases. Farming operations will continue on all phases not being mined or reclaimed.

Topsoil will be removed prior to mining each phase and stored separately for later use as final cover for reclaimed farmland and final slopes of ponds. Overburden will be removed and stored for later use as fill or transported directly to fill the phases to be reclaimed as farmland.

The phases will be excavated by an electric-powered dragline with cut slopes of 2:1 (horizontal to vertical) to a maximum depth of approximately 100 feet below natural ground surface. Blasting will not be used. For the phases that will be reclaimed to farmland, 40 foot wide undisturbed (not mined) levees will separate those phases from the phases to be reclaimed as riparian and open water wildlife habitat.

Mined aggregate will be initially transported to the processing plant by off-road haul trucks for approximately one year. Subsequently, mined aggregate will be transported to the plant by electric-powered field conveyors.

As previously described an aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A, 6B and 7, currently operates under Fresno County CUP 3052. In the future operators of CUP 3052 may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CUP 3052 plant. If such an agreement were made, and if CUP 3052 were amended to import material from the Riverbend site, the aggregate in the Riverbend proposed Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CUP 3052 plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

A Mine and Reclamation Plan Summary is shown in Table 2.

3.1 Site Plans

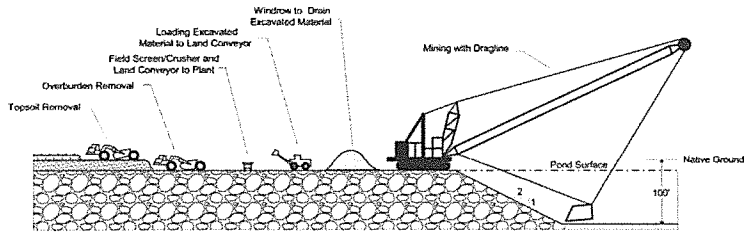
3.1.1 Existing and Proposed Roads, Including Ingress-Egress Roads and On-Site Roads

Existing farm roads are shown on Exhibit C. The proposed ingress-egress road is shown on Exhibit E. The access road to the plant site will be from Goodfellow Avenue approximately one-half mile west of Riverbend Avenue. The first 100 feet of the proposed, access road will be paved with asphalt and will be at least 24 feet wide in accordance with Standard H.6, Section 858 FCZO. In addition, the main access roads to the plant site, ready-mix concrete plant and asphalt plant will be paved with asphalt.

Access to the mining phases south of Goodfellow Avenue will be via a tunnel to be constructed under Goodfellow Avenue (Exhibit E). The tunnel will be constructed prior to overburden removal on those phases.

ILLUSTRATION OF MINING WITH DRAGLINE

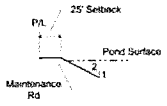
Not to Scale



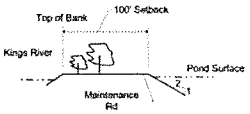
TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale

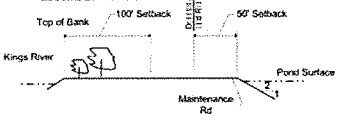
Property Line



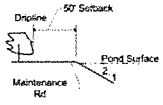
Kings River



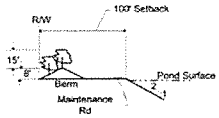
Designated Floodway or Riparian Vegetation



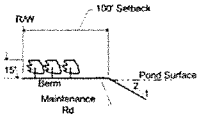
Riparian Vegetation or Mature Oak



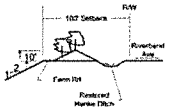
Goodfellow Ave w/Visual & Sound Berm



Goodfellow Ave w/Orchard-Like Screen

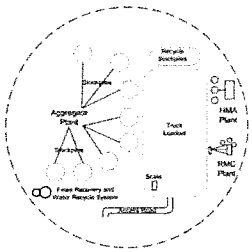


Riverbend Ave w/Visual & Sound Berm



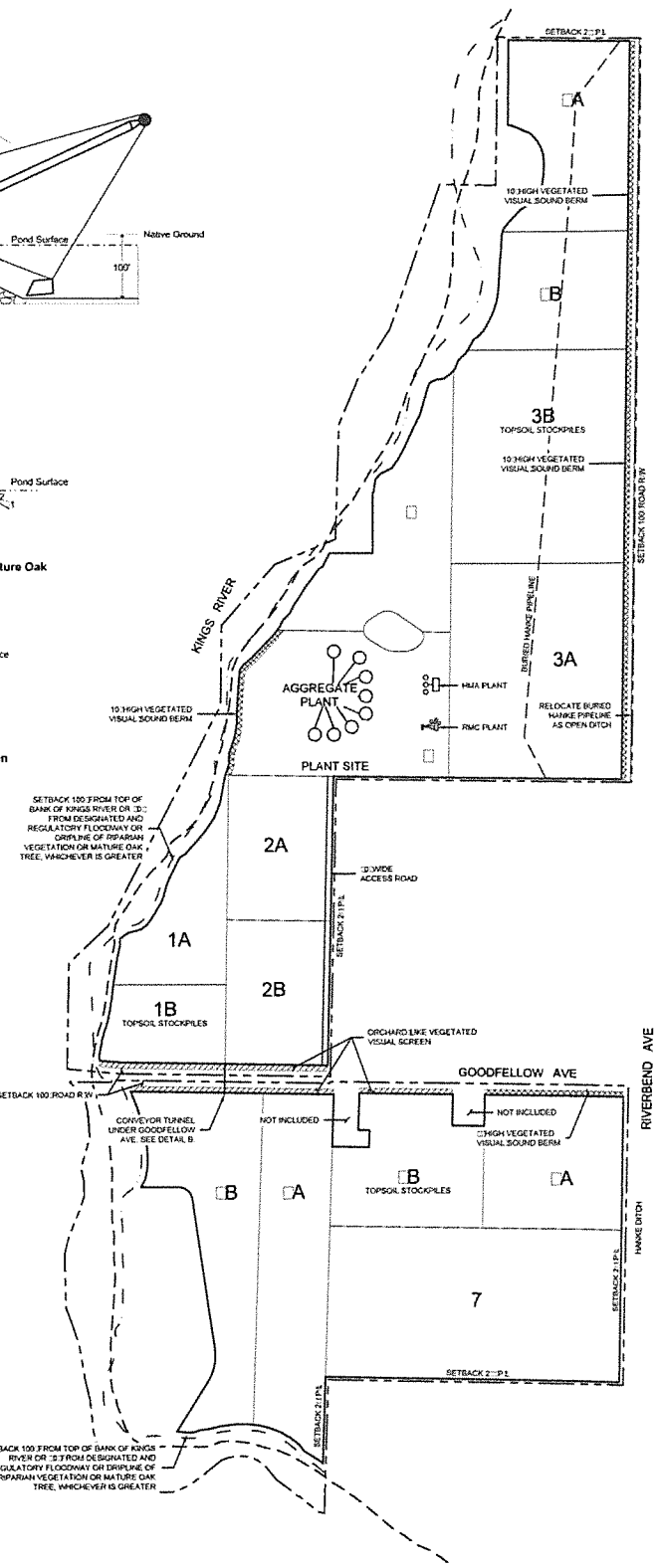


Detail-Typical Conveyor Tunnel Under Goodfellow Ave
NTS



Detail-Typical Plant Site Layout

NTS



Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	16	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2089
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	619			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- VISUAL SOUND BERM (HEIGHT PER PLAN)
- ORCHARD LIKE VISUAL SCREEN

GENERAL NOTES:

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR.
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY DICTATE CHANGES IN MINING METHODS.
3. SLOPES WILL BE MINED AT 2:1 (H:V).
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE.
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 100 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE, WHICHEVER IS GREATER.
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXCEPT FOR THE VISUAL SOUND BERMS.
7. LOCATION OF TOPSOIL STOCKPILES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Fonte Ave. Parlier, CA 93648 559-875-5565	EXHIBIT E MINE PLAN RIVERBEND SAND AND GRAVEL	D	
		C	
		B	
		A	1/29/14 FLOODWAY ADJUSTMENT/AMEND SCHEDULE
			Initial Release
		Date	Revision

Table 2
Mine and Reclamation Plan Summary

Item/Activity	Description[1]
Mining Acres	Approximately 619 acres
Mining Method	Topsoil and overburden removal by scrapers. Wet mining of aggregate by electric dragline. Explosives will not be used.
Mining Depth	Approximately 100 feet below natural ground surface level
Processing	Aggregate processing plant, hot-mix asphalt plant, ready-mix concrete plant, portable plant to recycle concrete and asphalt debris (including imported)
Estimate Aggregate Volume	90 million tons
Estimated Total Sales	70 million tons
Annual Processed Volume	1.6 million tons
Annual Sales Volume	1.25 million tons
Estimated Annual Sales Per Plant[2]	
Aggregate	765,000 Tons
Hot Mix Asphalt	250,000 Tons
Ready-Mix Conrete	150,000 Cubic Yards
Concrete and Asphalt Recycling	25,000 Tons
Depth to Groundwater	15-20 feet below natural ground surface level
Reclamation End uses	
Reclaimed Farmland[3]	Approximately 268 acres
Open Space, Riparian and Open Water Habitat[3]	Approximately 351 acres
Project Life	Approximately 75 years

1. All values are approximate
2. Typical mix of products. Actual sales mix will vary based on demand. The requested otal annual sales of aggregate products is 1.25 million tons
3. Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill occurring on site.

3.1.2 Processing and Storage Areas

Processing and storage areas, including locations of equipment, structures, and facilities are centrally located in accordance with standard H.23, Section 858 FCZO (Exhibit E).

3.1.3 Setbacks, Screening, Fencing, Gates, Parking, and Signs

a. Setbacks and Avoided Areas

The following setbacks and avoided areas are shown on Exhibit E.

Excavation: No excavation of material or overburden will take place within:

- 100 feet from the top of the Kings River bank (Standards H.16 and H.25c, Section 858 FCZO) or 50 feet from the FEMA Regulatory Floodway or Designated Floodway; or 50 feet from the dripline of riparian vegetation or mature oak tree (Standard H.25c, Section 858 FCZO); whichever is greater;
- 100 feet from the public right-of-way (Standard H.1, Section 858 FCZO); and

- 25 feet from other property lines (Standard H.1, Section 858 FCZO)

Stockpiles: No stockpiled soil or material will be placed closer than 25 feet from any property boundary (Standard H.2, Section 858 FCZO) except visual/sound berms. (See Section 3.1.3b)

Native Woodlands, Riparian and Wildlife Habitat: In accordance with standard H.25c, Section 858 FCZO, all existing riparian habitat along the river is excluded from the project and is to remain as open space (Exhibit E). Only areas which are in agriculture or farming related activities, including access and maintenance roads, are included within the project boundaries to be mined or disturbed by mining related activities. Mining-related activities, including access and maintenance roads, will not occur any closer than current farming activities to existing habitat along the river.

b. Berms and Vegetated Screens

Since all the existing riparian vegetation along the entire Kings River frontage will be retained views of the project site from the Kings River and from across the Kings River will be screened. Several design measures included in the project will screen potential views of the mining and processing operation. These include installation of 8 to 10-foot-high vegetated berms and orchard-like vegetated visual screens along what would otherwise be the most visible portions of the project site.

Screening of the site will be achieved by the construction of several berms and orchard-like vegetated screens as shown on Exhibit E. The berms include a 10 foot high, vegetated earthen berm adjacent to Riverbend Avenue, an 8-foot high vegetated earthen berm south of Goodfellow Avenue adjacent to Phases 6A and 6B; and a 10-foot high, vegetated earthen berm along the west side of the plant site. Overburden and topsoil will be used to construct the berms. The berm west of the plant site will be constructed prior to operating the plant during nighttime hours. The berms along Riverbend and Goodfellow will be constructed prior to removal of overburden the area of the phases within 900 feet of the nearest residence to be screened. (Standard H.25a, Section 858 FCZO).

The berms will be planted with evergreen trees that will grow at least 15' high in two (2) staggered rows with one row on top of the berm in accordance with standard H.5, Section 858 FCZO as shown on Exhibit E and simulated in *Visual Impact Assessment for the Riverbend Sand and Gravel Project*, RGP Planning and Development Services, November 2012. Irrigation will be provided. The open area along the Kings River where portions of the plant site would be visible from the Kings River was recently planted with redwood trees (Standard H.11, Section 858 FCZO).

The orchard-like screens along Goodfellow Avenue as shown on Exhibit E will be planted prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g. olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening..

Views of the project site from the Kings River range from non-existent to a narrow glimpse of the westernmost edge of the project site due to the presence of the existing mature oak woodland and riparian vegetation occurring along the banks of the river. Redwood trees have been recently planted along the one narrow, visible location west of the proposed plant site. View opportunities from the river are also limited by the fact that the elevation of the river is at least five to six feet below the grade of the project site. Consequently, there is no clear line-of-sight to the entire property from the river, and views of the project site are mostly limited to the orchards and vineyards that are located immediately adjacent to the bank of the river.

The proposed vegetated berm west of the plant site will screen views of the majority of the proposed plant site from along the river. In addition, all visible plant facilities will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. However, the dragline will be visible at times from the Kings River because it is too tall to be entirely screened from view. The visual character of the potentially visible portions of the dragline contrasts with the natural form, line and texture of the surrounding environment. The dragline will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. Nonetheless, this impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the river.

Seven residences are located east of the project site across Riverbend Avenue and one residence is located north of the Project site across Goodfellow Avenue. The proposed vegetated berm will screen views of the majority of the project site. However, due to the height of the dragline it will be visible at times because it is too tall to be entirely screened from view. The dragline will be painted with a neutral-tone color to blend with the surrounding landscape and vegetation. Nonetheless, this impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the residence. The Visual Study prepared for the project indicates that visual impacts to residences along Riverbend and Goodfellow Avenues are considered less than significant (RGP, November 2012).

One residence across the river just southeast of the south portion of the project site is located within the potential viewshed because its property is elevated above the project site. However project activities will not be visible at this location because of the height and density of the oak woodland, riparian vegetation and non-native landscape trees already provide a natural visual screen between the residence and the project site.

The visual study prepared for the project indicates that with the above-described screening the visual impact is considered to be less than significant (RGP, November 2012).

c. Light and Glare

The issue of light and glare is typically associated with excessively bright nighttime lighting that crosses over property lines and illuminates off-site yards or bedroom windows. It is also associated with the condition that occurs when excessive nighttime lighting creates a "skyglow" effect.

Operations during the time of year when daylight hours are shorter, or for any nighttime operations, would require lighting to provide a safe operating environment. For nighttime lighting high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) will be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the project site, and/or to areas that do not include light-sensitive uses. By utilizing the proposed lighting the project is not anticipated to produce any potentially significant impacts from light and glare (RGP, November 2012).

d. Fencing, Gates

The perimeter of the property along Riverbend and Goodfellow Avenues is fenced with six (6) foot high, wire, ranch fencing in accordance with standard H.4, Section 858 FCZO. In accordance with Standard H.6, Section 858 FCZO, the entrance gate will at least twenty-four (24) feet wide (Exhibit E).

e. Parking

The proposed 53 acre plant site will have sufficient parking for employees, customers, service/delivery vehicles as well as company and outside operated trucks (Exhibit E).

f. Signs

Signs will be placed at the entrance road to identify the processing plant in accordance with County signage regulations.

3.1.4 Phasing

Mining will be conducted in 14 sequential phases (Exhibit E). The timing of the phasing and scheduling shown in Table 3 are rough estimates only. Actual excavation may occur sooner or later depending on the actual volume of material available in each phase and market conditions over time.

Table 3
Estimated Mining and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	**619**			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

3.1.5 Cross Sections

Cross-sections (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table are shown on Exhibit E.

Cut and final slopes will be 2:1 (horizontal:vertical) (Standard H.3. Section 858 FCZO).

3.2 Routes Between the Property and the Nearest Arterial

The project has direct access to E Goodfellow Avenue as shown on Exhibit E. Goodfellow Avenue is classified as a collector with connections to arterials at Academy Avenue, McCall Avenue and Central Avenue (west of Temperance) and to State Route 180 via McCall Avenue and State Route 99 via Central Avenue.

3.3 Anticipated Quantity and Type of Minerals

Total production is estimated to be approximately 90 million tons with total sales estimated to be approximately 70 million tons, depending on the quality and marketability of the reserves.

3.4 Statement of Operations:

3.4.1 Commencement of Operations

Operations will begin upon approval of this Conditional Use Permit, Surface Mining and Reclamation Plan, the acceptance of Financial Assurances and all other necessary approvals.

3.4.2 Hours and Days of Operation

Aggregate operations are proposed to occur five days a week for approximately 250 days a year. Ready-mix concrete and asphalt plant operations are proposed to operate six days a week for approximately 275 days a year (partial days on Saturdays). Typical hours are shown on Table 4, Typical Hours and Days of Operation. However, mining and processing hours, including nighttime hours, will vary during different seasons of the year to comply with California's "Flex Your Hours" program by utilizing electricity during off-peak hours, to the extent feasible. Loading of material onto to trucks during nighttime hours is proposed to support major public road projects that are required to be completed during night hours or on weekends to avoid traffic conflicts. In addition asphaltic oil, cement and other supplies may be delivered during nighttime hours.

Table 4
TYPICAL HOURS AND DAYS OF OPERATION

Activity	Proposed Hours[1,2]
Excavation and Aggregate Processing	7:00 am - 7:00 pm, Weekdays
Loading and Aggregate Trucking[3]	6:00 am - 9:00 pm, Weekdays
Asphalt and Ready-Mixed Concrete Plants[4]	4:00 am-6:00pm, Weekdays, May-Oct 5:30 am-6:00pm, Weekdays, Nov-Apr 7:00 am-2:00pm, Saturdays

[1] Maintenance of mobile and plant equipment extend beyond these hours.
[2] During periods of public emergency and or major public road projects affecting the health and safety of the community, continuous 24 hours a day operations may be required.
[3] Major public road projects may be required to be completed during night hours or on weekends to avoid traffic conflicts. Such projects may require loading operations beyond the hours and days of operation shown.
[4] Asphaltic oil, cement and other supplies may be delivered during nighttime hours.

3.4.3 Estimated Production

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant of approximately 1.25 million tons. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 at sales of 1.25 million tons.

3.4.4 Traffic

The estimated hourly vehicle trips (one-way trips) associated with the project at average and peak sales are shown on Table 5, Estimated Daily Project Trip Generation. The majority (95%) of truck traffic will travel west on Goodfellow Avenue which changes to Central Avenue at just east of Newmark Avenue. Other smaller amounts of traffic (4%) are estimated to travel east on Goodfellow towards Reedley and eastern Fresno County, north on Academy Avenue to the city of Sanger (2%) and south on Academy (5%) to the cities of Fowler, Selma and Kingsburg. Project traffic past Academy Avenue (88%) is estimated to split at McCall Avenue with 86% going north on McCall Avenue to access SR 180, the central and northern parts of Fresno, the city of Clovis and continuing west to Freeway 99 to access the southern and western portions of the city of Fresno. The remaining 2% would travel west on Central to Freeway 99. A traffic study prepared for the project details projected traffic impacts (*Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California,* VRPA Technologies, Inc., July 2014).

3.4.5 Number of Employees

The number of employees fluctuates with seasonal demand. The average number of employees during peak season will be approximately 38.

3.4.6 Anticipated Duration of Operation

Operations are expected to continue approximately 75 years depending on varying market conditions.

3.4.7 Maximum Anticipated Depth of Mining

The aggregate deposit has no consistent bottom or top elevation and can change significantly in very short, lateral distances. The maximum anticipated depth is estimated to be 100 feet from natural ground surface.

3.4.8 Method of Extraction

A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. Explosives will not be used.

a. Topsoil

There is an approximately two feet thick layer of topsoil. Topsoil will be removed as a separate layer from each phase primarily by using wheel tractor-scrapers that transport it, spread it at previously excavated phases for use as the final cover for reclamation or stored separately for later use in

reclamation. If conditions become more difficult or access constraints prevent the use of scrapers, a hydraulic excavator, bulldozer, or front-end loader and haul trucks may be used to remove topsoil. Under typical conditions, topsoil removal will take place approximately one year ahead of mining therefore allowing agricultural use of the land to continue as long as possible (Standard H.25a, Section 858 FCZO).

Table 5
Estimated Daily Project Trip Generation[1]
Annual Aggregate Sales[2] of 1.25 Million Tons

Truck Trips	Average Daily Trips[3,4]	Maximum Daily Trips	AM PeakHour Trips[5]	PM Peak Hour Trips[5,6]
Aggregate Loads[7]	246	266	50	2
Asphalt[7]	80	212	40	2
Ready-Mix Concrete[8]	136	224	42	4
Product Truck Totals	462	702	132	8
Liquid Asphalt[9,10]	4	10	2	0
Cement[9,11]	10	22	4	0
Propane[12]	0.4	2	0	0
Import Concrete/Asphalt for Recycle[7]	40	40	6	0
Diesel Fuel[13]	0.1	0.1	0	0
Delivery Truck Totals	52	74	6	0
Total Truck Trips	**514**	**776**	**144**	**8**
Aggregate, Asphalt Employees Trips[14]	36	36	0	4
Ready-Mix Concrete Employee Trips[15]	40	40	0	2
Outside Services & Misc Visitors	14	14	2	1
Total Employees & Outside Services	**90**	**90**	**2**	**7**
Total Trips	**604**	**866**	**146**	**15**

Assumptions

1. Actual mix of products and trucks will vary with market-driven sales
2. Aggregate sales includes aggregate for on-site asphalt and ready-mix plants
3. Trip = one-way trip (i.e. 1 load = 2 trips)
4. 250 working days/yr for aggregate & asphalt, 275 working days/yr for ready-mix concrete
5. Peak hrly sales of each product determined by hrly loading capacity of each plant and mobile loading equipment (loaders) available. 1.25 loader to load aggregate and asphalt trucks. 0.75 loader to feed HMA and RMC plants.
6. PM peak trips are negligible. Almost all trips in the aggregate related industry occur before 3:00 pm.
7. Aggregate, asphalt, recycle 25 tons/load
8. 1.65 tons agg/cy, avg 8.0 cy/load, peak 9.5 cy/load
9. Liquid asphalt & cement 27 tons/load
10. 0.05 tons of liquid asphalt/ton of asphalt
11. 0.235 tons cement/cy
12. 4.1 lbs/gal propane, delivered by 12,165 gal (25 ton) tanker, = fuel for 4,679 tons of asphalt at avg 2.6 gals/ton of asphalt
13. Engineer's estimate, delivered by 8,000 gal tanker
14. 28 Employees (aggregate & asphalt 18, ready-mix concrete 10)
15. 38 Employees (aggregate & asphalt 18, ready-mix concrete 20)

However, the operation may require topsoil for construction of the vegetated visual/sound berms. Topsoil that cannot be used right away will be stockpiled separately from subsoil Topsoil that cannot be used right away will be stockpiled separately from subsoil overburden. Stockpiled topsoil will be planted with a vegetation cover or will be protected by other equally effective means if necessary to prevent water and wind erosion.

b. Overburden

Overburden is the material directly beneath the topsoil and overlying the sand and gravel deposit. Overburden is approximately 15 to 22 feet thick. Overburden will be removed from the area to be mined primarily by using wheel tractor-scrapers. The overburden will be used to construct the screening berms, to fill the phases to be reclaimed as farmland, to shape the pond edges of the excavated phases to be reclaimed to ponds and riparian habitat as shown in the Reclamation Plan (Exhibit F) or will be stored separately for later use in reclamation. Overburden removal will occur on an estimated annual equivalent of one month per year utilizing conventional scrapers.

c. Aggregate

An electric dragline will be used to mine aggregate to depths of approximately 100 feet deep. A dragline is an electric-powered excavating machine with a long, straight boom from which an open-mouthed bucket is suspended by a cable (Appendix C). The boom is used to cast the bucket away from itself and then down beneath the water to the bottom of the excavation. The bucket is pulled back toward the machine with another cable, loading the bucket with aggregate. The bucket is then hoisted up and the excavated material is stockpiled in windrows to drain. After the stockpiled material has drained, a diesel-powered loader will transport the material to an electric-powered scalping screen which will separate oversized rock to be screened and crushed by a field crusher before the material is transported by overland conveyor to the plant.

3.4.9 Use of Explosives

Explosives will not be used.

3.4.10 Method of Transport

Mined aggregate will initially be transported to the processing plant by off-road trucks for approximately one year. Other than the first year of operation material will be transported by overland conveyors to the plant for further processing. Thereafter haul trucks will only be used for aggregate material transport during occasional repairs of overland conveyors.

3.4.11 Method of Processing

a. Scalping Screen and Field Crusher

As described above, after the stockpiled material has drained a diesel-powered loader will transport the excavated material to an electric-powered scalping screen which will separate oversized rock to be crushed by a field crusher before the material is transported by overland conveyor to the plant.

b. Aggregate Processing Plant

The processing plant will typically be divided into a primary plant, secondary plant and wash plant. The plant will be operated from a control tower.

Primary Plant: The primary plant will screen and separate sand from larger materials. Sand will be classified into different construction grade materials and stockpiled. Water will be introduced to wash fines from the excavated material. The fines will be sent to a wash plant. The remaining larger sized materials will be crushed and the combination of crushed rock and sand will be conveyed to the secondary plant for further processing. Customer trucks will be loaded with finished products by front-end loaders.

Secondary Plant: The secondary plant will utilize additional screening and washing equipment and crushers to create different construction grade materials. Finished products will be stockpiled and used by the on-site ready-mix-concrete and asphalt plants or sold directly to outside customers. Customer trucks will be loaded with finished products by front-end loaders.

Wash Plant: Fines from the excavated material and fines recovered from crushing will be sent to the wash plant where a fines recovery system will separate the fines from the water eliminating the need for settling ponds. The fines will be screened and the marketable products will be stockpiled. The non-marketable fines will be stockpiled for later use as fill in the reclamation of certain phases of the project back to farmland. Recovered water will be recycled back to the aggregate plant as process water.

b. Asphalt Batch Plant

Sand and crushed rock from the aggregate processing plant will be screened, dried and heated in a natural gas or propane-fired dryer/burner and mixed with liquid asphaltic cement to produce asphalt. Liquid asphaltic cement will be imported by truck and stored in above-ground tanks. The emissions from the dryer/burner will be ducted to a baghouse. The hot mixed asphalt concrete may be discharged directly into trucks from the mixer or conveyed to storage silos for discharge into trucks at a later time. Operation of the plant will be controlled from a control room.

At the end of each production day excess asphalt remaining in the plant will be stockpiled. This material will periodically be recycled for blending with fresh asphalt concrete. A Recycled Asphalt Pavement System or RAP system may be added to the asphalt plant. RAP would be blended with new asphaltic concrete.

c. Ready-Mix Concrete Plant

Sand and gravel from the aggregate plant and cement (imported by truck and stored in silos) will be weighed and deposited directly into the mixer truck drum. Baghouses will control dust emissions. Water will be added to the truck and the concrete will be mixed during transportation to the job site. Return concrete (concrete which is unused at the jobsite and returned to the site in the ready-mix trucks) will be stockpiled for later recycling into miscellaneous road base. Operation of the plant will be controlled from a control room.

The concrete plant will include a system to recycle water that is used to rinse out ready-mix concrete trucks. At least once a day, the mixer on each truck will be washed out and the wash water will be deposited into a series of concrete-lined holding basins. After solids are settled out, water will be recycled to the concrete plant for reuse in concrete. Residual sediment in the holding basins will be mixed with base rock for use in road base.

d. Portable Concrete and Asphalt Recycle Plant

A portable recycle plant (operating under a portable air permit) will be periodically brought in to recycle excess asphalt produced at the asphalt plant and stockpiled return concrete. The recycle plant will also recycle concrete and asphalt pavement imported to the site from construction demolition or road rebuilding sites. Asphalt or concrete to be recycled will be fed through a crusher(s), screens and conveyors and stockpiled. The recycled concrete will be sold as miscellaneous road base. The crushing of asphalt debris and stockpiled, unsold HMA will be recycled as RAP and later blended with fresh asphalt concrete. Recycling old concrete and asphalt reduces the volume of fill in local landfills and helps extend the available aggregate reserves in Fresno County.

e. Portable Aggregate Plant

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

3.4.12 Equipment

a. Excavation Equipment

Excavation equipment includes the following:

Dragline: A dragline is an electric-powered excavating machine with a long straight boom from which an open-mouthed bucket is suspended by a cable. The boom is used to cast the bucket away from itself and then down beneath the water to the bottom of the excavation. Mining depths for a dragline vary. The bucket is pulled back towards the machine with another cable, loading the bucket with aggregate. The bucket is then hoisted up and the material is stockpiled for transport to the plant.

Front-End Loader: A Front-end loader is a rubber-tired, diesel-powered machine with a bucket attached to the front. A loader will be used to transport and load aggregate from the windrows into trucks or onto the screen and field crusher.

Screen and Field Crusher: As described above, an electric screen and field crusher will be required to screen and crush oversized rock before the excavated material is transferred by a loader to the land conveyor.

b. Aggregate Plant

Equipment and supporting facilities for the aggregate plant will include, but will not be limited to: front-end loaders, water trucks, conveyors, screens, screening towers, crushers, washers, sand cyclones, sand screws, sand/aggregate truck loadout bins, pollution control equipment, dewatering equipment and tanks, recycle water pumps, computer control tower, a maintenance shop, parts storage building, quality control lab, fuel tanks and other accessory equipment and buildings.

c. Hot-Mix Asphalt Plant

Equipment and supporting facilities for the HMA plant will include, but will not be limited to: front-end loaders, aggregate storage bunkers, conveyors, elevators, burner/dryer, storage silos, dust silo, pollution control equipment, storage tanks, control tower, shop and other accessory equipment.

d. Ready-Mix Concrete Plant

Equipment and supporting facilities for the RMC plant will include, but will not be limited to: front-end loaders, ground aggregate storage bins, conveyors, batch plant, cement silos, pollution control equipment, storage buildings, batch office, water reclaimer and other accessory equipment.

e. Portable Concrete and Asphalt Recycle Plant

Equipment for the diesel and electric powered, portable recycle plant will include, but will not be limited to: front-end loaders, crushers, screens and conveyors.

f. Portable Aggregate Plant

Equipment for the electric-powered, portable aggregate plant will include, but will not be limited to: front-loaders, crushers, screens, sand screws and conveyors.

g. Topsoil and Overburden Removal Equipment

Removal of topsoil and overburden will be accomplished primarily with scrapers with the use of water trucks to minimize dust.

h. Haul Trucks

Mined aggregate will initially be transported to the processing plant by off-road trucks for approximately one year. Haul trucks will subsequently only be used for aggregate material transport during occasional repairs of overland conveyors.

i. Conveyors

Other than the first year of operation material will be transported by overland conveyors to the plant for further processing.

j. Import and Export Trucking

Aggregate and asphalt products will be hauled off-site by outside trucking firms. The ready-mix concrete operation includes ready-mix trucks which will be stored on-site. Other outside concrete or trucking companies may purchase ready-mix concrete and transport it in their own trucks. Independent trucking firms will import cement, asphaltic cement, fuel and construction materials. Concrete and asphalt pavement from construction demolition or road rebuilding sites will be imported to the site for recycling by outside trucking firms (see Section 3.4.11e)

k. Other Materials and Supplies

Diesel fuel for use by mobile equipment will be imported and stored in a double-walled tank or in containment. Gasoline for use by the plant pickup trucks will be imported and stored in a double-walled tank or in containment. Products needed to service the mobile equipment such as gear and lube oil, transmission fluid and various other products will be imported and stored at or near the maintenance shop.

3.4.13 Operating Practices to Minimize Noise, Vibration, Dust and Odor

a. Noise

The major on-site noise sources would be the aggregate processing; HMA, RMC, and recycle plants; excavation activities; and mobile equipment. The Noise Study prepared for the project detailed noise impacts and mitigation measures required to satisfy the daytime and nighttime median (L50) noise standards of Fresno County at the nearest residences (*Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California*, Bollard Acoustical Consultants, April 2014). The project includes the following Noise Control design features:

- The HMA plant will be equipped with an exhaust stack silencer.
- The main aggregate plant will be equipped with urethane screens on the elevated screen decks and heavy urethane or rubberized liners on the hoppers and chutes.
- All mobile equipment will be equipped with noise suppressor mufflers in compliance with all applicable local, state, and federal laws and regulations.
- Smart backup alarms will be utilized and adjusted to ambient noise levels. Strobe lights will replace audible back-up alarms during non-daylight working hours subject to Mine, Safety and Health Administration (MSHA) approval.
- Electric dragline excavation operations within 1,000 feet of an existing residence will be conducted such that the dragline boom is facing the nearest residences, thereby providing greater separation between those residences and the dragline motors/fans, and orienting the cooling fan outlet (which is the loudest dragline noise source and located on the opposite side of the dragline than the boom) away from those residences.
- The reference sound levels associated with dragline operation will be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures could include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.
- Excavation activities using the proposed dragline will be limited to daytime hours unless it can be demonstrated through on-site noise measurements that such activities could occur during nighttime hours without exceeding the project standards of significance at nearby residences.
- A 10'-foot high, vegetated earthen berm will be constructed along the west side of the plant site.
- Prior to mining within 900 feet of residences 3, 4, 5, 7, 9 & 10 along Riverbend Avenue, the proposed 10-foot tall vegetated earthen berm will be constructed near the western edge of the proposed 100-foot excavation setback(See Figure 2 for berm location) .
- Prior to mining within 900 feet of Residence 13, a 8-foot tall, vegetated berm will be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue(See Figure 2 for berm location) .
- Nighttime excavation within 1,000 feet of Residence 8 will not occur concurrently with nighttime operation of the aggregate plant unless it can be demonstrated through noise level measurements that combined nighttime excavation and aggregate plant operations would not exceed 45 dBA L50 at Residence 8.
- Following construction of the berms along Riverbend and Goodfellow Avenues, to the maximum extent possible, excavation activities within 500 feet of an existing residence located adjacent to those roadways shall start on the portion of the pit furthest from the nearest residences, progressing below grade in the direction of those residences. In this way, mining activities may be visually and acoustically shielded as the mining equipment moves towards the potentially impacted residences.

- The recycle plant operation will be limited to daytime hours (7 a.m. to 10 p.m.).

b. Vibration

The project is not expected to produce any significant vibration at acoustically sensitive receivers in the project vicinity. This is due to the type of equipment which will be used at the site, the planned extraction methods (no blasting), and the relatively large distances between the project operations and potential receivers.

c. Dust

An Air Quality Impact Analysis and a Health Risk Assessment prepared for the project detail project impacts (*Emission Inventory and Air Quality Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California*, Dudek, October 2013) (*Health Risk and Odor Assessment Riverbend, Sand and Gravel Project, Fresno County, California*, Dudek, October 2013, and *Supplemental Health Risk Assessment Riverbend, Sand and Gravel Project, Fresno County, California*, Dudek, October 2013).

The existing farm operations generate dust and emissions from the following: ground disturbance, e.g. plowing and disking, etc.; operation of farm equipment, e.g. tractors, farm and produce haul trucks, pickers. etc.; application of herbicides, fertilizers and insecticides; and harvesting.

Permits to Operate

The proposed aggregate, concrete and asphalt plants will obtain Authorities to Construct and operate in accordance with Permits to Operate from the San Joaquin Valley Air Pollution Control District (SJVAPCD).The aggregate mine and associated aggregate plant, asphalt plant, concrete plant, and recycling facilities would operate in compliance with applicable air quality regulations. The equipment will utilize Best Available Control Technology (BACT) and include the following features.

- The aggregate processing plant will be equipped with water sprays at key emissions points. Crushers and screens in the aggregate processing plant will be controlled by baghouses or another technology that the SJVAPCD determines would achieve equivalent effectiveness when BACT is applied during New Source Review (NSR).
- The HMA plant will be equipped with a baghouse for the aggregate dryer/batch tower and a fiberbed filter (or equivalent) for the storage silos and truck loadout. Odorous emissions (primarily VOCs and semi-volatile organic compounds (SVOCs)) from asphaltic cement will be minimized by circulation of mixing drum vapors to the dryer burner before discharge, and the fiberbed filters.
- The RMC plant will be equipped with baghouses to control fugitive emissions from silos and truck loadout and will utilize water sprays at sand and gravel transfer points as necessary.

Diesel Emissions Control

Diesel engines will comply with applicable state regulations (i.e. air toxic control measures, ATCMs) and include the following features:

- Off-road equipment with registration numbers assigned by CARB, establishment of an idling policy, and limiting idle time to less than five minutes (13 CCR §2449).

- Mined aggregate will be initially transported to the processing plant by off-road haul trucks for approximately one year. Subsequently, mined aggregate would be transported to the plant by electric-powered conveyors.
- An electric-powered dragline will be used after overburden is removed from each mining phase. This eliminates diesel engine emissions that would otherwise occur from a diesel dragline or other diesel excavation equipment and enables "wet mining" methods which reduce fugitive dust.

Fugitive Dust Control

A fugitive emission control plan would be implemented to comply with SJVAPCD Regulation VIII, "Fugitive PM10 Prohibition" and would include the following measures:

- Excavated material will contain approximately 10% natural moisture from having been excavated below the groundwater level.
- Prior to removal of topsoil and overburden, the area will be irrigated or sprayed by water trucks if removal occurs during the dry season.
- A water truck will be utilized to wet down the haul road from the mining area to the plant site as necessary to meet SJVAPCD fugitive dust requirements.
- A water truck will be utilized to wash fugitive dust from the access road and the paved portion of the plant road.
- Records demonstrating compliance with fugitive dust requirements will be maintained for those days that a control measure was implemented and include the type of control measure(s) used, the location and extent of coverage, the date, the amount, and frequency of dust suppressant applied (Section 6.2, Rule 8011)
- Visible dust emissions will be limited to 20% opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour and comply with the conditions for stabilized surface areas (Section 5.0, Rule 8021; Section 5.0, Rule 8031).
- Disturbed areas that are greater than 0.5 acres in size and which remain inactive for seven (7) days will be stabilized(Section 5.2, Rule 8021).
- Stockpile surfaces will be stabilized(Section 5.0, Rule 8031).
- A stabilized surface will be maintained on the unpaved mine haul road (Section 5.2, Rule 8021).
- During high wind conditions, excavation and other earthmoving activities that disturb the soil will cease whenever visible dust emissions exceed 20% opacity. Continue operation of water trucks/control devices when activities cease, unless unsafe to do so. (Section 5.4, Rule 8021).
- Dust palliatives, such as lignin sulfonate or magnesium chloride, will be applied to unpaved plant roads and surfaces.
- Unauthorized vehicle disturbance of open areas will be prevented by posting signs or installing physical barriers such as fences, gates, posts, and/or other appropriate barriers to effectively prevent access to the area(s) (Section 5.0, Rule 8051).
- Unpaved vehicle and/or equipment parking areas, fueling and services areas, and stockpile areas will be maintained in a stabilized condition (Section 5.0, Rule 8071).
- The plant access road and a portion of the plant road in the vicinity of the asphalt and concrete plants will be paved.
- Materials accumulated on paved interior roads shall be removed with sufficient frequency, but not less frequently than once per workday, to prevent carryout and trackout onto paved public roads (Section 5.9.3, Rule 8041).
- A wheel washer will be installed after the scales to prevent trackout to the public highway.
- Visible mud or dirt deposited onto public adjacent paved roads will be prevented or cleaned up at the end of the work day (Section 5.1, Rule 8041).

- Facilities and signs will be provided directing drivers to level with six inches of freeboard, wet, and/or cover loads (Section 5.0, Rule 8031).

d. Odor

Diesel exhaust from mobile equipment/vehicles and air emissions from the asphalt plant associated with the Proposed Project will contain quantities of odorous substances. The asphalt plant will incorporate modern technology designed to minimize odorous emissions including an exhaust filter system and a blue smoke filter system to capture gases created during truck loading and will recirculate the exhaust into the burner combustion zone to reduce concentrations of odorous organic compounds. Given the rural nature of the project site location it is not anticipated that any objectionable odors affecting a substantial number of people could result from the project. Based on experience with similar facilities in Fresno County, it is not likely that any odors originating from the batch plant would cause a nuisance or rise to the level of a potentially significant odor source (*Health Risk and Odor Assessment*, Dudek, October 2013).

e. Light and Glare

The issue of light and glare is typically associated with excessively bright nighttime lighting that crosses over property lines and illuminates off-site yards or bedroom windows. It is also associated with the condition that occurs when excessive nighttime lighting creates a "skyglow" effect.

As previously described, operations will occur primarily during daylight hours. Operations during the time of year when daylight hours are shorter, or for any nighttime operations will require lighting to provide a safe operating environment. For nighttime lighting high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) will be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the project site, and/or to areas that do not include light-sensitive uses. By utilizing the proposed lighting the project is not anticipated to produce any potentially significant impacts from light and glare (RGP, November 2012).

3.4.14 Quantity and Quality of Water Required

The buried pipeline portion of the Hanke Ditch is proposed to be relocated next to Riverbend Avenue as an open ditch (Exhibit E). Existing farmland and reclaimed farmland will continue to be irrigated primarily with surface water pumped from the Hanke Ditch. On-site irrigation wells and the Kings River pump will continue to be used to supplement the surface water supply from the Hanke Ditch.

Dewatering will not be utilized for the proposed mining operations. Process water used for the operation will include water to wash the mined aggregate (90 % of which will be recycled), water used for dust control, water used in the ready-mix concrete plant and water for domestic use (Appendix E). Process water will pumped from groundwater at a rate of approximately 160,000 gallons per day. The total annual net (consumptive) water use for processing is estimated to be approximately 180 acre-feet (AF/yr).

Current consumptive water use to irrigate the 619 acres that are proposed to be mined is estimated to be 1,630 AF/yr. The Water Supply Assessment prepared for this project in accordance with SB 610 (*Water Supply Assessment for the Riverbend Sand and Gravel Project*, KDSA, October 2012) concludes that the consumptive use in 20 years would be about 1,440 AF/yr which is less than the present condition (includes process water used for the aggregate operation, farmland not yet mined, reclaimed farmland, vegetated berms, orchard-like screens, riparian vegetation around the reclaimed ponds and evaporation

from the reclaimed ponds). The amount of surface water applied would be about 1,670 AF/yr. Because this value exceeds the consumptive use, a positive water balance would be maintained. The Water Supply Assessment further concludes that due to the large saturated thickness of the aquifer at or near the Project Site the groundwater supply will be more than adequate to support the project for 20 years.

3.4.15 Flooding

As previously indicated the FEMA flood maps indicate that portions of the project site are within the mapped 100-year floodplain. However, review of the existing topography indicates that much of the currently mapped area is no longer within the 100-year floodplain.

The phases to be reclaimed to farmland will be filled back to the original grade resulting in no change to the floodplain. The phases reclaimed back to ponds will actually increase the flood-holding capacity in those phases because the water surface in the ponds will be 15-20' below the original grade of the land.

3.4.16 Storm Water and Drainage

Chang Consultants prepared the *Riverbend Surface Water and Drainage Plan,* August 2013. The overall approach for managing stormwater runoff for the Project is summarized as follows:

a. Stormwater runoff from existing farmland upslope of the proposed mining phases will be conveyed in separate swales to avoid commingling with active project area runoff.

b. Farmland runoff that does not yet pass through active Project areas will continue to drain along existing drainage patterns.

c. Stormwater runoff from the processing plant site will be captured by a retention basin and recycled within the processing plant site.

d. Direct precipitation within active mining phases and on their 3-foot high perimeter safety berms will be retained within the pits. The safety berms will provide additional isolation of mining area runoff from farmland runoff.

e. The existing and proposed areas east and west of the proposed north-south plant access road will not contribute runoff to the road. Runoff on the 50-foot wide road will be contained within the road and conveyed south to Goodfellow Avenue. Roadway runoff will be treated in accordance with the SWPPP.

f. Stormwater runoff in mining haul roads will be conveyed within the inverted roadway section or in edge swales separated from the farmland runoff swales. Roadway runoff will be treated in accordance with the SWPPP.

g. Post-reclamation stormwater runoff will either be captured by the open water ponds resulting from the mining pits (i.e. direct precipitation within the ponds and pond banks) or revert to current conditions in the backfill areas. Runoff from backfill areas that are reused as farmland will not be allowed to commingle with the open water ponds.

3.4.17 Liquid or Solid Waste to be Produced

Fines recovered from the aggregate processing will be used as fill to reclaim portions of the site back to farmland. Domestic sewage will be handled by conventional septic systems and serviced as necessary by

commercial septic services. Solid waste, e.g. parts packaging, paper, etc., will be deposited in dumpsters for pickup and disposal by a licensed solid waste disposal company.

3.4.18 Methods Employed to Prevent Pollution of Surface and/or Groundwater

a. Pollution Control Programs: Pollution control programs will include: Storm Water Pollution Prevention Program, Hazardous Materials Business Plan, a Spill Prevention Control and Countermeasure Plan, Employee Training, Record Keeping, Preventative Maintenance and Best Management Practices.

b. Equipment and Vehicle Parking/Storage Areas: These areas will be graded to prevent storm water run-off to surface water or into the groundwater.

c. Vehicle Maintenance and Repair: Mobile vehicles will be maintained and repaired in a covered shop or on paved surfaces. Such areas will be designed to collect pollutants. All pollutants will then be disposed of in accordance with local, state, and federal regulations. Inspection and maintenance programs will be established to ensure that vehicles are operating properly and leaks are prevented to the extent feasible.

d. Excavation Equipment: Excavation equipment will be maintained and repaired at the excavation phases. All pollutants will be managed in accordance with local, State and Federal regulations to prevent pollutants from entering surface or groundwater.

e. Vehicle and Equipment Fueling: Vehicles will be fueled on concrete pads next to the fueling areas. The fueling areas will be designed to handle storm water in accordance with local, state, and federal regulations. Fuel will be stored in double-wall concrete tanks or in containment in accordance with EPA regulations.

f. Vehicle and Equipment Washing and Steam Cleaning: Vehicle washing will take place in specific paved areas adjacent to the shop that will drain to holding ponds, a concrete lined sump or holding tank to prevent storm water run-off to surface or groundwater. Steam cleaning will take place on concrete or hard surface pads or in the enclosed shop, which will be designed to collect pollutants. Such pollutants will then disposed of in accordance with local, state and federal regulations.

g. Waste Handling and Disposal: Wastes from the facility will be stored in designated containers adjacent to the shop in the containment area and/or within the shop and disposed of in accordance with local, state, and federal regulations.

h. Outdoor Loading and Unloading of Materials: All loading and unloading of materials will take place in designated areas that will be graded and designed to prevent storm water run-off from entering the river.

i. Outdoor Container Storage of Liquids: All containers containing potentially hazardous materials will be stored in containment areas engineered in accordance with the Spill Prevention Control and Counter-Measure Plan.

j. Outdoor Process Equipment Operations and Maintenance: An inspection and maintenance program will be established to ensure that equipment is operating properly and leaks are prevented to the extent feasible.

k. Outdoor Storage of Raw Materials, Products and By Products: The processing site will be graded to prevent drainage and storm water runoff from raw materials, products and by-products from entering the river.

l. Containment of Erodible Areas: All erodible surfaces within the plant areas will be graded to prevent storm water run-off to the river.

m. Sediment: The site will be graded to prevent sediment from the stockpiles or the excavation areas from entering the Kings River.

n. Agricultural Surface Water Runoff: Temporary berms will be placed between the created ponds and farmland to prevent agricultural surface water runoff from entering the lakes.

3.4.19 Slope Stability

Tetra Tech BAS prepared the *Geotechnical Review of Quarry Slope Stability & Geologic Hazards*, August 2013 and the *Slope Stability Considerations Addendum to Geotechnical Review of Quarry Slope Stability & Geologic Hazards*, April 2014. The calculated factors of safety indicate that the proposed slopes (cut slopes of 2:1 (horizontal to vertical) to a maximum depth of approximately 100 feet below natural ground surface) will be suitably stable against gross failure for the anticipated long term conditions, including the effects of seismic shaking.

3.4.20 Disposal Methods for Tailing and Other Mining Waste

Fines recovered from the aggregate processing will be used as fill to reclaim portions of the site back to farmland.

3.4.21 Compliance With Mining and Reclamation Standards

Please refer to Section 4.1.8.

4.0 RECLAMATION PLAN

4.1 Planned Reclamation

4.1.1 Proposed End Use

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Approximately 268 acres, or 43% of the project site, are to be reclaimed as farmland in this manner. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, approximately 351 acres, or 57 % of the project site, will be reclaimed to riparian and open water wildlife habitat.

4.1.2 Notification of All Owners of a Possessory Interest in the Land of the Proposed Use.

Copies of the reclamation plan have been provided to the underlying property owner. Letter of Agreement from the property owner is contained in Appendix B.

4.1.3 Manner in Which Reclamation, Adequate for the Proposed Use, Will Be Accomplished

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. The reclaimed lands would be returned to agricultural lands of equal or better quality of that currently existing on the site. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner as shown in Table 6.

For the remaining phases where there is not sufficient overburden and processing fines to fill the phases a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation pursuant to the Revegetation Guidelines prepared for the project (*Revegetation Guidelines, Riverbend Sand and Gravel Project, Fresno County, California*, Buada Associates and John Stebbins, Consulting Botanist, October 2012). Reclamation of these phases will create approximately 351 acres of riparian (33 acres) and open water (318 acres) wildlife habitat.

Table 6
Reclaimed End Uses

Use	Approximate Acres
Farmland	268
Riparian Habitat	33
Open Water Habitat	318
Total	619

a. Control of Contaminants and Disposal of Mining Waste

Please refer to Section 3.4.20

b. Rehabilitation of Affected Streambed Channels and Streambanks

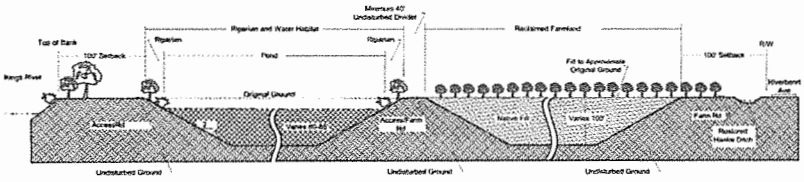
c.

No streambed channels and streambanks will be disturbed by the project..

Typical Reclamation Cross-Sections

NTS

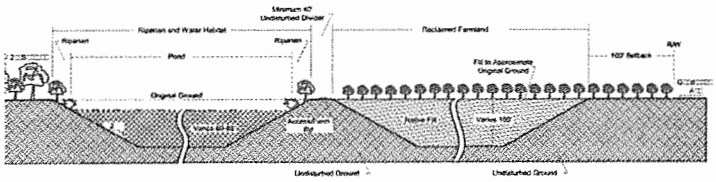
Cr[illegible]S[illegible]A/A



Typical Reclamation Cross-Sections

NTS

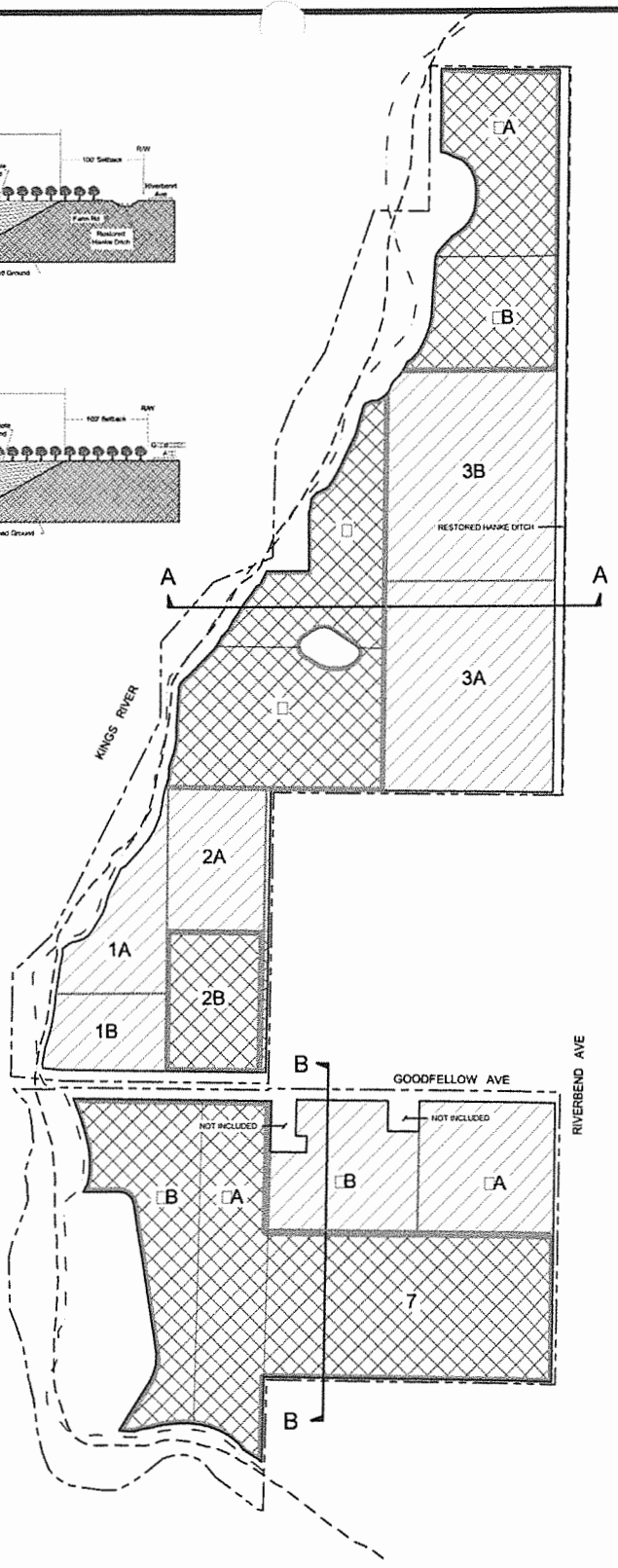
SECTION B[illegible]B



Reclamation End Uses and Estimated Schedule[1]

	Acres[2,3]				
Phase	Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	619	268	318	33	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of
[2] Gross acres, includes farm roads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
[4] To be used for portable plant during mining of plant site (Phase 9)



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL
14692 E. Fortz Ave.
Parlier, CA 93648
559-875-6565

EXHIBIT F

RECLAMATION PLAN

RIVERBEND SAND AND GRAVEL

D			
C			
B			
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE	
		Initial Release	
	Date	Revision	

Exhibit G
Insert Revised Reclamation Plan

4.1.4 Schedule for the Completion of Surface Mining

Mining and reclamation is estimated to be completed in 75 years from initiation of the project. The reclamation schedule is shown on Table 3, Section 3.1.4 and Exhibit F.

4.1.5 Phasing Plan for Reclamation Activities and Schedule for Completion

Reclamation phasing is depicted in Exhibit F and consists of 14 phases. The phasing schedule is shown on Table 3, Section 3.1.4. For each of the phases to be reclaimed as farmland, farming will resume within two years after the phase has been filled in the manner described in Section 4.1.3. For each of the phases to be reclaimed as open water and riparian habitat the phases will be reclaimed within two years of the completion of mining in that phase in the manner described in Section 4.1.3. Reclamation in this manner assures concurrency of reclamation with mining.

4.1.6 Effect On Future On-Site Mining and Mining in the Surrounding Area

Implementation of the proposed reclamation will have no effect on the ability to mine other areas designated as containing "Regionally Significant Construction Aggregate Resources" pursuant to SMARA Section 2790 (see Section 2.1.2d).

4.1.7 Measures to Protect Public Health and Safety

The perimeter of the property will be fenced with minimum four (4) foot high, ranch fencing consisting of metal T-posts and at least three (3) strands of barbed wire in accordance with Section 858 H.4 of the FCZO.

4.1.8 Compliance with Fresno County Surface Mining and Reclamation Standards (Section 858-H)

a. No extraction of material or overburden shall be permitted within twenty-five (25) feet of any property boundary or within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision. (Standard H.1)

   Please refer to Section 3.1.3a.

b. No stockpiled soil or material shall be placed closer than twenty-five (25) feet from a property boundary. (Standard H.2)

   Please refer to Section 3.1.3a.

c. No production from an open pit shall create a slope steeper than 2:1 within fifty (50) feet of a property boundary nor steeper than 1½:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its reclamation configuration, and slopes of 1:1 may be maintained five (5) feet below the lowest water table on the property, experienced in the preceding three (3) years. (Standard H.3)

   Please refer to Section 3.1.5.

d. Security fencing four (4) feet in height consisting of not less than three (3) strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two (2) feet horizontal to one (1) foot vertical

are maintained. Such interior fencing will not be required where exterior fencing surrounds the property. (Standard H.4)

Please refer to Section 3.1.3d

e. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two (2) staggered rows, with twenty (20) feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at ten (10) foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site. (Standard H.5)

Please refer to Section 3.1.3b.

f. The first one hundred (100) feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two (2) percent grade and shall have a width of not less than twenty-four (24) feet. (Standard H.6)

Please refer to Section 3.1.1.

g. Where an access road intersects a County Maintained road, it shall be improved with a driveway approach constructed to Fresno County Standards. (Standard H.7)

Please refer to Section 3.1.1.

h. All interior roads within the site shall be maintained so as to control the creation of dust. (Standard H.8)

Please refer to Sections 3.4.13c.

i. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director. (Standard H.9)

A stop sign will be installed at the intersection of the site entrance road to E Goodfellow Avenue.

j. When the plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mine operators who do not salvage soil during the initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the Mining and Reclamation Plan and where such measures appear necessary. It is not justified; however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed. (Standard H.10)

Please refer to Section 3.4.8a.

k. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary. (Standard H.11)

Please refer to Section 4.1.9c.

l. Additional vegetative planting may be required in the interest of erosion control. (Standard H.12)

Please refer to Section 4.1.9c.

m. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground. (Standard H.13)

Please refer to Section 3.4.16 and 3.4.18.

n. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion. (Standard H.14)

Please refer to Section 3.4.13c.

o. Erosion control facilities such as settling basins, ditches, stream bank stabilization, and dikes shall be constructed and maintained where necessary to control erosion. (Standard H.15)

Please refer to Section 3.4. 16 and3.4.18.

p. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream will be permitted. (Standard H.16)

Please refer to Section 3.4.18.

q. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream. (Standard H.17)

Please refer to Section 3.4.18.

r. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas. (Standard H.18)

Please refer to Section 3.1.18.

s. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality. (Standard H.19)

No settling ponds are proposed. Please refer to Section 3.4.11b.

t. Good operating practices shall at all times be utilized to minimize noise, vibration, dust and unsightliness. In reviewing a proposal the Planning Commission shall consider: (Standard H.20)

Please refer to operating practices to reduce noise in Section 3.4.13a.
Please refer to operating practices to reduce vibration in Section 3.4.13b.
Please refer to operating practices to reduce dust in Section 3.4.13c.
Please refer to operation practices to reduce unsightliness in Section 3.1.3b. In addition, the dragline, and all visible plant facilities will be painted with an neutral-tone color to blend with the surrounding landscape and vegetation.

1. The location of the processing plant. (Standard H.20a)

   Please refer to Section 3.1.2 and Exhibit E.

2. The location where unused equipment will be stored. (Standard H.20b)

   Please refer to Section 3.1.2 and Exhibit E.

3. Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations. (Standard H.20c)

   The permanent plant, including equipment, foundations, associated utilities and stockpiles will be removed during the mining of phase 9. Septic systems will be removed in accordance with Fresno County standards. Buildings and associated utilities that may be adaptable to end uses may be left. Interior roads are to be left for access purposes.

u. Operating hours may be limited to designated periods except during periods of public emergency affecting the health and welfare of the community requiring continuous operation. (Standard H.21)

   Please refer to Section 3.4.2 and Table 4.

v. Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties. (Standard H.22)

   Please refer to Section 3.4.13e.

w. Processing and storage yards shall be centrally located on the site whenever possible. (Standard H.23)

   Please refer to Section 3.1.2 and Exhibit E.

x. All surface mining operations and reclamation activities shall be conducted consistent with all policies of the Noise Element of the Fresno County General Plan. (Standard H.24)

   Please refer to Section 3.4.13a.

y. The Department shall consider the potentially adverse environmental effects of surface mining operations and will generally require that: (Standard H.25)

   1. Disturbances of vegetation and overburden in advance of mining activities be minimized. (Standard H.25a)

      Please refer to Section 3.4.8a & b.

1. Sufficient topsoil be saved to perform site reclamation in accordance with the Mining and Reclamation Plan. (Standard H.25b)

   Please refer to Section 3.4.8a.

2. All reasonable and practical measures be taken to protect the habitat of fish and wildlife. (Standard H.25c)

   Please refer to Sections 3.1.3a and 4.1.9a.

3. Temporary stream or watershed diversion be restored. (Standard H.25d)

   No temporary stream or watershed diversion is proposed.

4. Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching. (Standard H.25e)

   No permanent piles of waste rock or overburden are anticipated.

z. Reclamation of mined lands shall be implemented in conformance with applicable performance standards as set forth in the state regulations Sections 3703 et seq. (Standard H.26)

Please refer to Section 4.1.9.

4.1.9 Conformance with Applicable State Standards

a. Wildlife Habitat (Standard H.26a, SMARA Section 3703)

A databases and literature review of the California Natural Diversity Data Base (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) was conducted for the project site. Sensitive plant surveys and biological surveys were conducted (Buada, Stebbins, LSA, July 2013).

All existing riparian habitat along the river is not included in the project and is to remain as open space (Exhibit E). Only areas which are in agriculture or farming related activities, including access and maintenance roads, are included within the project boundaries to be mined or disturbed by mining related activities. Mining-related activities, including access and maintenance roads, will not occur any closer than current farming activities to existing habitat along the river. By avoiding all of the existing native habitat, all of which is outside of the project boundary, the wildlife in the area will continue to have habitat available for foraging, shelter, and breeding activities during all phases of mining.

Please refer to Section 2.1.10 for an overview of the presence of special status species and sensitive habitats on the site. Please refer to Section 3.1.3a

Mining operations are not expected to impact any native habitats. Indirect impacts such as noise, lighting, and human presence are not expected to affect sensitive wildlife species because all of these impacts are similar to the site conditions at other existing mining operations on the Kings River and the San Joaquin River where wildlife species have acclimated well to such mining activities and where wildlife species have been observed in great numbers for many years.

A net gain in the number of acres of native habitats within the property boundary will occur as a result of the mining/reclamation project. At the completion of the entire project, approximately 351 acres of created open water and native habitats will be able to support a higher diversity, density, and abundance of wildlife and plant species. The proposed mining/reclamation project will result in a net benefit to the region in that it will provide a significant habitat area for wildlife and plants.

b. Backfilling, Regrading, Slope Stability, and Recontouring (Standard H.26b, SMARA Section 3704)

Please refer to Sections 3.1.5, 3.4.19 and 4.1.3.

c. Revegetation (Standard H.26c, SMARA Section 3705)

The revegetation program will apply to the riparian areas surrounding the reclaimed open water ponds. The following is a summary of the Revegetation Guidelines prepared for the project (Buada and Stebbins, October 2012, Appendix F).

1. Goals and Objectives

The goal of the revegetation program is to supplement natural native plant recolonization by creating natural self-sustaining plant communities or habitats using plant materials that are genetically and ecologically appropriate to the site. Objectives include: providing conditions that allow natural processes such as soil development, nutrient cycling, plant succession, natural regeneration and recovery from disturbance to occur; and within the open water areas, creating habitat for riparian associated species.

2. Construction Sequence

Following completion of mining operations the following typical sequence of revegetation activities will be undertaken:

- Recontouring of planting areas, if necessary
- control of invasive weeds
- placement of topsoil
- installation of temporary irrigation systems, if necessary
- installation of erosion control devices, if necessary
- planting and seeding
- maintenance and monitoring
- reporting

3. Plant Materials, Seed Collection and Plant Propagation

To ensure genetically adapted plant materials for use in the revegetation effort, collection sites should have characteristics similar to the revegetation site. Guidelines for seed collection and plant propagation and plant lists for the riparian habitat to be established are described in the Revegetation Guidelines, Appendix F.

4. Planting Methods

Generally all planting will occur between November 15 and January 15, or later depending on weather conditions, unless supplemental irrigation is provided. It is important to plant during this period when many of the plants are dormant and temperature and rainfall provide optimal conditions for germination and/or establishment.

5. Performance Standards

   Performance standards ensure that the revegetation effort meets the goal of creating viable, self--sustaining habitats. These standards include: (1) container/cutting survivability, (2) cover (3) species richness or diversity (4) species density. Other attributes that evidence functioning habitats include native plant species' recruitment and wildlife usage. These standards are referenced in the Revegetation Guidelines, Appendix F.

6. Maintenance and Monitoring

   Maintenance activities begin at plant installation and continue until performance standards are met. These activities include weed control, irrigation, replacement of dead trees or cuttings, etc. Monitoring will be initiated at installation and will be conducted until performance standards are met.

   Monitoring will generally occur over a 5-year period or until performance standards are met which ever occurs first.

   Such monitoring will provide information for adaptive management of the system. Over time, as restored habitats mature, and more is learned about how the habitats respond to initial management actions, adjustments can be made to incorporate those activities that work best into the management plans. New information from ongoing research on special species could also lead to changes in management action.

   Reports will be prepared and include such information as monitoring methods, general observations of vegetation development, maintenance activities, recommendations, photo documentation, and comparisons of the current years' findings with those of previous years.

7. Recordkeeping

   Revegetation (implementation) activities, maintenance work and the results of horticultural and any biological monitoring undertaken throughout each planting season will be summarized in reports to document compliance with the reclamation plan.

d. Drainage, Diversion Structures, Waterways, and Erosion Control (Standard H.26d, SMARA Section 3706)

   Please refer to Section s3.4.17, 3.4.18, and 4.1.3b..

e. Prime and Other Agricultural Land Reclamation (Standard H.26e, SMARA Sections 3707 and 3708)

   Please refer to Sections 3.4.8a, 4.1.3 and Exhibit F.

f. Building, Structure, and Equipment Removal (Standard H.26f, SMARA Section 3709)

Please refer to Sections 4.1.8t.3 and 4.4

g. Stream Protection Including Surface and Groundwater (Standard H.26g, SMARA Section 3710)

Please refer to Sections 3.4.18, 4.3.1b and 4.2.2.

h. Topsoil Salvage, Maintenance, and Redistribution (Standard H.26h, SMARA Section 3711)

Please refer to Section 3.4.8a, 4.1.3 and Exhibit F.

i. Tailing and Mine Waste Management (Standard H.26i, SMARA Section 3712)

Please refer to Sections 3.4.8a,b. 3.4.20 and 4.1.3.

j. Closure of Surface Openings (Standard H.26j, SMARA Section 3713)

Wells to be removed by mining will be abandoned in accordance with all applicable local and state provisions. After monitoring is completed all monitoring wells will be abandoned in accordance with all applicable local and state provisions.

Please refer to Section 4.4

4.2 Reclamation Site Plan

4.2.1 New Contouring

Please refer to Exhibit F.

4.2.2 Water Features and Methods Planned to Overcome Stagnation

Groundwater will flow into the ponds from the northeast since the groundwater gradient flow is from northeast to southwest. The phases to be filled and reclaimed as farmland and the phases to be reclaimed as open water and riparian habitat have been designed to leave a window about one-quarter mile wide perpendicular to the direction of groundwater flow where no fill will take place. Groundwater will be able to move downward and laterally beneath the fill, laterally around both sides of the fill (to the northwest and southeast), and through the window. (KDSA, December 2013)

The depth of the ponds may be as deep as 100 feet. During the summer and winter the water in fresh water ponds becomes stratified into different temperature layers, which don't mix. Twice a year, in the fall and spring, the waters at all layers of these ponds mix in overturns that equalize the temperatures at all depths. (*Living in the Environment*, G. Tyler-Miller, 1998). The seasonal vertical movement of water and the lateral groundwater movement preclude the occurrence of stagnation.

Please refer to Exhibit F.

4.2.3 Vegetative Planting

Please refer to Section 4.1.9c and Exhibit F.

4.2.4 Access and Treatment

Please refer to Sections 3.1.1 and Exhibit F.

4.2.5 Phasing

Please refer to Table 3, Section 3.1.4 and Exhibits E and F.

4.3 A Soil Salvage Plan and if Proposed For Refill, Definition of Refill Material, and Probable Sources.

Please refer to Sections 3.4.8, 4.1.3 and Exhibit F.

4.4 Site Closure

The site will be considered closed upon the following:

a. Completion of the reclamation activities and reaching associated performance standards as identified herein:

   Please refer to Section 4.1.5.

b. Removal of plant, equipment, conveyors, foundations and associated utilities;

   Please refer to Section 4.1.8t.3.

c. Removal of stockpiles;

   Please refer to Section 4.1.8t.3.

d. Removal of buildings, foundations and associated utilities except those required for post mining use of the site; and

   Please refer to Section 4.1.8t.3.

e. Securing of access points to prevent unauthorized access.

   Please refer to Section 4.1.7.

4.5 Statement of Responsibility

Prior to the excavation of any material from the project site, a recordable agreement will be executed, binding upon successors, heirs or assigns, covenanting to perform all reclamation in the manner prescribed by the approved CUP and Mining and Reclamation Plan.

4.6 Financial Assurances

Reclamation of the project site will be covered by financial assurances in accordance with the requirements of SMARA. The financial assurance estimate and the proposed financial assurance mechanism will be submitted to the County no later than 60 days prior to commencement of activities authorized in connection with this project.

SURFACE MINING AND RECLAMATION PLAN
Riverbend Sand and Gravel Project

APPENDICIES

A Letter of Agreement from the Property Owner
B Legal Description
C Existing Conditions Photos
D Elevation and Photos of Proposed Dragline and Plant Equipment
E Process Water and Consumptive Use
F *Revegetation Guidelines for the Riverbend Sand and Gravel Project,* Buada Associates and John Stebbins, Consulting Botanist, October 2012

APPENDIX A

Letter of Agreement from the Property Owner

RUNNING LUCK RANCH, LLC
14962 E. Fantz Ave.
Parlier, CA 93648
559-875-9199

October 3, 2012

Fresno County
Department of Public Works and Planning
220 Tulare Street, Sixth Fl
Fresno, CA 93721

RE: Agreement to Obtain Permits

The real property described on Exhibit "A" attached (the property) is owned by Running Luck Ranch, LLC (owners).

The owners have granted Riverbend Sand and Gravel, LLC the exclusive right to operate a sand and gravel mining operation, and related activities, on the property, including sand and gravel processing facilities, ready-mix concrete facilities, asphalt batching facilities, and concrete and asphalt recycling facilities, and to obtain a permit and other entitlements collectively ("Permits") required to conduct such operations.

By: _____ Date: 10/3/12
Yern Olsen

Title: MM

APPENDIX B

Legal Description

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.5S FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

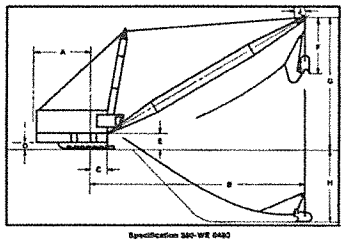
APPENDIX C

Existing Conditions Photos

APPENDIX D

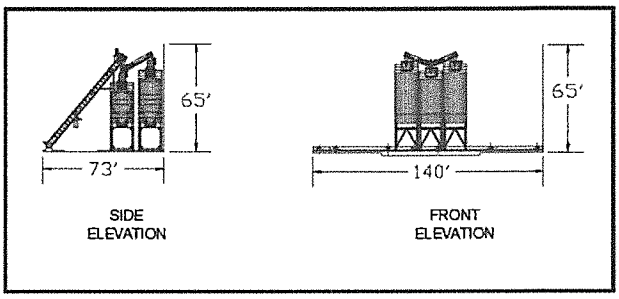
Elevation and Photos of Proposed Dragline and Plant Equipment

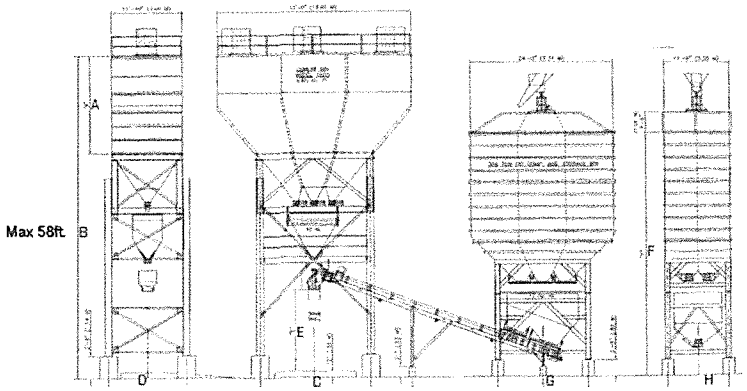
TYPICAL DRAG LINE EXCAVATOR



Boom Length	B Operating Radius	Boom Angle	Maximum Suspended Load (lbs.)	C Boom Pt. Height	G-F Approx. Dumping Height	H Digging Depth	Drag			Hoist		
							Drum Diam.	Rope		Drum Diam.	Rope	
								No.	Diam.		No.	Diam.
170'	138'	40°	64,000	120'	82'	100'	57½"	1	2"	73½"	1	2"

TYPICAL ASPHALT PLANT DIMENSIONS





TYPICAL CONCRETE PLANT DIMENSIONS



Typical Processing Plant Configuration



Materials Stockpiles (Up to 40' High)

ELEVATION AND PHOTOS OF PROPOSED PLANT EQUIPMENT

APPENDIX E

Process Water and Consumptive Use

Riverbend Sand and Gravel
Process Water

Supply

Use	mgd	days/wk	mgd annualized	ac-ft/yr
Water Content of Pit Material	0.16	5	0.114	128
Ready-Mix Concrete	0.04	5.5	0.031	35
Wash Water	2.40	5	1.714	1,920
			1.860	2,083

Consumptive Use

Use	mgd	days/wk	mgd annualized	ac-ft/yr
Ready-Mix Concrete	0.038	5.5	0.030	33
Dust Control	0.066	5	0.047	53
Product Retention & Evap	0.082	7	0.082	92
Domestic	0.001	5.5	0.001	1
			0.160	179

Notes:
Wet mining: no dewatering
Fines Recovery System:
- Process fines dewatered
- All wash water recycled
- No settling ponds

Process Water Consumptive (Net) Use

Aggregate Product	
1,250,000	ton/yr washed product
0.05	weight-fraction water
62,500	tons/yr retained in washed product
0.05	weight-fraction evaporation
62,500	tons/yr evaporation
125,000	tons/yr product retention and evaporation
2,000	lbs/ton
62.4	lbs /cu ft water
43,560	cu ft/AF
92	**AF/yr product retention and evaporation**

Dust Control	
5,000	gal water truck
10	loads/da
50,000	gals/da water truck
20,000	gal/da dust suppression misters
70,000	gal/da dust control[1]
250	da/yr
17,500,000	gal/yr
7.48	gal/cu ft water
43,560	cu/ft/AF
54	**AF/yr Water Use for Dust Control**

Concrete	
150,000	cu yds concrete/ yr
35	gals water per yd
5,250,000	gals/yr in concrete
8	Ave yds/load
18,750	loads/yr
100	gals/load in mixer tank
1,875,000	gals/yr in mixer tanks
100	gals/load mixer rinse down
1,875,000	gals/yr mixer rinse down
88	gals/load drum washout
1,650,000	gals/yr drum washout
10,650,000	gals/yr Water Use for Concrete
7.48	gal/cu ft water
43,560	cu/ft/AF
33	**AF/yr Water Use for Concrete**

Total Annual Process Water Consumptive (Net) Use

178	**AF**

[1] Includes dust control for active mining area, maintenance roads, entrance road, plant site roads, and dust suppression on crushers and conveyors

APPENDIX F

Revegetation Guidelines for the Riverbend Sand and Gravel Project, Buada Associates and John Stebbins, Consulting Botanist, October 2012

REVEGETATION GUIDELINES

RIVERBEND SAND AND GRAVEL PROJECT
FRESNO COUNTY, CALIFORNIA

Prepared for
RIVERBEND SAND AND GRAVEL, LLC
PARLIER, CALIFORNIA

OCTOBER 2012

Prepared by:

Buada Associates
4872 N. Arcade Ave
Fig Garden Studio
Fresno, California 93704

And

John Stebbins, Consulting Botanist
357 Adler Avenue
Clovis, California 93612

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APPENDICIES

A	Reclamation Plan

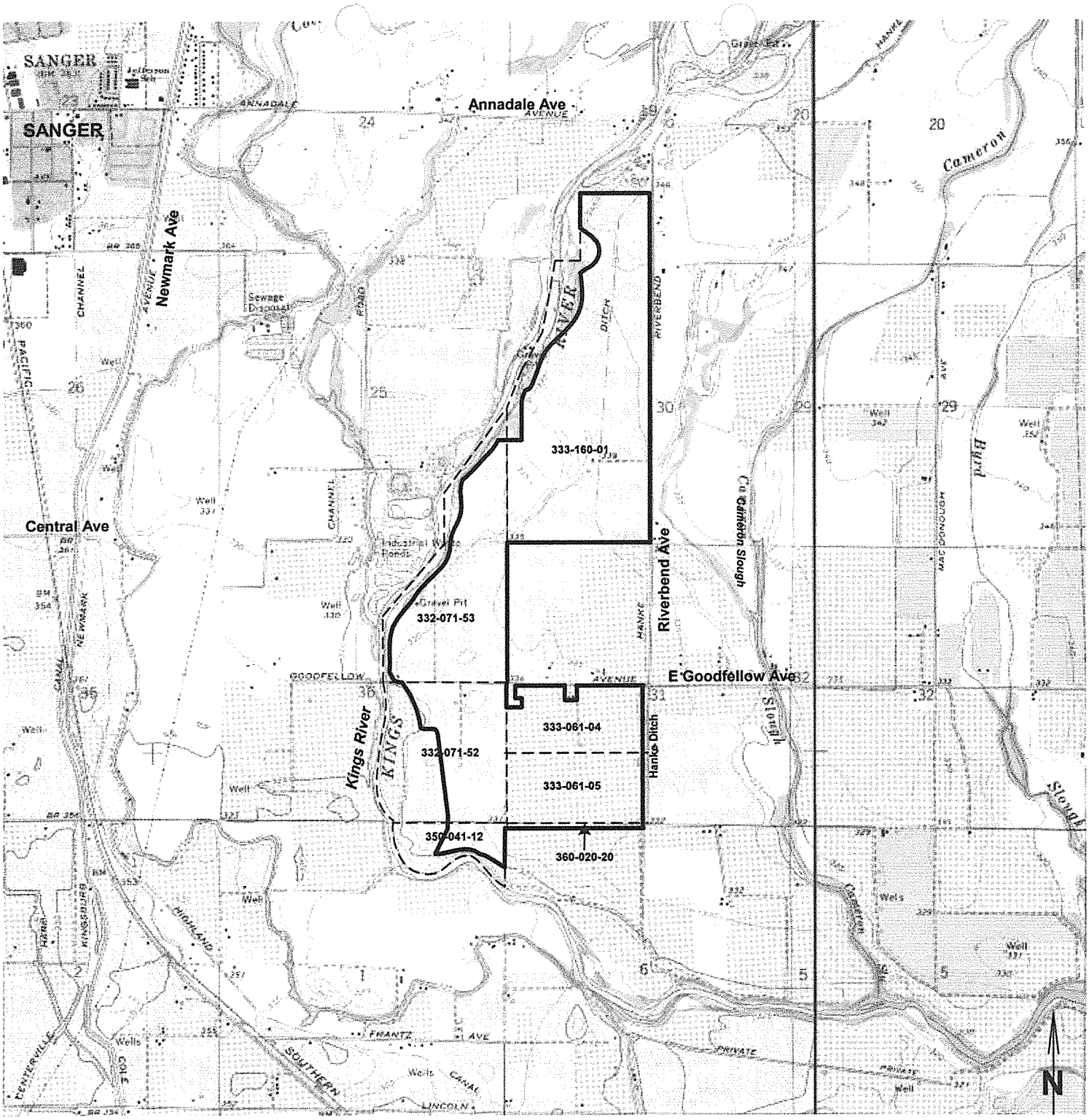
1.0 INTRODUCTION

Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E and includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River (Exhibit A). The remaining 214 acres of the property, including all the existing riparian habitat along the Kings River, are excluded from the project. The project site is relatively flat and is currently in orchards and vineyards (Exhibit B).

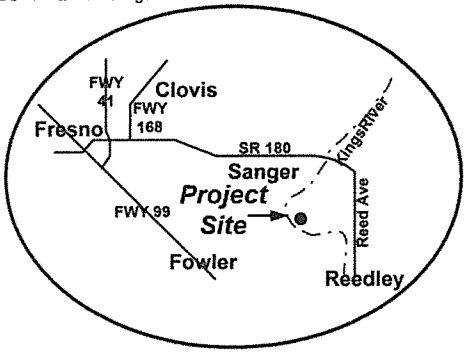
Mining is anticipated to occur to a depth of approximately 100 feet below natural ground surface. The reclamation plan (Appendix A) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner.

For the remaining phases where there is insufficient overburden and processing fines to fill the phases a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation. Reclamation of these phases will create approximately 351 acres of riparian (33 acres) and open water (318 acres) wildlife habitat. This Revegetation Plan addresses the riparian habitat to be created.

These Revegetation Guidelines has been prepared in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975, Article 9, Reclamation Standards, Section 3705, Performance Standards for Revegetation; and with the Regulations for Surface Mining and Reclamation in All Districts, Section 858 of the Fresno County Zoning Ordinance (FCZO). The Guidelines include a baseline vegetation analysis, revegetation plan, maintenance requirements, and performance standards for determining success.



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel

Exhibit A

Location Map



Legend:
— — · Property Bdy
——— Project Bdy
— · · · Designated Floodway

Riverbend Sand & Gravel
Sanger, CA
Exhibit B
Vegetation map

2.0 BASELINE VEGETATION ANALYSIS

Baseline vegetation analysis is required by SMARA regulations in order to document the vegetative density, cover, and species richness of naturally occurring habitats in the surrounding area and to provide a basis for evaluation of revegetation success. Where proposed end uses differ from premining uses, data may be obtained from reference areas in lieu of baseline site data.

2.1 Premining Conditions

As previously discussed the entire project site is relatively flat and is currently in orchards and vineyards. No natural habitats exist on the project site

2.1.1Vegetation Communities/Habitats

The historic habitats of the Kings River drainage have been extremely modified in the past. The free flow of the Kings River was eliminated in the early 1950's. Past and present agricultural operations and related development have eliminated all but a relatively narrow band of the riparian habitat adjacent to the river. The only remaining major natural vegetation type present near the proposed project area is Great Valley Mixed Riparian Forest (Holland, #61430) located immediately adjacent to the Kings River and outside of the western and southern edges of the proposed project area.

Native trees and shrubs found in this riparian habitat include; valley oak, (*Quercus lobata*), cottonwood, (*Populus fremontii*), buttonwillow, (*Cephalanthus occidentalis*), Oregon ash, (*Fraxinus latifolia*), elderberry, (*Sambucus mexicana*) and several species of willow, (*Salix* sp.). In addition, the riparian habitat supports several large sycamores, (*Platanus racemosa*). Non-native trees, shrubs that are also present include fruitless mulberry, (*Morus alba*), catalpa, (*Catalpa speciosa*), and silver maple (*Acer saccarhinum*).

Native understory plants include; mugwort, (*Artemesia douglassiana*), stinging nettle, (*Ur.*), rush, (*Juncus balticus*), virgin's bower, (*Clematis ligusticifolia*), horsetail, (*Equisetum arvensis*), and goldenrod, (*Solidago elongata*). Non-native understory species include Castor bean, (*Ricinus communis*), honeysuckle, (*Lonicera japonica*), Virginia creeper, (*Parthenocissus vitacea*), Himalaya berry, (*Rubus armeniacus*), periwinkle (*Vinca major*), and English ivy, (*Hedera helix*). In the following discussion, the names of vegetation communities follow the standard nomenclature used by Sawyer and Keeler-Wolf (1995), as appropriate. The names of the plant species that comprise these communities are taken from Hickman (1993).

Two relatively small "wetland habitat" are associated with two old gravel ponds in the northwest corner of the overall property and these sites are also excluded from the planned project area. The associated habitats of these ponds is riparian/emergent marsh and consists primarily of non-native weedy species and a scattered riparian and emergent plant species.

3.0 REVEGETATION PLAN

3.1 Reference Areas

The areas to be reclaimed to native riparian habitat will be reclaimed to conditions that differ from the premining condition (e.g. agriculture). Consequently, it is more appropriate to use data from reference areas to characterize naturally occurring habitats in the surrounding area as a template for revegetation.

The most appropriate area for use as a reference area is the avoided riparian habitat adjacent to the river (Figure 2). The first pond to be created will not occur until after mining is completed in that phase in about 10 years. Therefore the avoided riparian habitat areas will be examined for potential use as reference sites prior to the completion of mining of the first pond and data will be collected from the areas as appropriate. Revegetation standards, including plant palettes and planting densities, and performance standards will be revised as appropriate based on reference site examination and data.

3.2 Test Plots

SMARA regulations require test plots to determine the most appropriate planting procedures to assure successful revegetation. This requirement may be waived if success can be documented from previous experience with similar species and conditions or based on competent professional advice.

The authors of this Revegetation Plan have been actively involved in the revegetation of similar riparian sites for over 15 years including Vulcan Materials Company's Rank Island site on the San Joaquin River in Fresno County (OMR 2011 Excellence in Reclamation Award) and Triangle Rock Products' Laguna Creek Corridor Preserve in Sacramento County. These previous and on-going revegetation efforts have shown which methods are most effective at achieving initial survival of plantings and which species are most likely to become successfully established. It is unlikely that additional test plots would yield any new information that would help assure successful revegetation. Consequently, no additional test plots are proposed.

3.3 Soils

Soils in revegetation areas will consist of backfilled topsoil. SMARA regulations (Section 3711) require salvage of topsoil prior to mining and redistribution in areas to be revegetated. SMARA regulations (Section 3705) also require soil analysis to determine if the growth media in revegetation areas consists of native topsoil and is otherwise adequate to support successful revegetation.

3.3.1 Soil Fertility and Testing

After final grading of the areas to be reclaimed to native riparian habitat and placement of stockpiled topsoil, standard soil fertility and agricultural suitability testing will be performed to determine if soils are suitable to support growth of native upland vegetation. Since topsoil on the site has high soil index ratings soil analysis is anticipated to indicate the topsoil to be suitable for revegetation purposes.

Soil samples will be based on composites taken of the revegetation areas. The sampling protocol will be approved by the revegetation specialist prior to implementation. Soil testing will include the following:

- Presence of elements toxic to plants
- Nutrient levels
- Percentage of organic matter

If testing indicates low fertility and organic matter, soils will be amended with organic amendment and nutrients as described below.

3.3.2 Soil Amendment Specifications

Organic soil amendment/mulch will comply with the following specifications:

- Soil amendment shall consist of approximately 75 percent organic compost, comprised of chipped, shredded, or ground vegetation or clean processed recycled wood products processed as described below and screened through 3/8-inch mesh; and 25 percent wood chips ranging from 3/8 inch to 3 inch.
- Soil amendment shall not contain paint, petroleum products, herbicides, fungicides, or other chemical residues harmful to plant or animal life. Other deleterious material, including plastic, glass, metal or rock, shall not exceed 0.1 percent by weight or volume.

3.3.3 Fertilizer Specifications

Any fertilizer used to improve soil fertility will be a slow-release organic formulation (Biosol or equivalent).

3.3.4 Placement and Incorporation of Soil Amendment

Upon completion of site preparation, soil amendment will be placed and incorporated as follows:

- Soil amendment that has been stockpiled prior to use may require loosening or moistening to be restored to an acceptable friability and moisture content as directed by the Revegetation Specialist.
- Soil amendment shall be spread evenly over the prepared slopes and placed to a uniform depth.
- Compost shall be incorporated into the soil surface using a three-tine ripper or equivalent. Incorporation shall loosen, distribute and blend soil amendment with mineral soil.

3.4 Revegetation Methods

3.4.1 Technical Supervision

All revegetation activities will be conducted under the supervision of an experienced Revegetation Specialist. Any deviation from the revegetation plans will be approved by the Revegetation Specialist. The Revegetation Specialist will be on site during initiation of each

revegetation task (e.g., site preparation, plant installation, seeding, etc.), and all work will be monitored on a regular basis. Activity logs and field memos will be required to document the work accomplished and any problems encountered.

3.4.2 Preconstruction Activities

Prior to initiation of revegetation, the Revegetation Specialist a will establish and stake the limits of planting areas. All access routes, staging areas, and similar features will be located and staked in the field. Where necessary, orange construction fencing will be installed to delimit sensitive areas adjacent to construction areas.

3.4.3 Site Preparation

Areas to be revegetated will be prepared as follows:

- Vegetation, trash, debris, and weeds shall be cleared. All weeds shall be removed from the area and disposed of.
- Any eroded areas shall be repaired uniformly without leaving pits, holes, or low areas.

3.4.4 Timing

Seeding will be conducted between September 15 and October 15 to take advantage of winter rains for seed germination and growth.

3.5.5 Plant Materials

Container Stock: Container plants proposed for the upland habitat revegetation are shown in Table 1. When feasible, propagules for shrub and tree container plants will be collected from appropriate native plants growing on the project site or in the local area. The use of site specific materials, which are adapted to local conditions, increases the likelihood that revegetation will be successful, and maintains the genetic integrity of the local ecosystem. If local propagules are not available or cannot be collected at least six months prior to the fall planting, materials grown from other sources in the area may be substituted with the approval of the Revegetation Specialist.

Arrangements will be made well in advance of planting to ensure that plant materials are available at the appropriate planting time and that container plants are no more than one year old. Sufficient time will be allocated for seed collection and contract growing. Subject to confirmation by the plant suppliers, a minimum lead time of six months will be allocated prior to the anticipated planting dates.

Container plants will have healthy, well developed root systems, and will not be rootbound. The Revegetation Specialist will inspect a representative sample of all plant stock, and will reject those plants that do not meet these requirements.

Density: Average 2 trees per 150 feet of bank with periodic clustering of stands for more favorable wildlife habitat and aesthetics.

Table 1
Trees and Shrubs

Species	Common name	Size	Mix (%)
Alnus rhombifolia	White alder	Liner	15
Artemesia douglasiana	Mugwort	Liner	5
Cephalanthus occidentalis	Button willow	Liner	10
Fraxinus latifolia	Oregon ash	Liner	5
Platanus racemosa	Sycamore	Liner	15
Quercus lobata	Valley oak	Liner	15
Rosa californica	Rose	Liner	2.5
Rubus ursinus	California blackberry	Liner	2.5
Salix goodingii	Black willow	Liner	10
Salix ligulifolia	Arroyo willow	Liner	15
Vitis californica	California grape	Liner	5

Note: Significant natural revegetation by cottonwood (*Populus fremontii*) and other species of willows, (*Salix sp.*) is expected to occur.

Seed Source: The seed mix shown in Table 2 will be applied to all indicated revegetation areas. Seeding will follow installation of container plantings. Arrangements for seed collection will be made well in advance to ensure availability of material. Seeds and other propagules from appropriate native species will be collected adjacent to the project area or as close as possible to the site. If the collector cannot locate adequate seed/plant material collection areas for any of the species, the collector will contact the Revegetation Specialist immediately so that the Revegetation Specialist can assist in locating adequate collection locations.

Table 2
Seed Mix

Species	Common Name	Lbs/Ac
B hordeaceus	Blando Brome	10
Vulpia myros	Zorfro Annual fescue	8
Trifolium hirtium	Hykon Rose Clover	15
Eschscholzia californica	California Poppy	4
Lupinus bicolor	Blue/white Lupine	1
Achillea millifolium	Yarro	1
Clarkia sp.	Farewell to Spring	1
	Total	40

Seed Installation Technique: Seed will be sown by hydroseeding.

The following specifications shall apply:

- The seed mixes in Table 2 shall be used.
- Hydroseeding shall occur following container plant installation.
- No fertilizer shall be added to the hydroseed mix.

- The slurry shall be sprayed in a sweeping motion and in an arched stream, until a uniform coat is achieved with no slumping or shadowing and the material is spread at the required rate per acre.

3.6 Post Construction Report

The Revegetation Specialist will prepare a post-construction report documenting revegetation methods, changes in the revegetation areas or design, results achieved, and any problems encountered. As-built drawings will be prepared showing final planting areas, and the total revegetation acreage will be calculated.

4.0 MAINTENANCE OF REVEGETATION AREAS

All revegetation areas will be maintained for three years by a qualified Maintenance Crew as needed to meet the performance criteria. The Revegetation Specialist will recommend maintenance services to the extent necessary to assure that performance criteria are met.

Normal maintenance will include weed control as necessary (either by hand or by application of an herbicide labeled for such use), inspection for and repair of erosion problems, repairs to protection devices, and removal of trash.

4.1 Maintenance Schedule

Normal maintenance activities (watering, weed control, etc.) are anticipated to occur on a biweekly basis for the first quarter, and on a monthly basis thereafter for the first year. Subsequent maintenance will occur bimonthly during the growing season and quarterly during the dormant season. Frequency of maintenance visits will be adjusted as necessary.

4.2 Maintenance Activities

4.2.1 Control of Weeds and Exotic Plants

Nonnative invasive plants that threaten California's wildlands have been categorized by the California Invasive Plant Council (Cal-IPC 2006). Invasive plants that have been classified by Cal-IPC as High (severe ecological impacts on physical processes, plant and animal communities, and vegetation structure) or Moderate (substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure) in terms of ecological threat will be controlled as necessary within the revegetation areas for a minimum of three years in order to prevent aggressive weeds from out competing native plant species for resources (e.g., space, water, nutrients, and light). These invasive weeds will be removed mechanically, if feasible. In circumstances where mechanical control is not effective, it is appropriate to utilize EPA-approved systemic herbicides. Herbicides will be applied under the direction of a licensed applicator.

Prior to initiation of revegetation efforts, the Revegetation Specialist will consult the most recent Cal-IPC list and a list of specific species to be controlled under this Revegetation Plan will be developed. Additional species may be added to the list based on actual conditions and the recommendation of the Revegetation Specialist.

4.2.2 Supplemental Irrigation

All plants will be watered by hand directly after planting. Artificial irrigation will be supplied as needed through the first summer after planting to provide supplemental water for the establishment of plants from containers. At the direction of the Revegetation Specialist, irrigation may be continued on an as-needed basis during the second and third years following initial planting to facilitate root development, so that plants will be sufficiently established to survive without artificial irrigation beyond the third year.

The Maintenance Crew will be responsible for providing supplemental irrigation to the container plants by a temporary irrigation system.

The amount and frequency of irrigation of each planting area will be determined through monitoring soil moisture conditions during the initial irrigation period. The goal is to provide deep, infrequent watering to encourage deep rooting of all perennial species. The Maintenance Crew will keep a log ofwatering dates and water amounts administered each time.

4.2.3 Protective Devices

Protective devices, if installed, will be maintained in good condition. Additional devices will be installed, as described in Section 3.3.10, if monitoring indicates plant damage from herbivory.

4.2.4 Replacement of Dead or Diseased Plant Materials

Planting densities given in Tables 1 and 2 assume a certain amount of mortality during the monitoring period. As long as this level of mortality is not exceeded, replacement of plant materials will not be necessary. If mortality levels are excessive, the cause of mortality will be investigated and corrective actions taken as necessary to resolve any problems prior to plant replacement. Plants will be replaced only during the appropriate time of year as discussed in Section 3.4.4.

5.0 PERFORMANCE MONITORING AND REPORTING

The purpose of performance monitoring is to 1) determine the overall status and condition of the revegetation areas; 2) determine if native annual grassland is becoming established and meeting the performance criteria; and 3) identify any shortcomings or new issues, so that appropriate corrective actions can be taken. Performance monitoring will occur for a period of five years following seeding of native grassland or longer if performance standards have not been achieved.

5.1 Performance Criteria

5.1.1 General

The performance criteria for revegetation success are based on achieving adequate germination of seeded species to control weed growth and erosion.

SMARA performance standards for revegetation success are based on achieving vegetation density, cover, and species richness comparable with preproject conditions or with naturally occurring habitats in the area based on appropriate reference sites.

5.1.2 Quantitative Success Criteria

As discussed in Section 3.1 reference sites for this revegetation project have been identified as the avoided riparian habitat adjacent to the river Sample data will be used to determine estimates of native species and species richness for comparison with equivalent samples taken from revegetated areas.

Quantitative success criteria for this project also include total vegetated cover and native species cover as identified in Table 3.

Total Vegetative Cover: Total cover will be measured for seeded areas to assure there has been adequate germination of seeded species to control erosion and exclude noxious weeds, and that progressively higher rates of cover are achieved each year after seeding.

Native Species Cover: The cover of native species will be measured beginning at year two to assure that the relative cover of native species in revegetated areas is equivalent to or greater than naturally occurring habitats.

5.2 Monitoring Methods

Performance monitoring will include both qualitative and quantitative assessment, as described above. Qualitative monitoring will occur during periodic inspections of the revegetation areas. These inspections will occur frequently (approximately every month) during the first year and less often in subsequent years. Quantitative monitoring will typically occur annually in late summer beginning during the first year after planting. Sampling methods will be as described in Section 5.2.2.

5.2.1 Qualitative Monitoring

Qualitative monitoring methods will include visual observation and photo documentation. There are no specific performance criteria associated with this monitoring.

Table 3
Summary of Vegetation Performance Criteria

	Time After Completion of Planting				
Criterion	**6 months**	**1 year**	**2 years**	**3 years**	**5 years**
Survival (container stock only)	70%	50%	NA	NA	NA
Dripline Diameter (trees and shrubs)	NA	NA	Minimum 20 percent annual increase in dripline diameter	Minimum 20 percent annual increase in dripline diameter	Minimum 20 percent annual increase in dripline diameter
Height (trees and shrubs)	NA	NA	Minimum 20 percent annual increase in height	Minimum 20 percent annual increase in height	Minimum 20 percent annual increase in height
Species Richness (# of plant species)	NA	NA	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)
Total Vegetative Cover - All Species[1] (seeded areas)	Adequate germination in any 25 sq. ft. area[2]	25% cover in any 25 sq. ft. area	40% cover in any 25 sq. ft. area	70% cover in any 25 sq. ft. area	90% cover in any 25 sq. ft. area
Native Species Cover[3] (seeded areas)	NA	NA	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)

1. Includes both seeded and volunteer species; native and nonnative.
2. If seed germination is inadequate to prevent erosion damage or control invasion by weeds, re-seeding may be required. Application of appropriate herbicides may also be necessary to control weed growth.
3. Includes both seeded and volunteer species.

Visual Observation: During monitoring events, the Revegetation Specialist will document the condition of revegetation areas based on meander surveys and visual observations. Current conditions, potential problems (i.e., vandalism, fence damage, presence of exotic plant species, herbivory, erosion, etc.), and recommended actions will be documented in a Field Memo that will be provided to Riverbend. Copies of all Field Memos will be included in each year's annual report.

Photo Documentation: Annual photographs of revegetation areas will be taken from preset photostations during quantitative data collection events. Additional photographs will be taken of any potential problem areas. All photographs will be logged and included in each annual report.

5.2.2 Data Collection

Vegetative cover and species composition will be assessed using the sampling methods described below. Sampling will generally be conducted at the end of the growing season. Following each Vegetative cover and species composition will be assessed using the sampling methods described below. Sampling will generally be conducted at the end of the growing season. Following each annual data collection event, the Revegetation Specialist will compile data and prepare an analysis of the results.

Test plots for each vegetation strata will be used to estimate cover, density, and species richness within the habitat types occurring within the mine site. This sample size was selected to likely provide an 80% confidence and precision level. Plot size will be 5 feet rectangles for grass/forb

layers and 100 feet rectangles for shrub layers. The sampling points will be selected by randomly choosing a line transect and then placing sample plots at equally spaced distances along that transect. If not all sample plots can be placed within the line transect within the habitat type, additional random line transects will be selected.

5.3 Annual Reports

Annual monitoring reports will be prepared that include a summary of the revegetation effort, site conditions, any problems encountered, evaluation of data collected and success achieved, and recommendations for meeting the performance criteria. Reports will be submitted to the following:

Fresno County Public Works and Planning Department
2220 Tulare Street, Street Level
Fresno, CA 93721

6.0 CORRECTIVE MEASURES AND CONTINGENCIES

6.1 Corrective Measures

Corrective measures may need to be implemented during the five-year monitoring period in order to assure that performance criteria are ultimately achieved, and revegetation is successful. If corrective measures are deemed necessary, a plan will be developed by the Revegetation Specialist describing the proposed measures to be implemented. If corrective measures are implemented, the monitoring period will be extended for the areas requiring corrective measures such that at least two years of monitoring follow initiation of the corrective measure. Corrective measures will be fully documented in the annual report.

6.2 Contingency Plan

Contingency measures will be initiated if performance criteria are repeatedly not met, even after initiation of corrective measures, and additional corrective measures are determined by the Revegetation Specialist to be infeasible or impracticable. A contingency plan will be prepared that describes the nature and probable cause of the failure, and identifies specific contingency measures to be implemented. The contingency plan will be submitted to the Fresno County Public Works and Planning Department for approval prior to initiation.

Planning, implementation, and monitoring of contingency procedures, and provision of adequate funding, will be the responsibility of Riverbend. Contingency measures will be subject to the same performance criteria and monitoring requirements as the initial revegetation.

Fire, flood, and similar catastrophic events are beyond the control of Riverbend. Accordingly, it is appropriate that some limitation be placed on the requirement to implement contingency measures if failure is due to such catastrophic events. If a catastrophic event should occur during the monitoring period, Riverbend will evaluate the extent of habitat damage and coordinate with the Fresno County Public Works and Planning Department to determine a mutually acceptable resolution.

Any irreparable damage or destruction of revegetation areas caused by catastrophic events, including the acreage affected, and any changes in application of performance criteria, will be documented in the annual report.

7.0 REFERENCES

Surface Mining and Reclamation Act and Associated Regulations, California Department of Conservation, Office of Mine Reclamation, 2012

California Invasive Plant Inventory. Cal-IPC Publication 2006-02, California Invasive Plant Council: Berkeley, CA. Cal-IPC. 2006. Available: www.cal-ipc.org.

Sampling Technique, 3rd edition, Wiley Interscience, New York, Cochran, W. G. 1977

The Jepson Manual: Higher Plants of California, University of California Press; Hickman, James C, Ed. 1993

Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates and John Stebbins, Consulting Botanist, October 2012

Surface Mining and Reclamation of Mined Lands, Section 858, Fresno County Zoning Ordinance

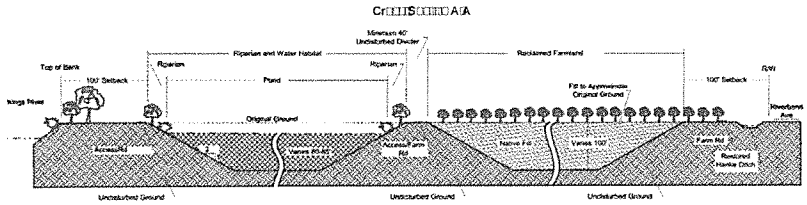
A Manual of California Vegetation, California Native Plant Society, Sacramento, CA, John O. Sawyer and Todd Keeler-Wolf, 1995

APPENDIX A

RECLAMATION PLAN

Typical Reclamation Cross-Sections

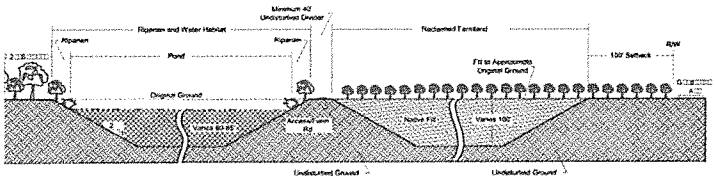
NTS



Typical Reclamation Cross-Sections

NTS

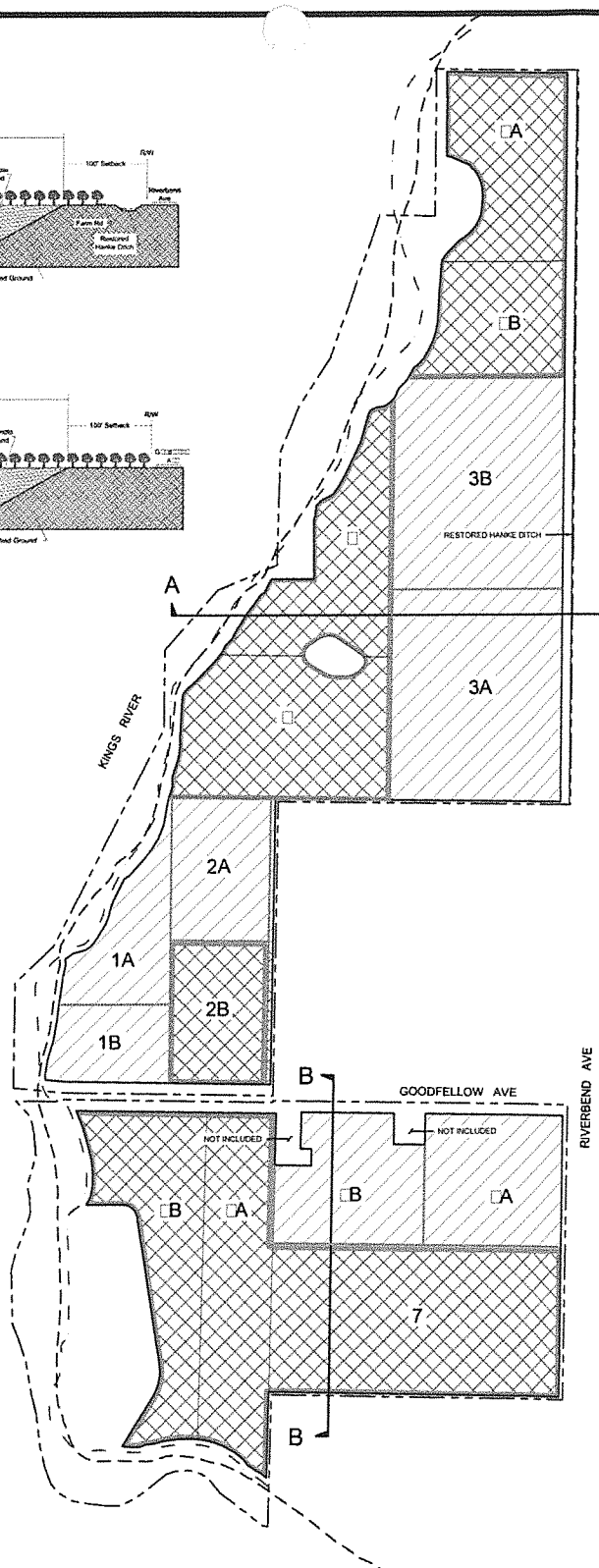
SECTION B:B



Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	**619**	**268**	**318**	**33**	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of
[2] Gross acres, includes farm roads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
[4] To be used for portable plant during mining of plant site (Phase 9)



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL
14892 E. Fontz Ave.
Porter, CA 93648
559-875-8565

EXHIBIT F

RECLAMATION PLAN

RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B		
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

BUADA ASSOCIATES

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
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e-mail: jcbuada@buada.com

October 12, 2012

Chris Motta
Fresno County Public Works and Planning
2220 Tulare St, 6th Floor
Fresno, Ca 93721

RECEIVED
COUNTY OF FRESNO

OCT 12 2012

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RE: Conditional Use Permit Application
Riverbend Sand and Gravel Project
Riverbend Sand and Gravel, LLC
14684 E Goodfellow Avenue, Sanger

Dear Mr. Motta:

As you are aware Riverbend Sand and Gravel, LLC (Riverbend) previously submitted an application to initiate the EIR process for its proposed project to mine construction grade aggregate (sand and gravel) from property located north and south of the Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno.

Riverbend is submitting the following to initiate the Conditional Use Permit application process:

- Completed, signed CUP application
- Copy of Pre-Application Review
- Grant deeds with legal descriptions
- Mining and Reclamation Plan document that includes the following:
  - Project Description/Operational Statement
  - Site Plan – 10 (11x17) copies
  - Mine Plan – 10 (11x17) copies
  - Reclamation Plan – 10 (11x17) copies
  - Elevations
- Check for $9,868 - CUP & Public Health Fee minus credit for Pre-App fee pd
- Check for $25 - Archaeological Info Center fee

If you have any questions or need any additional information please contact me by email at jcbuada@buada.com or by cell phone at 559-269-1376

Sincerely,

John C. Buada
Representative
Riverbend Sand and Gravel, LLC

Cc: Herb Lang
Pat Mitchell

Surface Mining and Reclamation Plan
Riverbend Sand and Gravel Project

Fresno County, California



Prepared For:

Riverbend Sand and Gravel, LLC
14962 E Fantz Ave
Parlier, CA 93648-9734

Submitted to:

Fresno County Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

October 2012

Prepared By

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APPENDICIES

A Letter of Agreement from the Property Owner
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D Existing Conditions Photos
E Process Water and Consumptive Use
F Revegetation Guidelines for the Riverbend Sand and Gravel Project, Buada Associates and John Stebbins, Consulting Botanist, October 2012

PROJECT SPECIFIC REFERENCES

Air Quality Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California, Dudek, October 2012

Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates and John Stebbins, Consulting Botanist, October 2012

Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California, Applied Earthworks, Inc., June 2012

Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California, Bollard Acoustical Consultants, August 2012

Groundwater Conditions at the Riverbend Sand and Gravel Project, Fresno County, California, Kenneth D. Schmidt & Associates, September 2012

Health Risk Analysis Riverbend, Sand and Gravel Project, Fresno County, California, Dudek, September 2012

Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California, VRPA Technologies, Inc., July 2012

Visual Impact Assessment for Riverbend Sand and Gravel, Fresno County, California, RGP Planning & Development Services, August 2012

OTHER REFERENCES

Construction & Aggregates in Fresno County, An Economic Analysis of the Construction and Aggregates Industries in Fresno County, Prepared for Construction Materials Association of California, Sharon Prager and Randy Evans, October 2003

Construction Aggregate Supply Limitations, Estimates of Economic Impact, Caltrans, February 2006

Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8, California Department of Conservation and Division of Mines and Geology, July 1988

Letter Regarding Aggregate Shortage in California, Will Kempton, Caltrans, February 27, 2006

Map Sheet 52, Aggregate Availability in California, Susan Kohler, Department of Conservation, California Geological Survey, 2006

Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, Special Report 158, Judy Wiedenheft Cole and David Fuller, California Department of Conservation and Division of Mines and Geology, 1986

Soil Survey of Eastern Fresno Area, California, USDA, Soil Conservation Service, October 1971

Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, DMG Open File Report 99-02, California Department of Conservation and Division of Mines and Geology, 1999

Working Paper No. 994, A Note on the Environmental Costs of Aggregate, Peter Brock, California Agricultural Experiment Station, Giannini Foundation of Agricultural Economics, January 2005

ACRONYMS

bgs..... below ground surface
CCR . ..... California Code of Regulations (Title 14)
DOC . ..... California Department of Conservation
DMG.....Department of Mines and Geology
h:v . ..... Horizontal to Vertical, or horizontal:vertical
FCZO.....Fresno County Zoning Ordinance
PRC ..... California Public Resources Code
SMARA . ..... Surface Mining and Reclamation Act, 1975 (PRC § 2777, et seq.)
SMGB ..... State Mining and Geology Board
USGS . ..... United States Geological Survey

SURFACE MINING AND RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL PROJECT

1.0 PROJECT INFORMATION

1.1 Purpose and Scope

This application is submitted in accordance with the Regulations for Surface Mining and Reclamation in All Districts, Section 858 of the Fresno County Zoning Ordinance (FCZO), the Surface Mining and Reclamation Act (SMARA), and associated SMARA regulations adopted by the State Mining and Geology Board (SMGB) (CCR Sections 3500-3800).

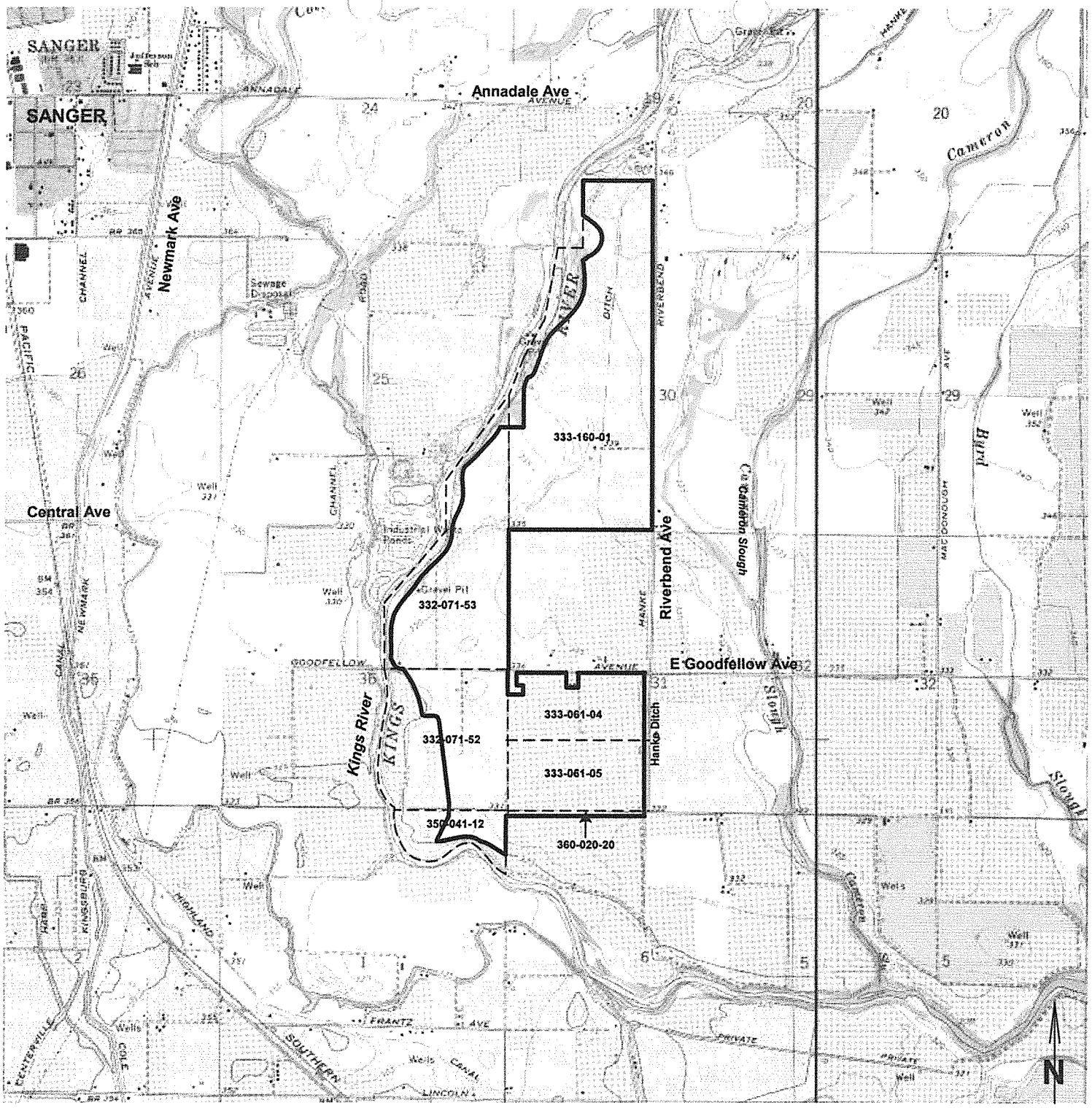
Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E and includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River (Exhibits A and B). The remaining 214 acres of the property, including all the existing riparian habitat along the Kings River, are excluded from the project. The project site is relatively flat and is currently in orchards and vineyards. The Hanke Ditch is piped and runs through the eastern portion of the project site north of Goodfellow Avenue and is an open ditch along the east side of the project site south of Goodfellow Avenue.

Mining is anticipated to occur to a depth of approximately 100 feet below natural ground surface. A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue with an anticipated annual process rate of 1.6 million tons and proposed annual sales of approximately 1.25 million tons. The processed material will be used by a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. Access to the project site is proposed from Goodfellow Avenue approximately 1/2 mile west of Riverbend Avenue. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 at sales of 1.25 million tons. Operations are expected be on-going for at least 75 years.

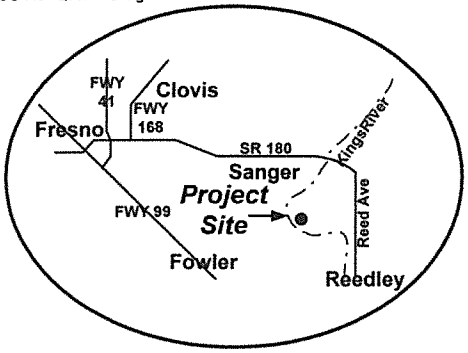
1.2 Names and Address of the Operator

Operator: Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734
(559) 875-6565

Site Address: 14684 E Goodfellow Avenue
Sanger, CA 93657-9551



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel
Exhibit A
Location Map



Aerial Source: Google Maps 2012

Riverbend Sand and Gravel
Exhibit B
Vicinity and Land Use Map

Agent: John C. Buada
Buada Associates
4872 N Arcade Avenue, Fig Garden Studio
Fresno, CA 93704
(559)432-4902

1.3 Owners of All Surface and Mineral Interests.

APN: 332-071-52 & 53
333-061-04 & 05
333-160-01S
350-041-12
360-020-20

Owner: Running Luck Ranch, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734

Please refer to Letter of Agreement Appendix A.

1.4 Size and Legal Description

The project site includes 619 acres as shown on Exhibit C including all or portions of the properties as identified in Section 1.3.

The legal description of the above properties is contained in Appendix B.

1.5 Vicinity Map

The project vicinity is shown on Exhibit B.

1.6 Map of the Subject Property Including Boundaries and Topographic Details of the Land

Exhibit C shows the boundaries and topographic details of the project site

1.7 Objectives of Project

The following are Riverbend's objectives for this project:

a. Provide a reliable and sustainable, local source of high quality aggregate to help meet the current and long-term demand (75 years) for construction materials in Fresno County.
b. Create additional, long-term supply of local aggregate reserves resulting in significantly shorter truck trip distances by reducing the need to haul aggregate from greater distances to meet Fresno area demands and thereby reducing fuel consumption, air pollution, traffic congestion, road maintenance and the cost of delivery.
c. Utilize aggregate reserves from property already designated by the state and county as MRZ-2 (Mineral Resource Zone containing mineral resources of regional significance, i.e. sand and gravel).
d. Utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic

Concrete (AC) which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.

e. Provide an additional local source of construction aggregate with enough annual sales capacity (1.25 million tons) to encourage a healthy competitive market.
f. Obtain aggregate resources with access to an efficient local road network and State Highway system.
g. Obtain aggregate resources unconfined by a restrictive conservation easement.
h. Create a project that would not require dewatering of groundwater.
i. Create an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality.
j. Create a project that will return a significant amount of mined land back to farming.
k. Create local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county.

1.8 Demand for Aggregate

Construction aggregate is essential to the needs of modern society, providing material for the construction and maintenance of infrastructure such as roadways, dams, canals, buildings and other parts of California's infrastructure. Construction aggregates are the very cornerstone of today's built environment and the core building component for schools, hospitals, houses, commercial and industrial buildings. Public works projects comprise 43% of aggregate consumption (John Parish, State Geologist, CalCIMA Conference, March 2007). Aggregate is a key component in most buildings including homes, schools, hospitals and shopping centers.

As part of the infrastructure State bonds approved in 2006, Caltrans is scheduled to deliver historic amounts of highway construction in the next few years. A tremendous amount of aggregate is required to supply the projects that support the State's transportation infrastructure and the need for new aggregate sources. As part of *Go California*, a mobility action plan designed to decrease congestion, improve travel times and increase safety, Will Kempton, Director of Caltrans, expressed concern about the availability and pricing of aggregate (Letter Regarding Aggregate Shortage in California, Will Kempton, Caltrans, February 27, 2006). Caltrans' statewide strategy is to work with communities in securing adequate industry capacity for California's needs. Based on information from DOC (DOC, 2006) possible cost increases could result because of shortages of aggregate that would impact local, regional and state fiscal budgets. Caltrans, therefore, encourages the development of new aggregate reserves.

1.9 Aggregate Cost

Transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs will significantly increase the cost of the aggregate by the time it reaches the consumer. For straight hauls with minimal traffic, the price of aggregate increases about 15 cents per ton for every mile that it is hauled from the plant. Currently, transporting aggregate a distance of 30 miles will increase the FOB price by about $4.50 per ton. For example, to construct one mile of six-lane interstate highway requires about 113,505 tons of aggregate. Transporting this amount of aggregate 30 miles adds $510,000 to the base cost of the material. Transporting aggregate from distant sources also results in increased fuel consumption, air pollution, traffic congestion, and

road maintenance. Moreover, transportation cost is the principal constraint defining the market area for an aggregate mining operation.

Permitting and expansion of additional construction aggregate supply sources provides significant benefits and cost savings. (*Construction Aggregate Supply Limitations, Estimates of Economic Impact,* Caltrans, February 2006). Those benefits include:

- A reduction in emissions from trucks with the reduction in truck miles of travel for hauling aggregates;
- Shorter hauling distance reducing aggregate-truck miles of travel and the cost of the materials;
- Reduction of pavement deterioration from fewer truck miles traveled;
- Reduction in project delays due to lack of aggregate supply in the area, which leads to increased project costs; and
- Reduction in aggregate-related truck miles of travel would also reduce traffic congestion and potentially reduce traffic accidents on roads

1.10 Aggregate Quality and Use

The highest quality aggregate is that which meets the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC). Forming 80 to 95% of the material volume in the mix, aggregate provides the bulk and strength to PCC and AC.

The material specifications for PCC and AC aggregate are more restrictive than specifications for other applications such as Class II base, subbase, and fill. These restrictive specifications for use as PCC or AC aggregate make such acceptable deposits the scarcest and most valuable aggregate resources. Aggregate produced from such deposits can be, and commonly is, used in applications other than concrete. PCC and AC-grade aggregate deposits are of major importance when planning for future availability of aggregate commodities because of their versatility, value, and relative scarcity. (CGS, 2006) The aggregate deposits in the Kings River MRZ-2 zone, where Riverbend is located, qualify for use both as PCC or AC aggregate making it one of the most important and most valuable aggregate sites in Fresno County.

Aggregate from a solid, hard rock deposit is typically more expensive than that from an alluvial deposit due to the additional costs associated with the ripping, drilling and blasting necessary to remove material from most quarries and the additional crushing required to produce the various sizes of aggregate. Manufacturing sand by crushing is more costly than mining and processing naturally occurring sand. (CGS, 2006) The aggregate on the Riverbend site is an alluvial sand and gravel deposit with naturally occurring sand that does not require the additional crushing to manufacture sand associated with hard rock quarries.

1.11 Environmental Costs of Aggregates

A local source of aggregates has both direct and indirect impacts on the environment. The indirect impacts include changes in the environmental costs of hauling aggregates and possible changes in the level of construction activity. The most likely effect of permitting a local aggregate site is to reduce the truck miles used for aggregate hauling, which is an environmental benefit, whereas the change in construction activity induced by expanding a site is likely to be extremely small. (*Working Paper No. 994: A Note on the Environmental Costs of Aggregates*, Peter Bereck, California Agricultural Experiment Station, Giannini Foundation of Agricultural Economics, January 2005)

Shorter haul distances result in lower costs and less environmental impacts due to lower fuel usage, less air pollution, less traffic congestion, less road wear, less tire and equipment wear and shorter delivery times.

The Riverbend project would serve the local area and is approximately 16 miles from central Fresno. Permitting additional local aggregate reserves would result in significantly shorter truck trip distances by reducing the need to continue to haul aggregate approximately 60 miles each way from Coalinga to meet the Fresno area's existing and future aggregate demand. There is a direct correlation between miles traveled and greenhouse gas emissions. Thus, comparing haul distances of 32 miles round-trip to 120 miles round-trip, truck trips from the project site result in 73% less greenhouse gas emissions attributed to on-road haul trucks as compared to hauling from Coalinga.

2.0 ENVIRONMENTAL DATA

2.1 Environmental Setting

2.1.1 Existing Land Use

The project site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. The Hanke Ditch is piped and runs through the eastern portion of the project site north of Goodfellow Avenue and is an open ditch along the east side of the project site south of Goodfellow Avenue. Riparian habitat is located along the Kings River outside the western and southern edges of the project site. Exhibit B includes an aerial photo of the project site and vicinity and Appendix C includes photos of the existing conditions.

There are several existing farmhouses and outbuildings on the project site (Exhibit C). These structures will be removed in accordance with appropriate regulations prior to mining each particular phase where the structures are located.

Surrounding land use includes an aggregate operation (Central Valley Ready-Mix) to the north and an aggregate operation to the east and southeast (Calaveras Materials Inc.). Large-lot, low-density rural residences, ranches, agriculture and farms are located to the east and to the west and south across the Kings River. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the project site. The City of Sanger is located approximately 1.5 miles northwest of the project site.

2.1.2 Mineral Resource Zone

In 1986, the State of California included the project site in the classification of the aggregate resources in Kings River area as MRZ-2 (Mineral Resource Zone containing mineral resources, i.e. sand and gravel) [*Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, Special Report 158*, Judy Wiedenheft Cole and David Fuller, California Department of Conservation (DOC) and Division of Mines and Geology (DMG), 1986]. Fresno County incorporated the MRZ-2 classification into the Mineral Resources Unit of the Open Space/Conservation Element of the General Plan in 1987.

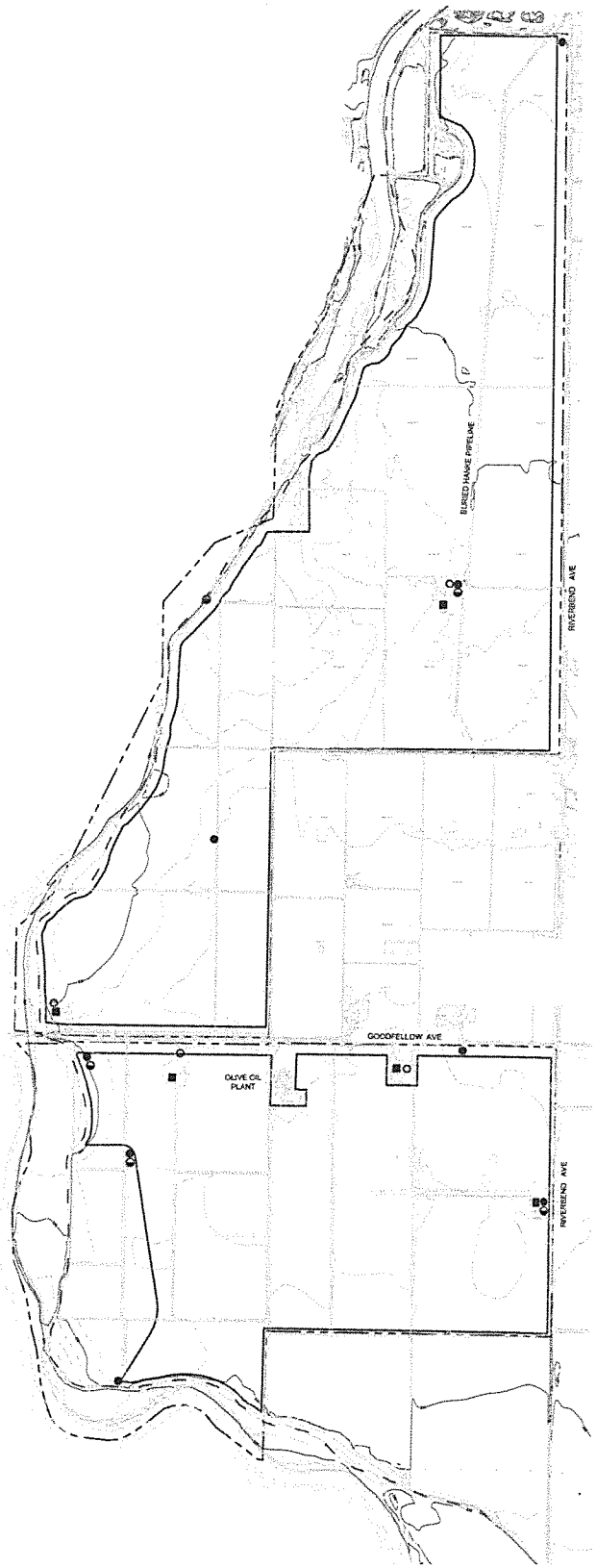
In 1988, the State also designated this site as having construction grade aggregate deposits that are of regional significance (*Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, SMARA Designation Report #8,* DOC and DMG, July 1988). SMARA requires that a lead agency's land-use decisions involving the designated area be made in accordance with its mineral resource management polices, and that the lead agency consider the importance of the mineral resource to the region as a whole and not just the lead agency's area of jurisdiction.

2.1.3 General Plan

The following Fresno County General Plan policies apply to the project:

a. Agricultural and Land Use Element

   Policy LU-A.4 "The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Unit of the Open Space and Conservation Element. (See Section OS-G)"



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTES:

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Fontz Ave. Porter, CA 93648 559-875-6565	EXHIBIT C
	CURRENT SITE PLAN
	RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B		
A		Initial Release

The Kings River Regional Plan designates the land use for the project site as Agriculture. The recovery of mineral resources from lands designated Agriculture is permitted by the above policy. The project is also consistent with the Mineral Resources Unit of the Open Space and Conservation Element as discussed below.

b. River Influence Areas

Policy LU-C.1: The County shall regulate land use along the Kings River in accordance with policies of the Kings River Regional Plan.

The project is consistent with the Kings River Regional Plan as discussed below.

Policy LU-C.5: The County may allow the extraction of rock, sand and gravel resources along the Kings River consistent with the Kings River Regional Plan policies and Section OS-C, Mineral Resources, of the Open Space and Conservation Element. (See Policy OS-C.11.)

The project is consistent with the Kings River Regional Plan and Section OS-C, Mineral Resources, of the Open Space and Conservation Element as discussed below.

c. Kings River Regional Plan

The following policies apply to the project.

Policy 4.05: The recovery of mineral resources in all zone districts will occur under the appropriate location and operational standards specified in the Mineral Resources Unit of the Open Space and Conservation Element of the Fresno County General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

The project is consistent with the Mineral Resources Section of the Open Space and Conservation Element as discussed below.

Policy 8.01: Sand and gravel operations should be encouraged in appropriate locations and should meet all Standards of Section 306-06 (Mineral Resources) of the General Plan. [Note: Replaced by Mineral Resources Section of the Open Space and Conservation Element in the 2000 General Plan].

See discussion under Policy OS-C.2 below.

d. Mineral Resources Section of the Open Space and Conservation Element

The introduction to Mineral Resources section states, "Aggregate and petroleum are the county's most significant extractive resources and play an important role in maintaining the county's overall economy.

The combined annual impact of the construction and aggregates industries in Fresno County in 2003 was $4.4 billion. (*Construction & Aggregates in Fresno County, An Economic Analysis of the Construction and Aggregates Industries in Fresno County*, Sharon Prager and Randy Evans, October 2003)

Policy OS-C.2: The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)

Policy OS-C.2 preserves MRZ-2 properties, which includes the project site, for mineral resource recovery.

Policy OS-C.3: The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.

This mining and reclamation plan has been prepared in accordance with SMARA and Section 858 of the FCZO.

Policy OS-C.5: The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.

This mining and reclamation plan has been prepared in accordance with SMARA and Section 858 of the FCZO.

2.1.4 Zoning

The project site is zoned "AL-20" Limited Agriculture, 20 acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in AL-20 district subject to a CUP and the provisions of Section 858 of the FCZO.

2.1.5 Williamson Act

Approximately 88 acres of the project site (Phases 8A and 8B) are currently subject to a Williamson Act contract (AP-6322). At least 10 years prior to the scheduled mining of Phases 8A and 8B a Notice of Non-renewal will be filed with Fresno County. By the time Phases 8A and 8B are ready to be mined the Williamson Act contract will have expired.

2.1.6 Vegetation Types and Condition

The project site is currently in walnut and olive orchards and grape vineyards. All the riparian habitat which is located along the Kings River on the western and southern edges of the project site will be avoided. (*Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California*, Buada Associates and John Stebbins, Consulting Botanist, October 2012)

2.1.7 Soil Types and Condition

Native surface soils on the project site as noted below and as shown on Exhibit D are primarily Grangeville soils as shown on maps #63 and #73 of and as described in the *Soil Survey of Eastern Fresno Area, California*, USDA, Soil Conservation Service (October 1971).

Dello loamy sand (Dm): Capability unit III, Storie Index rating 58

Dello sand loam (Dn): Capability unit III, Storie Index rating 65

Grangeville fine sandy loam (Gf): Capability unit I, Storie Index rating 90

Grangeville fine sandy loam, saline-alkali (Gg): Capability unit II, Storie Index rating 72



Source: Soils Survey of Eastern Fresno County, USDA, Soil Conservation Service, Oct 1971

Legend:

Dm: Dello loamy sand
Dn: Dello sand loam
Gf: Grangeville fine sandy loam
Gg: Grangeville fine sandy loam, saline-alkali
Hm: Hanford fine sandy loam
TzaA: Tujunga sand, 0 to 3% slopes
TzeB: Tujunga soils, channeled, 0 to 9% slopes

Riverbend Sand and Gravel
Exhibit D
Soils Map

Hanford fine sandy loam (Hm): Capability unit I, Storie Index rating 100

Tujunga sand, 0 to 3% slopes (TzaA): Capability unit IV, Storie Index rating 54

Tujunga soils, channeled, 0 to 9% slopes (TzeB): Capability unit IV, Storie Index rating 36

2.1.8 Groundwater

a. Elevation

Groundwater levels in the expansion area range from 16 to 20 feet below the ground surface (bgs) (*Groundwater Conditions at the Riverbend Sand and Gravel Project, Fresno County, California,* Kenneth D. Schmidt & Associates, September 2012).

b. Quantity and Quality

The alluvial deposits at the project site are highly productive. Yields of many irrigation wells in the area range from 500 to 2,000 gallons per minute (gpm).

The main sources of recharge to groundwater in the vicinity are deep percolation from irrigation return flow, seepage from the Hanke Ditch, Kings River, and Cameron Slough, and groundwater inflow from the north. Seepage from the Kings River is indicated to be a significant source of groundwater recharge during high stages in the river. Conversely, no seepage to the groundwater is expected during low river stages. The main sources of groundwater discharge are pumping and groundwater outflow to the south, including to the Kings River during low river stages. The quality of the groundwater is suitable for irrigation use. (Schmidt, September 2012).

There are four domestic wells and four active irrigation wells on the project site (Exhibit C). In addition five 70-foot deep groundwater monitoring wells have been installed on the property. The Groundwater Study prepared for the project indicates that groundwater levels since December 2010 have ranged from 8 to 22 feet and the direction of groundwater flow is south-southwest. The base of the useable aquifer in the vicinity ranges from 500 to more than 800 feet.

The project site is within the Kings River Water District. Most of the irrigation water (95%) used at the project site is Kings River surface water diverted/pumped from the Hanke Ditch located along the east side of the project site. In the northern part of the project site water in the Hanke Ditch is conveyed via a buried pipeline. There is also a pump in the Kings River that irrigates approximately five acres of grapes next to the river. The on-site irrigation wells are used to supplement the Hanke Ditch surface water supply.

2.1.9 Surface Water

a. Surface Water

The Kings River, located along the western boundary of the project site is the predominant surface water feature in the area (Exhibit C). All of the project site is in the Kings River Water District. Most of the irrigation water (95%) used at the project site has come from the Hanke Ditch, which passes along the eastside of the project site. In the northern portion of the project site the Hanke Ditch has been piped. A pump is also used to divert water to the site from the Kings River for the park site and about 5 acres of grapes. The river pump can also be used to supplement the Hanke

Ditch supply. The District has delivered an average of 3.5 to 4.0 acre-feet per acre per year of water to the site. For the current irrigated land at the project site (619 acres), this would total about 2,170 to 2,480 acre-feet per year. Current consumptive water use to for irrigation is estimated to be 1,630 acre-feet per year. (Schmidt, September 2012)

b. Flooding

The project site is setback at least 100-feet from the Designated Floodway. The FEMA flood maps indicate that portions of the project site are within the mapped 100-year floodplain. However, review of the existing topography indicates that much of the currently mapped area is no longer within the 100-year floodplain.

2.1.10 Sensitive Species

The biological resources evaluation prepared for the project site (Buada, Stebbins, October 2012) determined that no native habitats exist on the project site and that the mining/reclamation project will avoid impacts to all of the native plant communities that occur outside of the project area. These communities are considered sensitive habitats because they support a high diversity of wildlife species. By avoiding all of the existing native habitats outside of the project boundary, the native wildlife in the area will continue to have habitat available for foraging, shelter, and breeding activities during all phases of mining.

Sensitive plant surveys and biological surveys were conducted by (Buada, Stebbins, October 2012). The following is an overview of the presence of sensitive species on the site.

The Mexican elderberry (*Sambucus mexicana*), which is the habitat of the Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*) listed as federally threatened (FT) as discussed below is located adjacent the project site. In September 2003, the United State Fish & Wildlife Service (USFWS) recommended delisting of the VELB [*Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus) 5-Year Review: Summary and Evaluation,* USFWS, September 26, 2006].

Valley Elderberry Longhorn Beetle: The VELB, a FT species, occurs only in the Central Valley of California and is associated with the Mexican elderberry. The project includes the avoidance of all elderberry shrubs. In addition, mining-related activities, including access and maintenance roads, will not occur any closer to existing elderberry plants than current farming activities.

Bald Eagle: The bald eagle (*Haliaeetus leucocephalus*), a winter migrant, is known to occur in the vicinity along the Kings River.

Sensitive Raptor Species: The riparian area along the Kings River supports raptor species including: red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), barn owl (*Tyto alba*) and great horned owl (*Bubo virginianus*) The mining/reclamation project area avoids all of the perching and nesting areas in the existing and avoided native habitat.

2.1.11 Cultural Resources

A cultural resources study was prepared for the project site and the surrounding property owned or controlled by Riverbend, but not included in the project (*Cultural Resources Studies for the Riverbend Sand and Gravel Project, Fresno County, California,* Applied Earthworks, Inc., June 2012). Prehistoric archaeological sites or features were encountered or recorded within the study area but not within the

project area. Since the project avoids these sites, including a 50-foot exclusion zone, no further action was recommended.

2.2 Geologic Description

2.2.1 General Geologic Setting

The project site is within the Great Valley geologic province, lying between the Coast Ranges province and the Sierra Nevada province. The Great Valley province is characterized by relatively flat-lying alluvial sediments formed by the coalescence of successive alluvial fans derived from the Sierra Nevada and Coast ranges. The Kings River deposits were derived from the Sierra Nevada.

Granitic rock types compose the majority of clast types within the Kings River fan with the majority of the remainder of the deposit composed of quartzite, fine-grained basaltic volcanics, and fine-grained metavolcanics. The Kings River is geomorphologically similar to the San Joaquin River, except that it has a broader floodplain and a thicker section of recent sand and gravel. Unlike the San Joaquin River deposits, a persistent underlying clay layer has not been reported in existing aggregate operations on the Kings River. No materials deleterious to the production of quality aggregate have been found in the Kings River deposits. (DOC and DMG, 1986)

2.2.2 Detailed Geologic Description

Relatively coarse-grained deposits of the ancestral Kings River are generally predominant in the subsurface above a depth of about 200 to 220 feet. These deposits are primarily sand, gravel, and cobbles, and have been termed the Quaternary Older Alluvium. Some interlayered clay and silt layers are also present, but these are generally thin and discontinuous. Clay is also intermixed with the coarse-grained deposits in some depth intervals. Because of the overall lack of thick continuous clay layers above a depth of about 220 feet, one aquifer is generally considered to be present in the vicinity.

Crystalline rock or bedrock is not known to have been encountered by wells in the vicinity. Based on information from Sanger, Reedley, and the Great Western School (south of Reedley Airport), where deeper test holes and supply wells have been drilled, the top of the bedrock in the vicinity of the project site is expected to be below a depth of 700 feet. (Schmidt, September 2012)

3.0 MINE PLAN

Alternative A

The mine plan (Exhibit E) is designed to preserve all existing riparian habitat along the Kings River and to protect the Designated Floodway. Mining will be conducted in 14 phases. The phasing schedule is shown on Table 1, Section 3.1.4. Farming operations will continue on all phases not actively being mined or reclaimed.

The phases will be excavated by an electric-powered dragline to a maximum depth of approximately 100 feet below natural ground surface. Blasting will not be conducted. Mined aggregate will be transported to the aggregate processing plant located north of Goodfellow Avenue by electric-powered field conveyors. For the phases that will be reclaimed to farmland, 40 foot wide undisturbed (not mined) levees will separate those phases from the phases to be reclaimed as riparian and open water wildlife habitat.

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

Alternative B

As previously described Calaveras Materials Inc. (CMI) operates an aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A and 7, under Fresno County CUP 3052. In the future CMI may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CMI plant. If such an agreement were reached the aggregate from Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CMI plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

All the other phases would be mined by Riverbend in the manner described in Alternative A.

A Mine and Reclamation Plan Summary is shown in Table 1.

3.1 Site Plans

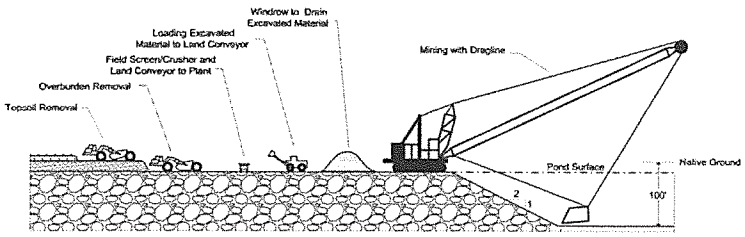
3.1.1 Existing and Proposed Roads, Including Ingress-Egress Roads and On-Site Roads

Existing farm roads are shown on Exhibit C. The proposed ingress-egress road and internal on-site roads are shown on Exhibit E. The access road to the plant site will be from Goodfellow Avenue approximately one-half mile west of Riverbend Avenue. The first 100 feet of the proposed, access road will be paved with asphalt and will be at least 24 feet wide in accordance with Standard H.6, Section 858 FCZO. In addition, the main access roads to the plant site, ready-mix concrete plant and asphalt plant will be paved with asphalt.

Access to the mining phases south of Goodfellow Avenue will be via a tunnel to be constructed under Goodfellow Avenue. The tunnel will be constructed prior to overburden removal on those phases.

ILLUSTRATION OF MINING WITH DRAGLINE

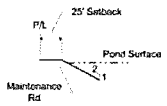
Not to Scale



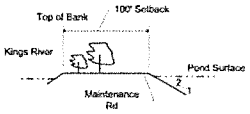
TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale

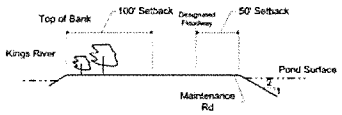
Property Line



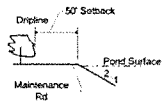
Kings River



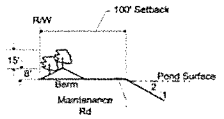
Designated Floodway



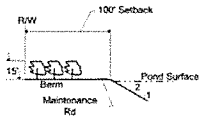
Riparian Vegetation or Mature Oak



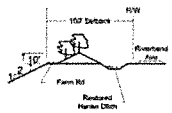
Goodfellow Ave w/Visual & Sound Berm

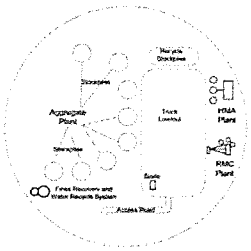


Goodfellow Ave w/Orchard-Like Screen



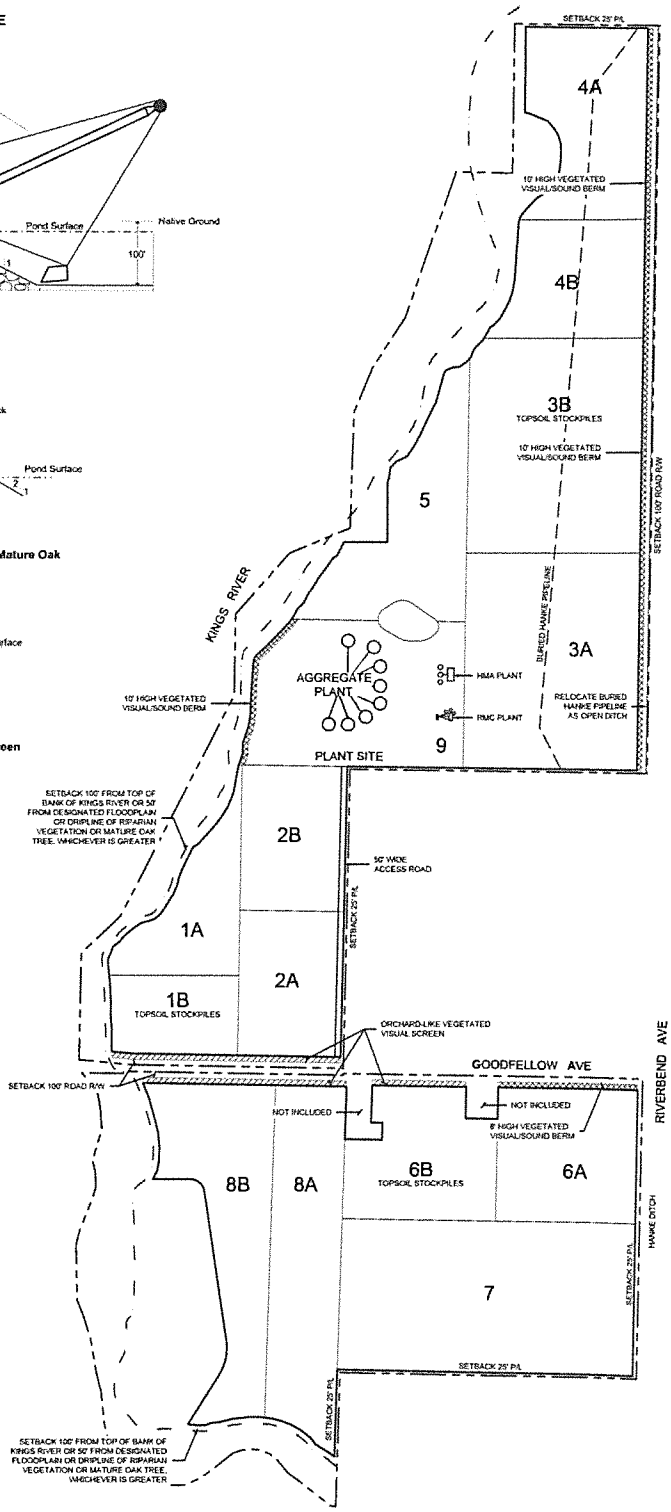
Riverbend Ave w/Visual & Sound Berm





Detail-Typical Plant Site Layout

NTS



Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2022	Riparian & Open Water Habitat	2026
2B	27	2025	Farmland[4]	2043/2090
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2068
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	619			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site

[4] To be used for portable plant during mining of plant site (Phase 9)

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- VISUAL/SOUND BERM (HEIGHT PER PLAN)
- ORCHARD-LIKE VISUAL SCREEN

GENERAL NOTES

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY DICTATE CHANGES IN MINING METHODS
3. SLOPES WILL BE MINED AT 2:1 (H:V)
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 50 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE, WHICHEVER IS GREATER.
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXCEPT FOR THE VISUAL/SOUND BERMS
7. LOCATION OF TOPSOIL STOCKPILES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Fortz Ave. Porter, CA 93648 559-875-6565	EXHIBIT E	D	
	MINE PLAN	C	
	RIVERBEND SAND AND GRAVEL	B	
		A	Initial Release
		Date	Revision

Table 1
Mine and Reclamation Plan Summary

Item/Activity	Description[1]
Mining Acres	Approximately 619 acres
Mining Method	Topsoil and overburden removal by scrapers. Wet mining of aggregate by electric dragline. Explosives will not be used.
Mining Depth	Approximately 100 feet below natural ground surface level
Processing	Aggregate processing plant, hot-mix asphalt plant, ready-mix concrete plant, portable plant to recycle concrete and asphalt debris (including imported)
Estimate Aggregate Volume	90 million tons
Estimated Total Sales	70 million tons
Annual Processed Volume	1.6 million tons
Annual Sales Volume	1.25 million tons
Estimated Annual Sales Per Plant[2]	
Aggregate	765,000 Tons
Hot Mix Asphalt	250,000 Tons
Ready-Mix Conrete	150,000 Cubic Yards
Concrete and Asphalt Recycling	25,000 Tons
Depth to Groundwater	15-20 feet below natural ground surface level
Reclamation End uses	
Reclaimed Farmland[3]	Approximately 268 acres
Open Space, Riparian and Open Water Habitat[3]	Approximately 351 acres
Project Life	Approximately 75 years

1. All values are approximate
2. Typical mix of products. Actual sales mix will vary based on demand. The requested otal annual sales of aggregate products is 1.25 million tons

3. Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill occurring on site.

3.1.2 Processing and Storage Areas

Processing and storage areas, including locations of equipment, structures, and facilities are centrally located in accordance with standard H.23, Section 858 FCZO (Exhibits E and F).

3.1.3 Proposed Setbacks, Screening, Fencing, Gates, Parking, and Signs

a. Setbacks and Avoided Areas

The following setbacks and avoided areas are shown on Exhibit E.

Excavation: No excavation of material or overburden will take place within:

- 100 feet from the top of the Kings River bank (Standards H.16 and H.25c, Section 858 FCZO) or 50 feet from the Designated Floodway, or 50 feet from the dripline of riparian vegetation or mature oak tree (Standard H.25c, Section 858 FCZO), whichever is greater;
- 100 feet from the public right-of-way (Standard H.1, Section 858 FCZO); and
- 25 feet from other property lines (Standard H.1, Section 858 FCZO)

Stockpiles: No stockpiled soil or material will be placed closer than 25 feet from any property boundary (Standard H.2, Section 858 FCZO) except visual/sound berms. (See Section 3.1.3b)

Native Woodlands, Riparian and Wildlife Habitat: In accordance with standard H.25c, Section 858 FCZO, all existing riparian habitat along the river is excluded from the project and is to remain as open space (Exhibit E). Only areas which are in agriculture or farming related activities, including access and maintenance roads, are included within the project boundaries to be mined or disturbed by mining related activities. Mining-related activities, including access and maintenance roads, will not occur any closer than current farming activities to existing habitat along the river.

b. Berms and Vegetated Screens

Since all the existing riparian vegetation along the entire Kings River frontage will be retained views of the project site from the Kings River and from across the Kings River will be screened. Several design measures included in the project will screen potential views of the mining and processing operation. These include installation of 8 to 10-foot-high vegetated berms and orchard-like vegetated visual screens along what would otherwise be the most visible portions of the project site.

Screening of the site will be achieved by the construction of several berms and orchard-like vegetated screens as shown on Exhibit E. The berms include a 10 foot high, vegetated earthen berm adjacent to Riverbend Avenue, an 8-foot high vegetated earthen berm south of Goodfellow Avenue adjacent to Phases 6A and 6B; and a 10-foot high, vegetated earthen berm along the west side of the plant site. Overburden and topsoil will be used to construct the berms. The berm west of the plant site will be constructed prior to operating the plant during nighttime hours. The berms along Riverbend and Goodfellow will be constructed prior to removal of overburden the area of the phases within 900 feet of the nearest residence to be screened. (Standard H.25a, Section 858 FCZO).

The berms will be planted with evergreen trees that will grow at least 15' high in two (2) staggered rows with one row on top of the berm in accordance with standard H.5, Section 858 FCZO as shown on Exhibit E and simulated in *Visual Impact Assessment for the Riverbend Sand and Gravel Project*, RGP Planning and Development Services, August 2012. Irrigation will be provided. The open area along the Kings River where portions of the plant site would be visible from the Kings River was recently planted with redwood trees (Standard H.11, Section 858 FCZO).

The orchard-like screens along Goodfellow Avenue as shown on Exhibit E will be planted prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g. olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening..

Views of the project site from the Kings River range from non-existent to a narrow glimpse of the westernmost edge of the project site due to the presence of the existing mature oak woodland and riparian vegetation occurring along the banks of the river. Redwood trees have been recently planted along the the one narrow visible location west of the proposed plant site. View opportunities from the river are also limited by the fact that the elevation of the river is at least five to six feet below the grade of the project site. Consequently, there is no clear line-of-sight to the entire property from the river, and views of the project site are mostly limited to the orchards and vineyards that are located immediately adjacent to the bank of the river.

The proposed vegetated berm west of the plant site will screen views of the majority of the proposed plant site from along the river. However, the dragline will be visible at times from the Kings River

because it is too tall to be entirely screened from view. The visual character of the potentially visible portions of the dragline contrasts with the natural form, line and texture of the surrounding environment. Nonetheless, this impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the river.

Approximately seven residences are located east of the project site across Riverbend Avenue. The proposed vegetated berm will screen views of the majority of the project site. However, due to the height of the dragline it will be visible at times because it is too tall to be entirely screened from view. This impact will not cause a dominant and/or permanent change in the visual quality of the area. The dragline will be visible only during excavations in the phases nearest the residence.

One residence across the river just southeast of the south portion of the project site is located within the potential viewshed because its property is elevated above the project site. However project activities will not be visible at this location because of the height and density of the oak woodland, riparian vegetation and non-native landscape trees already provide a natural visual screen between the residence and the project site.

The visual study prepared for the project indicates that with the above-described screening the visual impact is considered to be less than significant (RGP, August 2012).

c. Light and Glare

The issue of light and glare is typically associated with excessively bright nighttime lighting that crosses over property lines and illuminates off-site yards or bedroom windows. It is also associated with the condition that occurs when excessive nighttime lighting creates a "skyglow" effect.

For nighttime lighting high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) will be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the project site, and/or to areas that do not include light-sensitive uses. By utilizing the proposed lighting the project is not anticipated to produce any potentially significant impacts from light and glare (RGP, August 2012).

d. Fencing, Gates

The perimeter of the property along Riverbend and Goodfellow Avenues is fenced with six (6) foot high, wire, ranch fencing in accordance with standard H.4, Section 858 FCZO. In accordance with Standard H.6, Section 858 FCZO, the entrance gate will at least twenty-four (24) feet wide (Exhibit F).

e. Parking

The proposed 53 acre plant site will have sufficient parking for employees, customers, service/delivery vehicles as well as company and outside operated trucks (Exhibit E).

f. Signs

A sign will be located at the entrance road along Goodfellow Avenue.

3.1.4 Phasing

Mining will be conducted in 14 sequential phases (Exhibit E). The timing of the phasing and scheduling shown in Table 2 are rough estimates only. Actual excavation may occur sooner or later depending on the actual volume of material available in each phase and market conditions over time.

Table 2
Estimated Mining and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2022	Riparian & Open Water Habitat	2026
2B	27	2025	Farmland[4]	2043/2090
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	**619**			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

3.1.5 Cross Sections

Cross-sections (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table are shown on Exhibit E.

Cut and final slopes will be 2:1 (horizontal:vertical) (Standard H.3. Section 858 FCZO).

3.2 Routes Between the Property and the Nearest Arterial

The project has direct access to E Goodfellow Avenue as shown on Exhibit E. Goodfellow Avenue is classified as a collector with connections to arterials at Academy Avenue, McCall Avenue and Central Avenue (west of Temperance) and to State Route 180 via McCall Avenue and State Route 99 via Central Avenue.

3.3 Anticipated Quantity and Type of Minerals

Total production is estimated to be approximately 90 million tons with total sales estimated to be approximately 70 million tons, depending on the quality and marketability of the reserves.

3.4 Statement of Operations:

3.4.1 Commencement of Operations

Operations will begin upon approval of this Conditional Use Permit, Surface Mining and Reclamation Plan, the acceptance of Financial Assurances and all other necessary approvals.

3.4.2 Hours and Days of Operation

Aggregate operations are proposed to occur five days a week for approximately 250 days a year. Ready-mix concrete and asphalt plant operations are proposed to operate six days a week for approximately 275 days a year (partial days on Saturdays). Typical hours are shown on Table 3, Typical Hours and Days of Operation. However, mining and processing hours, including nighttime hours, will vary during different seasons of the year to comply with California's "Flex Your Hours" program by utilizing electricity during off-peak hours, to the extent feasible. Loading of material onto to trucks during nighttime hours is proposed to support major public road projects that are required to be completed during night hours or on weekends to avoid traffic conflicts. In addition asphaltic oil, cement and other supplies may be delivered during nighttime hours.

Table 3
TYPICAL HOURS AND DAYS OF OPERATION

Activity	Proposed Hours[1,2]
Excavation and Aggregate Processing	7:00 am - 7:00 pm, Weekdays
Loading and Aggregate Trucking[3]	6:00 am - 9:00 pm, Weekdays
Asphalt and Ready-Mixed Concrete Plants[4]	4:00 am-6:00pm, Weekdays, May-Oct 5:30 am-6:00pm, Weekdays, Nov-Apr 7:00 am-2:00pm, Saturdays

[1] Maintenance of mobile and plant equipment extend beyond these hours.
[2] During periods of public emergency and or major public road projects affecting the health and safety of the community, continuous 24 hours a day operations may be required.
[3] Major public road projects may be required to be completed during night hours or on weekends to avoid traffic conflicts. Such projects may require loading operations beyond the hours and days of operation shown.
[4] Asphaltic oil, cement and other supplies may be delivered during nighttime hours.

3.4.3 Estimated Production

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant of approximately 1.25 million tons. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 at sales of 1.25 million tons.

3.4.4 Traffic

The estimated hourly vehicle trips (one-way trips) associated with the project at average and peak sales are shown on Table 4, Estimated Daily Project Trip Generation. The majority (95%) of truck traffic will travel west on Goodfellow Avenue which changes to Central Avenue at just east of Newmark Avenue. Other smaller amounts of traffic (4%) are estimated to travel east on Goodfellow towards Reedley and eastern Fresno County, north on Academy Avenue to the city of Sanger (2%) and south on Academy (5%) to the cities of Fowler, Selma and Kingsburg. Project traffic past Academy Avenue (88%) is estimated to split evenly at McCall Avenue with half going north on McCall Avenue to access SR 180 and the central and northern parts of Fresno and the city of Clovis and half continuing west to Freeway 99 to access the southern and western portions of the city of Fresno. A traffic study prepared for the project details projected traffic impacts (*Traffic Impact Analysis, Riverbend Sand and Gravel Project, Fresno County, California,* VRPA Technologies, Inc., July 2012).

3.4.5 Number of Employees

The number of employees fluctuates with seasonal demand. The average number of employees during peak season will be approximately 38.

3.4.6 Anticipated Duration of Operation

Operations are expected to continue approximately 75 years depending on varying market conditions.

3.4.7 Maximum Anticipated Depth of Mining

The aggregate deposit has no consistent bottom or top elevation and can change significantly in very short, lateral distances. The maximum anticipated depth is estimated to be 100 feet from natural ground surface.

3.4.8 Method of Extraction

A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. Blasting will not be conducted.

a. Topsoil

There is an approximately two feet thick layer of topsoil. Topsoil will be removed as a separate layer from each phase primarily by using wheel tractor-scrapers that transport it, spread it at previously excavated phases for use as the final cover for reclamation or stored separately for later use in reclamation. If conditions become more difficult or access constraints prevent the use of scrapers, a hydraulic excavator, bulldozer, or front-end loader and haul trucks may be used to remove topsoil. Under typical conditions, topsoil removal will take place approximately one year ahead of mining therefore allowing agricultural use of the land to continue as long as possible (Standard H.25a, Section 858 FCZO). However, the operation may require topsoil for construction of the vegetated visual/sound berms.

Topsoil that cannot be used right away will be stockpiled separately from subsoil overburden. Stockpiled topsoil will be planted with a vegetation cover or will be protected by other equally effective means if necessary to prevent water and wind erosion.

Table 4
Estimated Daily Project Trip Generation[1]
Annual Aggregate Sales[2] of 1.25 Million Tons

Truck Trips	Average Daily Trips[3,4]	Maximum Daily Trips	AM PeakHour Trips[5]	PM Peak Hour Trips[5,6]
Aggregate Loads[7]	246	266	50	2
Asphalt[7]	80	212	40	2
Ready-Mix Concrete[8]	136	224	42	4
Product Truck Totals	462	702	132	8
Liquid Asphalt[9,10]	4	10	2	0
Cement[9,11]	10	22	4	0
Propane[12]	0.4	2	0	0
Import Concrete/Asphalt for Recycle[7]	40	40	0	0
Diesel Fuel[13]	0.1	0.1	0	0
Delivery Truck Totals	52	74	6	0
Total Truck Trips	**514**	**776**	**138**	**8**
Aggregate, Asphalt Employees Trips[14]	36	36	0	4
Ready-Mix Concrete Employee Trips[15]	40	40	0	2
Outside Services & Misc Visitors	14	14	0	0
Total Employees & Outside Services	**90**	**90**	**0**	**6**
Total Trips	**604**	**866**	**138**	**14**

Assumptions

1. Actual mix of products and trucks will vary with market-driven sales
2. Aggregate sales includes aggregate for on-site asphalt and ready-mix plants
3. Trip = one-way trip (i.e. 1 load = 2 trips)
4. 250 working days/yr for aggregate & asphalt, 275 working days/yr for ready-mix concrete
5. Peak hrly sales of each product determined by hrly loading capacity of each plant and mobile loading equipment (loaders) available. 1.25 loader to load aggregate and asphalt trucks. .75 loader to feed HMA and RMC plants.
6. PM peak trips are negligible. Almost all trips in the aggregate related industry occur before 3:00 pm.
7. Aggregate, asphalt, recycle 25 tons/load
8. 1.65 tons agg/cy, avg 8.0 cy/load, peak 9.5 cy/load
9. Liquid asphalt & cement 27 tons/load
10. 0.05 tons of liquid asphalt/ton of asphalt
11. 0.235 tons cement/cy
12. 4.1 lbs/gal propane, delivered by 12,165 gal (25 ton) tanker, = fuel for 4,679 tons of asphalt at avg 2.6 gals/ton of asphalt
13. Engineer's estimate, delivered by 8,000 gal tanker
14. 28 Employees (aggregate & asphalt 18, ready-mix concrete 10)
15. 38 Employees (aggregate & asphalt 18, ready-mix concrete 20)

b. Overburden

Overburden is the material directly beneath the topsoil and overlying the sand and gravel deposit. Overburden is approximately 15 to 22 feet thick. Overburden will be removed from the area to be

mined primarily by using wheel tractor-scrapers. The overburden will be used to construct the screening berms,

to fill the phases to be reclaimed as farmland, to shape the pond edges of the excavated phases to be reclaimed to ponds and riparian habitat as shown in the Reclamation Plan (Exhibit F) or will be stored separately for later use in reclamation. Overburden removal will occur on an estimated annual equivalent of one month per year utilizing conventional scrapers.

c. Aggregate

An electric dragline will be used to mine aggregate to depths of approximately 100 feet deep. A dragline is an electric-powered excavating machine with a long, straight boom from which an open-mouthed bucket is suspended by a cable (Appendix C). The boom is used to cast the bucket away from itself and then down beneath the water to the bottom of the excavation. The bucket is pulled back toward the machine with another cable, loading the bucket with aggregate. The bucket is then hoisted up and the excavated material is stockpiled in windrows to drain. After the stockpiled material has drained, a diesel-powered loader will transport the material to an electric-powered scalping screen which will separate oversized rock to be screened and crushed by a field crusher before the material is transported by overland conveyor to the plant.

3.4.9 Use of Explosives

Explosives will not be used.

3.4.10 Method of Transport

Mined aggregate will initially be transported to the processing plant by off-road trucks for approximately one year. Other than the first year of operation material will be transported by overland conveyors to the plant for further processing. Thereafter haul trucks will only be used for aggregate material transport during occasional repairs of overland conveyors.

3.4.11 Method of Processing

a. Scalping Screen and Field Crusher

As described above, after the stockpiled material has drained a diesel-powered loader will transport the excavated material to an electric-powered scalping screen which will separate oversized rock to be crushed by a field crusher before the material is transported by overland conveyor to the plant.

b. Aggregate Processing Plant

The processing plant will typically be divided into a primary plant, secondary plant and wash plant. The plant will be operated from a control tower.

Primary Plant: The primary plant will screen and separate sand from larger materials. Sand will be classified into different construction grade materials and stockpiled. Water will be introduced to wash fines from the excavated material. The fines will be sent to a wash plant. The remaining larger sized materials will be crushed and the combination of crushed rock and sand will be conveyed to the secondary plant for further processing. Customer trucks will be loaded with finished products by front-end loaders.

Secondary Plant: The secondary plant will utilize additional screening and washing equipment and crushers to create different construction grade materials. Finished products will be stockpiled and used by the on-site ready-mix-concrete and asphalt plants or sold directly to outside customers. Customer trucks will be loaded with finished products by front-end loaders.

Wash Plant: Fines from the excavated material and fines recovered from crushing will be sent to the wash plant where a fines recovery system will separate the fines from the water eliminating the need for settling ponds. The fines will be screened and the marketable products will be stockpiled. The non-marketable fines will be stockpiled for later use as fill in the reclamation of certain phases of the project back to farmland. Recovered water will be recycled back to the aggregate plant as process water.

b. Asphalt Batch Plant

Sand and crushed rock from the aggregate processing plant will be screened, dried and heated in a natural gas or propane-fired dryer/burner and mixed with liquid asphaltic cement to produce asphalt. Liquid asphaltic cement will be imported by truck and stored in above-ground tanks. The emissions from the dryer/burner will be ducted to a baghouse. The hot mixed asphalt concrete may be discharged directly into trucks from the mixer or conveyed to storage silos for discharge into trucks at a later time. Operation of the plant will be controlled from a control room.

At the end of each production day excess asphalt remaining in the plant will be stockpiled. This material will periodically be recycled for blending with fresh asphalt concrete. A Recycled Asphalt Pavement System or RAP system may be added to the asphalt plant. RAP would be blended with new asphaltic concrete.

c. Ready-Mix Concrete Plant

Sand and gravel from the aggregate plant and cement (imported by truck and stored in silos) will be weighed and deposited directly into the mixer truck drum. Baghouses will control dust emissions. Water will be added to the truck and the concrete will be mixed during transportation to the job site. Return concrete (concrete which is unused at the jobsite and returned to the site in the ready-mix trucks) will be stockpiled for later recycling into miscellaneous road base. Operation of the plant will be controlled from a control room.

The concrete plant will include a system to recycle water that is used to rinse out ready-mix concrete trucks. At least once a day, the mixer on each truck will be washed out and the wash water will be deposited into a series of concrete-lined holding basins. After solids are settled out, water will be recycled to the concrete plant for reuse in concrete. Residual sediment in the holding basins will be mixed with base rock for use in road base.

d. Portable Concrete and Asphalt Recycle Plant

A portable recycle plant (operating under a portable air permit) will be periodically brought in to recycle excess asphalt produced at the asphalt plant and stockpiled return concrete. The recycle plant will also recycle concrete and asphalt pavement imported to the site from construction demolition or road rebuilding sites. Asphalt or concrete to be recycled will be fed through a crusher(s), screens and conveyors and stockpiled. The recycled concrete will be sold as miscellaneous road base. The crushing of asphalt debris and stockpiled, unsold HMA will be recycled as RAP and later blended with fresh asphalt concrete. Recycling old concrete and asphalt reduces the volume of fill in local landfills and helps extend the available aggregate reserves in Fresno County.

e. Portable Aggregate Plant

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

3.4.12 Equipment

a. Excavation Equipment

Excavation equipment includes the following:

Dragline: A dragline is an electric-powered excavating machine with a long straight boom from which an open-mouthed bucket is suspended by a cable. The boom is used to cast the bucket away from itself and then down beneath the water to the bottom of the excavation. Mining depths for a dragline vary. The bucket is pulled back towards the machine with another cable, loading the bucket with aggregate. The bucket is then hoisted up and the material is stockpiled for transport to the plant.

Front-End Loader: A Front-End Loader is a rubber-tired, diesel-powered machine with a bucket attached to the front. A loader will be used to transport and load aggregate from the windrows into trucks or onto the screen and field crusher.

Screen and Field Crusher: As described above, an electric screen and field crusher will be required to screen and crush oversized rock before the excavated material is transferred by a loader to the land conveyor.

b. Aggregate Plant

Equipment and supporting facilities for the aggregate plant will include, but will not be limited to: front-end loaders, water trucks, conveyors, screens, screening towers, crushers, washers, sand cyclones, sand screws, sand/aggregate truck loadout bins, pollution control equipment, dewatering equipment and tanks, recycle water pumps, computer control tower, a maintenance shop, parts storage building, quality control lab, fuel tanks and other accessory equipment and buildings.

c. Asphalt Plant

Equipment and supporting facilities for the HMA plant will include, but will not be limited to: front-end loaders, aggregate storage bunkers, conveyors, elevators, burner/dryer, storage silos, dust silo, pollution control equipment, storage tanks, control tower, shop and other accessory equipment.

d. Ready-Mix Concrete Plant

Equipment and supporting facilities for the RMC plant will include, but will not be limited to: front-end loaders, ground aggregate storage bins, conveyors, batch plant, cement silos, pollution control equipment, storage buildings, batch office, water reclaimer and other accessory equipment.

e. Portable Concrete and Asphalt Recycle Plant

Equipment for the diesel and electric powered, portable recycle plant will include, but will not be limited to: front-end loaders, crushers, screens and conveyors.

f. Portable Aggregate Plant

Equipment for the electric-powered, portable aggregate plant will include, but will not be limited to: front-loaders, crushers, screens, sand screws and conveyors.

g. Topsoil and Overburden Removal Equipment

Removal of topsoil and overburden will be accomplished primarily with scrapers with the use of water trucks to minimize dust.

h. Haul Trucks

Mined aggregate will initially be transported to the processing plant by off-road trucks for approximately one year. Haul trucks will subsequently only be used for aggregate material transport during occasional repairs of overland conveyors.

i. Conveyors

Other than the first year of operation material will be transported by overland conveyors to the plant for further processing.

j. Import and Export Trucking

Aggregate and asphalt products will be hauled off-site by outside trucking firms. The ready-mix concrete operation includes ready-mix trucks which will be stored on-site. Other outside concrete or trucking companies may purchase ready-mix concrete and transport it in their own trucks. Independent trucking firms will import cement, asphaltic cement, fuel and construction materials. Concrete and asphalt pavement from construction demolition or road rebuilding sites will be imported to the site for recycling by outside trucking firms (see Section 3.4.11e)

k. Other Materials and Supplies

Diesel fuel for use by mobile equipment will be imported and stored in a double-walled tank or in containment. Gasoline for use by the plant pickup trucks will be imported and stored in a double-walled tank or in containment. Products needed to service the mobile equipment such as gear and lube oil, transmission fluid and various other products will be imported and stored at or near the maintenance shop.

3.4.13 Operating Practices to Minimize Noise, Vibration, Dust and Odor

a. Noise

The major on-site noise sources would be the aggregate processing; HMA, RMC, and recycle plants; excavation activities; and mobile equipment. The project includes the following Noise Control Measures:

- The HMA plant will be equipped with an exhaust stack silencer.
- The main aggregate plant will be equipped with urethane screens on the elevated screen decks and heavy urethane or rubberized liners on the hoppers and chutes.
- All mobile equipment will be equipped with noise suppressor mufflers in compliance with all applicable local, state, and federal laws and regulations.

- Smart backup alarms will be utilized and adjusted to ambient noise levels. Strobe lights will replace audible back-up alarms during non-daylight working hours subject to Mine, Safety and Health Administration (MSHA) approval.
- A 10'-foot high berm will be constructed along the west side of the plant site.

The Noise Study prepared for the project (*Environmental Noise Assessment, Riverbend Sand and Gravel Project, Fresno County, California*, Bollard Acoustical Consultants, August 2012) indicates that with the above proposed noise control measures included in the project design, noise generated by the plant-area sources (aggregate processing, asphalt, concrete, and recycle plants) are predicted to satisfy the daytime and nighttime median (L50) noise standards of Fresno County at the nearest residences.

Noise exposure from overburden removal and excavation when operating near residences on Riverbend Avenue could exceed the noise standards of Fresno County. As recommended by the Noise Study, Riverbend has incorporated the following mitigation measures into the project design, including the vegetated noise berms shown on Exhibit E, which will reduce this impact to less than significant:

1. Overburden removal and excavation activities shall be limited to daytime hours unless it can be demonstrated through on-site noise measurements that such activities could occur during nighttime hours without exceeding the project standards of significance at nearby residences.

2. Prior to mining within 900 feet of residences along Riverbend Avenue, a 10-foot high berm will be constructed near the western edge of the proposed 100-foot excavation setback.

3. Prior to mining within 900 feet of the residence north of Phases 6A and 6B across Goodfellow Avenue, an 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the south side of Goodfellow from Riverbend Avenue to 2000 feet west of Riverbend Avenue.

4. Following construction of the recommended berms along Riverbend and Goodfellow Avenues, to the maximum extent possible, excavation activities within 500 feet of an existing residence located adjacent to those roadways shall start on the portion of the pit furthest from the nearest residences, progressing below grade in the direction of those residences. In this way, mining activities may be visually and acoustically shielded as the mining equipment moves towards the potentially impacted
residences.

b. Vibration

The project is not expected to produce any significant vibration at acoustically sensitive receivers in the project vicinity. This is due to the type of equipment which will be used at the site, the planned extraction methods (no blasting), and the relatively large distances between the project operations and potential receivers.

c. Dust

The existing farm operations generate dust and emissions from the following: ground disturbance, e.g. plowing and disking, etc.; operation of farm equipment, e.g. tractors, farm and produce haul trucks, pickers. etc.; application of herbicides, fertilizers and insecticides; and harvesting.

The proposed aggregate, concrete and asphalt plants will operate in accordance with Permits to Operate from the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The aggregate plant will process excavated material containing over 10% natural moisture from having been excavated below the groundwater level. The aggregate plant will also be a wet process facility where all the materials will be washed. In addition water sprays will be utilized at transfer points as necessary. The above combination of wet excavated material, wet processing and water emission control will minimize dust emissions.

The asphalt plant will be equipped with baghouses, dust collectors, an exhaust filter system and a blue smoke filter system to capture gases created during truck loading. The above combination of emissions control will minimize air emissions.

The concrete plant will be equipped with baghouses, dust collectors and will utilize water sprays at transfer points as necessary. The above combination of emissions control will minimize air emissions.

The entire operation will comply with SJVAPCD's Regulation VIII regarding fugitive dust including, but not limited to, the following measures:

1. Prior to removal of topsoil and overburden, the area will be irrigated or sprayed by water trucks if removal occurs during the dry season.

2. Excavated material will contain approximately 10% natural moisture from having been excavated below the groundwater level.

3. Water will be applied to the material during the washing and processing operation at appropriate transfer points to minimize dust.

4. Conveyors will be equipped with water spray nozzles at appropriate transfer points to minimize dust.

5. Water trucks will be utilized as necessary to meet the SJVAPCD fugitive dust requirements to wet down plant and haul roads.

6. Dust pallatives, such as lignon sulfonate or magnesium chloride will be applied to the main haul roads as necessary.

7. Water trucks will be utilized as necessary to meet the SJVAPCD fugitive dust requirements to wash off dust accumulated on the asphalt roads.

8. The first 100 feet of the existing entrance road will be paved with asphalt and will be at least 24 feet wide. In addition, the main access roads to the plant site, ready-mix concrete plant and asphalt plant will be paved with asphalt.

9. A wheel washer will be installed after the scales to prevent trackout to the public highway.

d. Odor

Diesel exhaust from mobile equipment/vehicles and air emissions from the asphalt plant associated with the Proposed Project will contain quantities of odorous substances. The asphalt plant will incorporate modern technology designed to minimize odorous emissions including an exhaust filter

system and a blue smoke filter system to capture gases created during truck loading. Given the rural nature of the project site location it is not anticipated that any objectionable odors affecting a substantial number of people could result from the project. Based on experience with similar facilities in Fresno County, it is not likely that any odors originating from the batch plant would cause a nuisance or rise to the level of a potentially significant odor source.

e. Light and Glare

The issue of light and glare is typically associated with excessively bright nighttime lighting that crosses over property lines and illuminates off-site yards or bedroom windows. It is also associated with the condition that occurs when excessive nighttime lighting creates a "skyglow" effect.

As previously described, operations will occur primarily during daylight hours. Operations during the time of year when daylight hours are shorter, or for any nighttime operations will require lighting to provide a safe operating environment. For nighttime lighting high pressure sodium and/or cut-off fixtures (or equivalent IDA-approved fixtures) will be used instead of mercury-vapor fixtures for any required nighttime lighting of the dragline and the processing facilities. The lighting will also be designed to confine illumination to the project site, and/or to areas that do not include light-sensitive uses. By utilizing the proposed lighting the project is not anticipated to produce any potentially significant impacts from light and glare (RGP, August 2012).

3.4.14 Quantity and Quality of Water Required

Dewatering will not be utilized for the proposed mining operations. Process water used for the operation will include water to wash the mined aggregate (90 % of which will be recycled), water used for dust control, water used in the ready-mix concrete plant and water for domestic use (Appendix E). Process water will pumped from groundwater at a rate of approximately 160,000 gallons per day. The total annual net (consumptive) water use for processing is estimated to be approximately 178 acre-feet (AF/yr).

3.4.15 Flooding

As previously indicated the FEMA flood maps indicate that portions of the project site are within the mapped 100-year floodplain. However, review of the existing topography indicates that much of the currently mapped area is no longer within the 100-year floodplain.

The phases to be reclaimed to farmland will be filled back to the original grade resulting in no change to the floodplain. The phases reclaimed back to ponds will actually increase the flood-holding capacity in those phases because the water surface in the ponds will be 15-20' below the original grade of the land.

3.4.16 Liquid or Solid Waste to be Produced

Fines recovered from the aggregate processing will be used as fill to reclaim portions of the site back to farmland. Domestic sewage will be handled by conventional septic systems and serviced as necessary by commercial septic services. Solid waste, e.g. parts packaging, paper, etc., will be deposited in dumpsters for pickup and disposal by a licensed solid waste disposal company.

3.4.17 Methods Employed to Prevent Pollution of Surface and/or Groundwater

a. Pollution Control Programs: Pollution control programs will include: Storm Water Pollution Prevention Plan, Hazardous Materials Business Plan, a Spill Prevention Control and Countermeasure

Plan, Employee Training, Record Keeping, Preventative Maintenance and Best Management Practices.

b. Equipment and Vehicle Parking/Storage Areas: These areas will be graded to prevent storm water run-off to surface water or into the groundwater.

c. Vehicle Maintenance and Repair: Mobile vehicles will be maintained and repaired in a covered shop or on paved surfaces. Such areas will be designed to collect pollutants. All pollutants will then be disposed of in accordance with local, state, and federal regulations. Inspection and maintenance programs will be established to ensure that vehicles are operating properly and leaks are prevented to the extent feasible.

d. Excavation Equipment: Excavation equipment will be maintained and repaired at the excavation phases. All pollutants will be managed in accordance with local, State and Federal regulations to prevent pollutants from entering surface or groundwater.

e. Vehicle and Equipment Fueling: Vehicles will be fueled on concrete pads next to the fueling areas. The fueling areas will be designed to handle storm water in accordance with local, state, and federal regulations. Fuel will be stored in double-wall concrete tanks or in containment in accordance with EPA regulations.

f. Vehicle and Equipment Washing and Steam Cleaning: Vehicle washing will take place in specific paved areas adjacent to the shop that will drain to holding ponds, a concrete lined sump or holding tank to prevent storm water run-off to surface or groundwater. Steam cleaning will take place on concrete or hard surface pads or in the enclosed shop, which will be designed to collect pollutants. Such pollutants will then disposed of in accordance with local, state and federal regulations.

g. Waste Handling and Disposal: Wastes from the facility will be stored in designated containers adjacent to the shop in the containment area and/or within the shop and disposed of in accordance with local, state, and federal regulations.

h. Outdoor Loading and Unloading of Materials: All loading and unloading of materials will take place in designated areas that will be graded and designed to prevent storm water run-off from entering the river.

i. Outdoor Container Storage of Liquids: All containers containing potentially hazardous materials will be stored in containment areas engineered in accordance with the Spill Prevention Control and Counter-Measure Plan.

j. Outdoor Process Equipment Operations and Maintenance: An inspection and maintenance program will be established to ensure that equipment is operating properly and leaks are prevented to the extent feasible.

k. Outdoor Storage of Raw Materials, Products and By Products: The processing site will be graded to prevent drainage and storm water runoff from raw materials, products and by-products from entering the river.

l. Containment of Erodible Areas: All erodible surfaces within the plant areas will be graded to prevent storm water run-off to the river.

m. Sediment: The site will be graded to prevent sediment from the stockpiles or the excavation areas from entering the Kings River.

n. Agricultural Surface Water Runoff: Temporary berms will be placed between the created ponds and farmland to prevent agricultural surface water runoff from entering the lakes.

o. Site Drainage: The above measures will contain and prevent pollution of groundwater and surface water by all hazardous or pollutant materials. Since the stockpiles on the plant site contain only native materials excavated from the site, the remainder of the plant site and roadways will be graded to direct drainage to the excavated phases to prevent storm water from leaving the site.

3.4.18 Disposal Methods for Tailing and Other Mining Waste

Fines recovered from the aggregate processing will be used as fill to reclaim portions of the site back to farmland.

3.4.19 Compliance With Mining and Reclamation Standards

Please refer to Section 4.1.8.

4.0 RECLAMATION PLAN

4.1 Planned Reclamation

4.1.1 Proposed End Use

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Approximately 268 acres, or 43% of the project site, are to be reclaimed as farmland in this manner. For the remaining phases, where there is not sufficient overburden and processing fines to fill approximately 351 acres, or 57 % of the project site, will be reclaimed to riparian and open water wildlife habitat.

4.1.2 Notification of All Owners of a Possessory Interest in the Land of the Proposed Use.

Copies of the reclamation plan have been provided to the underlying property owner. Letter of Agreement from the property owner is contained in Appendix B.

4.1.3 Manner in Which Reclamation, Adequate for the Proposed Use, Will Be Accomplished

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner as shown in Table 5.

For the remaining phases where there is not sufficient overburden and processing fines to fill the phases a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation pursuant to the Revegetation Guidelines prepared for the project (*Revegetation Guidelines, Riverbend Sand and Gravel Project, Fresno County, California*, Buada Associates-John Stebbins, October 2012). Reclamation of these phases will create approximately 351 acres of riparian (33 acres) and open water (318 acres) wildlife habitat.

Table 5
Reclaimed End Uses

Use	Approximate Acres
Farmland	268
Riparian Habitat	33
Open Water Habitat	318
Total	619

a. Control of Contaminants and Disposal of Mining Waste

Please refer to Sections 3.4.15, 3.4.16 and 3.4.17.

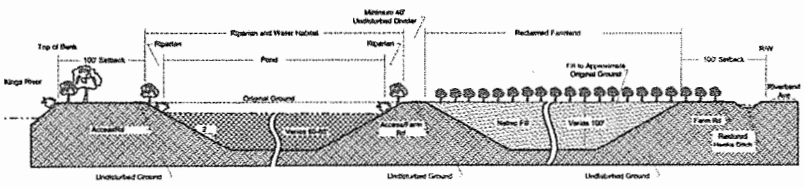
b. Rehabilitation of Affected Streambed Channels and Streambanks

No streambed channels and streambanks will be disturbed by the project..

Typical Reclamation Cross-Sections

NTS

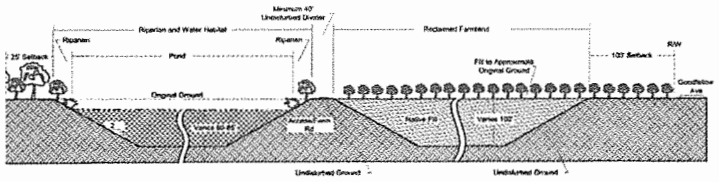
Cross-Section A-A



Typical Reclamation Cross-Sections

NTS

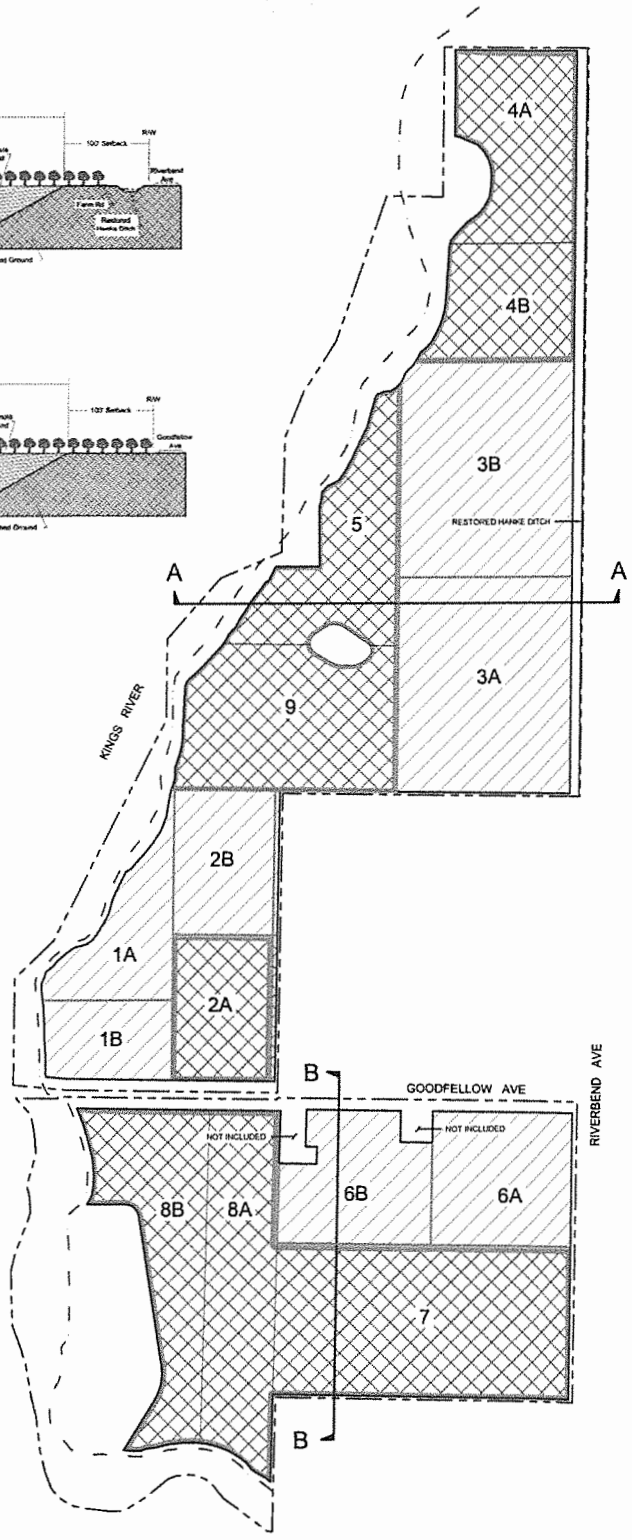
SECTION B-B



Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A	27		23	4	2026
2B*	27	27			2043/2090
3A	67	67			2064
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2053
7	80		73	7	2072
8A	44		40	3	2077
8B	44		39	5	2083
9	52		49	4	2090
Totals	619	268	318	33	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of
[2] Gross acres, includes farm roads
[3] Actual final reclamation and areal extent of each end use will depend on the volume and available of overburden and process fines suitable for use as fill
* To be used for portable plant during mining of plant site (Phase 9)



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL 14692 E. Fontz Ave. Parlier, CA 93648 559-875-5565	EXHIBIT F
	RECLAMATION PLAN
	RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B		
A		Initial Release

4.1.4 Schedule for the Completion of Surface Mining

Mining and reclamation is estimated to be completed in 75 years from initiation of the project. The reclamation schedule is shown on Table 2, Section 3.1.4 and Exhibit F.

4.1.5 Phasing Plan for Reclamation Activities and Schedule for Completion

Reclamation phasing is depicted in Exhibit F and consists of 14 phases. The phasing schedule is shown on Table 2, Section 3.1.4. For each of the phases to be reclaimed as farmland, farming will resume within two years after the phase has been filled in the manner described in Section 4.1.3. For each of the phases to be reclaimed as open water and riparian habitat the phases will be reclaimed within two years of the completion of mining in that phase in the manner described in Section 4.1.3. Reclamation in this manner assures concurrency of reclamation with mining.

4.1.6 Effect On Future On-Site Mining and Mining in the Surrounding Area

Implementation of the proposed reclamation will have no effect on the ability to mine other areas designated as containing "Regionally Significant Construction Aggregate Resources" pursuant to SMARA Section 2790 (see Section 2.1.2d).

4.1.7 Measures to Protect Public Health and Safety

The perimeter of the property will be fenced with minimum four (4) foot high, ranch fencing consisting of metal T-posts and at least three (3) strands of barbed wire in accordance with Section 858 H.4 of the FCZO.

4.1.8 Compliance with Fresno County Surface Mining and Reclamation Standards (Section 858-H)

a. No extraction of material or overburden shall be permitted within twenty-five (25) feet of any property boundary or within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision. (Standard H.1)

   Please refer to Section 3.1.3a.

b. No stockpiled soil or material shall be placed closer than twenty-five (25) feet from a property boundary. (Standard H.2)

   Please refer to Section 3.1.3a.

c. No production from an open pit shall create a slope steeper than 2:1 within fifty (50) feet of a property boundary nor steeper than 1½:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its reclamation configuration, and slopes of 1:1 may be maintained five (5) feet below the lowest water table on the property, experienced in the preceding three (3) years. (Standard H.3)

   Please refer to Section 3.1.5.

d. Security fencing four (4) feet in height consisting of not less than three (3) strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two (2) feet horizontal to one (1) foot vertical

are maintained. Such interior fencing will not be required where exterior fencing surrounds the property. (Standard H.4)

Please refer to Section 3.1.3d

e. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two (2) staggered rows, with twenty (20) feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at ten (10) foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site. (Standard H.5)

Please refer to Section 3.1.3b.

f. The first one hundred (100) feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two (2) percent grade and shall have a width of not less than twenty-four (24) feet. (Standard H.6)

Please refer to Section 3.1.1.

g. Where an access road intersects a County Maintained road, it shall be improved with a driveway approach constructed to Fresno County Standards. (Standard H.7)

Please refer to Section 3.1.1.

h. All interior roads within the site shall be maintained so as to control the creation of dust. (Standard H.8)

Please refer to Sections 3.4.13c.

i. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director. (Standard H.9)

A stop sign will be installed at the intersection of the site entrance road to E Goodfellow Avenue.

j. When the plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mine operators who do not salvage soil during the initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the Mining and Reclamation Plan and where such measures appear necessary. It is not justified; however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed. (Standard H.10)

Please refer to Section 3.4.8a.

k. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary. (Standard H.11)

Please refer to Section 4.1.9c.

l. Additional vegetative planting may be required in the interest of erosion control. (Standard H.12)

Please refer to Section 4.1.9c.

m. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground. (Standard H.13)

Please refer to Section 3.4.17.

n. *Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.* (Standard H.14)

Please refer to Section 3.4.13c.

o. Erosion control facilities such as settling basins, ditches, stream bank stabilization, and dikes shall be constructed and maintained where necessary to control erosion. (Standard H.15)

Please refer to Section 3.4.17.

p. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream will be permitted. (Standard H.16)

Please refer to Section 3.4.17.

q. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream. (Standard H.17)

Please refer to Section 3.4.17.

r. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas. (Standard H.18)

Please refer to Section 3.1.7.

s. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality. (Standard H.19)

No settling ponds are proposed. Please refer to Section 3.4.11b.

t. Good operating practices shall at all times be utilized to minimize noise, vibration, dust and unsightliness. In reviewing a proposal the Planning Commission shall consider: (Standard H.20)

Please refer to operating practices to reduce noise in Section 3.4.13a.
Please refer to operating practices to reduce vibration in Section 3.4.13b.
Please refer to operating practices to reduce dust in Section 3.4.13c.
Please refer to operation practices to reduce unsightliness in Section 3.1.3b. In addition, the dragline, and all visible plant facilities will be painted with an earth-tone color to blend with the surrounding landscape and vegetation.

1. The location of the processing plant. (Standard H.20a)

   Please refer to Section 3.1.2 and Exhibit E.

2. The location where unused equipment will be stored. (Standard H.20b)

   Please refer to Section 3.1.2 and Exhibit E.

3. Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations. (Standard H.20c)

   The permanent plant, including equipment, foundations, associated utilities and stockpiles will be removed during the mining of phase 9. Septic systems will be removed in accordance with Fresno County standards. Buildings and associated utilities that may be adaptable to end uses may be left. Interior roads are to be left for access purposes.

u. Operating hours may be limited to designated periods except during periods of public emergency affecting the health and welfare of the community requiring continuous operation. (Standard H.21)

   Please refer to Section 3.4.2 and Table 2.

v. Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties. (Standard H.22)

   Please refer to Section 3.4.13e.

w. Processing and storage yards shall be centrally located on the site whenever possible. (Standard H.23)

   Please refer to Section 3.1.2 and Exhibit E.

x. All surface mining operations and reclamation activities shall be conducted consistent with all policies of the Noise Element of the Fresno County General Plan. (Standard H.24)

   Please refer to Section 3.4.13a.

y. The Department shall consider the potentially adverse environmental effects of surface mining operations and will generally require that: (Standard H.25)

   1. Disturbances of vegetation and overburden in advance of mining activities be minimized. (Standard H.25a)

      Please refer to Section 3.4.8a & b.

2. Sufficient topsoil be saved to perform site reclamation in accordance with the Mining and Reclamation Plan. (Standard H.25b)

   Please refer to Section 3.4.8a.

3. All reasonable and practical measures be taken to protect the habitat of fish and wildlife. (Standard H.25c)

   Please refer to Sections 3.1.3a and 4.1.8f.1.

4. Temporary stream or watershed diversion be restored. (Standard H.25d)

   No temporary stream or watershed diversion is proposed.

5. Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching. (Standard H.25e)

   No permanent piles of waste rock or overburden are anticipated.

z. Reclamation of mined lands shall be implemented in conformance with applicable performance standards as set forth in the state regulations Sections 3703 et seq. (Standard H.26)

   Please refer to Section 4.1.9.

4.1.9 Conformance with Applicable State Standards

a. Wildlife Habitat (Standard H.26a, SMARA Section 3703)

   A databases and literature review of the California Natural Diversity Data Base (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) was conducted for the project site. Sensitive plant surveys and biological surveys were conducted (Buada, Stebbins September 2012).

   All existing riparian habitat along the river is not included in the project and is to remain as open space (Exhibit E). Only areas which are in agriculture or farming related activities, including access and maintenance roads, are included within the project boundaries to be mined or disturbed by mining related activities. Mining-related activities, including access and maintenance roads, will not occur any closer than current farming activities to existing habitat along the river. By avoiding all of the existing native habitat, all of which is outside of the project boundary, the wildlife in the area will continue to have habitat available for foraging, shelter, and breeding activities during all phases of mining.

   Please refer to Section 3.1.3a

   The following is an overview of the presence of sensitive species on the site.

   The Mexican elderberry (*Sambucus mexicana*), which is the habitat of the Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*) listed as federally threatened (FT), is located on the project site as discussed below. In September 2003, the United State Fish & Wildlife Service (USFWS) recommended delisting of the VELB [*Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus) 5-Year Review: Summary and Evaluation,* USFWS, September 26, 2006].

Valley Elderberry Longhorn Beetle: The VELB, a FT, occurs only in the Central Valley of California and is associated with the Mexican elderberry. Elderberry shrubs were observed outside the project boundaries during visual surveys conducted on the project site and the adjacent riparian areas next to the Kings River. The elderberry shrubs adjacent to the project site appeared to be unaffected by and have reproduced next to the ongoing agricultural activities for many decades. The project includes the avoidance of all elderberry shrubs. Mining-related activities, including access and maintenance roads, will not occur any closer to existing elderberry plants than current farming activities. These plants are not expected to be directly affected by the mining/reclamation project and are expected to survive in their existing locations throughout the duration of the mining/reclamation project.

Bald Eagle: The bald eagle (*Haliaeetus leucocephalus*), a winter migrant is known to forage along the Kings River near this vicinity. Therefore, wintering individuals are assumed to be present on the site. The project is expected to have a negligible effect on wintering bald eagles because of the increased amount of open water habitat created by the proposed project. The new ponds and adjacent riparian woodlands may be beneficial to wintering populations of bald eagle by providing additional foraging habitat and perching locations.

Western Pond Turtle: Western pond turtles were not observed in the few ponds near the river adjacent to the project site. The planned creation of approximately 351 acres of open water and riparian habitat would provide potential pond turtle habitat.

Sensitive Raptor Species: The riparian area along the Kings River supports raptor species including: red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), barn owl (*Tyto alba*) and great horned owl (*Bubo virginianus*, However, the mining/reclamation project area avoids all of the perching and nesting areas in the existing and avoided native habitat. The planned creation of approximately 351 acres of open water and riparian habitat is expected to benefit a number of sensitive raptor species by providing additional nesting and foraging habitat.

Mining operations are not expected to impact any native habitats. Indirect impacts such as noise, lighting, and human presence are not expected to affect sensitive wildlife species because all of these impacts are similar to the site conditions at other existing mining operations on the Kings River and the san Joaquin River where wildlife species have acclimated well to such mining activities and where wildlife species have been observed in great numbers for many years.

A net gain in the number of acres of native habitats within the property boundary will occur as a result of the mining/reclamation project. At the completion of the entire project, approximately 351 acres of created open water and native habitats will be able to support a higher diversity, density, and abundance of wildlife and plant species. The proposed mining/reclamation project will result in a net benefit to the region in that it will provide a significant habitat area for wildlife and plants.

b. Backfilling, Regrading, Slope Stability, and Recontouring (Standard H.26b, SMARA Section 3704)

Please refer to Sections 3.1.5 and 4.1.3.

c. Revegetation (Standard H.26c, SMARA Section 3705)

The revegetation program will apply to the riparian areas surrounding the reclaimed open water ponds. The following is a summary of the Revegetation Guidelines prepared for the project (Buada and Stebbins, October 2012, Appendix F).

1. Goals and Objectives

   The goal of the revegetation program is to supplement natural native plant recolonization by creating natural self-sustaining plant communities or habitats using plant materials that are genetically and ecologically appropriate to the site. Objectives include: providing conditions that allow natural processes such as soil development, nutrient cycling, plant succession, natural regeneration and recovery from disturbance to occur; and within the open water areas, creating habitat for riparian associated species.

2. Construction Sequence

   Following completion of mining operations the following typical sequence of revegetation activities will be undertaken:

   - Recontouring of planting areas, if necessary
   - control of invasive weeds
   - placement of topsoil
   - installation of temporary irrigation systems, if necessary
   - installation of erosion control devices, if necessary
   - planting and seeding
   - maintenance and monitoring
   - reporting

3. Plant Materials, Seed Collection and Plant Propagation

   To ensure genetically adapted plant materials for use in the revegetation effort, collection sites should have characteristics similar to the revegetation site. Guidelines for seed collection and plant propagation and plant lists for the riparian habitat to be established are described in the Revegetation Guidelines, Appendix F.

4. Planting Methods

   Generally all planting will occur between November 15 and January 15, or later depending on weather conditions, unless supplemental irrigation is provided. It is important to plant during this period when many of the plants are dormant and temperature and rainfall provide optimal conditions for germination and/or establishment.

5. Performance Standards

   Performance standards ensure that the revegetation effort meets the goal of creating viable, self--sustaining habitats. These standards include: (1) container/cutting survivability, (2) cover (3) species richness or diversity (4) species density. Other attributes that evidence functioning habitats include native plant species' recruitment and wildlife usage. These standards are referenced in the Revegetation Guidelines, Appendix F.

6. Maintenance and Monitoring

   Maintenance activities begin at plant installation and continue until performance standards are met. These activities include weed control, irrigation, replacement of dead trees or cuttings, etc.

Monitoring will be initiated at installation and will be conducted until performance standards are met.

Monitoring will generally occur over a 5-year period or until performance standards are met which ever occurs first.

Such monitoring will provide information for adaptive management of the system. Over time, as restored habitats mature, and more is learned about how the habitats respond to initial management actions, adjustments can be made to incorporate those activities that work best into the management plans. New information from ongoing research on special species could also lead to changes in management action.

Reports will be prepared and include such information as monitoring methods, general observations of vegetation development, maintenance activities, recommendations, photo documentation, and comparisons of the current years' findings with those of previous years.

7. Recordkeeping

Revegetation (implementation) activities, maintenance work and the results of horticultural and any biological monitoring undertaken throughout each planting season will be summarized in reports to document compliance with the reclamation plan.

d. Drainage, Diversion Structures, Waterways, and Erosion Control (Standard H.26d, SMARA Section 3706)

Please refer to Section 3.4.17.

e. Prime and Other Agricultural Land Reclamation (Standard H.26e, SMARA Sections 3707 and 3708)

Please refer to Sections 3.4.8a, 4.1.3 and Exhibit F.

f. Building, Structure, and Equipment Removal (Standard H.26f, SMARA Section 3709)

Please refer to Section 4.1.8t.3

g. Stream Protection Including Surface and Groundwater (Standard H.26g, SMARA Section 3710)

Please refer to Sections 3.4.17 and 4.3.1b.

h. Topsoil Salvage, Maintenance, and Redistribution (Standard H.26h, SMARA Section 3711)

Please refer to Section 3.4.8a, 4.1.3 and Exhibit F.

i. Tailing and Mine Waste Management (Standard H.26i, SMARA Section 3712)

Please refer to Sections 3.4.11a and 4.1.3.

j. Closure of Surface Openings (Standard H.26j, SMARA Section 3713)

Wells to be removed by mining will be abandoned in accordance with all applicable local and state provisions. After monitoring is completed all monitoring wells will be abandoned in accordance with all applicable local and state provisions.

4.2 Reclamation Site Plan

4.2.1 New Contouring

Please refer to Exhibit F.

4.2.2 Water Features and Methods Planned to Overcome Stagnation

Groundwater will flow into the ponds from the northeast since the groundwater gradient flow is from northeast to southwest. The phases to be filled and reclaimed as farmland and the phase to be reclaimed as open water and riparian habitat have been designed to leave a window about one-quarter mile wide perpendicular to the direction of groundwater flow where no fill will take place. Groundwater will be able to move downward and laterally beneath the fill, laterally around both sides of the fill (to the northwest and southeast), and through the window. (Schmidt, September 2012)

The depth of the ponds may be as deep as 100 feet. During the summer and winter the water in fresh water ponds becomes stratified into different temperature layers, which don't mix. Twice a year, in the fall and spring, the waters at all layers of these ponds mix in overturns that equalize the temperatures at all depths. (*Living in the Environment*, G. Tyler-Miller, 1998). The seasonal vertical movement of water and the lateral groundwater movement preclude the occurrence of stagnation.

Please refer to Exhibit F.

4.2.3 Vegetative Planting

Please refer to Section 4.1.9c and Exhibit F.

4.2.4 Access and Treatment

Please refer to Sections 3.1.1 and Exhibit F.

4.2.5 Phasing

Please refer to Table 2, Section 3.1.4 and Exhibits E and F.

4.3 A Soil Salvage Plan and if Proposed For Refill, Definition of Refill Material, and Probable Sources.

Please refer to Sections 3.4.8, 3.4.18, 4.1.3 and Exhibit F.

4.4 Site Closure

The site will be considered closed upon the following:

a. Completion of the reclamation activities and reaching associated performance standards as identified herein:

Please refer to Section 4.1.5.

b. Removal of plant, equipment, conveyors, foundations and associated utilities;

Please refer to Sections 4.1.5 and 4.1.8t.3.

c. Removal of stockpiles;

Please refer to Section 4.1.8t.3.

d. Removal of buildings, foundations and associated utilities except those required for post mining use of the site; and

Please refer to Section 4.1.8t.3.

e. Securing of access points to prevent unauthorized access.

Please refer to Section 4.1.7.

4.5 Statement of Responsibility

Prior to the excavation of any material from the project site, a recordable agreement will be executed, binding upon successors, heirs or assigns, covenanting to perform all reclamation in the manner prescribed by the approved CUP and Mining and Reclamation Plan.

4.6 Financial Assurances

Reclamation of the project site will be covered by financial assurances in accordance with the requirements of SMARA. The financial assurance estimate and the proposed financial assurance mechanism will be submitted to the County no later than 60 days prior to commencement of activities authorized in connection with this project.

SURFACE MINING AND RECLAMATION PLAN
Riverbend Sand and Gravel Project

APPENDICIES

A Letter of Agreement from the Property Owner
B Legal Description
C Existing Conditions Photos
D Elevation and Photos of Proposed Dragline and Plant Equipment
E Process Water and Consumptive Use
F Revegetation Guidelines for the Riverbend Sand and Gravel Project, Buada Associates and John Stebbins, Consulting Botanist, October 2012

APPENDIX A

Letter of Agreement from the Property Owner

RUNNING LUCK RANCH, LLC
14962 E. Fantz Ave.
Parlier, CA 93648
559-875-9199

October 3, 2012

Fresno County
Department of Public Works and Planning
220 Tulare Street, Sixth Fl
Fresno, CA 93721

RE: Agreement to Obtain Permits

The real property described on Exhibit "A" attached (the property) is owned by Running Luck Ranch, LLC (owners).

The owners have granted Riverbend Sand and Gravel, LLC the exclusive right to operate a sand and gravel mining operation, and related activities, on the property, including sand and gravel processing facilities, ready-mix concrete facilities, asphalt batching facilities, and concrete and asphalt recycling facilities, and to obtain a permit and other entitlements collectively ("Permits") required to conduct such operations.

By: _____ Date: 10/3/12
Vern Olsen

Title: GM

APPENDIX B

Legal Description

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.5S FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

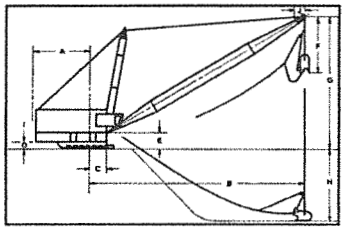
APPENDIX C

Existing Conditions Photos

APPENDIX D

Elevation and Photos of Proposed Dragline and Plant Equipment

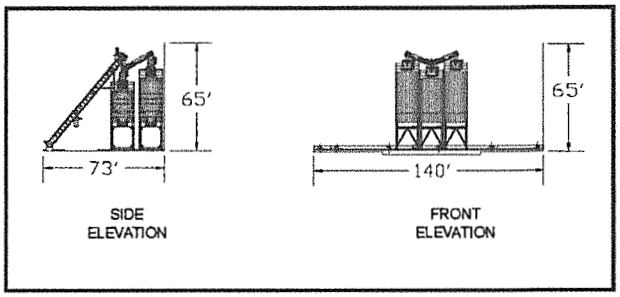
TYPICAL DRAG LINE EXCAVATOR

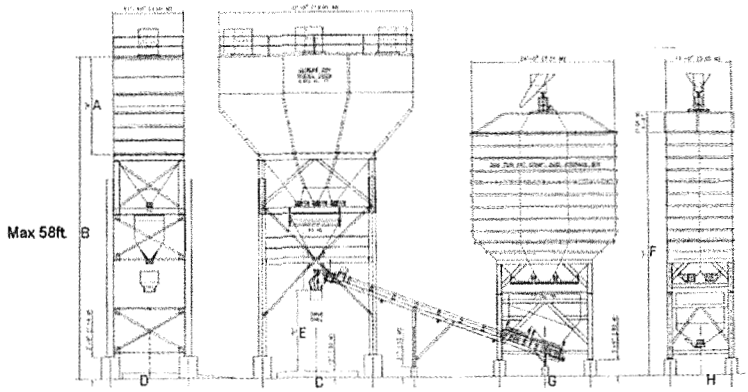


Specification 330-WE 0440

Boom Length	B Operating Radius	Boom Angle	Maximum Suspended Load (lbs.)	G Boom Pt. Height	G-F Approx. Dumping Height	H Digging Depth	Drag Drum Diam.	Drag Rope No.	Drag Rope Diam.	Hoist Drum Diam.	Hoist Rope No.	Hoist Rope Diam.
170'	138'	40°	64,000	120'	82'	100'	57½"	1	2"	73½"	1	2"

TYPICAL ASPHALT PLANT DIMENSIONS

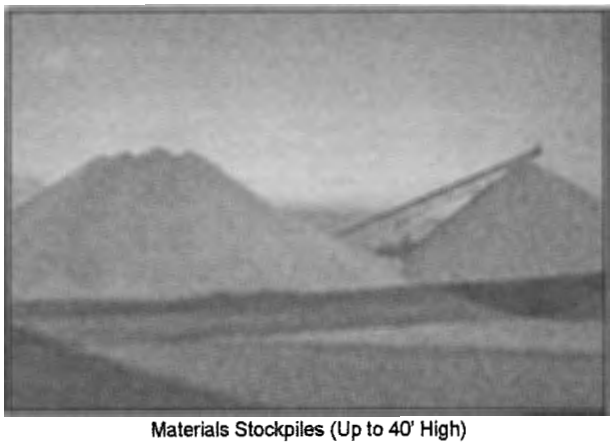




TYPICAL CONCRETE PLANT DIMENSIONS



Typical Processing Plant Configuration



Materials Stockpiles (Up to 40' High)

ELEVATION AND PHOTOS OF PROPOSED PLANT EQUIPMENT

APPENDIX E

Process Water and Consumptive Use

Riverbend Sand and Gravel
Process Water

Supply

Use	mgd	days/wk	mgd annualized	ac-ft/yr
Water Content of Pit Material	0.16	5	0.114	128
Ready-Mix Concrete	0.04	5.5	0.031	35
Wash Water	2.40	5	1.714	1,920
			1.860	2,083

Consumptive Use

Use	mgd	days/wk	mgd annualized	ac-ft/yr
Ready-Mix Concrete	0.038	5.5	0.030	33
Dust Control	0.066	5	0.047	53
Product Retention & Evap	0.082	7	0.082	92
Domestic	0.001	5.5	0.001	1
			0.160	179

Notes:
Wet mining: no dewatering
Fines Recovery System:
- Process fines dewatered
- All wash water recycled
- No settling ponds

Process Water Consumptive (Net) Use

Aggregate Product	
1,250,000	ton/yr washed product
0.05	weight-fraction water
62,500	tons/yr retained in washed product
0.05	weight-fraction evaporation
62,500	tons/yr evaporation
125,000	tons/yr product retention and evaporation
2,000	lbs/ton
62.4	lbs /cu ft water
43,560	cu ft/AF
92	**AF/yr product retention and evaporation**

Dust Control	
5,000	gal water truck
10	loads/da
50,000	gals/da water truck
20,000	gal/da dust suppression misters
70,000	gal/da dust control[1]
250	da/yr
17,500,000	gal/yr
7.48	gal/cu ft water
43,560	cu/ft/AF
54	**AF/yr Water Use for Dust Control**

Concrete	
150,000	cu yds concrete/ yr
35	gals water per yd
5,250,000	gals/yr in concrete
8	Ave yds/load
18,750	loads/yr
100	gals/load in mixer tank
1,875,000	gals/yr in mixer tanks
100	gals/load mixer rinse down
1,875,000	gals/yr mixer rinse down
88	gals/load drum washout
1,650,000	gals/yr drum washout
10,650,000	gals/yr Water Use for Concrete
7.48	gal/cu ft water
43,560	cu/ft/AF
33	**AF/yr Water Use for Concrete**

Total Annual Process Water Consumptive (Net) Use

178	**AF**

[1] Includes dust control for active mining area, maintenance roads, entrance road, plant site roads, and dust suppression on crushers and conveyors

APPENDIX F

Revegetation Guidelines for the Riverbend Sand and Gravel Project, Buada Associates and John Stebbins, Consulting Botanist, October 2012

REVEGETATION GUIDELINES

RIVERBEND SAND AND GRAVEL PROJECT
FRESNO COUNTY, CALIFORNIA

Prepared for
RIVERBEND SAND AND GRAVEL, LLC
PARLIER, CALIFORNIA

OCTOBER 2012

Prepared by:

Buada Associates
4872 N. Arcade Ave
Fig Garden Studio
Fresno, California 93704

And

John Stebbins, Consulting Botanist
357 Adler Avenue
Clovis, California 93612

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A	Reclamation Plan

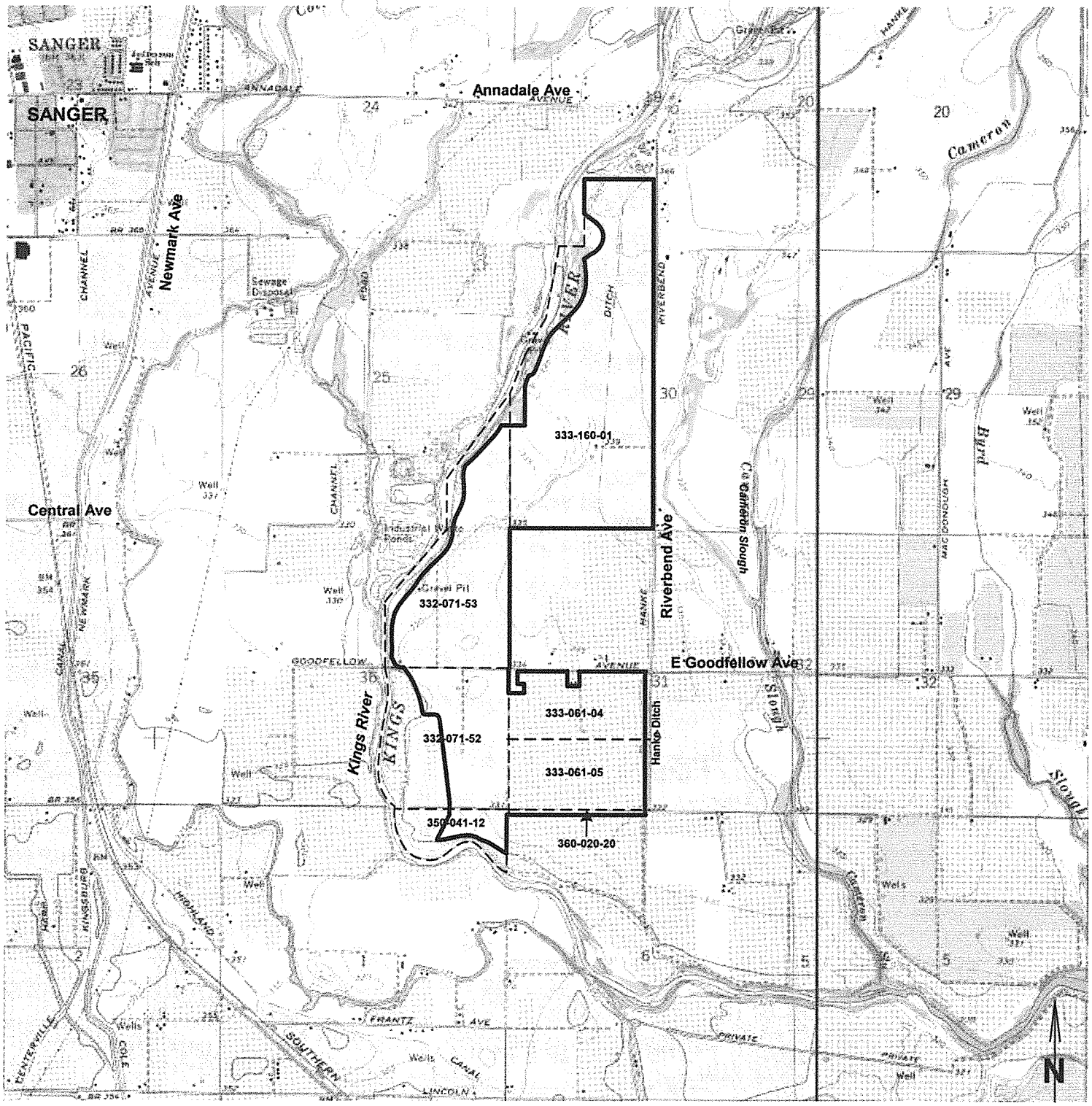
1.0 INTRODUCTION

Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E and includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River (Exhibit A). The remaining 214 acres of the property, including all the existing riparian habitat along the Kings River, are excluded from the project. The project site is relatively flat and is currently in orchards and vineyards (Exhibit B).

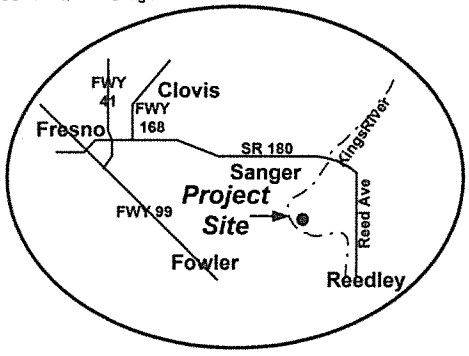
Mining is anticipated to occur to a depth of approximately 100 feet below natural ground surface. The reclamation plan (Appendix A) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner.

For the remaining phases where there is insufficient overburden and processing fines to fill the phases a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation. Reclamation of these phases will create approximately 351 acres of riparian (33 acres) and open water (318 acres) wildlife habitat. This Revegetation Plan addresses the riparian habitat to be created.

These Revegetation Guidelines has been prepared in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975, Article 9, Reclamation Standards, Section 3705, Performance Standards for Revegetation; and with the Regulations for Surface Mining and Reclamation in All Districts, Section 858 of the Fresno County Zoning Ordinance (FCZO). The Guidelines include a baseline vegetation analysis, revegetation plan, maintenance requirements, and performance standards for determining success.



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel
Exhibit A
Location Map


Riparian
Vineyard
Vineyard
Riparian
Vineyard
Vineyard
Vineyard

2.0 BASELINE VEGETATION ANALYSIS

Baseline vegetation analysis is required by SMARA regulations in order to document the vegetative density, cover, and species richness of naturally occurring habitats in the surrounding area and to provide a basis for evaluation of revegetation success. Where proposed end uses differ from premining uses, data may be obtained from reference areas in lieu of baseline site data.

2.1 Premining Conditions

As previously discussed the entire project site is relatively flat and is currently in orchards and vineyards. No natural habitats exist on the project site

2.1.1 Vegetation Communities/Habitats

The historic habitats of the Kings River drainage have been extremely modified in the past. The free flow of the Kings River was eliminated in the early 1950's. Past and present agricultural operations and related development have eliminated all but a relatively narrow band of the riparian habitat adjacent to the river. The only remaining major natural vegetation type present near the proposed project area is Great Valley Mixed Riparian Forest (Holland, #61430) located immediately adjacent to the Kings River and outside of the western and southern edges of the proposed project area.

Native trees and shrubs found in this riparian habitat include; valley oak, (*Quercus lobata*), cottonwood, (*Populus fremontii*), buttonwillow, (*Cephalanthus occidentalis*), Oregon ash, (*Fraxinus latifolia*), elderberry, (*Sambucus mexicana*) and several species of willow, (*Salix* sp.). In addition, the riparian habitat supports several large sycamores, (*Platanus racemosa*). Non-native trees, shrubs that are also present include fruitless mulberry, (*Morus alba*), catalpa, (*Catalpa speciosa*), and silver maple (*Acer saccarhinum*).

Native understory plants include; mugwort, (*Artemesia douglassiana*), stinging nettle, (*Ur.*), rush, (*Juncus balticus*), virgin's bower, (*Clematis ligusticifolia*), horsetail, (*Equisetum arvensis*), and goldenrod, (*Solidago elongata*). Non-native understory species include Castor bean, (*Ricinus communis*), honeysuckle, (*Lonicera japonica*), Virginia creeper, (*Parthenocissus vitacea*), Himalaya berry, (*Rubus armeniacus*), periwinkle (*Vinca major*), and English ivy, (*Hedera helix*). In the following discussion, the names of vegetation communities follow the standard nomenclature used by Sawyer and Keeler-Wolf (1995), as appropriate. The names of the plant species that comprise these communities are taken from Hickman (1993).

Two relatively small "wetland habitat" are associated with two old gravel ponds in the northwest corner of the overall property and these sites are also excluded from the planned project area. The associated habitats of these ponds is riparian/emergent marsh and consists primarily of non-native weedy species and a scattered riparian and emergent plant species.

3.0 REVEGETATION PLAN

3.1 Reference Areas

The areas to be reclaimed to native riparian habitat will be reclaimed to conditions that differ from the premining condition (e.g. agriculture). Consequently, it is more appropriate to use data from reference areas to characterize naturally occurring habitats in the surrounding area as a template for revegetation.

The most appropriate area for use as a reference area is the avoided riparian habitat adjacent to the river (Figure 2). The first pond to be created will not occur until after mining is completed in that phase in about 10 years. Therefore the avoided riparian habitat areas will be examined for potential use as reference sites prior to the completion of mining of the first pond and data will be collected from the areas as appropriate. Revegetation standards, including plant palettes and planting densities, and performance standards will be revised as appropriate based on reference site examination and data.

3.2 Test Plots

SMARA regulations require test plots to determine the most appropriate planting procedures to assure successful revegetation. This requirement may be waived if success can be documented from previous experience with similar species and conditions or based on competent professional advice.

The authors of this Revegetation Plan have been actively involved in the revegetation of similar riparian sites for over 15 years including Vulcan Materials Company's Rank Island site on the San Joaquin River in Fresno County (OMR 2011 Excellence in Reclamation Award) and Triangle Rock Products' Laguna Creek Corridor Preserve in Sacramento County. These previous and on-going revegetation efforts have shown which methods are most effective at achieving initial survival of plantings and which species are most likely to become successfully established. It is unlikely that additional test plots would yield any new information that would help assure successful revegetation. Consequently, no additional test plots are proposed.

3.3 Soils

Soils in revegetation areas will consist of backfilled topsoil. SMARA regulations (Section 3711) require salvage of topsoil prior to mining and redistribution in areas to be revegetated. SMARA regulations (Section 3705) also require soil analysis to determine if the growth media in revegetation areas consists of native topsoil and is otherwise adequate to support successful revegetation.

3.3.1 Soil Fertility and Testing

After final grading of the areas to be reclaimed to native riparian habitat and placement of stockpiled topsoil, standard soil fertility and agricultural suitability testing will be performed to determine if soils are suitable to support growth of native upland vegetation. Since topsoil on the site has high soil index ratings soil analysis is anticipated to indicate the topsoil to be suitable for revegetation purposes.

Soil samples will be based on composites taken of the revegetation areas. The sampling protocol will be approved by the revegetation specialist prior to implementation. Soil testing will include the following:

- Presence of elements toxic to plants
- Nutrient levels
- Percentage of organic matter

If testing indicates low fertility and organic matter, soils will be amended with organic amendment and nutrients as described below.

3.3.2 Soil Amendment Specifications

Organic soil amendment/mulch will comply with the following specifications:

- Soil amendment shall consist of approximately 75 percent organic compost, comprised of chipped, shredded, or ground vegetation or clean processed recycled wood products processed as described below and screened through 3/8-inch mesh; and 25 percent wood chips ranging from 3/8 inch to 3 inch.
- Soil amendment shall not contain paint, petroleum products, herbicides, fungicides, or other chemical residues harmful to plant or animal life. Other deleterious material, including plastic, glass, metal or rock, shall not exceed 0.1 percent by weight or volume.

3.3.3 Fertilizer Specifications

Any fertilizer used to improve soil fertility will be a slow-release organic formulation (Biosol or equivalent).

3.3.4 Placement and Incorporation of Soil Amendment

Upon completion of site preparation, soil amendment will be placed and incorporated as follows:

- Soil amendment that has been stockpiled prior to use may require loosening or moistening to be restored to an acceptable friability and moisture content as directed by the Revegetation Specialist.
- Soil amendment shall be spread evenly over the prepared slopes and placed to a uniform depth.
- Compost shall be incorporated into the soil surface using a three-tine ripper or equivalent. Incorporation shall loosen, distribute and blend soil amendment with mineral soil.

3.4 Revegetation Methods

3.4.1 Technical Supervision

All revegetation activities will be conducted under the supervision of an experienced Revegetation Specialist. Any deviation from the revegetation plans will be approved by the Revegetation Specialist. The Revegetation Specialist will be on site during initiation of each

revegetation task (e.g., site preparation, plant installation, seeding, etc.), and all work will be monitored on a regular basis. Activity logs and field memos will be required to document the work accomplished and any problems encountered.

3.4.2 Preconstruction Activities

Prior to initiation of revegetation, the Revegetation Specialist a will establish and stake the limits of planting areas. All access routes, staging areas, and similar features will be located and staked in the field. Where necessary, orange construction fencing will be installed to delimit sensitive areas adjacent to construction areas.

3.4.3 Site Preparation

Areas to be revegetated will be prepared as follows:

- Vegetation, trash, debris, and weeds shall be cleared. All weeds shall be removed from the area and disposed of.
- Any eroded areas shall be repaired uniformly without leaving pits, holes, or low areas.

3.4.4 Timing

Seeding will be conducted between September 15 and October 15 to take advantage of winter rains for seed germination and growth.

3.5.5 Plant Materials

Container Stock: Container plants proposed for the upland habitat revegetation are shown in Table 1. When feasible, propagules for shrub and tree container plants will be collected from appropriate native plants growing on the project site or in the local area. The use of site specific materials, which are adapted to local conditions, increases the likelihood that revegetation will be successful, and maintains the genetic integrity of the local ecosystem. If local propagules are not available or cannot be collected at least six months prior to the fall planting, materials grown from other sources in the area may be substituted with the approval of the Revegetation Specialist.

Arrangements will be made well in advance of planting to ensure that plant materials are available at the appropriate planting time and that container plants are no more than one year old. Sufficient time will be allocated for seed collection and contract growing. Subject to confirmation by the plant suppliers, a minimum lead time of six months will be allocated prior to the anticipated planting dates.

Container plants will have healthy, well developed root systems, and will not be rootbound. The Revegetation Specialist will inspect a representative sample of all plant stock, and will reject those plants that do not meet these requirements.

Density: Average 2 trees per 150 feet of bank with periodic clustering of stands for more favorable wildlife habitat and aesthetics.

Table 1
Trees and Shrubs

Species	Common name	Size	Mix (%)
Alnus rhombifolia	White alder	Liner	15
Artemesia douglasiana	Mugwort	Liner	5
Cephalanthus occidentalis	Button willow	Liner	10
Fraxinus latifolia	Oregon ash	Liner	5
Platanus racemosa	Sycamore	Liner	15
Quercus lobata	Valley oak	Liner	15
Rosa californica	Rose	Liner	2.5
Rubus ursinus	California blackberry	Liner	2.5
Salix goodingii	Black willow	Liner	10
Salix ligulifolia	Arroyo willow	Liner	15
Vitis californica	California grape	Liner	5

Note: Significant natural revegetation by cottonwood (*Populus fremontii*) and other species of willows, (*Salix sp.*) is expected to occur.

Seed Source: The seed mix shown in Table 2 will be applied to all indicated revegetation areas. Seeding will follow installation of container plantings. Arrangements for seed collection will be made well in advance to ensure availability of material. Seeds and other propagules from appropriate native species will be collected adjacent to the project area or as close as possible to the site. If the collector cannot locate adequate seed/plant material collection areas for any of the species, the collector will contact the Revegetation Specialist immediately so that the Revegetation Specialist can assist in locating adequate collection locations.

Table 2
Seed Mix

Species	Common Name	Lbs/Ac
B hordeaceus	Blando Brome	10
Vulpia myros	Zorfro Annual fescue	8
Trifolium hirtium	Hykon Rose Clover	15
Eschscholzia californica	California Poppy	4
Lupinus bicolor	Blue/white Lupine	1
Achillea millifolium	Yarro	1
Clarkia sp.	Farewell to Spring	1
	Total	40

Seed Installation Technique: Seed will be sown by hydroseeding.

The following specifications shall apply:

- The seed mixes in Table 2 shall be used.
- Hydroseeding shall occur following container plant installation.
- No fertilizer shall be added to the hydroseed mix.

- The slurry shall be sprayed in a sweeping motion and in an arched stream, until a uniform coat is achieved with no slumping or shadowing and the material is spread at the required rate per acre.

3.6 Post Construction Report

The Revegetation Specialist will prepare a post-construction report documenting revegetation methods, changes in the revegetation areas or design, results achieved, and any problems encountered. As-built drawings will be prepared showing final planting areas, and the total revegetation acreage will be calculated.

4.0 MAINTENANCE OF REVEGETATION AREAS

All revegetation areas will be maintained for three years by a qualified Maintenance Crew as needed to meet the performance criteria. The Revegetation Specialist will recommend maintenance services to the extent necessary to assure that performance criteria are met.

Normal maintenance will include weed control as necessary (either by hand or by application of an herbicide labeled for such use), inspection for and repair of erosion problems, repairs to protection devices, and removal of trash.

4.1 Maintenance Schedule

Normal maintenance activities (watering, weed control, etc.) are anticipated to occur on a biweekly basis for the first quarter, and on a monthly basis thereafter for the first year. Subsequent maintenance will occur bimonthly during the growing season and quarterly during the dormant season. Frequency of maintenance visits will be adjusted as necessary.

4.2 Maintenance Activities

4.2.1 Control of Weeds and Exotic Plants

Nonnative invasive plants that threaten California's wildlands have been categorized by the California Invasive Plant Council (Cal-IPC 2006). Invasive plants that have been classified by Cal-IPC as High (severe ecological impacts on physical processes, plant and animal communities, and vegetation structure) or Moderate (substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure) in terms of ecological threat will be controlled as necessary within the revegetation areas for a minimum of three years in order to prevent aggressive weeds from out competing native plant species for resources (e.g., space, water, nutrients, and light). These invasive weeds will be removed mechanically, if feasible. In circumstances where mechanical control is not effective, it is appropriate to utilize EPA-approved systemic herbicides. Herbicides will be applied under the direction of a licensed applicator.

Prior to initiation of revegetation efforts, the Revegetation Specialist will consult the most recent Cal-IPC list and a list of specific species to be controlled under this Revegetation Plan will be developed. Additional species may be added to the list based on actual conditions and the recommendation of the Revegetation Specialist.

4.2.2 Supplemental Irrigation

All plants will be watered by hand directly after planting. Artificial irrigation will be supplied as needed through the first summer after planting to provide supplemental water for the establishment of plants from containers. At the direction of the Revegetation Specialist, irrigation may be continued on an as-needed basis during the second and third years following initial planting to facilitate root development, so that plants will be sufficiently established to survive without artificial irrigation beyond the third year.

The Maintenance Crew will be responsible for providing supplemental irrigation to the container plants by a temporary irrigation system.

The amount and frequency of irrigation of each planting area will be determined through monitoring soil moisture conditions during the initial irrigation period. The goal is to provide deep, infrequent watering to encourage deep rooting of all perennial species. The Maintenance Crew will keep a log ofwatering dates and water amounts administered each time.

4.2.3 Protective Devices

Protective devices, if installed, will be maintained in good condition. Additional devices will be installed, as described in Section 3.3.10, if monitoring indicates plant damage from herbivory.

4.2.4 Replacement of Dead or Diseased Plant Materials

Planting densities given in Tables 1 and 2 assume a certain amount of mortality during the monitoring period. As long as this level of mortality is not exceeded, replacement of plant materials will not be necessary. If mortality levels are excessive, the cause of mortality will be investigated and corrective actions taken as necessary to resolve any problems prior to plant replacement. Plants will be replaced only during the appropriate time of year as discussed in Section 3.4.4.

5.0 PERFORMANCE MONITORING AND REPORTING

The purpose of performance monitoring is to 1) determine the overall status and condition of the revegetation areas; 2) determine if native annual grassland is becoming established and meeting the performance criteria; and 3) identify any shortcomings or new issues, so that appropriate corrective actions can be taken. Performance monitoring will occur for a period of five years following seeding of native grassland or longer if performance standards have not been achieved.

5.1 Performance Criteria

5.1.1 General

The performance criteria for revegetation success are based on achieving adequate germination of seeded species to control weed growth and erosion.

SMARA performance standards for revegetation success are based on achieving vegetation density, cover, and species richness comparable with preproject conditions or with naturally occurring habitats in the area based on appropriate reference sites.

5.1.2 Quantitative Success Criteria

As discussed in Section 3.1 reference sites for this revegetation project have been identified as the avoided riparian habitat adjacent to the river Sample data will be used to determine estimates of native species and species richness for comparison with equivalent samples taken from revegetated areas.

Quantitative success criteria for this project also include total vegetated cover and native species cover as identified in Table 3.

Total Vegetative Cover: Total cover will be measured for seeded areas to assure there has been adequate germination of seeded species to control erosion and exclude noxious weeds, and that progressively higher rates of cover are achieved each year after seeding.

Native Species Cover: The cover of native species will be measured beginning at year two to assure that the relative cover of native species in revegetated areas is equivalent to or greater than naturally occurring habitats.

5.2 Monitoring Methods

Performance monitoring will include both qualitative and quantitative assessment, as described above. Qualitative monitoring will occur during periodic inspections of the revegetation areas. These inspections will occur frequently (approximately every month) during the first year and less often in subsequent years. Quantitative monitoring will typically occur annually in late summer beginning during the first year after planting. Sampling methods will be as described in Section 5.2.2.

5.2.1 Qualitative Monitoring

Qualitative monitoring methods will include visual observation and photo documentation. There are no specific performance criteria associated with this monitoring.

Table 3
Summary of Vegetation Performance Criteria

	Time After Completion of Planting				
Criterion	**6 months**	**1 year**	**2 years**	**3 years**	**5 years**
Survival (container stock only)	70%	50%	NA	NA	NA
Dripline Diameter (trees and shrubs)	NA	NA	Minimum 20 percent annual increase in dripline diameter	Minimum 20 percent annual increase in dripline diameter	Minimum 20 percent annual increase in dripline diameter
Height (trees and shrubs)	NA	NA	Minimum 20 percent annual increase in height	Minimum 20 percent annual increase in height	Minimum 20 percent annual increase in height
Species Richness (# of plant species)	NA	NA	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)	Comparable to or greater than reference areas (<20% difference @ 80% confidence level)
Total Vegetative Cover - All Species[1] (seeded areas)	Adequate germination in any 25 sq. ft. area[2]	25% cover in any 25 sq. ft. area	40% cover in any 25 sq. ft. area	70% cover in any 25 sq. ft. area	90% cover in any 25 sq. ft. area
Native Species Cover[3] (seeded areas)	NA	NA	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)	Comparable to or greater than reference areas (<20 % difference @ 80% confidence level)

1. Includes both seeded and volunteer species; native and nonnative.
2. If seed germination is inadequate to prevent erosion damage or control invasion by weeds, re-seeding may be required. Application of appropriate herbicides may also be necessary to control weed growth.
3. Includes both seeded and volunteer species.

Visual Observation: During monitoring events, the Revegetation Specialist will document the condition of revegetation areas based on meander surveys and visual observations. Current conditions, potential problems (i.e., vandalism, fence damage, presence of exotic plant species, herbivory, erosion, etc.), and recommended actions will be documented in a Field Memo that will be provided to Riverbend. Copies of all Field Memos will be included in each year's annual report.

Photo Documentation: Annual photographs of revegetation areas will be taken from preset photostations during quantitative data collection events. Additional photographs will be taken of any potential problem areas. All photographs will be logged and included in each annual report.

5.2.2 Data Collection

Vegetative cover and species composition will be assessed using the sampling methods described below. Sampling will generally be conducted at the end of the growing season. Following each Vegetative cover and species composition will be assessed using the sampling methods described below. Sampling will generally be conducted at the end of the growing season. Following each annual data collection event, the Revegetation Specialist will compile data and prepare an analysis of the results.

Test plots for each vegetation strata will be used to estimate cover, density, and species richness within the habitat types occurring within the mine site. This sample size was selected to likely provide an 80% confidence and precision level. Plot size will be 5 feet rectangles for grass/forb

layers and 100 feet rectangles for shrub layers. The sampling points will be selected by randomly choosing a line transect and then placing sample plots at equally spaced distances along that transect. If not all sample plots can be placed within the line transect within the habitat type, additional random line transects will be selected.

5.3 Annual Reports

Annual monitoring reports will be prepared that include a summary of the revegetation effort, site conditions, any problems encountered, evaluation of data collected and success achieved, and recommendations for meeting the performance criteria. Reports will be submitted to the following:

Fresno County Public Works and Planning Department
2220 Tulare Street, Street Level
Fresno, CA 93721

6.0 CORRECTIVE MEASURES AND CONTINGENCIES

6.1 Corrective Measures

Corrective measures may need to be implemented during the five-year monitoring period in order to assure that performance criteria are ultimately achieved, and revegetation is successful. If corrective measures are deemed necessary, a plan will be developed by the Revegetation Specialist describing the proposed measures to be implemented. If corrective measures are implemented, the monitoring period will be extended for the areas requiring corrective measures such that at least two years of monitoring follow initiation of the corrective measure. Corrective measures will be fully documented in the annual report.

6.2 Contingency Plan

Contingency measures will be initiated if performance criteria are repeatedly not met, even after initiation of corrective measures, and additional corrective measures are determined by the Revegetation Specialist to be infeasible or impracticable. A contingency plan will be prepared that describes the nature and probable cause of the failure, and identifies specific contingency measures to be implemented. The contingency plan will be submitted to the Fresno County Public Works and Planning Department for approval prior to initiation.

Planning, implementation, and monitoring of contingency procedures, and provision of adequate funding, will be the responsibility of Riverbend. Contingency measures will be subject to the same performance criteria and monitoring requirements as the initial revegetation.

Fire, flood, and similar catastrophic events are beyond the control of Riverbend. Accordingly, it is appropriate that some limitation be placed on the requirement to implement contingency measures if failure is due to such catastrophic events. If a catastrophic event should occur during the monitoring period, Riverbend will evaluate the extent of habitat damage and coordinate with the Fresno County Public Works and Planning Department to determine a mutually acceptable resolution.

Any irreparable damage or destruction of revegetation areas caused by catastrophic events, including the acreage affected, and any changes in application of performance criteria, will be documented in the annual report.

7.0 REFERENCES

Surface Mining and Reclamation Act and Associated Regulations, California Department of Conservation, Office of Mine Reclamation, 2012

California Invasive Plant Inventory. Cal-IPC Publication 2006-02, California Invasive Plant Council: Berkeley, CA. Cal-IPC. 2006. Available: www.cal-ipc.org.

Sampling Technique, 3rd edition, Wiley Interscience, New York, Cochran, W. G. 1977

The Jepson Manual: Higher Plants of California, University of California Press; Hickman, James C, Ed. 1993

Biological Resources Evaluation, Riverbend Sand and Gravel Project, Fresno County, California, Buada Associates and John Stebbins, Consulting Botanist, October 2012

Surface Mining and Reclamation of Mined Lands, Section 858, Fresno County Zoning Ordinance

A Manual of California Vegetation, California Native Plant Society, Sacramento, CA, John O. Sawyer and Todd Keeler-Wolf, 1995

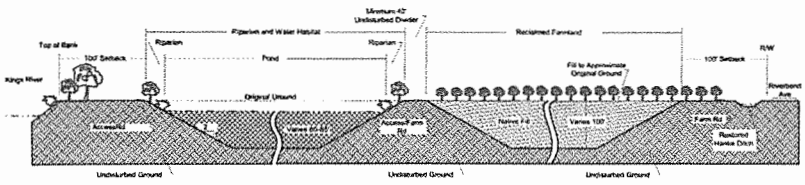
APPENDIX A

RECLAMATION PLAN

Typical Reclamation Cross-Sections

NTS

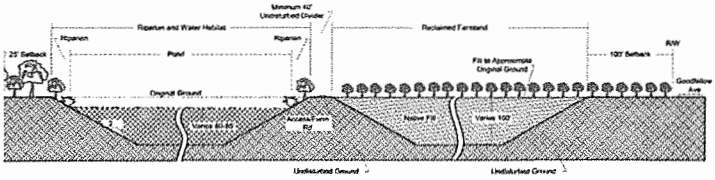
Cross-Section A-A



Typical Reclamation Cross-Sections

NTS

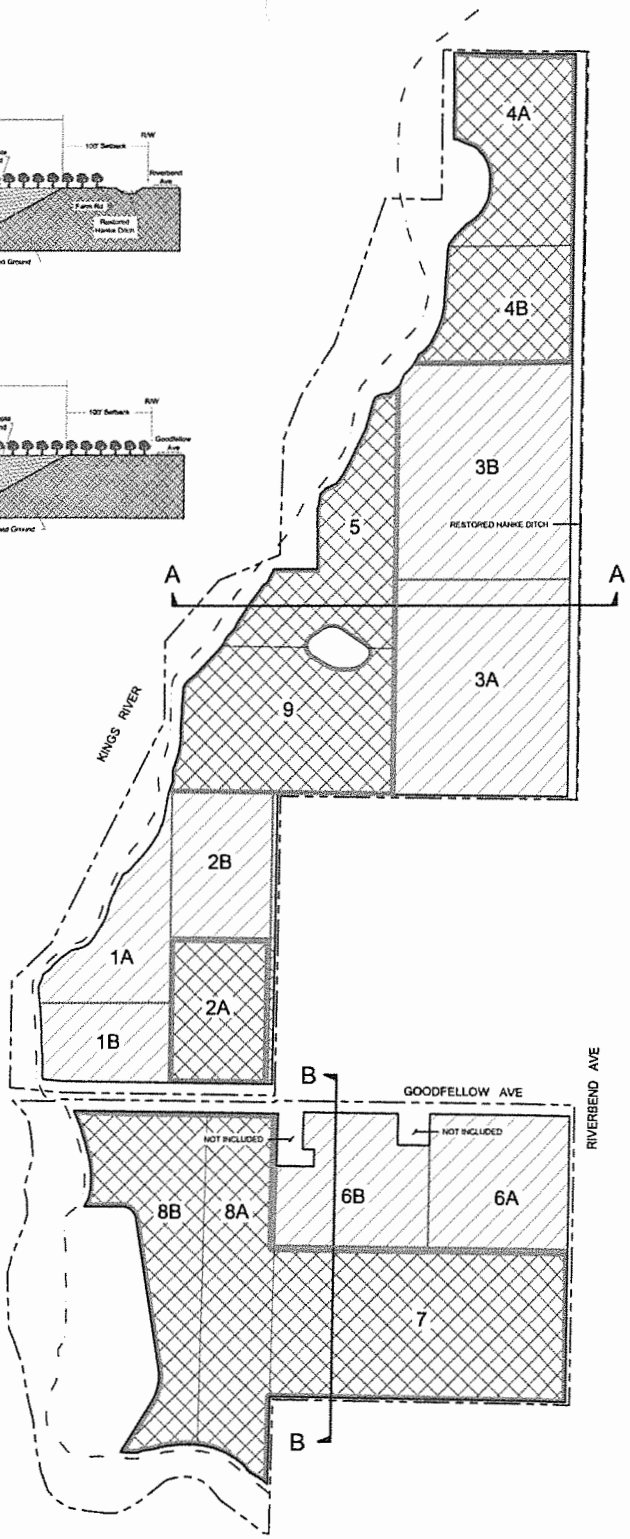
SECTION B-B



Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2026
1B	18	18			2032
2A	27		23	4	2026
2B*	27	27			2043/2090
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		40	3	2077
8B	44		39	5	2083
9	52		49	4	2090
Totals	619	268	318	33	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of
[2] Gross acres, includes farm roads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
[4] To be used for portable plant during mining of plant site (Phase 9)



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES:

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL
14692 E. Fortz Ave.
Portier, CA 93648
559-875-6565

EXHIBIT F

RECLAMATION PLAN

RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B		
A		Initial Release

Fresno County Department of Public Works and Planning

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497

APPLICATION FOR:

- ☐ Amendment Application
- ☐ Amendment to Text
- X Conditional Use Permit
- ☐ Director Review and Approval
- ☐ Site Plan Review/Occupancy Permit
- ☐ Variance/Minor Variance
- ☐ No Shoot/Dog Leash Law Boundary
- ☐ Other _____
- ☐ ALOC/RLOC
- ☐ Pre-Application (Check Type)
  - ☐ General Plan Amendment
  - ☐ Specific Plan Amendment
  - ☐ Specific Plan
- ☐ Determination of Merger
- ☐ Agreements

DESCRIPTION OF PROPOSED USE OR REQUEST:

Mining and processing of sand and gravel to include a processing plant, ready-mix concrete plant, an asphalt plant and periodic use of a portable concrete and asphalt recycle plant

PLEASE TYPE OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements and deeds as specified on the Pre-Application Review.

LOCATION OF PROPERTY: North and South of E Goodfellow Ave

333-160-01, 332-071-52 & 53 between Riverbend Ave and Kings River

350-041-12, 360-020-20 Street address 14684 E Goodfellow Ave

APN: 333-061-04 & 05 Parcel size 833 ac Sec-Twp / Rg. 25 & 26 -14/21, 1 - 15/22 19, 30 & 31 14/23

LEGAL DESCRIPTION: (Attach Copy of Deed)

I, John C. Buada (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type)	Address	City	Zip	Phone
Vern Olsen, Running Luck Ranch, LLC	14962 E Fantz,	Parlier,	CA 93648	559-875-9199
Applicant (Print or Type)	**Address**	**City**	**Zip**	**Phone**
Herb Lang, Riverbend Sand and Gravel, LLC	14962 E Fantz,	Parlier,	CA 93648	559-875-6565
Representative (Print or Type)	**Address**	**City**	**Zip**	**Phone**
John C. Buada, Buada Associates,	4872 N Arcade Ave,	Fresno,	CA 93704	559-432-4902

OFFICE USE ONLY

Application Type / No.: CUP 3390 Fee: _____ PLU _____
Application Type / No.: _____ Fee: _____ PLU _____
Application Type / No.: _____ Fee: _____ PLU _____
Application Type / No.: _____ Fee: _____ PLU _____
Initial Study No.: _____ Fee: _____ PLU _____
Environmental Review: Pre-ER 6606 Fee: _____ PLU _____
Health Department Review: Fee: _____ PLU _____
Received by: C W M
This permit is sought under Ordinance Section: _____
Related applications: _____
Drafting verification: Zone District: _____
APN# _____ - _____ - _____
APN# _____ - _____ - _____
APN# _____ - _____ - _____
Sec. Twp. Rg. _____ - _____ / _____
Parcel Size _____

WHEN VALIDATED
THIS APPLICATION IS YOUR RECEIPT

RECEIVED
OCT 12 2012

GREEN – DEPARTMENT COPY WHITE – APPLICANT COPY CANARY

PA (R08-09)

County of Fresno
Department of Public Works && Planning
dress: 2220 Tulare Street, 6th Floor Fresno
REG-RECEIPT: 3244 - 34749
CASHIER ID : CAK1234 Oct 12 2012
Date Printed: 10/12/2012 11:40:40

INVOICE

County of Fresno
Department of Public Works & Planning
Mailing Address: 2220 Tulare Street, 6th Floor Fresno, CA 93721
24-HR REQUEST LINE: 600-4131 LOCAL: 600-4560
TOLL FREE: 800-742-1011 FAX: 600-4201

INVOICE TO: BUADA ASSOCIATES
4872 ARCADE
FRESNO CA

12104925LU	$9,868.00
SubTotal	$9,868.00
PST	
GST	
TOTAL DUE	
RECEIVED FROM : RIVERBEND SAND AND GRAVEL	
CHECK	$9,868.00
TOTAL TENDERED	$9,868.00
CHANGE DUE	$0.00

INVOICE NO.: 53188
INVOICE DATE: Oct 12, 2012
PERMIT #: 12 104925 LU
REFERENCE #: CUP 3390
PROJECT LOCATION: 3677 S RIVERBEND
PROJECT DESCRIPTION: UNCLASSIFIED CUP APPLICATION NO. 3390 TO ALLOW SURFACE MINING

FEE DESCRIPTION	AMOUNT	COMMENT
(Unclassified) Conditional Use Application	$9,123.00	
Pre-Application fee Credit	$-247.00	
Health Department Review (Envir Health R	$992.00	
TOTAL	**$9,868.00**	

SUMMARY:

(Unclassified) Conditional Use Application	$9,123.00
Health Department Review (Envir Health Rev)	$992.00
Pre-Application fee Credit	$-247.00
TOTAL	**$9,868.00**

TOTAL BILLED:	$9,868.00
PAYMENT RECEIVED:	$0.00
BALANCE DUE:	**$9,868.00**

THE COUNTY OF FRESNO 1856

Development Services Division

Pre-Application Review

Department of Public Works and Planning

NUMBER: _____
APPLICANT: _____
PHONE: _____

333-160-01, 332-071-52 & 55
350-041-12, 360-020-20 (subject to merger)

PROPERTY LOCATION: _____
APN: 333 - 061 - 04 & 05 ALCC: No ___ Yes # [illegible] VIOLATION NO. NO
CNEL: No ✓ Yes ___ (level) LOW WATER: No ✓ Yes ___ WITHIN ½ MILE OF CITY: No ___ Yes ___
ZONE DISTRICT: AL20 ; SRA: No ✓ Yes ___ HOMESITE DECLARATION REQ'D. No ___ Yes ___
LOT STATUS:
Zoning: (✓) Conforms; ( ) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)
Merger: May be subject to merger: No ___ Yes ___ ZM# 2019 Initiated ___ In process ___
Map Act: ( ) Lot of Rec. Map; (✓) On '72 rolls; ( ) Other ___; ( ) Deeds Req'd (see Form #236)
SCHOOL FEES: No ___ Yes ✓ DISTRICT: Kings Canyon PERMIT JACKET: No ___ Yes ___
FMFCD FEE AREA: (✓) Outside ( ) District No.: ___ FLOOD PRONE: No ___ Yes ___
PROPOSAL Unclassified Conditional Use Permit to Allow Mining Sand and Gravel Processing Plant within the AL20 Zone District
COMMENTS: _____
ORD. SECTION(S): 853.B.5 BY: [signature] DATE: 8/2/12

GENERAL PLAN POLICIES:

LAND USE DESIGNATION: _____ ( ) GPA: _____ ( ) TT: _____
COMMUNITY PLAN: _____ ( ) AA: _____ ( ) MINOR VA: _____
REGIONAL PLAN: _____ ( ) CUP: _____ ( ) HD: _____
SPECIFIC PLAN: _____ ( ) DRA: _____ ( ) ALCC: _____
SPECIAL POLICIES: _____ ( ) VA: _____ ( ) IS/PER*: _____
SPHERE OF INFLUENCE: _____ ( ) AT: _____ ( ) Viol. (35%): _____
ANNEX REFERRAL (LU-G17/MOU): _____
COMMENTS: _____

PROCEDURES AND FEES:

Filing Fee: $ _____
Pre-Application Fee: _____ - $247.00
Total County Filing Fee: _____

FILING REQUIREMENTS:

( ) Land Use Applications and Fees
( ) This Pre-Application Review form
( ) Copy of Deed / Legal Description
( ) Photographs
( ) Letter Verifying Deed Review
( ) IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
( ) Site Plans - 24 copies (folded to 8.5"X11") + 1 - 8.5"x11" reduction
( ) Floor Plan & Elevations - 8 copies (folded to 8.5"X11") + 1 - 8.5"x11" reduction
( ) Project Description / Operational Statement (Typed)
( ) Statement of Variance Findings
( ) Statement of Intended Use (ALCC)
( ) Dependency Relationship Statement
( ) Resolution/Letter of Release from City of _____)
Referral Letter # _____

OTHER FILING FEES:

( ) Archaeological Inventory Fee: $25 at time of filing
(Separate check to Southern San Joaquin Valley Info. Center)
( ) CA Dept. of Fish & Game (DFG): ($50) ($50+$2,792.25; $50+$2,010.25)
(Separate check to Fresno County Clerk for pass-thru to DFG. Must be paid prior to IS closure and prior to setting hearing date.)

PLU # 113 Fee: $247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

BY: _____ DATE: _____
PHONE NUMBER: (559) _____-_____

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:
( ) COVENANT
( ) MAP CERTIFICATE
( ) PARCEL MAP
( ) FINAL MAP
( ) FMFCD FEES
( ) ALUC or ALCC
( ) SITE PLAN REVIEW
( ) BUILDING PLANS
( ) BUILDING PERMITS
( ) WASTE FACILITIES PERMIT
( ) SCHOOL FEES
( ) OTHER (see reverse side)

Rev 12/15/2009 F226 PreApplication Review

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

August 17, 2012

John C. Buada
Buada Associates
4872 N. Arcade Avenue
Fig Garden Studio
Fresno, CA 93704

Dear Mr. Buada:

Pre-Application Review No: 38279
Subject Assessor's Parcel No.: 333-160-01; 332-071-52 & 53; 350-041-12; 360-020-20; 333-061-04 & 05

An Unclassified Conditional Use Permit (CUP) application is required to allow mining and sand gravel processing operation in the AL-20 Zone District. I am enclosing the necessary forms to return for a complete application.

The proposal will require an analysis per the California Environmental Quality Act (CEQA). The County understands that the applicant has chosen to begin the process for initiating an Environmental Impact Report (EIR) rather than to start the Initial Study process. Staff will still need to have the Initial Study form completed. Enclosed is a copy of the Fresno County Regulations for the Implementation of the California Environmental Quality Act. For initiating the EIR process, staff will need a $25,000 initial deposit and thorough project description.

Your property is under a Williamson Act Contract (6322). As such, the uses permitted under contract are restricted and a determination must be made prior to filing a formal application as to whether the proposed operation may be permitted. See enclosed information related to mining on contracted land. We would recommend that you contact our Policy Planning Section at (559) 600-4022 to discuss the project prior to filing a formal application.

You should be aware that in order to approve a Conditional Use Permit application, the Fresno County Ordinance Code requires that four mandatory findings of fact must exist before a Conditional Use Permit Application may be granted (see Conditional Use Permit Findings on back of application form). Your application will be reviewed and a staff recommendation made based upon these four mandatory findings.

Below is a list of the filing requirements.

Application Form: This application is a green triplicate form. Please complete the owner, applicant, and representative portions of the application. All owners included on the Grant Deed must sign the application.

Initial Study Application: This application form is a stapled, five-page form. Please complete and sign.

Pre-Application Review: This is a single blue sheet that has already been completed. Please return this application to our office. The information provided on this sheet will be needed to complete the application. **(Note: The Pre-Application Fee of $247.00 will be applied to the Filing Fee if submitted within six months of the date on the Pre-Application form. The following Filing Fee information assumes that the application will be filed within the six-month time period.)**

Filing Fees:

Conditional Use Permit Application (CUP)	$ 9,123.00
Public Health Environmental Review	$ 992.00
Minus the $247.00 Pre-Application Credit	$ - 247.00
Please make check payable to "Fresno County" for:	$ 9,868.00

Also, a separate check for $25 must be submitted, payable to the Southern San Joaquin Valley Information Center for Archaeological Inventory. In addition, a separate fee may be collected by the County on behalf of the California Department of Fish and Game prior to closure of the Initial Study Assessment and prior to setting a date for public hearing. For more information regarding this fee, see page 5 of the Initial Study Application.

Legal Description: Submit a copy of the Grant Deed to the property with the legal description. (Note: The legal description must correlate with the property boundaries depicted on the Site Plan drawing.)

Site Plans: Twenty-four (24) folded copies of a detailed Site Plan are required. As we are now routing projects for comments electronically, we prefer that electronic versions of all drawings be submitted in PDF format. If that is not possible, we require one black-line print in either 8 ½" x 11" or 11" x 17" size so that it can be scanned. Please refer to the back of the application for detailed requirements on preparing Site Plans. It is important that all requirements are met in order for the Site Plan to be acceptable. Therefore, you may wish to review the Site Plan with a Planner prior to submitting the application.

Project Description/Operational Statement: Please provide a complete, detailed description of the proposed use. Enclosed is a checklist of considerations that should be addressed. The Operational Statement must be on a separate sheet and should be typed.

As prescribed by the Zoning Ordinance, the Planning Commission will make a decision on the application following a public hearing. Please note that if review comments are not received from certain key reviewing agencies in response to our initial request for comments, staff will continue to pursue formal comments from those agencies so as to provide for the most complete project analysis possible. This may result in additional processing time. Also, please note that an appeal of the Planning Commission's decision would add additional time because it would necessitate a hearing before the Board of Supervisors who would then make the final decision.

In order to save time processing your application, we recommend that you or your representative schedule a meeting to review your application submittal prior to filing a formal application.

If you have any questions regarding the information described in this letter, or wish to schedule a meeting concerning the filing of an application, please contact me at cmotta@co.fresno.ca.us or (559) 600-4227.

Sincerely,

Chris Motta, Senior Planner
Development Services Division

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Enclosures

EXHIBIT 21

Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISOR'S ACTION SUMMARY MINUTES.

DATE: February 26, 2015

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12492 - ENVIRONMENTAL IMPACT REPORT NO. 6606 (STATE CLEARINGHOUSE NO. 2013071097) and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3390

APPLICANT: Riverbend Sand and Gravel, LLC

OWNER: Riverbend Sand and Gravel, LLC

REQUEST: Allow an aggregate mining operation on 619 acres of a combined 833 acres of property. The remaining 214 acres, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The anticipated annual processing of material would be 1.6 million tons per year with annual sales at approximately 1.25 million tons per year. The 619-acre Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water habitat.

LOCATION: The 619-acre Project is located in unincorporated Fresno County, approximately 1.5 miles southeast of the City of Sanger, between the Kings River and Riverbend Avenue. East Goodfellow Avenue bisects the Project Site, which is composed of seven parcels. The Project Site is located in Township 14 South, Range 22 East, Sections 25 and 36; Township 14 South, Range 23 East, Sections 19, 30 and 31; and Township 15 South, Range 22 East, Section 1 (Mount Diablo Baseline and Meridian) on the *Sanger* and *Wahtoke* 7.5-minute U.S. Geological Survey (USGS) topographic quadrangles (SUP. DIST.: 4) (APNs: 333-160-01; 332-071-53, 52; 333-061-04, 05; 350-041-12; 360-020-20).

PLANNING COMMISSION ACTION:

At its hearing of February 26, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Borba and seconded by Commissioner Rocca to certify the Environmental Impact Report (EIR) prepared for Unclassified Conditional Use Permit Application No. 3390 and the Reclamation Plan for the Riverbend Sand and Gravel Project based on the following Findings:

1. That a Draft and Final EIR have been prepared for the Project in compliance with the California Environmental Quality Act (CEQA);

2. That the Draft and Final EIR have been presented to the planning Commission, and the information in the EIR has been reviewed and considered by the Commission;

3. That the Draft EIR and Final EIR represent the County's independent judgment and analysis;

4. That based on the evidence before the Commission, the EIR identified potentially significant impacts related to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, greenhouse gasses/climate change, hazards and hazardous materials, hydrology and water quality, and land use and planning, which have been determined to be "less than significant" or mitigated to less than significant with the implementation of the Mitigation Measures identified in the EIR;

5. That the Commission has considered the Mitigation Monitoring and Reporting Program included in the EIR to reduce the potential impacts associated with the Project to the maximum extent feasible;

6. That certain impacts associated with air quality, noise, and traffic and circulation remain significant and unavoidable, even after the application of all feasible Mitigation Measures and feasible alternatives; and

7. That the Commission has considered the alternatives to the proposed Project discussed in the EIR and believes that the Reduced Mine Depth Alternative is environmentally superior, but does not meet all of the Project objectives.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Borba, Rocca, Batth, Mendes, Zadourian
	No:	Commissioner Woolf
	Absent:	Commissioner Ferguson
	Abstain:	Commissioner Lawson

A second and separate motion was made by Commissioner Rocca and seconded by Commissioner Borba to:

1. Move to approve the CEQA Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program and Conditions of Compliance Reporting Matrix (attached as Exhibit “B”) prepared for Unclassified Conditional Use Permit Application No. 3390 based on the Findings as listed on pages 11 through 42 of the Planning Commission Staff Report dated February 26, 2015 with modifications to Mitigation Measure No. AG-1 to have all Agricultural Conservation Easements transferred to a qualified Land Trust within five (5) years of being established to manage and maintain for compliance;

2. Move to determine that the required Findings discussed can be made for the proposed Project and move to approve Unclassified Conditional Use Permit Application No. 3390, including the additional Finding (Finding 5), related specifically to surface mining operations, with conditions and notes;

3. Move to approve the Reclamation Plan for the proposed Project;

4. Pursuant to Zoning Ordinance Section 873.F, the Conditions incorporated into this Project are necessary for public health, safety, and general welfare; and

5. Direct the Secretary to prepare a Resolution documenting the Commission’s action and direct staff to file a Notice of Determination for the approved Project.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Rocca, Borba, Batth, Mendes, Zadourian
	No:	Commissioner Woolf
	Absent:	Commissioner Ferguson
	Abstain:	Commissioner Lawson

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: _____
William M. Kettler, Manager
Development Services Division

NOTE: 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.

Attachments

EXHIBIT "A"

ENVIRONMENTAL IMPACT REPORT NO. 6606
(STATE CLEARINGHOUSE# 2013071097)
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3390

Staff: The Fresno County Planning Commission considered the Staff Report dated February 26, 2015, and heard a summary presentation by staff and the County's consultant.

Applicant: The representatives of the Applicant concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information:

- Riverbend is in the farming business; the rocky soil makes farming difficult; after project reclamation, the land won't have cobbles.
- Riverbend is the first applicant to voluntarily agree to enter into a Farmland Preservation Easement.
- Aggregate and petroleum are the County's most significant extractive resources.
- We need to go where the rock is, within Mineral Reserve Zones; both state documentation and Fresno County policies pertaining to mineral extraction indicate that the best places to mine for aggregate are the San Joaquin and Kings rivers.
- There is a need for a local long-term supply of aggregate; the intent of a local supply is to be within 20 miles of the metropolitan area being served.
- There is a shortage of aggregate in the region; this project is needed to assist in meeting the County's long-term aggregate needs.
- Locally sourced aggregate reduces regional environmental impacts.
- Responsible mining and reclamation is a matter of balance.
- We offer concurrent farming, mining and reclamation.

- The project will contribute to Fresno County's economy through increased tax revenue and providing $58.9 million to the economy.

- The project will bring much needed jobs.

- State policies pertaining to mineral extraction will be followed.

- Protection of resources is important to the Applicant.

- The project includes mitigation of significant impacts; it will include buffers and monitoring for water quality and quantity and project design has incorporated several features to avoid impacts including a 100-foot setback from the Kings River and using avoidance to reduce biological impacts.

- Access to the site will be from Goodfellow Road.

- The project will be phased to allow lands subject to Williamson Act Contracts to expire and to avoid sensitive receptors during the initial project phases.

- Phases 6 through 8 will be located south of Goodfellow Road and a conveyor will be utilized to transport the material under the road; Phase 8 will occur approximately 50 years from now.

- The project includes design features to minimize noise impacts; it will include 10 and 15-foot tall berms, and noise curtains at stationary sources.

- Air Quality Impact Analysis and a Health Risk Assessment were completed for the project; the air quality analysis was based on very conservative assumptions.

- A water supply assessment and groundwater study were completed for the proposal.

- Approximately 90% of the aggregate process water will be recirculated.

- No explosives will be used as part of this operation.

- Agricultural mitigation was not required as part of this proposal but was offered as part of the project's mitigation.

Others: Eleven individuals presented information in opposition to the application, citing:

- The project does not adequately account for river movement and erosion issues.
- The need for a County-wide extraction fee program to off-set project impacts.
- The setbacks and buffer zones are not adequate.
- The need for agricultural land mitigation.
- The negative impacts of the project on hydrology, noise, traffic, agriculture, aesthetics, cultural resources, hazards, and the Kings River.
- The Kings River Regional Plan should be updated.
- The Farmland Preservation Easement should be held by a qualified Conservation Trust.
- There is no need for the gravel from this project; current demand could be addressed by increasing production at the existing permitted facilities by approximately 12%.

Correspondence: One letter in support from the applicant containing two reports, one on Aggregate Demand for the Fresno region and one on the net economic contribution of the project to the economy of Fresno County, was presented to the Planning Commission. Two letters in opposition were presented to the Planning Commission, one expressing concerns related to loss of ground water from the evaporation ponds that included a table on evaporation from water surfaces in California, and the other primarily concerned with the project's cumulative impacts.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

EXHIBIT B

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1**: A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2**: Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3**: The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3**: Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections until the ACE is transferred to a Land Trust to manage and maintain for compliance.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. All ACE's entered into as described here shall have ownership transferred to a qualified Land Trust within 5 years of being established. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1**: The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions shall be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups shall be implemented. 3. Mixing drum vapors shall be routed back to the dryer burner.	**AQ-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall	**AQ-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
substantially to an existing or projected air quality violation? ***Impact AQ-3:*** Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?	be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	In addition, documentation demonstrating compliance with the identified off-road engine requirements shall be maintained on-site and provided to the County upon request.	Division
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? ***Impact AQ-3:*** Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-	**MM AQ-3**: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	**AQ-3**: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1**: 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal	**BIO-1**: Qualified biologist shall conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist shall conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2**: 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250	**BIO-2**: Qualified biologist shall conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-3**: 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a	**BIO-3**: Qualified biologist shall conduct pre-construction surveys for elderberry shrubs and oversee avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1**: Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual	**CPR-1**: Cultural site geographic coordinates shall be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2**: The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2**: Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3**: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3**: Earthmoving activities shall cease and a qualified archaeologist shall be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM CPR-4**: If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	**CPR-4**: Earthmoving activities shall cease and a paleontologist shall be retained to assess the significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5**: In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she shall contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6**: The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.	remains.	
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1**: To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone,	**HWQ-1**: Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.	day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1**: The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when	**NO-1:** 1. Upon commencement of operation, dragline noise measurements shalll be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	located within the following distances from noise receivers: a. When operating the mine and aggregates plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residence Nos. 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence No. 10 along Riverbend Avenue, an 11-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence No. 13, the proposed 8-foot tall berm shall be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue	event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance shall additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2**: The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in an 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests	**NO-2**: Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.	**NO-3**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	**MM TRANS-1**: The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1**: The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact TRANS-2: Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2**: The Applicant shall construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7: Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project shall contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue	**TRANS-3**: The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		McCall Avenue • SR 180 (Kings Canyon) and Jensen Avenue • Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation shall proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services

EXHIBIT B

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities associated with the Project.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal shall be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Administration; Fresno County Dept. of Public Works & Planning Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant shall pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services	Fresno County Dept. of Public Works & Planning Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
			Division.	
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	If an amendment to the reclamation plan is required, and upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Fresno County Dept. of Public Works & Planning Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services

EXHIBIT B

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
			Division
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 this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Environmental Impact Report No. 6606
(State Clearinghouse# 2013071097)
Unclassified Conditional Use Permit Application No. 3390

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Environmental Impact Report:	$369,542.00
County Staff Costs:	$ 54,154.00
Legal Services	$ 50,000.00
Conditional Use Permit Application:	$ 9,123.00
Pre-Application fee Credit	$ -247.00
Health Department Review Fee:	$ 992.00
Total Fees Collected	**$ 483,564.00**

EXHIBIT 22

PLANNING COMMISSION AGENDA

PLAZA BALLROOM
(Temporary Location)
2220 Tulare Street (@ "M " Street)
Fresno, CA 93721

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@co.fresno.ca.us
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: http://www.co.fresno.ca.us/departmentpage.aspx?id=19735

AGENDA
February 26, 2015
- Plaza Ballroom -

8:45 a.m. - CALL TO ORDER

INTRODUCTION
Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)

2. **2014 FRESNO COUNTY GENERAL PLAN ANNUAL PROGRESS REPORT** filed by **FRESNO COUNTY**, to inform the Planning Commission, Board of Supervisors, and County residents on the status of implementing the County General Plan, as well as Planning activities for the unincorporated County.

   -Contact person, Mohammed Khorsand (559) 600-4022, email: mkhorsand@co.fresno.ca.us

   -Staff Report Included

3. **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3390** filed by **RIVERBEND SAND AND GRAVEL, LLC**, proposing to certify and make related findings on **ENVIRONMENTAL IMPACT REPORT NO. 6606 (State Clearinghouse No. 2013071097)** prepared for the project and approve **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3390** filed by **RIVERBEND SAND AND GRAVEL, LLC**, proposing to mine 619 acres of a combined 833 acres of property. The remaining 214 acres, including the entire existing riparian habitat along the Kings River, are excluded from the project. The project site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. Reclamation of the project site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. Anticipated annual processing of material would be 1.6 million tons per year with annual sales at approximately 1.25 million tons per year. The 619-acre project is located in unincorporated Fresno County, approximately 1.5 miles southeast of the City of Sanger, between the Kings River and Riverbend Avenue. East Goodfellow Avenue bisects the

Project site, which is composed of seven parcels. The project site is located in Township 14 South, Range 22 East, Sections 25 and 36; Township 14 South, Range 23 East, Sections 19, 30 and 31; and Township 15 South, Range 22 East, Section 1 (Mount Diablo Baseline and Meridian) on the *Sanger* and *Wahtoke* 7.5-minute U.S. Geological Survey (USGS) topographic quadrangles (SUP. DIST.: 4) (APNs: 333-160-01; 332-071-53, 52; 333-061-04, 05; 350-041-12; 360-020-20).

-Contact person, Briza Sholars (559) 600-4207, email: bsholars@co.fresno.ca.us

-Staff Report Included -Individual Noticing

4. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Eric VonBerg (559) 600-4569, email: evonberg@co.fresno.ca.us

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@co.fresno.ca.us, no later than the Monday preceding the meeting by 9:00 a.m.

EVB:ksn
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EXHIBIT 23

From: Pratt, Carol
To: Sholars, Briza
Cc: Juarez, Jacqueline; Asprec, Lemuel; VonBerg, Eric
Subject: RE: Expense Reports
Date: Tuesday, April 14, 2015 12:18:41 PM
Attachments: EIR 6606 Receipts.pdf

Hi Briza,

Here are copies of the receipts for both checks.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Tuesday, April 14, 2015 10:49 AM
To: Pratt, Carol
Cc: Juarez, Jacqueline; Asprec, Lemuel; VonBerg, Eric
Subject: RE: Expense Reports

Good morning, the checks have been delivered and I will walk them up today. Thanks!

From: Pratt, Carol
Sent: Wednesday, April 08, 2015 6:57 AM
To: Sholars, Briza
Cc: Juarez, Jacqueline; Asprec, Lemuel; VonBerg, Eric
Subject: RE: Expense Reports

Thank you Briza.

The memos and letters that will be going out will be through the pay period ending 1/18/15. The last letter covered the period ending 10/26/14. As Mr. Lang (Riverbend) wanted to see the monthly activity the last time, I will be issuing him three letters to cover each month's activity.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Tuesday, April 07, 2015 3:57 PM
To: Pratt, Carol
Cc: Juarez, Jacqueline; Asprec, Lemuel; VonBerg, Eric
Subject: RE: Expense Reports

Thanks!

Yikes we need some money.

I will ask the applicant for $10,000 for staff time and the final deliverable deposit of $49,284.

The $5,700. was for Extra Services for the consultant.

The final consultant invoice should be coming in June after the Board.

Regards, Briza

From: Pratt, Carol
Sent: Tuesday, April 07, 2015 3:22 PM
To: Sholars, Briza
Cc: Juarez, Jacqueline; Asprec, Lemuel
Subject: RE: Expense Reports

Hi Briza,

For the period ending 1/18/15, here are the balances:

Staff: Deposit $54,172.55 Exp $54,153.59 Remaining Bal $18.96

Consultant Contract: Deposit $369,542.00 Exp $369,542.00 Remaining Bal $0

I saw a deposit of $5,700 in February for Consultant costs. This is not included in the above. Will there be additional deposits made for staff costs? We will be billing for February and March charges soon. I did not see any consultant invoices posted in February or March.

Please let us know if you need additional information.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Tuesday, April 07, 2015 10:52 AM
To: Pratt, Carol

Subject: RE: Expense Reports

Specifically I need to know on Riverbend EIR 6606 how much the applicant has paid out the consultant (total so far, and how much tha applicant has paid to the County (total) for Staff charges. Thank you for your help.

From: Sholars, Briza
Sent: Tuesday, April 07, 2015 10:49 AM
To: Pratt, Carol
Subject: Expense Reports

Hi Carol, when do you expect the latest expense reports?

Thanks!

Regards, Briza

EXHIBIT 24

From:	Sholars, Briza
To:	Brosi, Linda; Carter, Michele - PWP; Morrison, Janet
Subject:	FW: Request for publication, attached, ONE time: Wednesday, April. 29th 2015. Please furnish affidavit, proof & invoice to PW&P, Hall of Records, Rm. 301, 2281 Tulare St., 93721
Date:	Wednesday, April 29, 2015 11:57:21 AM
Attachments:	Publication for Business Journal for the BOSRiverbend.doc

Fyi. Publication for Riverbend at BOS May 19th

From: Craft, Lisa
Sent: Monday, April 27, 2015 8:11 AM
To: Sholars, Briza
Cc: VonBerg, Eric
Subject: FW: Request for publication, attached, ONE time: Wednesday, April. 29th 2015. Please furnish affidavit, proof & invoice to PW&P, Hall of Records, Rm. 301, 2281 Tulare St., 93721

FYI!

Thanks,

Lisa Craft
Deputy Clerk
Clerk to the Board of Supervisors
Fresno County
(559) 600-3529
Ext. 0-1603

From: Craft, Lisa
Sent: Monday, April 27, 2015 8:10 AM
To: Business Journal - Callie
Subject: Request for publication, attached, ONE time: Wednesday, April. 29th 2015. Please furnish affidavit, proof & invoice to PW&P, Hall of Records, Rm. 301, 2281 Tulare St., 93721

Thank you,

Lisa Craft
Deputy Clerk
Clerk to the Board of Supervisors
Fresno County
(559) 600-3529
Ext. 0-1603

EXHIBIT 25

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4057
FAX (559) 488-4195
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

May 13, 2015

06-FRE-180-74.56
Riverbend Sand and Gravel Project
UCUP No. 3390

Ms. Debbie Poochigian
Supervisor
County of Fresno
2281 Tulare Street, Room 300
Fresno, CA 93721

Dear Chairperson Poochigian:

As you are aware, aggregate resources play a vital role in our efforts to build and improve our State's infrastructure. Indeed, our State's mineral resource development is essential to our economic well-being, as well as our intentions to grow more responsibly and provide the safest, fastest, and most efficient transportation options possible. While it is important that we find ways to meet our current needs for construction materials, we must also anticipate future demand and expand our aggregate supply in an environmentally appropriate and culturally circumspect manner. In doing so, we prepare our future generations to navigate the challenges that our State will face as population increases and accessible resources grow scarce.

Throughout the State, attention is being given to what is increasingly seen as an urgent resource issue. The recently enrolled Assembly Bill 566 (Galgiani, 2011) codified several legislative findings, among them that mineral extraction is essential to the needs of society, and that the development of local mineral resources is vital in reducing truck emissions in our State.

The California Department of Transportation (Caltrans) continues to coordinate with public decision-makers, the construction industry, and government officials in exploring opportunities to improve the reclamation and permitting processes and increase California's aggregate supply. While the pressure for resources has eased for the last three years due to a sharp decline in residential construction, the transportation sector continues to build projects and the housing market is showing signs of regaining strength. This is not a time to relax our efforts, but to redouble them in anticipation of full economic recovery.

In the last five years, Caltrans has delivered approximately 3,085 highway projects worth $17.9 billion that were moved into construction. There are currently 600 construction contracts statewide value at $10.7 billion. Highway projects are only one part of the story, however, as local and regional agencies continue to maintain and improve the roads in their jurisdictions the aggregate needs will continue to grow.

In addition to the outlay of traditional transportation agencies, the California High Speed Rail Authority has broken ground on its first Construction Package (CP1) that will begin major activities

in August of this year. This section, from Merced to Bakersfield, will require over five million tons of sand, gravel, and crushed stone, which is about four percent of the total production that the State saw in 2009. There will be subsequent Construction packages following this CP1 package that will begin major activities in the next year.

With the passage of SB 397 (Liu, 2009) and SB 378 (Steinberg, 2008), Caltrans and local transportation agencies were challenged to conceive of new ways to reduce greenhouse gas (GHG) emissions while providing world class transportation facilities for our constituents. The statewide modal plans and Regional Transportation Plans, which shape California's transportation future, outline extensive improvements to the current system. Yet, between long truck hauls averaging 50 miles and international importing of materials, the GHG impact of aggregate delivery continues to mount. An increased aggregate reserve that is closer to construction sites is key to addressing our dire air quality and climate change concerns.

While we are continuing to work with local and State Agencies to help gain approval of new aggregate mining sites throughout the state, there is still much to be done to insure that these essential resources will be available for development in the far reaches of our long-range plans. I would like to encourage you to explore new strategies to increase aggregate reserves in your region, including education of local stakeholders, early public engagement, and willingness to collaborate in the mitigation of environmental and transportation system impacts from aggregate production and distribution.

The attached Fact Sheet provides information on the potential economic, social, air quality, and environmental factors that are affected by local aggregate supply. This is a good starting point for collaborative discussions that aim to find solutions to issues regarding aggregate availability. Also attached is a map that shows statewide aggregate supply and demand.

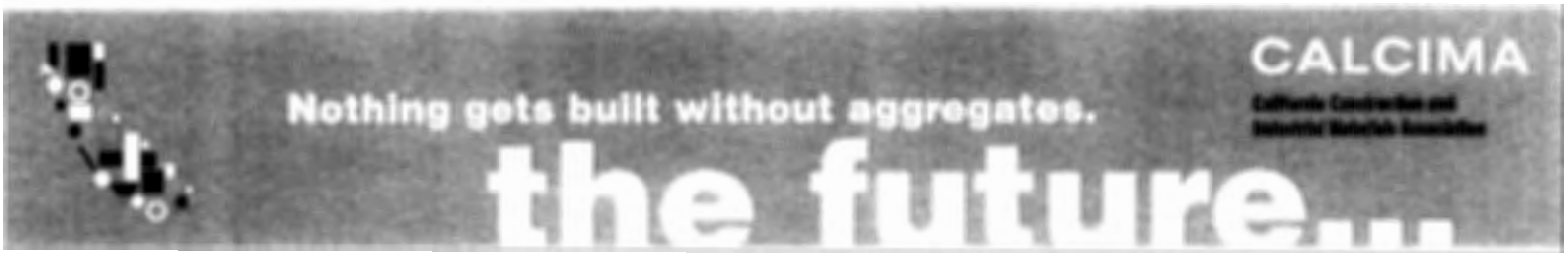
Finally, I would like to invite you to contact Michael Navarro, Chief of Transportation Planning, who is available upon request to speak at public meetings in your area regarding the importance of increasing California's aggregate supply in an environmentally sustainable manner. While the permitting of new mining facilities must be done with attention to all of the possible impacts to surrounding areas, Caltrans encourages the development of new sources for construction aggregate. Our economy and our environment depend on it.

Sincerely,

Sharri Bender Ehlert

SHARRI BENDER EHLERT
District 6 Director

Attachments: CALCIMA Fact Sheets
Department of Conservation Map Sheet 52, *Aggregate Sustainability in California*



California's Permitted Aggregate Supplies Are *Running Out*

Time is running out for local, low cost, and uninterrupted aggregate supplies

Supplies of sand and gravel and crushed stone throughout California are being depleted much faster than replacement resources are being permitted. Shortages negatively affect California's quality of life, economy, and environment.

Some regions are running out in a few years, or have already run out. The State Geologist estimates that statewide there may only be a 16 year supply at current rates of consumption. There are 4 areas with less than a 10 year supply. Here are a few examples, based on percentage of expected 50 year demand:

- **North Bay Area – 8%**
- **Western San Diego County – 17%**
- **Fresno – 11%**
- **San Fernando Valley & Ventura County – 19%**

These estimates do not take into account accelerated construction from infrastructure bonds in November 2006, or from an earthquake or other natural disaster.

What are aggregates and why does it matter if they're running out?

- Sand and gravel and crushed stone are "Aggregates." Over 90% are used in construction. Steady supplies are necessary for constructing and maintaining roads, housing, schools, buildings, and all other public and private infrastructure. Asphalt pavements and concrete are mostly made of aggregates.



- Approximately 43% of all aggregates are used in public works projects – our public roads, highways, buildings, bridges, airports, sewer systems, schools, and other structures.
- An average home requires nearly 100 tons of aggregates. After adding neighborhood infrastructure, a 1500 sq. ft. home requires 328 tons of sand and gravel and 202 cubic yards of concrete.
- Californians use an average of 5-7 tons per person per year of aggregates. Using conservative population estimates for the next 20 years, California will require 5 billion tons of aggregates, or an average of 250 millions tons per year.
- Supplying aggregates is a local business. The farther away aggregates are shipped, the costlier they are for customers and taxpayers. Long distance shipping impacts the economy and the environment.
- The permitting process can be lengthy, often taking years to permit an operation. Considering that aggregate shortages have the ability to severely imperil the state's infrastructure – our economic prosperity – improved permitting processes are urgently needed.

CALCIMA

California Construction and Industrial Materials Association

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www.distancematters.org

02-09

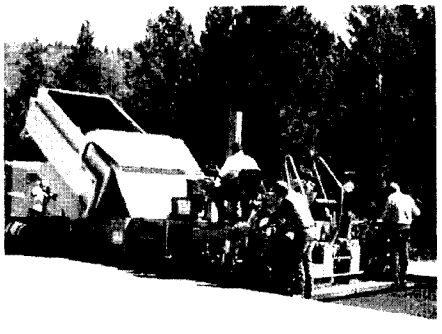
CALCIMA
California Construction and Industrial Materials Association

construction & aggregates

Build California's Economy

Producing aggregates and industrial minerals is only part of the picture... Reclaiming, restoring, and reusing land is the rest





Aggregates and Construction Go Hand-in-Hand

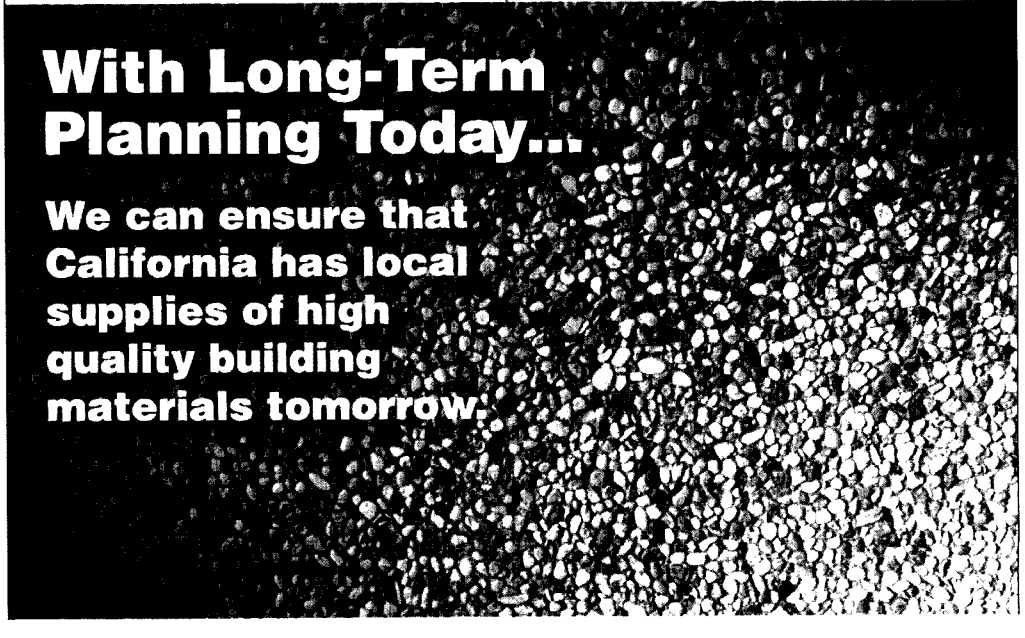
- California's aggregates industry supplies sand, gravel, and crushed stone for local construction. Aggregates are necessary for making ready-mixed concrete, asphalt, and many other building materials. Millions of tons of aggregates are required to build and maintain our infrastructure: roads, highways, homes, buildings, schools, and public works.

Economic Impacts

- Aggregates and construction are California's 4th largest industry.
- Statewide, the aggregates and construction industry's total economic impact has been as much as $230 billion – 16% of all California industry output – in recent years.
- Aggregates and construction contribute $13.8 billion to other major California industries.
- In recent years, over 1.8 million California jobs were supported by the aggregates and construction industry.



- California workers earned over $86 billion from aggregate and construction activities.
- Compared to other industries, salary packages for California aggregate workers alone rank 4th highest overall.
- The aggregates and construction industry's economic impacts benefit local California economies.
- Every Californian uses nearly 5-7 tons of aggregates per person per year. The State Department of Conservation forecasts a 70% shortfall of construction aggregates statewide – 13 billion tons – over the next 5 decades.



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www.calcima.org
www.distancematters.org

Nothing gets built without aggregates.

CALCIMA

fast facts

About California's Aggregate Industry...







- **California is the nation's leading producer of construction aggregates.**

- **Aggregates are key to construction:** Sand, gravel, and crushed stone are the first step in the construction process. They are used for making cement, concrete, and asphalt, as well as many other building materials. Without aggregates, construction can't commence.

- **Every Californian uses over 5-7 tons of construction aggregates annually.** Statewide, that is a total of, on average, 229 million tons of annual production (based on 1999-2007).[1]

- **In recent years, the aggregate and construction industries supported 1.8 million jobs and California workers earned over $86 billion from aggregate and construction activities.** Combined economic impact of the aggregate and construction industries in California makes it the fourth largest industry in California.[2]

- **Nationwide, about 43% of all construction aggregates are for public works projects paid by taxpayers.**[3]

- **California sand and gravel producers reclaim land to 44 different uses.** The most common usage is conservation – open space, wildlife habitat, and wetlands – followed by recreation and agriculture. During the 1990s, all types of reclamation statewide exceeded 33,000 acres, a size greater than the land area of the City and County of San Francisco.[4]

- **Transporting from shorter distances saves money.** The cost of trucking aggregates increases 15 cents per ton for every mile hauled. Given that even one mile of a six lane highway requires over 110,000 tons of aggregates, each mile of transport would add one-half million dollars to the base cost of the aggregates for such a project.[5]

- **Transporting from shorter distances protects the environment and reduces traffic.** If trip length can be reduced by even 15 miles, then diesel fuel consumption can be reduced by 44 million gallons annually, truck emissions by 835 tons per year and greenhouse gases by 400,000 metric tons![6]

- **Aggregate supplies for many California population centers are running out.** A recent state study indicates we may have only a 16 year supply at current rates of consumption. In particular, 4 areas of the state may have less than a 10 year supply. These supply deficiencies will directly affect California's infrastructure and quality of life.[7]

- **Recycled concrete and asphalt help build sustainable communities.** California's aggregate producers are in the forefront for promoting the use of recycled construction materials. Sand and gravel operators help direct these materials from landfills by crushing millions of tons of used concrete and asphalt pavement into construction aggregates.

[1] *Non-Fuel Minerals Report, California Geological Survey*
[2] *The Importance of Aggregates and Construction to California's Economy, Applied Development Economics & e.concepts, 2004*
[3] *Coopers & Lybrand, Feb. 1998*
[4] *Reclamation Survey: A Pilot Study on Reclamation Activities of CMAC Member Companies, e.concepts, Dec. 2001*
[5] *Aggregate Availability in California, California Geological Survey, Feb. 2007*
[6] *Construction Aggregate Supply Limitations: Estimates of Economic Impact, Caltrans, 2007*
[7] *Aggregate Availability in California*

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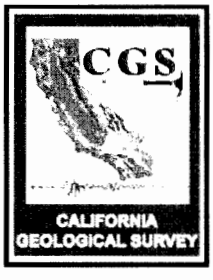
MAP SHEET 52

(UPDATED 2012)

AGGREGATE SUSTAINABILITY IN CALIFORNIA

2012



CALIFORNIA GEOLOGICAL SURVEY
Department of Conservation

THE NATURAL RESOURCES AGENCY
JOHN LAIRD
SECRETARY FOR RESOURCES

STATE OF CALIFORNIA
EDMUND G. BROWN, JR.
GOVERNOR

DEPARTMENT OF CONSERVATION
MARK NECHODOM
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JOHN G. PARRISH, PH.D., *STATE GEOLOGIST*

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"The Department of Conservation makes no warranties as to the suitability of this product for any particular purpose."

MAP SHEET 52

(UPDATED 2012)

AGGREGATE SUSTAINABILITY IN CALIFORNIA

By

John P. Clinkenbeard (PG #4731)

2012

CALIFORNIA GEOLOGICAL SURVEY

DEPARTMENT OF CONSERVATION

801 K Street, MS 12-31

Sacramento, CA 95814-3531

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INTRODUCTION

Sand, gravel, and crushed stone are "construction materials." These commodities, collectively referred to as aggregate, provide the bulk and strength to Portland Cement Concrete (PCC), Asphaltic Concrete (AC, commonly called "black top"), plaster, and stucco. Aggregate is also used as road base, subbase, railroad ballast, and fill. Aggregate normally provides from 80 to 100 percent of the material volume in the above uses.

The building and paving industries consume large quantities of aggregate and future demand for this commodity is expected to increase throughout California. Aggregate materials are essential to modern society, both to maintain the existing infrastructure and to provide for new construction. Therefore, aggregate materials are a resource of great importance to the economy of any area. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance.

To give an idea of the scale of these impacts, from 1981 to 2010, California consumed an average of about 180 million tons of construction aggregate (all grades) per year. Moving in 25 ton truckloads that is over 7.2 million truck trips per year. With an average 25 mile haul (50 mile round trip) that amounts to more than 360 million truck miles traveled, almost 47 million gallons of diesel fuel used, and more than 520,000 tons of carbon dioxide emissions produced annually. If the haul distance is doubled to 50 miles (100 mile round trip) the numbers double to 721 million truck miles traveled, almost 94 million gallons of diesel fuel used, and over 1 million tons of carbon dioxide emissions produced.

Land-use planners and decision makers in California are faced with balancing a wide variety of needs. Increasingly, as existing permitted aggregate supplies are depleted, local land-use decisions regarding aggregate resources can have regional impacts that go beyond local jurisdictional boundaries.

These factors, universal need, increasing demand, the economic and environmental costs of transportation, and multiple land-use pressures make information about the availability and demand for aggregate valuable to land-use planners and decision makers charged with planning for a sustainable future for California's citizens.

California Geological Survey (CGS) Map Sheet 52, 1:1,100,000-scale, and this accompanying report provide general information about the current availability of, and future demand for, California's permitted aggregate reserves. Map Sheet 52 was originally published in 2002 (Kohler 2002) and subsequently updated in 2006 (Kohler 2006). Map Sheet 52 (2012) is an update of the version published in 2006.

Map Sheet 52 updates data from reports compiled by the CGS for 31 aggregate study areas throughout the state. These study areas cover about 30 percent of the state and provide aggregate for about 85 percent of California's population. This report is divided into three parts: Part I provides data sources and methods used to derive the information presented; Part II compares the updated 2012 Map Sheet 52 to the prior (2006) map; and, Part III is an overview of construction

aggregate. All aggregate data and any reference to "aggregate" in this report and on the map pertain to "construction aggregate," defined for this report as alluvial sand and gravel or crushed stone that meets standard specifications for use in PCC or AC unless otherwise noted.

The estimates of permitted resources, aggregate demand, and years of permitted reserves remaining presented on Map Sheet 52 (2012) and in this report are based on conditions as of January 1, 2011 and do not reflect changes, such as production, mine closures, or new or expanded permits, that may have occurred since that time. Although the statewide and regional information presented on the map and in this report may be useful to decision-makers, it should not be used as a basis for local land-use decisions. The more detailed information on the location and estimated amounts of permitted and non-permitted resources, and future regional demands contained in each of the aggregate studies employed in the compilation of Map Sheet 52 should be used for local land-use and decision making purposes.

PART I: DESCRIPTION OF MAP SHEET 52, AGGREGATE SUSTAINABILITY IN CALIFORNIA

Map Sheet 52 is a statewide map showing a compilation of data about aggregate availability collected over a period of about 33 years and updated to January 1, 2011. The purpose of the map is to compare projected aggregate demand for the next 50 years with currently permitted aggregate reserves in 31 regions of the state. The map also shows the projected years of permitted reserves remaining and highlights regions where there is less than 10 years of permitted aggregate supply remaining. The following sections describe data sources and methodology that were used in the development of the map.

Mineral Land Classification Reports and Aggregate Studies

Data regarding aggregate reserves and projected aggregate demand shown on Map Sheet 52 are updated from a series of mineral land classification reports published by CGS between 1981 and 2010 (see Appendix). They were prepared in response to California's Surface Mining and Reclamation Act of 1975 (SMARA) that requires the State Geologist to classify land based on the known or inferred mineral resource potential of that land. SMARA, its regulations and guidelines, are described in Special Publication 51(Division of Mines and Geology, 2000).

The Mineral Land Classification process identifies lands that contain economically significant mineral deposits. The primary goal of mineral land classification is to ensure that the mineral resource potential of lands is recognized and considered in land-use planning. The classification process includes an assessment of the quantity, quality, and extent of aggregate deposits in a study area.

Mineral land classification reports may be specific to aggregate resources, may contain information about both aggregate and other mineral resources, or they may only contain information on minerals other than aggregate. Reports that focus on aggregate include aggregate resource classification and mapping, estimates of permitted and non-permitted aggregate resources, projected 50-year demand for aggregate resources, and an estimate of when the permitted reserves will be depleted. Map Sheet 52 is a statewide updated summary of 50-year demands and permitted resource calculations for all SMARA classification reports pertaining to construction aggregate.

Mineral land classification studies for aggregate may use either a Production-Consumption (P-C) region or a County as the study area boundary. A P-C region is one or more aggregate production districts (a group of producing aggregate mines) and the market area they serve. P-C Regions sometimes cross county boundaries. Mineral land classification reports include information from one or more P-C regions, or from a county. For ease in discussion, the area covered by each P-C region or county aggregate study is referred to as an "aggregate study area". These areas are shown at the lower left-hand corner of the map along with their respective report number and publication date. It should be noted that a report may include more than one aggregate study area.

SMARA guidelines recommend that the State Geologist periodically review the mineral land classification in defined study regions to determine if new classifications are necessary. The projected 50-year forecast of aggregate demand in the region may also be revised. Fourteen

updated classification studies have been completed since the program began. Updated studies were completed by county:

- Los Angeles,
- Orange, and
- Ventura

or by P-C region

- South San Francisco Bay,
- Monterey Bay,
- Western San Diego County,
- Fresno, Palm Springs,
- Stockton-Lodi,
- Claremont-Upland,
- North San Francisco Bay (in progress) ,
- San Bernardino,
- San Gabriel Valley,
- Bakersfield, and
- San Luis Obispo-Santa Barbara.

Since Los Angeles and Ventura counties had more than one P-C region, separate updated 50-year forecasts were made for each region. The Los Angeles County update (OFR 94-14) includes the San Fernando Valley, San Gabriel Valley, Saugus-Newhall, and the Palmdale P-C regions. The San Gabriel Valley P-C Region has since been updated separately. The Ventura County update (OFR 93-10) included the Western Ventura and the Simi Valley P-C regions. The index map of aggregate studies shown in the lower left hand corner of Map Sheet 52 shows the latest reports that cover an aggregate study area. Earlier reports covering the same areas or portions of areas are referenced in the Appendix with an asterisk ("*").

Fifty-Year Aggregate Demand Forecast

The fifty-year aggregate demand forecast for each of the aggregate study areas is presented on Map Sheet 52 as a pie chart (See *Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves* section), and also is presented in Table 1 of this report. The demand information may be new, or updated from previously published mineral land classification reports. The demand forecast information depicted on Map Sheet 52 is for the period January 1, 2011 through December 2060.

The aggregate study areas with the greatest projected future need for aggregate are South San Francisco Bay, Temescal Valley-Orange County, and Western San Diego County. Each is expected to require more than a billion tons of aggregate by the end of 2060. Other areas with projected high demands are San Gabriel Valley, and San Bernardino. Each of these areas is projected to need more than 800 million tons of aggregate in the next 50 years. Aggregate study areas having smaller demands generally are located in rural, less populated areas. The aggregate study areas of El Dorado County, Glenn County, Nevada County, Shasta County, Southern Tulare

County, Tehama County, and Western Merced County are all projected to require 100 million tons of aggregate or less over the next 50 years.

Methodology

Before selecting a method for predicting a 50-year aggregate demand, historical aggregate use was compared to such factors as housing starts, gross national product, population, and several other economic factors. It was found that the only factor showing a strong correlation to historical aggregate use was population change. Consequently, a per capita aggregate consumption forecast model is used for most of the aggregate study projections. This method of forecasting aggregate consumption benefits from its simplicity and the availability of population forecast data. The California's Department of Finance (DOF) makes 50-year county population forecasts using U.S. census data.

The steps used for forecasting California's 50-year aggregate needs using the per capita consumption model are: 1) collecting yearly historical production and population data for a period of years ranging from the 1960s through 2010; 2) dividing yearly aggregate production by the population for that same year to determine annual historical per capita consumption; 3) projecting yearly population for a 50-year period from the beginning of 2011 through 2060; and, 4) multiplying each year of projected population by the average historical per capita consumption and adding the results for each year to obtain the 50-year aggregate demand. It should be noted that the years chosen to determine an average historical per capita consumption may differ depending upon historical aggregate use for that specific region.

Effectiveness of the Per Capita Consumption Model

The assumption that each person will use a certain amount of aggregate every year is a simplification of actual usage patterns, but overall, an increase in the population leads to the use of more aggregate. Over long enough periods, perhaps 20 to 30 years or more, the random impacts of major public construction projects and economic recessions tend to be smoothed and consumption trends become similar to historic per capita consumption rates. Per capita consumption is a commonly used and accepted national, state, and regional measure for purposes of forecasting.

The per capita consumption model has proved to be effective for projecting aggregate demand in major metropolitan areas. The Western San Diego and the San Gabriel Valley P-C regions are examples of how well the model works, having only a two percent (over 14 years) and an eight percent (over 29 years) difference, respectively, in actual versus projected aggregate demand (Miller, 1996, Kohler, 2010). However, the per capita model may not work well in county aggregate studies or in P-C regions that import or export a large percentage of aggregate resulting in a low correlation between P-C region production and population. In such areas, projections may be made based on historical production or multiple projections based on differing assumptions may be used to better characterize a range of future demand. For regions that export large amounts of aggregate to neighboring P-C regions, projections are based on an historical production model where 50-year aggregate demand is determined by extending a best-fit line of historical aggregate production data for a county or region. This model was used to project Yuba City-Marysville's 50-year demand because the region exports about 70 percent its aggregate into neighboring areas such as Sacramento County and Placer County. In addition, the 50-year demand

for Glenn and Tehama counties, the Palmdale P-C region, and the Temescal Valley-Orange County area was also projected using this method.

Permitted Aggregate Reserves

Approximately 4 billion tons of permitted aggregate reserves lie within the 31 aggregate study areas shown on Map Sheet 52. Permitted aggregate reserves are aggregate deposits that have been determined to be acceptable for commercial use, exist within properties owned or leased by aggregate producing companies, and have permits allowing mining of aggregate material. A "permit" is a legal authorization or approval by a lead agency, the absence of which would preclude mining operations. Although some permitted reserves face legal challenges, these reserves are included in this study pending resolution of those challenges. In California, mining permits usually are issued by local lead agencies (county or city governments). Map Sheet 52 shows permitted aggregate reserves as a percentage of the 50-year demand on each pie chart (See *Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves* section). Beneath the study area name located next to its corresponding pie chart is the amount of permitted resource in tons along with the amount of 50-year demand. These figures are also given in Table 1. Tonnages are not given for Western Merced County and for the southern Tulare County to preserve proprietary company data.

Permitted aggregate resource calculations shown on the map and in Table 1 initially were determined from information provided in reclamation plans, mining plans and use permits issued by the lead agencies. When information was inadequate to make reliable independent calculations, CGS staff used resource estimates provided by mine operators or owners. These data were checked against rough calculations made by CGS staff, and any major discrepancies were discussed with the mine operators or owners. Permitted resource calculations have been updated to account for production from 2006-2010 and are current as of the beginning of 2011.

Fifty-year Aggregate Demand Compared to Permitted Aggregate Reserves

Fifty-year aggregate demand compared to the currently permitted aggregate reserves is represented by a pie chart for each of the 31 aggregate study areas shown on Map Sheet 52. Each pie chart is located in the approximate center of the aggregate study area it represents. There are four different sizes of charts, each size representing a 50-year demand range. The smallest pie chart represents 50-year demands ranging from 25 million to 200 million tons, while the largest chart represents demands of over 800 million tons. The amount of 50-year demand in tons is shown on the map along with the amount of permitted reserves beneath the study area name located next to its corresponding pie chart (permitted reserves, left / 50-year demand, right). The whole pie represents the total 50-year aggregate demand for a particular aggregate study area. The blue portion of the pie represents the permitted aggregate resource (shown as a percentage of the 50-year demand) while the purple-colored portion of the pie represents that portion of the 50-year demand that will not be met by the currently permitted reserves. For example, if the blue portion is 25 percent and the purple portion is 75 percent of a pie chart that represents a total demand of 400 million tons, the permitted reserves are 100 million tons, and the region will need an additional 300 million tons of aggregate to supply the area for the next 50 years. The pie representing the Placer County aggregate study area (north-central California) is completely colored blue showing permitted aggregate reserves are equal to or greater than the area's 50-year aggregate demand.

AGGREGATE STUDY AREA [1]	50-Year Demand (million tons)	Permitted Aggregate Reserves (million tons)	Permitted Aggregate Reserves Compared to 50-Year Demand (percent)	Projected Years Remaining
Bakersfield P-C Region	438	143	33	21 to 30
Barstow-Victorville P-C Region	159	124	78	31 to 40
Claremont-Upland P-C Region	203	109	54	21 to 30
El Dorado County	76	18	24	11 to 20
Fresno P-C Region	435	46	11	**10 or fewer**
Glenn County	59	33	56	21 to 30
Merced County[2]				
Eastern Merced County	100	50	50	21 to 30
Western Merced County	28	Proprietary	>50	31 to 40
Monterey Bay P-C Region	346	323	93	41 to 50
Nevada County	100	26	26	11 to 20
Palmdale P-C Region	577	152	26	11 to 20
Palm Springs P-C Region	295	152	52	21 to 30
Placer County	151	152	101	More than 50
North San Francisco Bay P-C Region	521	110	21	11 to 20
Sacramento County	670	42	6	**10 or fewer**
Sacramento-Fairfield P-C Region	196	128	65	11 to 20
San Bernardino P-C Region	993	241	24	11 to 20
San Fernando Valley / Saugus-Newhall [3]	476	77	16	**10 or fewer**
San Gabriel Valley P-C Region	809	322	40	11 to 20
San Luis Obispo-Santa Barbara P-C Region	240	75	31	11 to 20
Shasta County	93	52	56	21 to 30
South San Francisco Bay P-C Region	1,381	404	29	11 to 20
Stanislaus County	214	45	21	11 to 20
Stockton-Lodi P-C Region	436	232	53	31 to 40
Tehama County	62	32	52	21 to 30
Temescal Valley-Orange County [3]	1,077	297	28	11 to 20
Tulare County[2]				
Northern Tulare County	124	27	22	11 to 20
Southern Tulare County	73	Proprietary	<50	21 to 30
Ventura County [3]	298	96	32	11 to 20
Western San Diego County P-C Region	1,014	167	16	**10 or fewer**
Yuba City-Marysville P-C Region	403	392	97	41 to 50
Total	**12,047**	**4,067**	**34**	

[1] Aggregate study areas follow either a Production-Consumption (P-C) region boundary or a county boundary. A P-C region includes one or more aggregate production districts and the market area that those districts serve. Aggregate resources are evaluated within the boundaries of the P-C Region. County studies evaluate all aggregate resources within the county boundary.

[2] The County study has been divided into two areas, each having its own production and market area. A separate permitted resource calculation and 50-year forecast is made for each area.

[3] Two P-C regions have been combined into one study area.

Table 1. Comparison of 50-year demand to permitted aggregate reserves for aggregate study areas as of January 1, 2011. (Study areas with ten or fewer years of permitted reserves are in bold type).

Except for Placer County, all of the aggregate study areas have less permitted aggregate reserves than they are projected to need for the next 50-years. Nineteen of the 31 aggregate study areas have less than half of the permitted reserves they are projected to need in the next 50 years.

Estimates of Years of Permitted Reserves Remaining

New to the 2012 update, the right hand column of Table 1 indicates the projected years of permitted reserves remaining for the various aggregate study areas. Calculations of depletion years are made by comparing the currently permitted reserves to the projected annual aggregate consumption in the study area on a year-by-year basis. This is not the same as dividing the total projected 50-year demand for aggregate by 50 because, as population increases, so does the projected annual consumption of aggregate for a study area. Data are presented as ranges; 10 or fewer, 11-20, 21-30, 31-40, 41-50, and more than 50 years. This information is included on the map beneath the study area name along with the permitted reserves and the projected 50-year demand. These estimates are based on conditions as of January 1, 2011 and do not reflect changes, such as new or expanded permits, that may have occurred since that time.

Four of the 31 aggregate study areas – Western San Diego County, Sacramento County, Fresno County, and the San Fernando Valley-Saugus Newhall area – are projected to have less than 10 years of permitted aggregate reserves remaining as of January 1, 2011. They are highlighted by red halos around the pie charts on Map Sheet 52 and appear in bold type in Table 1.

Thirteen of the 31 aggregate study areas have between 11 and 20 years of permitted aggregate reserves remaining. Several of these including the North and South San Francisco Bay study areas and the Palmdale, San Bernardino, San Gabriel Valley, Temescal Valley-Orange County and Ventura County study areas are in or adjacent to urban areas with high aggregate demands.

Eight of the 31 aggregate study areas have between 21 and 30 years of permitted aggregate reserves remaining, three have more than 31 years remaining, two have more than 41 years and one (Placer County) has more than 50 years of permitted reserves remaining.

These numbers are estimates and the actual lifespan of existing permitted reserves in a study area can be influenced by many factors. In periods of high economic growth, demand may increase, shortening the life of permitted reserves. Large projects, such as the construction or maintenance of major infrastructure, or rebuilding after a disaster such as an earthquake could also deplete permitted reserves more rapidly. Increased demand from neighboring regions with dwindling or depleted permitted reserves may also accelerate the depletion of permitted reserves in a study area. Conversely, a slow economy may reduce demand for a period of time, extending the life of permitted reserves, or new or expanded permits may be granted in a study area increasing the permitted reserves and the lifespan of permitted reserves in that area.

Non-Permitted Aggregate Resources

Non-permitted aggregate resources are deposits that may meet specifications for construction aggregate, are recoverable with existing technology, have no land use overlying them that is incompatible with mining, and currently are not permitted for mining. While not shown on Map Sheet 52, non-permitted aggregate resources are identified and discussed in each of the mineral land classification reports used to compile the map (See Appendix). There are currently an

estimated 74 billion tons of non-permitted construction aggregate resources in the 31 aggregate study areas shown on the map. While this number seems large, it is unlikely that all of these resources will ever be mined because of social, environmental, or economic factors. The location of aggregate resources too close to urban or environmentally sensitive areas can limit or prevent their development. Resources may also be located too far from a potential market to be economic. In spite of such possible constraints, non-permitted aggregate resources are the most likely future sources of construction aggregate potentially available to meet California's continuing demand. Factors used to calculate non-permitted resource amounts and to determine the aerial extent of these resources, are given in each of the aggregate classification reports listed in the Appendix.

Aggregate Production Areas and Districts

Aggregate production areas are shown on the map by five different sizes of triangle. A triangle may represent one or more active aggregate mines. The relative size of each symbol corresponds to the amount of yearly production for each mine or group of mines. Yearly production was based on data from the Department of Conservation's Office of Mine Reclamation (OMR) records for the calendar year 2010. The smallest triangle represents a production area that produces less than 0.5 million tons of aggregate in 2010. These triangles represent a single mine operation. About 90 percent of the production areas on the map fall into this category, and many are located in rural parts of the state. The largest triangle represents aggregate mining districts with production of more than 5 million tons in 2010. Only two aggregate production districts fall into this category – the Temescal Valley District in western Riverside County and the San Gabriel Valley District in Los Angeles County. It should be noted that, because of the economic slowdown from 2007 to 2010, the tonnages represented by the triangles on the 2012 map are different from those on the 2006 map.

PART II COMPARISONS BETWEEN THE PRIOR (2006) AND THE UPDATED (2012) MAP SHEET 52

The prior version of Map Sheet 52 was completed and published in 2006. Permitted aggregate resource data for that map were current as of January 1, 2006. Work conducted for that study took place during 2006. The latest aggregate production and location data available for the prior map were from 2005 records. The aggregate demand projections for the prior map were based on DOF county population projections from the 2000 U.S. census. Fifty-year aggregate demand from January 1, 2006 through the year 2055 was determined for 31 study areas.

This updated Map Sheet 52 was completed and published in 2012. **Permitted aggregate resource data for the updated map is current as of January 1, 2011.** All work conducted for the updated study also took place during 2012. The latest aggregate production and location data available for the updated map are from 2010 records. The aggregate demand projections for the updated map were based on DOF county population projections from the 2010 U.S. census. Fifty-year aggregate demand from January 1, 2011 through the year 2060 was determined for 31 study areas.

Changes have occurred in both aggregate supplies (permitted aggregate reserves) and in 50-year aggregate demand in the five years since the prior Map Sheet 52 update was completed. Changes in permitted aggregate reserves between the prior Map Sheet 52 (2006) and updated Map Sheet 52 (2012) are shown in Table 2. Table 3 compares the changes in 50-year demand between Map Sheet 52 (2006) and the updated 2012 map.

Aggregate Study Area Changes

Six aggregate study areas on the original (2002) Map Sheet 52 were modified for the 2006 map, resulting in three fewer study areas. They included the Southern California P-C regions of Orange County, Temescal Valley, San Fernando Valley, Saugus-Newhall, Western Ventura County, and Simi Valley. These regions were combined into three regions when they began to run out of permitted reserves and became dependant on aggregate sources from neighboring regions. The importation of aggregate from neighboring regions typically results in longer haul distances, higher costs, and increased carbon dioxide emissions, air pollution, traffic congestion, and highway maintenance. The shift in supply area also results in more rapid depletion of permitted reserves in neighboring regions.

No additional study areas have been combined in this update. It is likely that in some future update the San Fernando Valley-Saugus Newhall aggregate study area and the Palmdale study area may be combined as permitted reserves in the San Fernando Valley-Saugus Newhall aggregate study area are depleted.

Changes in Permitted Aggregate Reserves

Twenty-four of the 31 study areas shown on the updated map experienced a decrease in permitted aggregate reserves since the 2006 map was completed (See Table 2). Included in these 24 areas are Western Merced County and Southern Tulare County. Permitted reserves for both of these county study areas cannot be shown because they are proprietary.

AGGREGATE STUDY AREA	Permitted Aggregate Reserves as of 1/1/06 (million tons) Map Sheet 52, 2006	Permitted Aggregate Reserves as of 1/1/11 (million tons) Map Sheet 52, 2012	Percent Difference (%)
Bakersfield P-C Region	115	143	24
Barstow Victorville P-C Region	133	124	-7
Claremont-Upland P-C Region	147	109	-26
Eastern Merced County	53	50	-6
El Dorado County	19	18	-5
Fresno P-C Region	71	46	-35
Glenn County	17	33	94
Monterey Bay P-C Region	347	323	-7
Nevada County	31	26	-16
Northern Tulare County	12	27	125
North San Francisco Bay P-C Region	49	110	124
Palmdale P-C Region	181	152	-16
Palm Springs P-C Region	176	152	-14
Placer County	45	152	238
Sacramento County	67	42	-37
Sacramento-Fairfield P-C Region	164	128	-22
San Bernardino P-C Region	262	241	-8
San Fernando Valley-Saugus Newhall *	88	77	-13
San Gabriel Valley P-C Region	370	322	-13
San Luis Obispo-Santa Barbara P-C Region	77	75	-3
Shasta County	51	52	2
Southern Tulare County	Proprietary	Proprietary	Proprietary
South San Francisco Bay P-C Region	458	404	-12
Stanislaus County	51	45	-12
Stockton Lodi P-C Region	196	232	18
Tehama County	36	32	-11
Temescal Valley-Orange County*	355	297	-16
Ventura County (combined Western Ventura County and Simi Valley P-C Region)*	106	96	-9
Western Merced County	Proprietary	Proprietary	Proprietary
Western San Diego County P-C Region	198	167	-16
Yuba City-Marysville P-C Region	409	392	-4
Total	**4,343**	**4,067**	**-6**

* Two P-C Regions have been combined into one study area

Table 2. Comparison of permitted aggregate reserves between Map Sheet 52, 2006 and Map Sheet 52, 2012.

AGGREGATE STUDY AREA	50-Year Demand as of 1/1/06 (million tons) Map Sheet 52, 2006	50-Year Demand as of 1/1/11 (million tons) Map Sheet 52, 2012	Percent Difference (%)
Bakersfield P-C Region	252	438	74
Barstow-Victorville P-C Region	179	159	-11
Claremont-Upland P-C Region	300	203	-32
Eastern Merced County	106	100	-6
El Dorado County	91	76	-16
Fresno P-C Region	629	435	-31
Glenn County	83	59	-29
Monterey Bay P-C Region	383	346	-10
Nevada County	122	100	-18
Northern Tulare County	117	124	6
North San Francisco Bay P-C Region	647	521	-19
Palmdale P-C Region	665	577	-13
Placer County	171	151	-12
Palm Springs P-C Region	295	295	0
Sacramento County	733	670	-9
Sacramento-Fairfield P-C Region	235	196	-17
San Bernardino P-C Region	1,074	993	-8
San Fernando Valley/Saugus Newhall *	457	476	4
San Gabriel Valley P-C Region	1,148	809	-30
San Luis Obispo-Santa Barbara P-C Region	243	240	-1
Shasta County	122	93	-24
Southern Tulare County	88	73	-17
Stanislaus County	344	214	-38
Stockton Lodi P-C Region	728	436	-40
South San Francisco Bay P-C Region	1,244	1381	11
Tehama County	72	62	-14
Temescal Valley-Orange County *	1,122	1,077	-4
Ventura County (combined Western Ventura County and Simi Valley P-C Regions) *	309	298	-4
Western Merced County	53	28	-47
Western San Diego County P-C Region	1,164	1014	-13
Yuba City-Marysville P-C Region	360	403	12
Total	**13,536**	**12,047**	**-11**

* Two P-C Regions have been combined into one study area

Table 3. Comparison of 50-year demand between Map Sheet 52, 2006 and Map Sheet 52, 2012.

Seven of the study areas shown on the updated map had increases in permitted aggregate reserves. Most of these increases are because of newly permitted or expanded mining operations. An expansion may increase the footprint of the mine or increase permitted mining depth. Significant increases exceeding 50 percent occurred in the Placer County, Glenn County, Northern Tulare County, and the North San Francisco Bay aggregate study areas (See Table 2).

Total permitted reserves for all 31 areas decreased from 4,343 million tons to 4,067 million tons – an apparent reduction of 276 million tons. Most of this reduction was because of aggregate consumption. Other potential reasons for reductions in permitted aggregate reserves include social and economic conditions leading to mine closures, regulatory changes, or natural variations in the quality of aggregate deposits. Actual production was greater but was offset in part by increases in permitted reserves in some study areas.

Changes in Fifty-Year Demand

Of the 31 study areas shown on the updated Map Sheet 52 five had increases in 50-year demand, one remained constant, and 25 showed decreases in projected 50-year demand (See Table 3). The large number of study areas with decreasing 50-year demand is due in large part to the new population projections used in forecasting. The new county population projections (State of California Department of Finance, 2012) are based on the 2010 U.S. census and project lower growth rates for much of California compared to the projections used in the previous versions of this study. Newly updated per capita consumption numbers may also have contributed to changes in projected 50-year demand.

The large increase (74 percent) in the 50-year demand for the Bakersfield study area is due to the use of newer population projections than were used in the original study and previous versions of this study.

Changes in Permitted Aggregate Reserves and Demand

Table 4 shows the percentages of permitted reserves compared to the 50-year demand for the 2006 and updated 2012 Map Sheet 52. These percentages are represented on both maps as pie charts – the blue portion of the pie depicting percentage of the 50-year demand met with current permitted reserves. Increases occurred in 14 of the 29 study areas that can be compared and no change or decreases occurred in 15 study areas.

The large increases in some of these study areas (Glenn County, North San Francisco Bay, Northern Tulare County, Placer County, Shasta County, and Stockton-Lodi) were because of new or expanded permits resulting in additional permitted aggregate reserves. Many of the small increases are not due to new or modified permits, but are a result of low production rates during the economic slowdown from 2007 to 2010 and the lower projected 50-year demand in many study areas based on updated population forecasts used in the 2012 update. Similarly those study areas with no change or small decreases may also have been influenced by these factors.

Comparison of Areas with Less than 10-Years of Permitted Aggregate Reserves

The 2012 Map Sheet 52 shows four aggregate study areas with less than a 10-year supply of permitted aggregate reserves – Sacramento County, Fresno County, San Fernando Valley-Saugus Newhall, and the Western San Diego County P-C Regions. The map shows these areas with red halos around the pie charts. Compared to the 2006 version of the map, the San Fernando Valley-Saugus Newhall study area is a new addition to this group while the North San Francisco Bay and Northern Tulare County study areas have been removed.

AGGREGATE STUDY AREA	Percentage of Permitted Aggregate Reserves as Compared to 50-Year Demand as of 1/1/06 Map Sheet 52, 2006	Percentage of Permitted Aggregate Reserves as Compared to 50-Year Demand as of 1/1/11 Map Sheet 52, 2012	Difference
Bakersfield P-C Region	46	33	-13
Barstow-Victorville P-C Region	74	78	4
Claremont-Upland P-C Region	49	54	5
Eastern Merced County	50	50	0
El Dorado County	21	24	3
Fresno P-C Region	11	11	0
Glenn County	21	56	35
Monterey Bay P-C Region	91	93	2
Nevada County	25	26	1
Northern Tulare County	10	22	12
North San Francisco Bay P-C Region	8	21	13
Palmdale P-C Region	27	26	-1
Palm Springs P-C Region	60	52	-8
Placer County	26	101	75
Sacramento County	9	6	-3
Sacramento-Fairfield P-C Region	70	65	-5
San Bernardino P-C Region	24	24	0
San Fernando Valley/Saugus Newhall *	19	16	-3
San Gabriel Valley P-C Region	32	40	8
San Luis Obispo-Santa Barbara P-C Region	32	31	-1
Shasta County	42	56	14
Southern Tulare County	Proprietary	Proprietary	
Stanislaus County	15	21	6
Stockton Lodi P-C Region	27	53	26
South San Francisco Bay P-C Region	37	29	-8
Tehama County	49	52	3
Temescal Valley-Orange County *	32	28	-4
Ventura County (combined Western Ventura County and Simi Valley P-C Regions) *	34	32	-2
Western Merced County	Proprietary	Proprietary	
Western San Diego County P-C Region	17	16	-1
Yuba City-Marysville P-C Region	100	97	-3

* Two P-C Regions have been combined into one study area

Table 4. Percentage of permitted aggregate reserves as compared to 50-year demand for Map Sheet 52, 2006 and Map Sheet 52, 2012.

PART III: OVERVIEW OF CONSTRUCTION AGGREGATE

Construction aggregate was the leading non-fuel mineral commodity produced in California in 2010. Valued at $1.19 billion, aggregate made up about 41 percent of California's $2.9 billion non-fuel mineral production in 2010.

Aggregate Quality and Use

Aggregate normally makes up 80 to 100 percent of the material volume in PCC and AC and provides the bulk and strength to these materials. Rarely, even from the highest-grade deposits, is in-place aggregate physically or chemically suited for every type of aggregate use. Every potential deposit must be tested to determine how much of the material can meet specifications for a particular use, and what processing is required. Specifications for PCC, AC, and various other uses of aggregate have been established by several agencies, such as the U.S. Bureau of Reclamation, the U.S. Army Corps of Engineers, and the California Department of Transportation to ensure that aggregate is satisfactory for specific uses. These agencies and other major consumers test aggregate using standard test procedures of the American Society for Testing Materials (ASTM), the American Association of State Highway Officials, and other organizations.

Most PCC and AC aggregate specifications have been established to ensure the manufacture of strong, durable structures capable of withstanding the physical and chemical effects of weathering and use. For example, specifications for PCC and concrete products prohibit or limit the use of rock materials containing mineral substances such as gypsum, pyrite, zeolite, opal, chalcedony, chert, siliceous shale, volcanic glass, and some high-silica volcanic rocks. Gypsum retards the setting time of portland cement; pyrite dissociates to yield sulfuric acid and an iron oxide stain; and other substances contain silica in a form that reacts with alkali substances in the cement, resulting in cracks and "pop-outs." Alkali reactions in PCC can be minimized by the addition of pozzolanic admixtures such as fly ash or naturally occurring pozzolanic materials. Pozzolans are siliceous or siliceous and aluminous material of natural or artificial origin that, in the presence of moisture, reacts with calcium hydroxide to form cementitious compounds.

Specifications also call for precise particle-size distribution for the various uses of aggregate that is commonly classified into two general sizes: coarse and fine. Coarse aggregate is rock retained on a 3/8-inch or a #4 U.S. sieve. Fine aggregate passes a 3/8-inch sieve and is retained on a #200 U.S. sieve (a sieve with 200 weaves per inch). For some uses, such as asphalt paving, particle shape is specified. Aggregate material used with bituminous binder (asphalt) to form sealing coats on road surfaces shall consist of at least 90% by weight of crushed particles. Crushed stone is preferable to natural gravel in asphaltic concrete (AC) because asphalt adheres better to broken surfaces than to rounded surfaces and the interlocking of angular particles strengthens the AC and road base.

The material specifications for PCC and AC aggregate are more restrictive than specifications for other applications such as Class II base, subbase, and fill. These restrictive specifications make deposits acceptable for use as PCC or AC aggregate, the scarcest and most valuable aggregate resources. Aggregate produced from such deposits can be, and commonly is, used in applications other than concrete. PCC- and AC-grade aggregate deposits are of major importance when planning for future availability of aggregate commodities because of their versatility, value, and relative scarcity.

Factors Affecting Aggregate Deposit Quality

The major factors that affect the quality of construction aggregate are the rock type and the degree of weathering of the deposit. Rock type determines the hardness, durability, and potential chemical reactivity of the rock when mixed with cement to make concrete. In alluvial sand and gravel deposits, rock type is variable and reflects the rocks present in the drainage basin of the stream or river. In crushed stone deposits, rock type is typically less variable, although in some types of deposits, such as sandstones or volcanic rocks, there may be significant variability of rock type within a deposit. Rock type may also influence aggregate shape. For example, some metamorphic rocks such as slates tend to break into thin platy fragments that are unsuitable for many aggregate uses, while many volcanic and granitic rocks break into blocky fragments more suited to a wide variety of aggregate uses. Deposit type also affects aggregate shape. For example, in alluvial sand and gravel deposits, the natural abrasive action of the stream rounds the edges of rock particles, in contrast to the sharp edges of particles from crushed stone deposits.

Weathering is the in-place physical or chemical decay of rock materials at or near the Earth's surface. Weathering commonly decreases the physical strength of the rock and may make the material unsuitable for high strength and durability uses. Weathering may also alter the chemical composition of the aggregate, making it less suitable for some aggregate uses. If weathering is severe enough, the material may not be suitable for use as PCC or AC aggregate. Typically, the older a deposit is, the more likely it has been subjected to weathering. The severity of weathering commonly increases with increasing age of the deposit.

Comparison of Alluvial Sand and Gravel to Crushed Stone Aggregate

The preferred use of one aggregate material over another in construction practices depends not only on specification standards, but also on economic considerations. Alluvial gravel is typically preferred to crushed stone for PCC aggregate because the rounded particles of alluvial sand and gravel result in a wet mix that is easier to work than a mix made of angular fragments. Also, crushed stone is less desirable in applications where the concrete is placed by pumping because sharp edges will increase wear and damage to the pumping equipment. The workability of a mix consisting of portland cement with crushed stone aggregate can be improved by adding more sand and water, but more cement must then be added to the mix to meet concrete durability standards. This results in a more expensive concrete mix and a higher cost to the consumer. In addition, aggregate from a crushed stone deposit is typically more expensive than that from an alluvial deposit due to the additional costs associated with the ripping, drilling and blasting necessary to remove material from most quarries and the additional crushing required to produce the various sizes of aggregate. Manufacturing sand by crushing is more costly than mining and processing naturally occurring sand. Although more care is required in pouring and placing a wet mix containing crushed stone, PCC made with this aggregate is as satisfactory as that made with alluvial sand and gravel of comparable rock quality. Owing to environmental concerns and regulatory constraints in many areas of the state, it is likely that extraction of sand and gravel resources from instream and floodplain areas will become less common in the future. If this trend continues, crushed stone may become increasingly important to the California market.

Aggregate Price

The price of aggregate throughout California varies considerably depending on location, quality, and supply and demand. The highest quality aggregate, and typically most costly, is that which meets the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC). All prices discussed in this section are for PCC-grade aggregate at the plant site or FOB (freight on board). Transportation cost, which adds to the final cost of aggregate, is discussed in the next section.

Regional variations make it difficult to estimate the average price of PCC-grade aggregate for the state. Over the last decade, prices have varied from $20 per ton or more in areas with depleting or depleted aggregate supplies and high demands to $7 to $8 per ton in areas with abundant aggregate supplies and low to moderate demands.

In the last decade, the highest prices aggregate in the state have been in the San Diego area, where PCC-grade sand is in short supply, causing prices to range up to $20-$22 per ton and in parts of the San Francisco Bay area where sand has also been in short supply and prices have ranged from $15 to $19 per ton.

In the Los Angeles metropolitan areas prices have been in the $13 to $16 per ton range with aggregate from the sparsely populated Palmdale area at about $10 per ton. Aggregate from Palmdale is also transported to Ventura County – a haul distance of about 60 miles, and into the San Fernando Valley-Saugus Newhall area. The cost of transportation in these cases adds significantly to the final cost of the aggregate.

In the Central Valley, prices have ranged from $7 to $8 per ton in the Yuba City-Marysville area where aggregate supplies are abundant to $10 to $11 per ton in the Sacramento and Stockton-Lodi areas. In the Southern Valley, prices have been somewhat higher, about $12 per ton in the Bakersfield region and $14 to $18 per ton in the Fresno and northern Tulare areas.

Transportation and Increasing Haul Distances

Transportation plays a major role in the cost of aggregate to the consumer. Aggregate is a low-unit-value, high-bulk-weight commodity, and it must be obtained from nearby sources to minimize both the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation. If nearby sources do not exist, then transportation costs may significantly increase the cost of the aggregate by the time it reaches the consumer. For straight hauls with minimal traffic, the price of aggregate increases about 15 cents per ton for every mile that it is hauled from the plant according to industry sources. Currently, transporting aggregate a distance of 30 miles will increase the FOB price by about $4.50 per ton. For example, to construct one mile of six-lane interstate highway requires about 113,500 tons of aggregate. Transporting this amount of aggregate 30 miles adds $510,000 to the base cost of the material at the mine. In major metropolitan areas, this rate is often greater because of heavy traffic that increases the haul time. Other factors that affect hauling rates include toll bridges and toll roads, road conditions, and routes in hilly or mountainous areas. Transportation cost is the principal constraint defining the market area for an aggregate mining operation.

Throughout California, aggregate haul distances have been gradually increasing as more local sources of aggregate diminish. Consequently, older P-C regions, most of which were established in the late 1970s have changed considerably since their boundaries were drawn. This is especially evident in Los Angeles, Orange, and Ventura counties where aggregate shortages have led to the merging of six P-C regions shown on the original (2002) map into three regions for the updated maps.

Increased aggregate haul distances not only increase the cost of aggregate to the consumer, but also increase environmental and societal impacts such as increased fuel consumption, carbon dioxide emissions, air pollution, traffic congestion and road maintenance.

Factors Affecting Aggregate Demand

Several factors may influence aggregate demand. In periods of high economic growth, demand may increase, depleting permitted reserves more rapidly than expected. Large projects, such as the construction or maintenance of major infrastructure, or rebuilding after a disaster such as an earthquake could also deplete permitted reserves more rapidly. Increased demand from neighboring regions with dwindling or depleted permitted reserves may also accelerate the depletion of permitted reserves in a study area. Conversely, a period of declining economy or of low economic growth, such as that during the recession of 2007 to 2009 and the subsequent slow economic recovery, can reduce demand for a period of time, extending the life of permitted reserves. In some cases, importation of aggregate from other areas may extend the life of a region's permitted reserves.

SUMMARY AND CONCLUSIONS

Aggregate is essential to the needs of modern society, providing material for the construction and maintenance of roadways, dams, canals, buildings and other parts of California's infrastructure. Aggregate is also found in homes, schools, hospitals and shopping centers. In the 30-year period from 1981 to 2010, Californians consumed an average of more than 180 million tons of construction aggregate (all grades) per year or about 5.7 ton per person per year. Demand for aggregate is expected to increase as the state's population continues to grow and infrastructure is maintained, improved, and expanded. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize the dollar cost to the aggregate consumer and other environmental and economic costs associated with transportation.

For the last 33 years, under the Surface Mining and Reclamation Act, CGS has conducted on-going studies that identify and evaluate aggregate resources throughout the state. Map Sheet 52 (2012) is an updated summary of supply and demand data from these studies. The map presents a statewide overview of future aggregate needs and currently permitted reserves.

The following conclusions can be drawn from Map Sheet 52 (2012) and this accompanying report:

- In the next 50 years, the 31 study areas identified on Map sheet 52 (2012) will need approximately 12 billion tons of aggregate.

- The 31 study areas currently have about 4 billion tons of permitted reserves, which is about one third of the total projected 50-year aggregate demand identified for these study areas. This is about 5.5 percent of the total aggregate resources located within the 31 study areas.

- Four of the aggregate study areas are projected to have 10 or fewer years of permitted aggregate reserves remaining as of January 2011 (pie charts highlighted with red borders).

- Thirteen of the 31 aggregate study areas have between 11 and 20 years of aggregate reserves remaining.

- Eight of the 31 aggregate study areas have between 21 and 30 years of aggregate reserves remaining.

- Three of the 31 aggregate study areas have between 31 and 40 years of aggregate reserves remaining.

- Two of the 31 aggregate study areas have between 41 and 50 years of aggregate reserves remaining

- One of the 31 aggregate study areas (Placer County) has more than 50 years of aggregate reserves remaining.

The information presented on Map Sheet 52 (2012) and in the referenced reports is provided to assist land use planners and decision makers in identifying those areas containing construction aggregate resources, and to quantify potential future demand for these resources in different regions of the state. This information is intended to help planners and decision makers balance the need for construction aggregate with the many other competing land use issues in their jurisdictions, and to provide for adequate supplies of construction aggregate to meet future needs.

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Division of Mines and Geology, 2000, California surface mining and reclamation policies and procedures: Special Publication 51, third revision.

Kohler, S.L., 2002, Aggregate Availability in California, California Geological Survey, Map Sheet 52, scale 1:1,100,000, 26p.

Kohler, S.L., 2006, Aggregate Availability in California, California Geological Survey, Map Sheet 52 (Updated 2006), scale 1:1,100,000, 26p.

Kohler, S.L., 2010, Update of mineral land classification for Portland cement concrete-grade aggregate in the San Gabriel Valley Production-Consumption Region, Los Angeles County, California.

Miller, R.V., 1996, Update of minerals land classification: aggregate materials in the western San Diego County Production-Consumption Region.

State of California, Department of Finance, *Interim Population Projections for California and Its Counties 2010-2050,* Sacramento, California, May 2012.

APPENDIX: MINERAL LAND CLASSIFICATION REPORTS BY THE CALIFORNIA GEOLOGICAL SURVEY (Special Reports and Open-File Reports, with information on aggregate resources)

SPECIAL REPORTS

SR 132: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Yuba City-Marysville Production-Consumption Region.
By Habel, R.S., and Campion, L.F., 1986.

*SR 143: Part I: Mineral Land Classification of the Greater Los Angeles Area: Description of the Mineral Land Classification Project of the Greater Los Angeles Area.
By Anderson T. P., Loyd, R.C., Clark, W.B., Miller, R.M., Corbaley, R., Kohler, S.L., and Bushnell, M.M., 1979.

*SR 143: Part II: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Fernando Valley Production-Consumption Region.
By Anderson T.P., Loyd, R.C., Clark, W.B., Miller, R.M., Corbaley, R., Kohler, S.L., and Bushnell, M.M., 1979.

*SR 143: Part III: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Orange County-Temescal Valley Production-Consumption Region.
By Miller, R.V., and Corbaley, R., 1981.

*SR 143: Part IV: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Gabriel Valley Production-Consumption Region.
By Kohler, S.L., 1982.

*SR 143: Part V: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Saugus-Newhall Production-Consumption Region and Palmdale Production-Consumption Region.
By Joseph, S.E, Miller, R.V., Tan, S.S., and Goodman, R.W., 1987.

*SR 143: Part VI: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, Claremont-Upland Production-Consumption Region.
By Cole, J.W., 1987.

*SR 143: Part VII: Mineral Land Classification of the Greater Los Angeles Area: Classification of Sand and Gravel Resource Areas, San Bernardino Production-Consumption Region.
By Miller, R.V., 1987.

*SR 145: Part I: Mineral Land Classification of Ventura County: Description of the Mineral Land Classification Project of Ventura County.
By Anderson,T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R.V., 1981.

*SR 145: Part II: Mineral Land Classification of Ventura County: Classification of the Sand, Gravel, and Crushed Rock Resource Areas, Simi Production-Consumption Region.
By Anderson,T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R.V., 1981.

*SR 145: Part III: Mineral Land Classification of Ventura County: Classification of the Sand and Gravel, and Crushed Rock Resource Areas, Western Ventura County Production-Consumption Region.
By Anderson,T.P., Loyd, R.C., Kiessling, E.W., Kohler, S.L., and Miller, R. V., 1981.

*SR 146: Part I: Mineral Land Classification: Project Description: Mineral Land Classification for Construction Aggregate in the San Francisco-Monterey Bay Area.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

*SR 146: Part II: Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

*SR 146: Part III: Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

*SR 146: Part IV: Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region.
By Stinson, M.C., Manson, M.W., and Plappert, J.J., 1987.

*SR 147: Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region.
By Cole, J.W., 1988.

*SR 153: Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region.
By Kohler, S.L., and Miller, R.V., 1982.

SR 156: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Sacramento-Fairfield Production-Consumption Region.
By Dupras, D.L., 1988.

*SR 158: Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region.
By Cole, J.W., and Fuller, D.R., 1986.

*SR 159: Mineral Land Classification: Aggregate Materials in the Palm Springs Production-Consumption Region.
By Miller, R.V., 1987.

*SR 160: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region.
By Jensen, L.S., and Silva, M.A., 1989.

*SR 162: Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo-Santa Barbara Production-Consumption Region.
By Miller, R.V., Cole, J.W., and Clinkenbeard, J.P., 1989.

SR 164: Mineral Land Classification of Nevada County, California.
By Loyd, R.C., and Clinkenbeard, J.P., 1990.

SR 165: Mineral Land Classification of the Temescal Valley Area, Riverside County, California.
By Miller, R.V., Shumway, D.O., and Hill, R.L., 1991.

SR 173: Mineral Land Classification of Stanislaus County, California.
By Higgins, C.T., and Dupras, D.L., 1993.

SR 198: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Palm Springs Production-Consumption Region, Riverside County, California. Busch, L.L., 2007.

SR 199: Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Stockton-Lodi Production-Consumption Region, San Joaquin and Stanislaus Counties, California. Smith, J.D. and Clinkenbeard J.P., 2012.

SR202 Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the Claremont-Upland Production-Consumption Region, Los Angeles and San Bernardino Counties, California. Miller, R.V. and Busch, L.L., 2007.

SR 205 Update of Mineral Land Classification of Aggregate Resources in the North San Francisco Bay P-C Region: Sonoma, Napa, and Marin Counties and Southwestern Solano County, California. Miller, R.V. and Busch, L.L., 2012 (in progress)

SR206 Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the San Bernardino Production-Consumption Region, San Bernardino and Riverside Counties, California. Miller, R.V. and Busch, L.L., 2008.

SR 209 Update of Mineral Land Classification for Portland Cement Concrete-Grade Aggregate in the San Gabriel Valley Production-Consumption Region, Los Angeles County, California. Kohler, S.L., 2010.

SR 210 Update of Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Kern County, California. Busch, L.L., 2009.

SR 215 Update of Mineral Land Classification: Aggregate Materials in the San Luis Obispo-Santa Barbara Production-Consumption Region, California. Busch, L.L. and Miller, R.V., 2011.

* These Mineral Land Classification reports have been updated and are not shown on the index map (lower left-hand corner of Map Sheet 52).

OPEN-FILE REPORTS

OFR 92-06: Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area. By Miller, R.V., 1993.

OFR 93-10: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part I - Ventura County. By Miller, R.V., 1993.

OFR 94-14: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part II - Los Angeles County. By Miller, R.V., 1994.

OFR 94-15: Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part III - Orange County. By Miller, R.V., 1995.

OFR 95-10: Mineral Land Classification of Placer County, California. By Loyd, R.C., 1995.

OFR 96-03: Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region. By Kohler-Antablin, S.L., 1996.

OFR 96-04: Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region. By Miller, R.V., 1996.

OFR 97-01: Mineral Land Classification of Concrete Aggregate Resources in the Tulare County Production-Consumption Region, California. By Taylor, G.C., 1997.

OFR 97-02: Mineral Land Classification of Concrete-Grade Aggregate Resources in Glenn County, California. By Shumway, D.O., 1997.

OFR 97-03: Mineral Land Classification of Alluvial Sand and Gravel, Crushed Stone, Volcanic Cinders, Limestone, and Diatomite within Shasta County, California. By Dupras, D.L, 1997.

OFR 99-01: Update of Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region, California. By Kohler-Antablin, S.L., 1999.

OFR 99-02: Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California. By Youngs, L.G. and Miller, R.V., 1999.

OFR 99-08: Mineral Land Classification of Merced County, California. By Clinkenbeard, J.P., 1999.

OFR 99-09: Mineral Land Classification: Portland Cement Concrete-Grade Aggregate and Clay Resources in Sacramento County, California. By Dupras, D.L., 1999.

OFR 2000-03: Mineral Land Classification of El Dorado County, California. By Busch L.L., 2001

OFR 2000-18: Mineral Land Classification of Concrete-Grade Aggregate Resources in Tehama County, California. By Foster, B.D., 2001

EXHIBIT 26

From: Frias, Eva
To: Nickel, Craig J.
Subject: FW: AGENDA
Date: Thursday, May 14, 2015 8:07:37 AM
Attachments: 051915.rtf

Eva Frias OA III ☺
Department of Public Works and Planning
Resources Division
2220 Tulare Street, 6th Floor
Fresno, CA 93726
(559) 600-4316
(559) 600-4552
Stop #214

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link.
https://www.surveymonkey.com/s/PWP_SuperShort5

-

From: Brosi, Linda
Sent: Thursday, May 14, 2015 7:58 AM
To: Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject: AGENDA

For your distribution……..

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Morrison, Janet
To:	Adams, John; Ahmad, Ejaz; Brannick, Daniel; Chambers, Derek; Elgin, Lisa; Hernandez, John; Janes, Jeff; Jimenez, Roy; Kettler, William; Khorsand, Mohammad; Luna, Hector; Monfette, Christina; Motta, Chris; Navarro, Thomas; Nebeker, William; Ramirez, Augustine; Sholars, Briza; Sopp, Steven; VonBerg, Eric
Subject:	FW: AGENDA
Date:	Thursday, May 14, 2015 8:06:59 AM
Attachments:	051915.rtf

Please see attached BOS Agenda for May 19, 2015

From: Brosi, Linda
Sent: Thursday, May 14, 2015 7:58 AM
To: Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject: AGENDA

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Brosi, Linda
To:	Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc:	Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject:	AGENDA
Date:	Thursday, May 14, 2015 7:57:46 AM
Attachments:	051915.rtf

For your distribution……..

Linda R. Brosi
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Department of Public Works and Planning
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EXHIBIT 27

RIVERBEND SAND AND GRAVEL PROJECT
TRAFFIC MITIGATION FEES

Improvements	Quantity	Units	Construction Unit Cost	Fair Share %	Project's Share of Construction Cost	Preliminary Engineering, 10%	Construction Engineering, 15%	Total Right-of-Way Cost	Project's Share of Right-of-Way Cost	Right-of-Way Engineering, 10%	Total
Intersection Improvements											
McCall Ave / Jensen Ave											
Traffic Signal Installations	1	ls	$ 250,000	8.5%	$ 21,250	$ 2,125	$ 3,188				$ 26,563
EB: Add Left Turn Lane & Right Turn Lane	1	ls	$ 350,000	8.5%	$ 29,750	$ 2,975	$ 4,463				$ 37,188
WB: Add Right Turn Lane	1	ls	$ 150,000	8.5%	$ 12,750	$ 1,275	$ 1,913				$ 15,938
NB: Add Left Turn Lane, through lane & right turn lane	1	ls	$ 650,000	8.5%	$ 55,250	$ 5,525	$ 8,288				$ 69,063
SB: Add left turn lane, through lane & right turn lane	1	ls	$ 650,000	8.5%	$ 55,250	$ 5,525	$ 8,288				$ 69,063
Right of Way Acquisition including acquiring store & house	1	ls		8.5%				$ 850,000	$ 72,250	$ 7,225	$ 79,475
McCall Ave / North Ave											
Traffic Signal Installations	1	ls	$ 250,000	18.6%	$ 46,500	$ 4,650	$ 6,975				$ 58,125
Academy Ave / Central Ave											
Traffic Signal Installations	1	ls	$ 250,000	17.8%	$ 44,500	$ 4,450	$ 6,675				$ 55,625
McCall Ave / Central Ave											
Traffic Signal Installations	1	ls	$ 250,000	23.0%	$ 57,500	$ 5,750	$ 8,625				$ 71,875
McCall Ave / SR 180											
NB: Add through lane & right turn lane	1	ls	$ 450,000	10.0%	$ 45,000	$ 4,500	$ 6,750				$ 56,250
SB: Add through lane & right turn lane	1	ls	$ 450,000	10.0%	$ 45,000	$ 4,500	$ 6,750				$ 56,250
Right of Way Acquisition	1	ls		10.0%				$ 50,000	$ 5,000	$ 500	$ 5,500
McCall Ave / SR 180											
NB: Add Left Turn Lane	1	ls	$ 875,200	100.0%	$ 875,200	$ 315,800	$ 268,000	$ 250,000	$ 250,000	*	$ 1,709,000**
* Right-of-Way Eng. Cost is included in Preliminary Eng. Cost.											
** Total Cost for this Mitigation does not include any cost associated with Utilities Relocation										**SUBTOTAL**	**$ 2,309,915**
Roadway Improvements (Widening)											
McCall Ave From SR 180 to Jensen											
NB: Add Travel Lane	2	miles	$ 1,200,000	16.3%	$ 391,200	$ 39,120	$ 58,680				$ 489,000
SB: Add Travel Lane	2	miles	$ 1,200,000	16.3%	$ 391,200	$ 39,120	$ 58,680				$ 489,000
Right of Way Acquisition	1	ls		16.3%				$ 180,000	$ 29,340	$ 2,934	$ 32,274
McCall Ave From Jensen to North											
NB: Add Travel Lane	1	miles	$ 1,200,000	37.7%	$ 452,400	$ 45,240	$ 67,860				$ 565,500
Right of Way Acquisition including acquiring house	1	ls		37.7%				$ 290,000	$ 109,330	$ 10,933	$ 120,263
										SUBTOTAL	**$ 1,696,037**

RIVERBEND SAND AND GRAVEL PROJECT
TRAFFIC MITIGATION FEES

Improvements	Quantity	Units	Construction Unit Cost	Fair Share %	Project's Share of Construction Cost	Preliminary Engineering, 10%	Construction Engineering, 15%	Total Right-of-Way Cost	Project's Share of Right-of-Way Cost	Right-of-Way Engineering, 10%	Total
Traffic Index Impacts (Overlay)											
Central Ave From											
McCall to Bethel	2	miles	$ 250,000	46.0%	$ 230,000	$ 23,000	$ 34,500				$ 287,500
Bethel to Academy	1	miles	$ 250,000	42.4%	$ 106,000	$ 10,600	$ 15,900				$ 132,500
Academy to Newmark	0.42	miles	$ 250,000	39.1%	$ 41,100	$ 4,110	$ 6,170				$ 51,380
Goodfellow Ave From											
Newmark to Bridge	1.26	miles	$ 450,000	40.3%	$ 228,500	$ 22,850	$ 34,280				$ 285,630
Bridge to Riverbend	1	miles	$ 450,000	40.3%	$ 181,400	$ 18,140	$ 27,210				$ 226,750
McCall Ave From											
SR 180 (Kings Canyon) and Jensen	1	miles	$ 250,000	61.4%	$ 153,500	$ 15,350	$ 23,030				$ 191,880
Jensen to North	1	miles	$ 250,000	66.7%	$ 166,800	$ 16,680	$ 25,020				$ 208,500
North to Central	1	miles	$ 250,000	73.8%	$ 184,500	$ 18,450	$ 27,680				$ 230,630
										SUBTOTAL	**$ 1,614,770**
										TOTAL	**$ 5,620,722**

5/15/2015

EXHIBIT 28

From:	Morrison, Janet
To:	Adams, John; Ahmad, Ejaz; Brannick, Daniel; Chambers, Derek; Elgin, Lisa; Hernandez, John; Janes, Jeff; Jimenez, Roy; Kettler, William; Khorsand, Mohammad; Luna, Hector; Monfette, Christina; Motta, Chris; Navarro, Thomas; Nebeker, William; Ramirez, Augustine; Sholars, Briza; Sopp, Steven; VonBerg, Eric
Subject:	FW: REVISED AGENDA
Date:	Monday, May 18, 2015 1:48:37 PM
Attachments:	051915.rtf

See below.

From: Brosi, Linda
Sent: Monday, May 18, 2015 1:46 PM
To: Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject: REVISED AGENDA

Attached is the revised final agenda for the BOS Hearing on May 19th. The only change was to the recommended action for item #8……..

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Brosi, Linda
To:	Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc:	Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject:	REVISED AGENDA
Date:	Monday, May 18, 2015 1:46:28 PM
Attachments:	051915.rtf

Attached is the revised final agenda for the BOS Hearing on May 19th. The only change was to the recommended action for item #8……..

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
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(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 29

Board of Supervisors
Agenda - Final-Revised

Hall of Records, Room 301
2281 Tulare Street
Fresno, California 93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

Deborah A. Poochigian, 5th District, Chairman
Buddy Mendes, 4th District, Vice Chairman
Brian Pacheco, 1st District
Andreas Borgeas, 2nd District
Henry Perea, 3rd District

John Navarrette, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk

Tuesday, May 19, 2015 **9:00 AM** **Hall of Records**

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular p.m. session.

All supporting documentation is available for public review in the office of the Clerk to the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

http://fresnocounty.legistar.com.

Invocation and Pledge of Allegiance

1. Approve Agenda

2. Approve Consent Agenda - Item Numbers 19 – 53

These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the Board Members and the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of this Consent Calendar or set aside until later in the day

Supervisor Pacheco

3. Adopt Resolution proclaiming May 2015 as Elder and Dependent Adult Abuse Awareness Month

Attachments: Resolution

Supervisor Perea

4. Proclaim the month of May 2015 as older Americans Month in the County of Fresno. We urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community

Attachments: Resolution

Supervisors Borgeas and Supervisor Pacheco

5. Discuss and adopt the "County Counsel Information Policy"

Attachments: Agenda Item

Administrative Office

6. Conduct public hearing under Tax Equity and Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code") regarding the issuance of tax-exempt conduit bonds for Community Hospitals of Central California, Fresno Community Hospital and Medical Center, Fresno Heart Hospital, LLC, and Sierra Hospital Foundation, which collectively operate as Community Medical Centers (CMC) in an amount not to exceed $450,000,000 to finance and refinance the cost of the acquisition, construction, improvement, renovation and equipping of health care facilities at various locations in the County of Fresno; and adopt the resolution approving the issuance of the Bonds by the California Municipal Financing Authority (CMFA) for the benefit of CMC, which adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code

Attachments: Agenda Item

On File with Clerk - Resolution

Agriculture

7. Conduct the first hearing of a proposed Ordinance to amend the Master Schedule of Fees, Charges and Recovered Costs by amending Subsection 3306 of Section 3300 - Agriculture Services; waive reading of the Ordinance in its entirety and set the second hearing for June 2, 2015

Attachments: Agenda Item

Ordinance

Public Works and Planning

8. Consider the following actions approving the proposed Riverbend Sand and Gravel Project, which would allow an aggregate mining operation on 619 acres of a combined 833 acres of property, located approximately 1.5 miles southeast of the City of Sanger, between the Kings River and Riverbend Avenue: (1) adoption of resolution certifying the **Final** Environmental Impact Report for the Riverbend Sand and Gravel Project; (2) adoption of Resolution adopting Statement of Findings and Overriding Considerations and the Mitigation Monitoring and Reporting Program; (3) adoption of Findings approving Unclassified Conditional Use Permit Application No. 3390, subject to the conditions listed in the Staff Report; and (4) approval of the Reclamation Plan prepared for the Riverbend Sand and Gravel Project **(KETTLER/VonBerg)**

Attachments:

Agenda Item

Exhibit 1 & 2 to Agenda Item

On file with Clerk - Resolution

On file with Clerk - Additional Information

On file with Clerk – Advanced Material, Department Memo

On file with Clerk – Adv. Material, Riverbend FEIR - January 2015.pdf

On file with Clerk – Adv. Material, Riverbend DEIR - July 2014

On file with Clerk – Adv. Material, Riverbend DEIR App. A - Scoping

On file with Clerk – Adv. Material, Riverbend DEIR App. B - Applications

On file with Clerk – Adv. Material, Riverbend DEIR App. C - Aesthetics

On file with Clerk – Adv. Material, Riverbend DEIR App. D - Air

On file with Clerk – Adv. Material, Riverbend DEIR App. E - Biological

On file with Clerk – Adv. Material, Riverbend DEIR App. F - Cultural

On file with Clerk – Adv. Material, Riverbend DEIR App. G - Geology

On file with Clerk – Adv. Material, Riverbend DEIR App. H - Greenhouse

On file with Clerk – Adv. Material, Riverbend DEIR App. I - Water

On file with Clerk – Adv. Material, Riverbend DEIR App. J - Noise

On file with Clerk – Adv. Material, Riverbend DEIR App. K - Traffic

On file with Clerk – Adv. Material, Riverbend DEIR App. L - MMRP

Additional Information

Public Health

9. Conduct first hearing to amend Fresno County Ordinance Code Title 2, Chapter 2, Section 2.44.060 regarding review of local emergency status. Waive reading of ordinance in its entirety and set the second reading of the ordinance for June 2, 2015

Attachments: Agenda Item

Ordinance

Board of Supervisors' Committee Reports

10. Board of Supervisors' Committee Reports - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

Board Appointments

11. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Attachments: Agenda Item

Attachment A

Closed Session

The public may comment on Closed Session items prior to the Board's recess to Closed Session

12. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Beth Bandy; Employee Organization: All Bargaining Units and Management and Unrepresented Employees- Hours, Wages and Terms and Conditions of Employment

13. Conference with legal counsel - Initiation of Litigation; Government Code Section 54956.9(d)(4) - 2 Case

14. Conference with Real Property Negotiators - Government Code 54956.8. Property: 202 N. Teilman, Fresno Ca, 93706 (APN 458-040-39). County Negotiator; Alan Weaver, Director, Department of Public Works and Planning. Negotiating Parties: Alderwoods Group (California), Inc., a California Corporation. Under Negotiation: Instructions to County's negotiator may concern purchase of the property, price, terms and conditions

15. Public Employee Appointment Evaluation or Employment, Government Code Section 54957- Title: County Administrative Officer

NOON RECESS

2:00 P.M.

Public Works and Planning

16. Appoint one member of the Board to fill vacant Ernest Lawrence subcommittee position previously held by District 1, Phil Larson **(THOMPSON)**

Attachments: Agenda Item

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Attachments: Agenda Item

On file with Clerk - Resolution

Public Presentations

18. Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic

Adjourn

NEXT MEETINGS:

June 2, 2015 - 9:00 AM
June 8 through 12, 2015 - Budget Hearings
June 16, 2015 - 9:00 AM

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CONSENT AGENDA

(Any Board Member may pull any consent item for discussion or separate vote)

Board of Supervisors

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Attachments: Action Summary Minutes

Chairman Poochigian

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Attachments: Agenda Item
Resolution

Supervisor Perea

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Attachments: Resolution

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Attachments: Agenda Item
Resolution
Administrative Policy
Letters of Support

Assessor - Recorder

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On file with Clerk - Resolution

Auditor Controller Treasurer/Tax Collector

24. Conduct the second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs (MSF) Ordinances by amending Sections 300 - Auditor Controller-Treasurer; Section 3000 - Tax Collector; and Section 3400 - Miscellaneous Countywide Fees; and waive reading of the ordinance in its entirety

Attachments: Agenda Item
Ordinance

District Attorney/Public Administrator

25. Adopt Resolution retroactively accepting and expressing gratitude for the donation of furniture valued at $5,730 for the Fresno County District Attorney-Public Administrator's Office

Attachments: Agenda Item
Resolution

Sheriff/Coroner

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Attachments: Agenda Item
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27. Retroactively authorize the Sheriff's submittal of a grant application to the State of California Department of Parks and Recreation for Off-Highway Vehicle Grant funds ($141,720); approve and authorize Chairman to execute resolution approving the Sheriff to submit an application to the State of California Department of Parks and Recreation for Off Highway Vehicle Grant funds and approving the required certifications

Attachments: Agenda Item
Resolution
On File with Clerk - Application

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Attachments: Agenda Item
On File with Clerk - Agreement with U.S. Army Corps of Engineers

Sheriff/Coroner and Administrative Office

29. Subject to approval of the State of California Department of Finance (DOF) and the State of California Board of State and Community Corrections (BSCC), authorize the County to use $2,268,867.45 of interest earned on Tobacco Settlement Asset-Backed Bonds, Series 2002 (the "2002 Tobacco Securitization Bond Proceeds") as a substitute for an equivalent amount of originally-committed proceeds of Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (the "2006 Tobacco Securitization Bond Proceeds") to pay a portion of the County's 10% Match for a portion of the costs related to the West Annex Jail Project in downtown Fresno (the "Project") to be financed under the State SB 1022 Adult Local Criminal Justice Facilities Funding Program, which costs are related to leasehold Improvements and/or Central Plant improvements and upgrades that are necessary for the Project, and adopt related budget resolutions: (a) increasing FY 2014-15 appropriations and estimated revenues for Leasehold Improvements (WAJ) Org 8846 in the amount of $1,234,611.45 from the 2002 Tobacco Securitization Bond Proceeds (4/5 vote); (b) increasing FY 2014-15 appropriations and estimated revenues for Central Plant (WAJ) Org 8847 in the amount of $1,034,257.00 from the 2002 Tobacco Securitization Bond Proceeds (4/5 vote); and (c) decreasing and cancelling FY 2014-15 appropriations and estimated revenues for Orgs 8846 and 8847 in such respective amounts from the 2006 Tobacco Securitization Bond Proceeds (4/5 votes); and authorize the County Administrative Officer, or his designee, to submit the adopted budget resolutions to the DOF and BSCC, and to determine that the DOF and the BSCC have given the requested approvals thereof, or, if such approvals are not given, to report such outcome to this Board

Attachments:
Agenda Item
On file with Clerk - Resolution (decr 8846)
On file with Clerk - Resolution (decr 8847)
On file with Clerk - Resolution (incr 8846)
On file with Clerk - Resolution (incr 8847)

Administrative Office

30. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the provision of Federal and State legislative advocacy services; approve and authorize the Chairman to execute a three-year agreement with Alcalde & Fay for Federal legislative advocacy services in Washington, D.C. effective January 1, 2016 through December 31, 2018 ($224,232); and approve and authorize the Chairman to execute a three-year agreement with the firms of Shaw/Yoder/Antwih, Inc. and Corbett & Associates for State legislative advocacy services in Sacramento effective January 1, 2016 through December 31, 2018 ($266,664)

Attachments:
Agenda Item
On file with Clerk - Agreement with Shaw/Yoder/Antwih, Inc. & Michael
On file with Clerk - Agreement with Alcalde & Fay

31. Adopt Resolution proclaiming continuation of the local emergency status as a result of the 2015 Drought Conditions

Attachments: Agenda Item
Resolution

Behavioral Health

32. Approve and authorize the Chairman to execute Amendment II to Agreement No. 10-295 with Kings View Corporation to continue Peer and Family Support Wellness services and Youth Empowerment Centers for mentally ill clients and their families, effective July 1, 2015 through December 31, 2015 ($657,613)

Attachments: Agenda Item
On File with Clerk - KingsView Blue Sky Amendment II

33. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the provision of Horticultural Therapeutic Community Centers for the Department of Behavioral Health clients; Approve and authorize the Chairman to execute a Master Agreement for the ongoing provision of Horticultural Therapeutic Community Centers to help reduce stigma and discrimination against mental illness and for prevention early intervention services related to mental well-being, effective July 1, 2015, not to exceed five consecutive years, which includes a three year base contract and two optional one year extensions, total not to exceed $1,625,000; Authorize the Department of Behavioral Health Director or designee to add and/or delete providers and/or sites to the Master Agreement

Attachments: Agenda Item
On file with Clerk - Master Agreement

34. Approve and authorize the Chairman to execute Agreement with San Joaquin Valley College (SJVC), for clinical and field experience for students in various programs, effective July 1, 2015, not to exceed five consecutive years, which includes a three year base contract and two optional one year extensions ($0)

Attachments: Agenda Item
On file with Clerk - Agreement with SJVC

County Counsel

35. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 600 - County Counsel, Subsection 601 - Legal Services; and waive reading of the ordinance in its entirety

Attachments: Agenda Item
Ordinance

Internal Services

36. Approve and authorize the Chairman to execute Job Order Contracting Agreements with Ardent General, Inc., Durham Construction Company, Inc., and Velis Engineering, Inc., effective May 20, 2015 through May 19, 2016, total not to exceed $6,000,000

Attachments: Agenda Item
On file with Clerk - Agreement with Ardent General, Inc.
On file with Clerk - Agreement with Durham Construction Company, Inc.
On file with Clerk - Agreement with Velis Engineering, Inc.

Library

37. Adopt Resolution accepting and expressing gratitude for the donation of $9,000 from the Cedar-Clinton Chapter of the Friends of the Library for the purchase of artwork and display case for the new facility that will replace the current Cedar-Clinton Branch Library during FY 2015-16

Attachments: Agenda Item
Resolution

38. Adopt Resolution accepting and expressing gratitude for the donation of $80,000 from the Woodward Park Chapter of the Friends of the Library to construct a patio cover for the Woodward Park Regional Library during the FY 2015-16

Attachments: Agenda Item
Resolution

39. Approve and authorize the Chairman to accept a donation of 5,000 books from ABC30 with a total value of $25,000 to be used as giveaways during the Library's "Lunch at the Library" program for the summer of 2015

Attachments: Agenda Item
Resolution

Personnel Services

40. Approve and authorize the Chairman to sign the Application for Elective Coverage of State Disability Insurance on behalf of County of Fresno Management and Senior Management employees

Attachments: Agenda Item
On file with Clerk - Employment Development Dept.

41. Approve the Memorandum of Understanding (MOU) for Representation Unit 38 - Sheriff's Captain, represented by the Fresno County Sheriff's Captain Association. Approve the related Salary Resolution Amendments as reflected on Appendix "B" CONTINUED FROM MAY 5, 2015

Attachments: Agenda Item

Salary Resolution

Public Works and Planning

42. Accept donation of $850 from Tranquillity Chamber of Commerce to purchase an enhanced traffic sign **(PALACIOS)**

Attachments: Agenda Item

43. Approve recommended projects list to submit to California Department of Transportation as candidate projects for Cycle 2 Statewide and Regional Competitive Active Transportation Program

Attachments: Agenda Item **(PALACIOS/Sekhon**

44. Approve City of Fresno's request to acquire easements adjacent to existing road right-of-way in unincorporated areas of County required in conjunction with City's capital improvement program for local streets **(PALACIOS/Daniele)**

Attachments: Agenda Item

45. Adopt Resolution authorizing Director of the Department of Public Works and Planning to execute, subject to approval of County Counsel and Auditor-Controller/Treasurer-Tax Collector, amendments to Agreement 13-060 with California State Wildlife Conservation Board; and authorize Director of Department of Public Works and Planning, or Director's designee, to sign all other documents necessary to participate in funding program **(ALIMI/Polfer)**

Attachments: Agenda Item

On file with Clerk - Resolution

46. Conduct second hearing and adopt ordinance amending Fresno County Ordinance Code Section 4.16.090 concerning allocation of sales and use tax revenues, amending it as to cities of Fresno and San Joaquin as to its respective tax rate, and amending effective Fiscal Year to which all cities within County must adhere to adjusted rates to FY 2015-16 and waive reading of ordinance in its entirety **(KETTLER/Khorsand)**

Attachments: Agenda Item

Ordinance

47. Conduct second public hearing to consider adopting proposed amendment (the "Ordinance Amendment") to County's Public Facilities Impact Fees Ordinance (Chapter 17.90) by (A) continuing County's temporary suspension for additional two-year period (November 10, 2015 to November 9, 2017) of: (1) County's requirement for building permit applicants to pay County's public facilities impact fees for construction that is subject to Chapter 17.90; (2) County's and cities' collection of such fees during such period; and (3) any requirement in Chapter 17.90 for County to consider and take any possible action on any annual update of any such fees under the schedule(s) of fees, without in any other way whatsoever otherwise affecting Chapter 17.90, or authority for any action taken or to be taken thereunder; and (B) extending commencement of first five-year interval (to April 15, 2017) requiring County, under Chapter 17.90, to conduct or obtain an updated fee study for updated County public facilities impact fees; and waive reading of proposed Ordinance Amendment in its entirety and adopt Ordinance Amendment **(SEiDEN)**

Attachments: Agenda Item
Ordinance
Proof of Publication

48. Approve and authorize Chairman to execute three-year agreement with Two Fayre Ladies for exclusive use of Kearney Park for one two-day event each year in years 2015, 2016 and 2017

Attachments: Agenda Item **(thompson)**
On file with Clerk - Agreement with Two Fayre Ladies

Social Services

49. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the provision of an internet reporting system derived from the Child Welfare Services/Case Management System for Department of Social Services; approve and authorize Chairman to execute a sole source Agreement with National Council on Crime and Delinquency, for SafeMeasures, an internet reporting system, effective July 1, 2015 through June 30, 2020, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed $358,540

Attachments: Agenda Item
On file with Clerk - Agreement with National Council on Crime &

50. Approve and authorize the Chairman to execute an Amendment III to Agreement A-11-029 with Fresno Economic Opportunities Commission, Inc. for Adolescent Family Life Program Positive Youth Development Case Management services effective January 25, 2011 through June 30, 2016 ($2,112,780)

Attachments: Agenda Item
On file with Clerk - Agreement with Fresno Economic Opportunities

51. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of maintenance services for the Second Party Case Review System; approve and authorize Chairman to execute a sole source Agreement with The Rushmore Group, LLC, for maintenance of Second Party Case Review System, effective July 1, 2015 through June 30, 2020, not to exceed five consecutive years which includes a three-year base contract and two optional one-year extensions, total not to exceed $156,600

Attachments: Agenda Item

On file with Clerk - Agreement with The Rushmore Group, LLC

52. Approve and authorize the Chairman to execute an Agreement with EMQ FamiliesFirst for Wraparound and Therapeutic Foster Care Services, effective July 1, 2015, not to exceed three consecutive years, which includes a one-year base contract and two optional one-year extensions, total not to exceed $13,500,000

Attachments: Agenda Item

On file with Clerk - Agreement with EMQ

53. Adopt budget resolutions increasing appropriations and estimated revenues in the Department of Social Services CalWORKs Org 6310 ($1,225,000) and In-Home Supportive Services Org 6420 ($1,041,627) (4/5 vote)

Attachments: Agenda Item

On file with Clerk - Resolution (6420)

On file with Clerk - Resolution (6310)

EXHIBIT 30

From: Jimenez, Bernard
To: Ramirez, Augustine
Subject: FW: May 19, 2015 item #8 Additional Information
Date: Monday, May 18, 2015 1:54:36 PM
Attachments: 5-19 item 8 Additional Info.pdf

Bernard Jimenez, Deputy Director of Planning
Public Works and Planning
Ph: (559) 600-4234
fax: (559) 600-4548

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey
Thank you.

From: Seidel, Bernice
Sent: Thursday, May 14, 2015 11:19 AM
To: Garabedian, Sue; Tateosian, Sevag; Elkins, Heather; Asadoorian, Michelle; Day, Vickie; Viveros, Gabriel; Pinedo, Patricia; Zaragoza, Jessika; Tinoco, Toni; Burrows, Kathy; Bourbon, Kelliana
Cc: Kettler, William; Jimenez, Bernard; Weaver, Alan; Brosi, Linda
Subject: May 19, 2015 item #8 Additional Information

Attached is correspondence received on item #8 (Riverbend) for May 19, 2015. A hard copy has been placed in each respective supervisor's mail box.

Thank you.

Bernice

Bernice E. Seidel
Clerk to the Board
Fresno County

EXHIBIT 31

Board of Supervisors
Agenda - Final-Revised

Hall of Records, Room 301
2281 Tulare Street
Fresno, California 93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

Deborah A. Poochigian, 5th District, Chairman
Buddy Mendes, 4th District, Vice Chairman
Brian Pacheco, 1st District
Andreas Borgeas, 2nd District
Henry Perea, 3rd District

John Navarrette, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk

Tuesday, May 19, 2015 **9:00 AM** **Hall of Records**

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular p.m. session.

All supporting documentation is available for public review in the office of the Clerk to the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

http://fresnocounty.legistar.com.

Invocation and Pledge of Allegiance

1. Approve Agenda

2. Approve Consent Agenda - Item Numbers 19 – 53

These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the Board Members and the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of this Consent Calendar or set aside until later in the day

Supervisor Pacheco

3. Adopt Resolution proclaiming May 2015 as Elder and Dependent Adult Abuse Awareness Month

Attachments: Resolution

Supervisor Perea

4. Proclaim the month of May 2015 as older Americans Month in the County of Fresno. We urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community

Attachments: Resolution

Supervisors Borgeas and Supervisor Pacheco

5. Discuss and adopt the "County Counsel Information Policy"

Attachments: Agenda Item

Administrative Office

6. Conduct public hearing under Tax Equity and Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code") regarding the issuance of tax-exempt conduit bonds for Community Hospitals of Central California, Fresno Community Hospital and Medical Center, Fresno Heart Hospital, LLC, and Sierra Hospital Foundation, which collectively operate as Community Medical Centers (CMC) in an amount not to exceed $450,000,000 to finance and refinance the cost of the acquisition, construction, improvement, renovation and equipping of health care facilities at various locations in the County of Fresno; and adopt the resolution approving the issuance of the Bonds by the California Municipal Financing Authority (CMFA) for the benefit of CMC, which adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code

Attachments: Agenda Item

On File with Clerk - Resolution

Agriculture

7. Conduct the first hearing of a proposed Ordinance to amend the Master Schedule of Fees, Charges and Recovered Costs by amending Subsection 3306 of Section 3300 - Agriculture Services; waive reading of the Ordinance in its entirety and set the second hearing for June 2, 2015

Attachments: Agenda Item

Ordinance

Public Works and Planning

8. Consider the following actions approving the proposed Riverbend Sand and Gravel Project, which would allow an aggregate mining operation on 619 acres of a combined 833 acres of property, located approximately 1.5 miles southeast of the City of Sanger, between the Kings River and Riverbend Avenue: (1) adoption of resolution certifying the **Final** Environmental Impact Report for the Riverbend Sand and Gravel Project; (2) adoption of Resolution adopting Statement of Findings and Overriding Considerations and the Mitigation Monitoring and Reporting Program; (3) adoption of Findings approving Unclassified Conditional Use Permit Application No. 3390, subject to the conditions listed in the Staff Report; and (4) approval of the Reclamation Plan prepared for the Riverbend Sand and Gravel Project **(KETTLER/VonBerg)**

Attachments:

Agenda Item

Exhibit 1 & 2 to Agenda Item

On file with Clerk - Resolution

On file with Clerk - Additional Information

On file with Clerk – Advanced Material, Department Memo

On file with Clerk – Adv. Material, Riverbend FEIR - January 2015.pdf

On file with Clerk – Adv. Material, Riverbend DEIR - July 2014

On file with Clerk – Adv. Material, Riverbend DEIR App. A - Scoping

On file with Clerk – Adv. Material, Riverbend DEIR App. B - Applications

On file with Clerk – Adv. Material, Riverbend DEIR App. C - Aesthetics

On file with Clerk – Adv. Material, Riverbend DEIR App. D - Air

On file with Clerk – Adv. Material, Riverbend DEIR App. E - Biological

On file with Clerk – Adv. Material, Riverbend DEIR App. F - Cultural

On file with Clerk – Adv. Material, Riverbend DEIR App. G - Geology

On file with Clerk – Adv. Material, Riverbend DEIR App. H - Greenhouse

On file with Clerk – Adv. Material, Riverbend DEIR App. I - Water

On file with Clerk – Adv. Material, Riverbend DEIR App. J - Noise

On file with Clerk – Adv. Material, Riverbend DEIR App. K - Traffic

On file with Clerk – Adv. Material, Riverbend DEIR App. L - MMRP

Additional Information

Public Health

9. Conduct first hearing to amend Fresno County Ordinance Code Title 2, Chapter 2, Section 2.44.060 regarding review of local emergency status. Waive reading of ordinance in its entirety and set the second reading of the ordinance for June 2, 2015

Attachments: Agenda Item

Ordinance

Board of Supervisors' Committee Reports

10. Board of Supervisors' Committee Reports - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

Board Appointments

11. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Attachments: Agenda Item

Attachment A

Closed Session

The public may comment on Closed Session items prior to the Board's recess to Closed Session

12. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Beth Bandy; Employee Organization: All Bargaining Units and Management and Unrepresented Employees- Hours, Wages and Terms and Conditions of Employment

13. Conference with legal counsel - Initiation of Litigation; Government Code Section 54956.9(d)(4) - 2 Case

14. Conference with Real Property Negotiators - Government Code 54956.8. Property: 202 N. Teilman, Fresno Ca, 93706 (APN 458-040-39). County Negotiator; Alan Weaver, Director, Department of Public Works and Planning. Negotiating Parties: Alderwoods Group (California), Inc., a California Corporation. Under Negotiation: Instructions to County's negotiator may concern purchase of the property, price, terms and conditions

15. Public Employee Appointment Evaluation or Employment, Government Code Section 54957- Title: County Administrative Officer

NOON RECESS

2:00 P.M.

Public Works and Planning

16. Appoint one member of the Board to fill vacant Ernest Lawrence subcommittee position previously held by District 1, Phil Larson **(THOMPSON)**

Attachments: Agenda Item

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Attachments: Agenda Item
Resolution
Administrative Policy
Letters of Support

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On file with Clerk - Resolution

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Attachments: Agenda Item
Resolution
On File with Clerk - Application

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On File with Clerk - Agreement with U.S. Army Corps of Engineers

Sheriff/Coroner and Administrative Office

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On file with Clerk - Resolution (decr 8847)
On file with Clerk - Resolution (incr 8846)
On file with Clerk - Resolution (incr 8847)

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Agenda Item
On file with Clerk - Agreement with Shaw/Yoder/Antwih, Inc. & Michael
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Attachments: Agenda Item
Resolution

Behavioral Health

32. Approve and authorize the Chairman to execute Amendment II to Agreement No. 10-295 with Kings View Corporation to continue Peer and Family Support Wellness services and Youth Empowerment Centers for mentally ill clients and their families, effective July 1, 2015 through December 31, 2015 ($657,613)

Attachments: Agenda Item
On File with Clerk - KingsView Blue Sky Amendment II

33. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the provision of Horticultural Therapeutic Community Centers for the Department of Behavioral Health clients; Approve and authorize the Chairman to execute a Master Agreement for the ongoing provision of Horticultural Therapeutic Community Centers to help reduce stigma and discrimination against mental illness and for prevention early intervention services related to mental well-being, effective July 1, 2015, not to exceed five consecutive years, which includes a three year base contract and two optional one year extensions, total not to exceed $1,625,000; Authorize the Department of Behavioral Health Director or designee to add and/or delete providers and/or sites to the Master Agreement

Attachments: Agenda Item
On file with Clerk - Master Agreement

34. Approve and authorize the Chairman to execute Agreement with San Joaquin Valley College (SJVC), for clinical and field experience for students in various programs, effective July 1, 2015, not to exceed five consecutive years, which includes a three year base contract and two optional one year extensions ($0)

Attachments: Agenda Item
On file with Clerk - Agreement with SJVC

County Counsel

35. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 600 - County Counsel, Subsection 601 - Legal Services; and waive reading of the ordinance in its entirety

Attachments: Agenda Item
Ordinance

Internal Services

36. Approve and authorize the Chairman to execute Job Order Contracting Agreements with Ardent General, Inc., Durham Construction Company, Inc., and Velis Engineering, Inc., effective May 20, 2015 through May 19, 2016, total not to exceed $6,000,000

Attachments: Agenda Item
On file with Clerk - Agreement with Ardent General, Inc.
On file with Clerk - Agreement with Durham Construction Company, Inc.
On file with Clerk - Agreement with Velis Engineering, Inc.

Library

37. Adopt Resolution accepting and expressing gratitude for the donation of $9,000 from the Cedar-Clinton Chapter of the Friends of the Library for the purchase of artwork and display case for the new facility that will replace the current Cedar-Clinton Branch Library during FY 2015-16

Attachments: Agenda Item
Resolution

38. Adopt Resolution accepting and expressing gratitude for the donation of $80,000 from the Woodward Park Chapter of the Friends of the Library to construct a patio cover for the Woodward Park Regional Library during the FY 2015-16

Attachments: Agenda Item
Resolution

39. Approve and authorize the Chairman to accept a donation of 5,000 books from ABC30 with a total value of $25,000 to be used as giveaways during the Library's "Lunch at the Library" program for the summer of 2015

Attachments: Agenda Item
Resolution

Personnel Services

40. Approve and authorize the Chairman to sign the Application for Elective Coverage of State Disability Insurance on behalf of County of Fresno Management and Senior Management employees

Attachments: Agenda Item
On file with Clerk - Employment Development Dept.

41. Approve the Memorandum of Understanding (MOU) for Representation Unit 38 - Sheriff's Captain, represented by the Fresno County Sheriff's Captain Association. Approve the related Salary Resolution Amendments as reflected on Appendix "B" CONTINUED FROM MAY 5, 2015

Attachments: Agenda Item

Salary Resolution

Public Works and Planning

42. Accept donation of $850 from Tranquillity Chamber of Commerce to purchase an enhanced traffic sign **(PALACIOS)**

Attachments: Agenda Item

43. Approve recommended projects list to submit to California Department of Transportation as candidate projects for Cycle 2 Statewide and Regional Competitive Active Transportation Program

Attachments: Agenda Item **(PALACIOS/Sekhon**

44. Approve City of Fresno's request to acquire easements adjacent to existing road right-of-way in unincorporated areas of County required in conjunction with City's capital improvement program for local streets **(PALACIOS/Daniele)**

Attachments: Agenda Item

45. Adopt Resolution authorizing Director of the Department of Public Works and Planning to execute, subject to approval of County Counsel and Auditor-Controller/Treasurer-Tax Collector, amendments to Agreement 13-060 with California State Wildlife Conservation Board; and authorize Director of Department of Public Works and Planning, or Director's designee, to sign all other documents necessary to participate in funding program **(ALIMI/Polfer)**

Attachments: Agenda Item

On file with Clerk - Resolution

46. Conduct second hearing and adopt ordinance amending Fresno County Ordinance Code Section 4.16.090 concerning allocation of sales and use tax revenues, amending it as to cities of Fresno and San Joaquin as to its respective tax rate, and amending effective Fiscal Year to which all cities within County must adhere to adjusted rates to FY 2015-16 and waive reading of ordinance in its entirety **(KETTLER/Khorsand)**

Attachments: Agenda Item

Ordinance

47. Conduct second public hearing to consider adopting proposed amendment (the "Ordinance Amendment") to County's Public Facilities Impact Fees Ordinance (Chapter 17.90) by (A) continuing County's temporary suspension for additional two-year period (November 10, 2015 to November 9, 2017) of: (1) County's requirement for building permit applicants to pay County's public facilities impact fees for construction that is subject to Chapter 17.90; (2) County's and cities' collection of such fees during such period; and (3) any requirement in Chapter 17.90 for County to consider and take any possible action on any annual update of any such fees under the schedule(s) of fees, without in any other way whatsoever otherwise affecting Chapter 17.90, or authority for any action taken or to be taken thereunder; and (B) extending commencement of first five-year interval (to April 15, 2017) requiring County, under Chapter 17.90, to conduct or obtain an updated fee study for updated County public facilities impact fees; and waive reading of proposed Ordinance Amendment in its entirety and adopt Ordinance Amendment **(SEiDEN)**

Attachments: Agenda Item
Ordinance
Proof of Publication

48. Approve and authorize Chairman to execute three-year agreement with Two Fayre Ladies for exclusive use of Kearney Park for one two-day event each year in years 2015, 2016 and 2017

Attachments: Agenda Item **(thompson)**
On file with Clerk - Agreement with Two Fayre Ladies

Social Services

49. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the provision of an internet reporting system derived from the Child Welfare Services/Case Management System for Department of Social Services; approve and authorize Chairman to execute a sole source Agreement with National Council on Crime and Delinquency, for SafeMeasures, an internet reporting system, effective July 1, 2015 through June 30, 2020, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed $358,540

Attachments: Agenda Item
On file with Clerk - Agreement with National Council on Crime &

50. Approve and authorize the Chairman to execute an Amendment III to Agreement A-11-029 with Fresno Economic Opportunities Commission, Inc. for Adolescent Family Life Program Positive Youth Development Case Management services effective January 25, 2011 through June 30, 2016 ($2,112,780)

Attachments: Agenda Item
On file with Clerk - Agreement with Fresno Economic Opportunities

51. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of maintenance services for the Second Party Case Review System; approve and authorize Chairman to execute a sole source Agreement with The Rushmore Group, LLC, for maintenance of Second Party Case Review System, effective July 1, 2015 through June 30, 2020, not to exceed five consecutive years which includes a three-year base contract and two optional one-year extensions, total not to exceed $156,600

Attachments: Agenda Item

On file with Clerk - Agreement with The Rushmore Group, LLC

52. Approve and authorize the Chairman to execute an Agreement with EMQ FamiliesFirst for Wraparound and Therapeutic Foster Care Services, effective July 1, 2015, not to exceed three consecutive years, which includes a one-year base contract and two optional one-year extensions, total not to exceed $13,500,000

Attachments: Agenda Item

On file with Clerk - Agreement with EMQ

53. Adopt budget resolutions increasing appropriations and estimated revenues in the Department of Social Services CalWORKs Org 6310 ($1,225,000) and In-Home Supportive Services Org 6420 ($1,041,627) (4/5 vote)

Attachments: Agenda Item

On file with Clerk - Resolution (6420)

On file with Clerk - Resolution (6310)

EXHIBIT 32

From: Guerra, Linda
To: Davidson, N. Roger
Subject: May 19, 2015 BOS Agenda
Date: Tuesday, May 26, 2015 11:46:43 AM
Attachments: Agenda(19May15).pdf

Roger,

Let me know if you do not find your project here.

Maybe it was a different Board day.

Linda Guerra, Staff Analyst
Capital Projects
559-600-4479

EXHIBIT 33

RIVERBEND SAND & GRAVEL -EIR #6606 / PROJECT #Z6606C

DEPARTMENTS:	TOTAL HOURS	TOTAL COSTS INCURRED
DEV SERVICES	570.1	$ 52,796.62
DESIGN/MAIN (ROADS)	224	$ 22,406.08
ENV HEALTH	16.5	$ 1,617.00
S & B TOTAL	**810.6**	**$ 76,819.70**
OTHER DIRECT COSTS (Total Costs Incurred):		
Mid Valley Pub		$ 1,856.25
SESPE CONSULTANT COSTS		$ 369,542.00
Fleet-Vehicle		$ 105.45
Federal Express		$ 186.96
Business Journal		$ 925.00
OTHER DIRECT COSTS TOTAL:		**$ 372,615.66**
GRAND TOTAL:		**$ 449,435.36**

THRU 5/24/15

Please make a note on the letter/memo that additional funds were received in May.

FOR EXPENSE MEMOS: S&B TOTAL HOURS & TOTAL COSTS INCURRED

BALANCES:	DEPOSITS	CUMULATIVE COSTS	BALANCE OF DEPOSIT
COUNTY STAFF	$ 79,172.55	$ 79,893.36	$ (720.81)
CONSULTANT CONTRACT	$ 430,226.00	$ 369,542.00	$ 60,684.00
LEGAL SERVICES	$ 50,000.00	$ -	$ 50,000.00

FOR EXPENSE MEMOS: BALANCE of Deposit Unexpended Totals

Enter Data from Project Cost Source Below

DEVELOPMENT SERVICES

PERIOD COVERED	HOURS	Salaries & Benefits	CURRENT DEPT OVERHEAD (SPEC Dist)
PREVIOUS	**347**	$ 32,658.28	0
1/18/2015	**24**	$ 2,116.65	0
2/15/2015	**46**	$ 3,843.13	0
3/15/2015	**75.5**	$ 6,942.21	0
4/26/2015	**32.1**	$ 2,946.78	0
5/24/2015	**45.5**	$ 4,289.57	0
			0
			0
			0
			0
CUMULATIVE TOTALS:	**570.1**	**$ 52,796.62**	

FOR EXPENSE MEMOS:

Current & Total Hours

Current S&B and Total Costs Incurred

Previous Balances can be found on the last Expense Report Memo or by subtracting current total from the Cumulative Totals here.

DESIGN/MAIN (ROADS)

PERIOD COVERED	HOURS	Salaries & Benefits	CURRENT DEPT OVERHEAD (SPEC Dist)
PREVIOUS	**157**	$ 15,033.81	0
1/18/2015	**12.5**	$ 1,396.75	0
2/15/2015	**2**	$ 223.48	0
3/15/2015	**45.5**	$ 4,908.84	0
4/26/2015	**3**	$ 375.20	0
24-May	**4**	$ 468.00	0
			0
			0
			0
			0
CUMULATIVE TOTALS:	**224**	**$ 22,406.08**	

ENV HEALTH

PERIOD COVERED	HOURS	Salaries & Benefits	CURRENT DEPT OVERHEAD (SPEC Dist)
PREVIOUS	8.5	$ 490.00	0
1/18/2015	0	$ 343.00	0
2/15/2015	1.5	$ 147.00	0
3/15/2015	0	$ -	0
5/24/2015 (May - 4/30/15)	6.5	$ 637.00	0
			0
			0
			0
			0
			0
CUMULATIVE TOTALS:	**16.5**	**$ 1,617.00**	

FOR EXPENSE MEMOS:

Add Env Health to Current & Total Hours and S&B

Mid Valley Pub

PERIOD COVERED	TYPE
PREVIOUS	$ 1,856.25
3/15/2015	$ -
CUMULATIVE TOTALS:	$ 1,856.25

SESPE CONSULTANT COSTS

PERIOD COVERED	TYPE
PREVIOUS	$ 369,542.00
3/15/2015	$ -
CUMULATIVE TOTALS:	$ 369,542.00

FLEET-VEHICLE

PERIOD COVERED	
PREVIOUS	$ 105.45
	$ -
CUMULATIVE TOTALS:	$ 105.45

FEDERAL EXPRESS

PERIOD COVERED	TYPE
PREVIOUS	$ 153.40
Feb	$ 19.96
Feb	$ 13.60
CUMULATIVE TOTALS:	$ 186.96

LEGAL SERVICES

PERIOD COVERED	TYPE
	$ -
CUMULATIVE TOTALS:	$ -

STAFF DEPOSITS

DATE	AMOUNT
1/15/2015	$ 54,172.55
2/24/2015	$ -
4/14/2015	$ 10,000.00
5/15/2015	$ 15,000.00
TOTAL	$ 79,172.55

CONSULTANT DEPOSITS

DATE	AMOUNT
previous	$ 342,785.00
16-Jan	$ 26,757.00
2/24/2015	$ 5,700.00
4/14/2015	$ 49,284.00
15-May	$ 5,700.00
TOTAL	$ 430,226.00

LEGAL DEPOSITS

DATE	AMOUNT
previous	$ 50,000.00
TOTAL	$ 50,000.00

BUSINESS JOURNAL

DATE	AMOUNT
6-Feb	$ 306.25
10-Feb	$ 618.75
march	$ -
TOTAL	$ 925.00

COPY BACKUP OF EIR JOURNAL HERE:

4362-Z6606C RIVERBEND SAND & GRAVEL			Amount
Consultant Total:			**$ -**
Staff	Rate	Hours	

EXHIBIT 34

When recorded return to:
Department of Public Works
and Planning
Development Services
(STOP 214)

Recording requested for the
benefit of Fresno County

05/28/2015,20150065582

THIS SPACE FOR RECORDER'S USE ONLY

NOTICE OF RECLAMATION PLAN APPROVAL

For: Riverbend Sand and Gravel Project

Mining Operations conducted on the hereinafter described real property (see Exhibit "A" attached hereto and incorporated herein by reference) are subject to a reclamation plan approved by the Fresno County Planning Commission at its public hearing on February 26, 2015, a copy of which is on file with the Fresno County Department of Public Works and Planning, located at 2220 Tulare Street, 6th Floor, Fresno, California 93721.

Current Owner of Record:

Running Luck Ranch, LLC

Lead Agency:

County of Fresno

Lead Agency Representative:

Alan Weaver, Director

Department of Public Works and Planning

By: _____ 5/26/15

Augustine C. Ramirez, Deputy County Surveyor

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.55 FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

On 5/26/2015 before me, Roy Jimenez Jr., Deputy, for BRANDI L. ORTH, Fresno County Clerk, personally appeared **AUGUSTINE C. RAMIREZ, DEPUTY COUNTY SURVEYOR** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Roy Jimenez Jr.
Roy Jimenez Jr., Deputy

EXHIBIT 35

From: Sholars, Briza
To: Morrison, Janet
Subject: RE: Minute Order BOS 5/19/15: AI 8 – Riverbend Sand & Gravel EIR 6606, UCUP 3390 Appeal
Date: Thursday, May 28, 2015 9:05:25 AM

Thank you!

From: Morrison, Janet
Sent: Wednesday, May 27, 2015 3:56 PM
To: Sholars, Briza; VonBerg, Eric
Cc: Kettler, William; Motta, Chris
Subject: Minute Order BOS 5/19/15: AI 8 – Riverbend Sand & Gravel EIR 6606, UCUP 3390 Appeal

Minute Order BOS 5/19/15: AI 8 – Riverbend Sand & Gravel EIR 6606, UCUP 3390 Appeal

Janet Morrison, Division Secretary
Development Services Division
Department of Public Works and Planning
(559) 600-4497
jemorrison@co.fresno.ca.us

EXHIBIT 36

Notice of Public Hearing
Proposed Resolution
(Summary)

Notice is hereby given that at its regularly scheduled meeting on September 1, 2015, at the hour of 9:00 AM or as soon thereafter as possible in the Board of Supervisors Chambers, Room 301, Hall of Records, 2281 Tulare St., Fresno, California, the Fresno County Board of Supervisors will consider authorizing the Chairman to sign the Mitigation Monitoring Reimbursement Agreement for County Staff Time for the Riverbend Sand and Gravel Project, Unclassified Conditional Permit Application No. 3390 and adoption of a resolution establishing an account for staff to charge to while reviewing and administering materials related to the Mitigation Monitoring and/or Reporting Program and Condition Compliance Matrix for the project. The project, approved February 26, 2015, proposes to mine 619 acres of a combined 833 acres of property that is owned by Riverbend Sand and Gravel, LLC., located approximately 1.5 miles southeast of the City of Sanger between the Kings River and Riverbend Avenue.

Data indicating the cost or estimated cost of providing the services for which the fees will be charged, and the revenue sources anticipated for these costs, is available at the Fresno County Department of Public Works and Planning, 2220 Tulare Street, 7th Floor, Fresno, CA 93721.

The full text of this resolution is available at the Department of Public Works and Planning public counter located at 2220 Tulare Street, Suite A, Fresno, CA 93721. For information, contact Briza Sholars at (559) 600-4207.

Briza Sholars
Planner

EXHIBIT 37

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

June 11, 2015

John G. Parrish, Acting Assistant Director
State of California, Reclamation Unit
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: Riverbend Sand and Gravel Project
Final Response to Director's Comments

Dear Mr. Parrish:

This letter is submitted per Public Resources Code (PRC) Section 2774(d)(2), which required the lead agency, here County of Fresno (County) to give the Director of the Department of Conservation (Director) the County's final response to the Director's comments within 30 days following the County's approval of a Reclamation Plan, Plan Amendment, or Financial Assurance. At its public hearing on February 26, 2015, the Fresno County Planning Commission approved the Reclamation Plan for the Riverbend Sand and Gravel Project. This letter constitutes the County's notice to the Director of the approval of the Reclamation Plan, in compliance with PRC 2774(d)(2).

If you have any questions or need further information please feel free to contact me by telephone at (559) 600-4022 or by e-mail at auramirez@co.fresno.ca.us.

Sincerely,

Augustine C. Ramirez, Senior Engineer
Water, Geology, and Natural Resources Section

ACR:jp

Attachments: Attachment 1. Notice of Decision
Reclamation Plan
Unclassified Conditional Use Permit

cc: John Buada, Buada Associates Inc.
Herb Lang, Riverbend Sand and Gravel
Will Kettler, Manager, Development Services Division
Briza Sholars, Planner, Development Services Division
Beth Hendrickson, Reclamation Unit, Office of Mine Reclamation

EXHIBIT 38

From: Pratt, Carol
To: Sholars, Briza
Cc: Vang, Kay
Subject: RE: Riverbend EIR 6606
Date: Wednesday, June 24, 2015 2:27:48 PM

According to PeopleSoft, the check was issued yesterday so they should receive it by early next week, if not sooner. The check includes the $40,284 plus the $11,400 requested on the May 29th memo.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Wednesday, June 24, 2015 1:56 PM
To: Pratt, Carol
Cc: Vang, Kay
Subject: RE: Riverbend EIR 6606

Oh good! The PO Box is fine. Thanks ☺
When will it be sent?

From: Pratt, Carol
Sent: Wednesday, June 24, 2015 1:54 PM
To: Sholars, Briza
Cc: Vang, Kay
Subject: RE: Riverbend EIR 6606

Hi Briza,

I looked up this payment and it shows that the check will be sent to P.O. Box 2625, Ventura, CA 93002. The invoice from SESPE identifies this P.O. Box number as the "Remit To" address. The address at the top of the invoice does show the 374 Poli Street address.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Wednesday, June 24, 2015 1:45 PM
To: Pratt, Carol
Subject: Riverbend EIR 6606

Hi Carol,
I wanted to check on the status of a payment to Sespe (County Consultant) for $49,284.00 for the Riverbend EIR. I sent the paperwork upstairs May 28, 2015.
If it has been sent, can you confirm that it went to 374 Poli Street, Suite 200, Ventura, CA 93001?
They have a new address and I am not sure if the Business Office was updated.
Thanks! Regards, Briza

EXHIBIT 39

Board of Supervisors – Scheduled Projects

BOS Hearing Date	*Staff*	*Project #*	*Applicant*	*Project Description*	*Notes*
August 11, 2015	Briza/Design	IS 6756	Travers Creek	Bridge Replacement (2)	
August 11, 2015	TBD	CUP 3477 IS 6879	Pristine Sun, LLC	Solar Facility	
August 11, 2015	Eric	DRA 4239 IS 6411	Hardev Atwal	Ag Truck Storage	
August 11, 2015	Eric	VA 3966	Patricia Sadoian	Side & Rear Setbacks	
August 25, 2015	Ejaz	CUP 3295	Jess Melin/Whitney Point Solar, LLC	Solar Facility – Time Extension 3	
September 1, 2015	Briza	EIR 6606	Riverbend	County Staff & Third Party (2)	
September 22, 2015	Briza	IS 6730	Tranquillity	Indemnification & Reclamation (2)	

EXHIBIT 40

From:	Morrison, Janet
To:	Sholars, Briza
Subject:	RE: Please print
Date:	Tuesday, July 21, 2015 11:13:00 AM
Attachments:	Riverbend MMRP and Conditions of Approval (00018687-6xD62CE).docx

Here is the elec version of the 8-1/2x11 sizing.

From: Sholars, Briza
Sent: Monday, July 13, 2015 10:01 AM
To: Morrison, Janet
Subject: Please print

Hi Janet, can you print this small/regular size for me? Thanks

EXHIBIT 41

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel (SPR 7946)
Date: Monday, July 13, 2015 3:09:00 PM
Attachments: Site Plan Review Submittal Requirements.pdf
SPR fee schedule 2-29-08.pdf

John,

SPR submittal information and fee schedule are attached for your reference.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, July 13, 2015 2:55 PM
To: Luna, Hector
Subject: Riverbend Sand and Gravel SPR

Hector,

I'm working on the SPR application for the Riverbend Sand and Gravel project (CUP 3390). Could you please email me the SPR fee schedule and any other fees dues with the application?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 42

From:	Pratt, Carol
To:	Alimi, Mohammad
Cc:	Kettler, William; Motta, Chris; Kooner, Harpreet; Asprec, Lemuel; Juarez, Jacqueline; Lor, Mai Yer; Sholars, Briza
Subject:	RE: EIR 6606 Riverbend
Date:	Wednesday, January 14, 2015 2:01:24 PM

Thank you Mohammad.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Alimi, Mohammad
Sent: Wednesday, January 14, 2015 1:14 PM
To: Pratt, Carol; Sholars, Briza
Cc: Kettler, William; Motta, Chris; Kooner, Harpreet; Asprec, Lemuel; Juarez, Jacqueline; Lor, Mai Yer
Subject: RE: EIR 6606 Riverbend

Carol,

Please proceed with processing the credit.

Thanks,

Mohammad

Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey at the following link. Your feedback is greatly appreciated. **Customer Service Survey.**

Mohammad H. Alimi, Ph.D., PE

Design Division Manager
Department of Public Works and Planning
County of Fresno
Fresno, CA 93721
Tel: (559) 600-4505
Fax: (559) 600-4548
malimi@co.fresno.ca.us

Please consider the environment before printing this e-mail

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From: Pratt, Carol
Sent: Wednesday, January 14, 2015 12:17 PM
To: Alimi, Mohammad; Sholars, Briza
Cc: Kettler, William; Motta, Chris; Kooner, Harpreet; Asprec, Lemuel; Juarez, Jacqueline; Lor, Mai Yer
Subject: RE: EIR 6606 Riverbend

Hi Mohammad and Briza,

As requested, we will be processing the credit to EIR 6606. As mentioned below, we cannot process timesheet corrections for this time period as the FY 2013-14 Road Report has been submitted. We will however process the credit entry this year and Lemuel will reflect a prior year adjustment in the FY 2014-15 Road Report.

I have attached a CAMS report which reflects Harpreet's charges in May and June to project #Z6606C. Noted at the bottom are the hours that will be credited. The total amount that will be refunded to the applicant's deposit will be $3,383.42.

May we proceed with processing the credit or will there be any further changes that will have to be made to this project?

Thank you.

<< File: Z6606C Design May-June2014.xlsx >>

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Alimi, Mohammad
Sent: Monday, January 12, 2015 2:09 PM
To: Sholars, Briza
Cc: Kettler, William; Motta, Chris; Kooner, Harpreet; Pratt, Carol; Asprec, Lemuel
Subject: RE: EIR 6606 Riverbend

Briza,

As I stated before, Harpreet's charges in the report you sent earlier add up to 131 hours. We are changing some of the hours for the dates shown below to Traffic/Transportation Planning activity 4554 which would reduce her total number of hours by 40. Since these charges took place in the last FY, Business Office cannot make any changes to the report. However, Harpreet has checked with Carol Pratt and they can credit the applicant for these 40 hours.

Please let me know if you have any questions.

Thanks,

Mohammad

4/30/2014 - 4 hours

5/7/2014 – 4 hours

5/8/2014 – 4 hours

5/14/2014 - 4 hours

5/16/2014 - 2 hours

5/21/2014 - 4 hours

5/22/2014 - 4 hours

6/09/2014 - 4 hours

6/10/2014 – 3 hours

6/11/2014 – 4 hours

6/18/2014 - 3 hours

Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey at the following link. Your feedback is greatly appreciated. **Customer Service Survey.**

Mohammad H. Alimi, Ph.D., PE

Design Division Manager
Department of Public Works and Planning
County of Fresno

Fresno, CA 93721
Tel: (559) 600-4505
Fax: (559) 600-4548
malimi@co.fresno.ca.us

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From: Alimi, Mohammad
Sent: Friday, January 09, 2015 3:36 PM
To: Sholars, Briza
Cc: Kettler, William; Motta, Chris
Subject: RE: EIR 6606 Riverbend

Thanks Briza. We will look at this to make sure all the charges are coded properly. However, by taking a quick look at the financial report, it is apparent that the 197 hours is not just for Design and it includes Frank's hours. It seems Harpreet has charged about 130 hours or so, but as I said, we will look at to make sure it accurately reflects her time.

Thanks,

Mohammad

Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey at the following link. Your feedback is greatly appreciated. **Customer Service Survey.**

Mohammad H. Alimi, Ph.D., PE

Design Division Manager
Department of Public Works and Planning
County of Fresno
Fresno, CA 93721
Tel: (559) 600-4505
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From: Sholars, Briza
Sent: Friday, January 09, 2015 2:28 PM
To: Alimi, Mohammad
Cc: Kettler, William; Motta, Chris
Subject: FW: EIR 6606 Riverbend

Hi Mohammad,

Will asked that I send you this Project Cost Source Report, below, for your review.

Regards, Briza

From: Pratt, Carol
Sent: Friday, January 09, 2015 11:27 AM
To: Sholars, Briza
Cc: Asprec, Lemuel; Motta, Chris
Subject: EIR 6606 Riverbend

Hi Briza,

I have attached a project cost source report for 4510 staff charges to project number Z6606C through the pay period ending 10/26/14. This report reflects the detail for the 197 hours charged by Design and Maintenance.

I have also attached a copy of the recent letter that was sent out.

FYI - Mr. Lang would like to see the monthly charges so I will be producing letters for the period ending August and the period ending September. He wants to see the monthly change.

<< File: EIR6606 Roads Chgs thru 10-26-14.pdf >> << File: EIR6606Letter.pdf >>

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

EXHIBIT 43

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel (SPR 7946)
Date: Wednesday, July 15, 2015 1:53:00 PM
Attachments: Application Fresno County F-8Rvsd-20141110.docm

John,

Attached is County Application in Word format should you prefer to use for future applications.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 1:05 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I'm on the way. Should be there before 1:30

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 9:11 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

I may have to attend a meeting this afternoon sometime after 1:30 – time not definite, but email me regardless when you're on your way.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 7:43 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Printing not ready. Not till after lunch now. I'll email you when I'm on the way.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 7:07 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

No, just ask for me when you get in. Do you have an approximate time frame for SPR submittal?

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 5:10 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

Do I need to make an appointment to file the SPR application package?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
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Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 4:50 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

OK, Thank you

John C. Buada
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4872 N Arcade Ave
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Phone: 559-432-4902
Fax: 559-432-4097
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From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Tuesday, July 14, 2015 4:33 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

One hard copy of related documents will suffice, electronic copies (PDF) of documents submitted is the preference. If you have not made copies of plans yet, 5 copies of plans will be fine. I am trying to move away from hard copies and utilize electronic files for easier access.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 3:47 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I plan to file the SPR application for the Riverbend Sand and Gravel project (CUP 3390) tomorrow morning. I will provide 7 copies of the Site Plan sheets and a pdf file with the Site Plans and related documents. How many copies of the related documents do you need?

The application package includes the following:

- Completed application form
- SPR filing fee for $14,124 payable to the "County of Fresno"
- Deeds for the Riverbend properties
- Vehicle Statement
- Site Plan sheets incorporating approved mitigation measures and conditions of approval including:
  - Current Site Plan
  - Mine Plan
  - Reclamation Plan
- Mine and Reclamation Plan document approved with CUP 3390 as Operational Statement
- Mitigation Monitoring and Reporting Program and Condition Compliance Matrix

John C. Buada
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Sent: Monday, July 13, 2015 3:09 PM
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John,

SPR submittal information and fee schedule are attached for your reference.

Regards,

Hector E. Luna
Staff Analyst III
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Department of Public Works and Planning
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Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 44

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel (SPR 7946)
Date: Wednesday, July 15, 2015 2:12:00 PM

John,

Please send me PDF's of plans submitted at your earliest convenience.

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
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To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

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Staff Analyst III
Development Services Division
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To: 'Luna, Hector'
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John C. Buada
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4872 N Arcade Ave
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Phone: 559-432-4902
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John C. Buada
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4872 N Arcade Ave
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Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, July 13, 2015 2:55 PM
To: Luna, Hector
Subject: Riverbend Sand and Gravel SPR

Hector,

I'm working on the SPR application for the Riverbend Sand and Gravel project (CUP 3390). Could you please email me the SPR fee schedule and any other fees dues with the application?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 45

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel (SPR 7946)
Date: Friday, July 17, 2015 12:27:00 PM

Disregard previous email, I didn't see email with instructions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:51 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Some files have been sent to you via **Hightail** - the best way to send, share, and store your files. Try it now.

Download the file - CUP 3390 SMRP Riverbend S&G apprd 2-26-15.pdf; SPR Application Pkg filed 7-15-15.pdf

Your files will expire after 14 days or 500 downloads.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:31 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I am sending you the pdf of the plans and application docs by Hightail.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
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Phone: 559-432-4902
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From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 2:12 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

Please send me PDF's of plans submitted at your earliest convenience.

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
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2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 1:05 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I'm on the way. Should be there before 1:30

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
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Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 9:11 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

I may have to attend a meeting this afternoon sometime after 1:30 – time not definite, but email me regardless when you're on your way.

Regards,

Hector E. Luna
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Development Services Division
Department of Public Works and Planning
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Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 7:43 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Printing not ready. Not till after lunch now. I'll email you when I'm on the way.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
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Phone: 559-432-4902
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From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 7:07 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

No, just ask for me when you get in. Do you have an approximate time frame for SPR submittal?

Regards,

Hector E. Luna

Staff Analyst III
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Sent: Tuesday, July 14, 2015 5:10 PM
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Hector,

Do I need to make an appointment to file the SPR application package?

John C. Buada
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Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 4:50 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

OK, Thank you

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Feel free to contact me should you have any questions.

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From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 3:47 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I plan to file the SPR application for the Riverbend Sand and Gravel project (CUP 3390) tomorrow morning. I will provide 7 copies of the Site Plan sheets and a pdf file with the Site Plans and related documents. How many copies of the related documents do you need?

The application package includes the following:

- Completed application form
- SPR filing fee for $14,124 payable to the "County of Fresno"
- Deeds for the Riverbend properties
- Vehicle Statement
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  - Mine Plan
  - Reclamation Plan
- Mine and Reclamation Plan document approved with CUP 3390 as Operational Statement
- Mitigation Monitoring and Reporting Program and Condition Compliance Matrix

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From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, July 13, 2015 3:09 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

SPR submittal information and fee schedule are attached for your reference.

Regards,

Hector E. Luna
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Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 46

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel (SPR7946)
Date: Friday, July 17, 2015 12:26:00 PM

John,

Please advise when plans/documents are ready for downloading and provide instructions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
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Email: jcbuada@buada.com

EXHIBIT 47

MITIGATION MONITORING REIMBURSEMENT AGREEMENT (COUNTY STAFF TIME) FOR RIVERBEND SAND AND GRAVEL PROJECT

IN ACCORDANCE with California Public Resources Code Section 21081.6 and Section 15097 of Title 14 of the California Code of Regulations, which require a mitigation monitoring program, this reimbursement agreement ("Agreement") is entered into on the last date signed below ("Effective Date") between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel, LLC, a Limited Liability Company ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. Riverbend proposes to construct, operate and reclaim an aggregate mine, related processing, asphalt, ready mix concrete, and recycling plant on 619 acres of land located in the County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will occur on certain real property which is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. On February 26, 2015, pursuant to County Resolution No. 12492, subject to the conditions listed therein, the County Planning Commission ("Commission") certified an Environmental Impact Report for the Project (State Clearinghouse No. 2013071097), approving Unclassified Conditional Use Permit ("CUP") No. 3390 and adopting a Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan"). The Monitoring Plan is attached hereto as **Exhibit B** and incorporated herein by reference. The Commission approved a Reclamation Plan for the Project on February 26, 2015.

C. Reviewing and administering materials related to the Monitoring Plan will require the County to incur various costs and expenses, including staff time.

D. Condition of Approval 12 for CUP No. 3390 requires Riverbend to enter into an agreement with the County to provide funding to compensate for County staff time in reviewing and administering any materials related to the Monitoring Plan.

E. Condition of Approval No. 11 for CUP 3390 requires Riverbend to compensate the County to hire a consultant to serve as a Third Party Administrator (as defined below) to administer completion of the Conditions of Approval and Mitigation Measures listed in the Monitoring Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

1. **SCOPE OF AGREEMENT**. As required by Condition of Approval 12 for CUP No. 3390, Riverbend agrees to enter into this Agreement with the County to provide funding to compensate for County staff time in reviewing and administering any materials related to the Monitoring Plan, including those prepared by the Third Party Administrator of the Monitoring Plan per Condition of Approval 11. As required by Condition of Approval 12 for CUP 3390, Riverbend shall also reimburse the County for costs incurred by the County in compensating a third party contractor to serve as the Third Party Administrator ("Third Party Administrator") to monitor Riverbend's compliance with the Conditions of Approval and Mitigation Measures listed in the Monitoring Plan.

2. **REIMBURSEMENT OBLIGATION**. Riverbend shall reimburse the County for all reasonable costs incurred by the County in connection with staff time spent reviewing and administering any materials related to the Monitoring Plan, including those prepared by the Third Party Administrator ("Eligible Costs"). As used herein, "Third Party Administrator" means any consultant, contractor, or other third party whose work-product gives rise to a cost for the County, or who is hired by the Third Party Administrator, in connection with implementation of the Monitoring Plan. County staff time will be billed per the master schedule of fee rates for actual hours worked per job classification attached hereto as **Exhibit C**. Third Party Administrator costs will be billed in accordance with the consultant agreement and subject to a not-to-exceed maximum of $45,000.

3. **PAYMENT OF ELIGIBLE COSTS**. The County shall submit to Riverbend a copy of each invoice, bill, or other evidence or reasonable substantiation that the County has incurred Eligible Costs ("Invoice"). Each such Invoice shall be paid in full by Riverbend, without deduction or offset, within forty-five (45) calendar days of the date of receipt of the Invoice.

4. **BINDING EFFECT**. This Agreement shall be construed as a covenant running with the land and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors in interest.

5. **ATTORNEYS FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorneys fees and costs.

6. **WAIVERS**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

7. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement.

8. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation

and neither Party is to be deemed the Party which prepared this Agreement for the purposes of California Civil Code Section 1654.

9. **ENTIRE AGREEMENT**. This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein. This Agreement may be amended only by a written document signed by both Parties.

10. **RECORDATION**. Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office.

11. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

12. **NOTICES**. Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang, Project Manager
Riverbend Sand and Gravel, LLC
14962 E. Fantz Avenue
Parlier, CA 93648

To the County:

Will Kettler, Division Manager
Fresno County, Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

13. **ASSIGNMENT OF CLAIMS**. To the extent the County determines that it may have claims against the third party administrator in connection with the implementation of the Monitoring Plan, the County may, upon written request by Riverbend, assign such claims to Riverbend. As used herein, "third party administrator" means any consultant, contractor, or other third party whose work-product gives rise to a cost for the County, or who is hired by the third party administrator, in connection with implementation of the Monitoring Plan. As used herein, "claims" means any and all claims, potential claims, causes of action, and potential

causes of action for breach of contract and/or professional negligence, regardless of whether such claims or causes of action accrue prior to or after the effective date of this Agreement.

14. **COUNTERPARTS**. This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed the Agreement, or any counterpart thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:

_____ Date: 1-23-15
Herb Lang, Project Manager

For THE COUNTY:

_____ Date: _____

Approved as to form:

_____ Date: _____
County Counsel

Attest:

_____ Date: _____
Bernice Seidel, County Clerk

REVIEWED AND RECOMMENDED
FOR APPROVAL

BY:_____
Alan Weaver, Director
Department of Public Works and Planning

COUNTY OF FRESNO

By:_____
Deborah A. Poochigian, Chairman
Board of Supervisors

APPROVED AS TO LEGAL FORM
DANIEL C. CEDERBORG, COUNTY COUNSEL

BY:_____
DEPUTY

ATTEST: Bernice E. Seidel, Clerk
Board of Supervisors

By:_____
Deputy

APPROVED AS TO ACCOUNTING FORM
VICKI CROW, C.P.A.
AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

BY:_____
DEPUTY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of FRESNO)

On 07/23/15 (Date) before me, Chrystal L. Bailey, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Raymond Herbert Lang (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

CHRYSTAL L. BAILEY
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2090190
FRESNO COUNTY
My Comm. Exp. November 16, 2018

Signature Chrystal L. Bailey
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Mitigation Monitoring Assessment (County Staff Time) for Riverbend Sand and Gravel Project Document Date: 07/23/2015
Number of Pages: 4 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Raymond Herbert Lang	Signer's Name:
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☒ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing: Self	Signer Is Representing:

©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.55 FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

TABLE 1

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX
FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1**: A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2**: Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3**: The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3**: Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1**: The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions will be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups will be implemented. 3. Mixing drum vapors will be routed back to the dryer burner.	**AQ-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that	**AQ-2**: Compliance through annual County Mine Inspections. In addition, documentation demonstrating compliance with the identified off-road engine	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact AQ-3: Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?	meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	requirements shall be maintained on-site and provided to the County upon request.	
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? ***Impact AQ-3:*** Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing	**MM AQ-3**: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	**AQ-3**: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1**: 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At	**BIO-1**: Qualified biologist will conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist will conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2**: 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb	**BIO-2**: Qualified biologist will conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat	**MM BIO-3**: 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry	**BIO-3**: Qualified biologist will conduct pre-construction surveys for elderberry shrubs and oversee	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for	avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1**: Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-	**CPR-1**: Cultural site geographic coordinates will be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2**: The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2**: Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3**: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3**: Earthmoving activities shall cease and a qualified archaeologist will be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or	**MM CPR-4**: If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning	**CPR-4**: Earthmoving activities shall cease and a paleontologist will be retained to assess the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
site or unique geologic feature?	Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5**: In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6**: The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human remains.	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.		
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1**: To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid	**HWQ-1**: Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.		
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1**: The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers: a. When operating the mine and aggregates	**NO-1:** 1. Upon commencement of operation, dragline noise measurements will be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the event the measured ambient noise level exceeds the noise level standard, the standard	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residences 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence 10 along Riverbend Avenue, an 11-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence 13, the proposed 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that	shall be adjusted so as to equal the ambient noise level. Compliance will additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2**: The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.	**NO-2**: Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.	**NO-3**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Impact TRANS-2***:* Would the Project conflict with an applicable congestion management program,	**MM TRANS-1**: The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1**: The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2**: The Applicant will construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7: Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project will contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue <u>McCall Avenue</u> • SR 180 (Kings Canyon) and Jensen Avenue	**TRANS-3**: The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		• Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation will proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		associated with the Project.		Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal will be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation Administration; Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant will pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant Shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services Division.	Fresno County Dept. of Public Works & Planning Development Services Division
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the	If an amendment to the reclamation plan is required, and	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services Division
NOTES: The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the Project Applicant.				

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
1.	This Use Permit will become void, unless there has been substantial development within two years of the effective date of this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT C

MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
2201. Inspection Services						
a. Encroachment Inspection Fees						
1. Plan Review	$640.00 per set of plans	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
2. Plow-in" Excavation for Installation of Underground Facilities Located Off Pavement Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than 1,001 Linear Ft.	$125.00 each					
b) Above 1,000 Linear Ft.	$125.00 each + $2.38+/100 linear ft. over 100					
3. Trench type" Excavation for Pipelines, Duct Systems, Cables Located Off Pvmt. Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than or equal to 100 Linear Ft.	$125.00 each					
b) Above 100 Linear Ft.	$125.00 + $.21 linear ft. over 100					
4. All Excavations Within Pavement Area		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
a) Less than or equal to 100 Linear Ft.	$125.00 each					
b) Above 100 Linear Ft.	$125.00 + $.77 linear ft. over 100					
5. Excavation for Irrigation Pipeline crossing County Road	$125.00 per road crossing	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
6. Excavation for Sewer House & Water Laterals in Pavement Area	$125.00 per lateral	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
7. Tree Removal Permit	$0.00	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
8. Block Party	$0.00	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
9. Geophysical Survey	$111.00 per application	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
10 Parades	$77.00 per application	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
11 Traffic Control System	$95.00 per permit plus $25.00 per calendar day of detour/closure	Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
B. Snow Removal Permits						
1. Shaver Area	$537.00 per year					
2. Tamarack Area	$537.00 per year					
3. Huntington Area	$537.00 per year					
4. Hume Area	$537.00 per year					

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
C. Transportation Permits-Extra Legal Load						
1. Blanket Permit	$27.00 per year					
2. Special Trips	$16.00 per trip					
3. Variance	$24.00 per trip					
4. Holder of Annual Permit	$6.00 per trip					
(CONTINUED)						
2203. County Surveyor Services						
A. Road--Abandonments (On-System, Maintained Roads)		Board of Supervisors	2007-08	07/05/07	100%	Ord. #07-024
1. Feasibility Study	$300.00					
2. General Vacation	$2,720.00					
3. Summary Vacation	$1,559.00					
B. Road--Abandonments (Off-System, Non-Maintained Roads)						
1. Feasibility Study	$300.00					
2. General Vacation	$2,720.00					
3. Summary Vacation	$1,559.00					
2204. Road Improvement Permits		Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
A. Improvement Application Fees						
1. Plan Review	$1,300.00 per set of plans					
2. Concrete Curbs/Gutters	$275.00 plus $0.77/linear-foot					
3. Sidewalks	$10.00 plus $0.105/square-foot					
4. Asphalt Concrete (HMA) Approach/ Frontage	$275.00 plus $1.15/square-yard					
5. Concrete Approach	$275.00 plus $0.23/square-foot					
6. Asphalt Concrete (HMA) Pavement	$275.00 plus $1.15/square-yard					
7. Other Rd. Impvmt. Facilities	$275.00 plus 6% of Engineer's Estimate					
2205. Miscellaneous Fees		Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
A. Access to Super Arterial Highway						
1. Application	$1,193.00 each					
2. Refund--Application Denied/Withdrn.	$200.00 each					
B. Miscellaneous Permits-Admin. Only	$68.00 each					
C. Speed Hump Study	$320.00 each					
D. Labor, Equipment, Material and Penalties						
1. Labor, Equipment and Material	Actual Cost plus 15%					
2. Penalties for unauthorized work	Double the Plan Review Fee Permit Fee & Labor, Equipment & Material charge					

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
E. Extra Encroachment Plan Review	$54.00 per review above first 2 reviews	Board of Supervisors	2007-08	01/01/08	100%	Ord. #07-048
F. Extra Improvement Plan Review	$232.00 per review above first 2 reviews					
G. Permit Re-Inspection (Not Ready)	$25.00 each					
H. Permit Extra-inspect. (above 2 per permit)	$25.00 each					
I. Right of Way/Traffic Control Permission Fee	$288.00 each	Board of Supervisors	2007-08	01/04/2008	100%	Ord. # 07-048
2205. Drainage Costs and Fees	Local drainage fees required by Chapter 17.64 of Title 17 of the Fresno County Ordinance Code are calculated in accordance with a schedule of per gross acre fees. The fee applicable to any parcel of land or division shall be the product of the gross acreage of the parcel or division multiplied by the rate or rates per gross acre applicable to the land use district, local drainage area and local drainage area zone within which the parcel or division is located. The per gross acre rates and estimated total cost of the planned local drainage facilities are set forth on a separate schedule. Copies of that schedule are kept and maintained in the offices of the County Public Works Department, County Auditor-Controller/ Treasurer-Tax Collector, and Clerk to the Board of Supervisors.					
2207. Capitol Projects						
Capital Projects Div. Manager	132.63/hr	Board of Supervisors	2011-12	07/05/2012	100%	Ord. # 12-009
Architect	110.63/hr					
Staff Analyst III	84.69/hr					
Secetary IV	43.69/hr					
Engineering Technician I	52.18/hr					
Engineering Technician II	57.64/hr					
Sr. Engineering Technician	65.24/hr					
Engineer II	71.77/hr					
Engineer III	79.86/hr					
Sr. Engineer	88.35/hr					
Supervising Engineer	96.48/hr					
Sr. Staff Analyst	69.71/hr					
Field Survey Supervisor	64.27/hr					
PW Division Engineer	101.01/hr					
Chief of Field Survey	84.22/hr					
Associate Real Property Agent	60.73/hr					
Sr. Real Property Agent	74.04/hr					
Capital Projects Div. Manager	139.87/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Architect	118.61/hr					
Staff Analyst III	89.65/hr					
Secetary III	44.39/hr					
Secetary IV	44.63/hr					
Engineering Technician I	48.28/hr					
Engineering Technician II	65.62/hr					
Sr. Engineering Technician	74.28/hr					
Engineer I	54.33/hr					
Engineer II	81.92/hr					
Engineer III	90.96/hr					
Sr. Engineer	102.25/hr					
Supervising Engineer	111.74/hr					
Staff Analyst II	58.43/hr					
Staff Analyst III-Roads	75.45/hr					
Sr. Staff Analyst	82.32/hr					

SECTION 2200 -- PUBLIC WORKS

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
Field Survey Supervisor	74.49/hr					
PW Division Engineer	122.26/hr					
Chief of Field Survey	97.54/hr					
Associate Real Property Agent	70.43/hr					
2208. Admin Services - Resources						
Principal Staff Analyst	70.01/hr	Board of Supervisors	2011-12	07/05/2012	100%	Ord. # 12-009
Staff Analyst I	44.33/hr					
Staff Analyst II	54.35/hr					
Staff Analyst III	63.10/hr					
Office Assistant II	29.51/hr					
Office Assistant III	35.51/hr					
Program Technician I	33.56/hr					
Program Technician II	44.56/hr					
Resource Manager	98.45/hr					
Principal Staff Analyst	87.45/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Staff Analyst I	49.64/hr					
Staff Analyst II	58.57/hr					
Staff Analyst III	73.01/hr					
Office Assistant II	30.69/hr					
Office Assistant III	40.44/hr					
Program Technician I	39.36/hr					
Program Technician II	52.34/hr					
Engineering Technician I	47.29/hr					
Engineering Technician II	63.19/hr					
Senior Engineer	101.33/hr					
Resource Manager	111.20/hr					
2209. Development Services						
Planner I	46.43/hr	Board of Supervisors	2013-14	11/07/2013	100%	Ord. # 13-019
Planner II	58.12/hr					
Planner III	66.28/hr					
Senior Planner	80.52/hr					
Principal Planner	87.95/hr					
Secretary IV	45.27/hr					
Office Assistant I	25.01/hr					
Development Services Manager	93.72/hr					
Planner I	50.06/hr	Board of Supervisors	2014-15	07/01/2014	100%	Ord. # 14-006
Planner II	64.55/hr					
Planner III	75.42/hr					
Senior Planner	91.55/hr					
Principal Planner	98.63/hr					
Secretary IV	49.05/hr					
Office Assistant I	26.62/hr					
Development Services Manager	109.48/hr					

EXHIBIT 48

From: Pratt, Carol
To: Alimi, Mohammad; Palacios, Robert
Cc: Asprec, Lemuel; Juarez, Jacqueline; Sholars, Briza
Subject: EIR 6606 Riverbend Sand and Gravel
Date: Thursday, July 23, 2015 4:08:01 PM
Attachments: EIR6606RoadsChgs.pdf

Good Afternoon Mohammad and Bob,

I received a call from Herb Lang today regarding his EIR #6606 Riverbend Sand and Gravel project. He was very concerned and unhappy about the number of hours Design Division and Maintenance Division was charging to his project. Although we had reversed Harpreet Kooner's time from this project (40 hours from April and May 2014) he is still concerned about the hours charged after July 2014. He wanted to know exactly what your staff was doing for his project as the work was signed off in July 2014.

I have attached a project cost source report for project number Z6606C. There has been a total of 68.5 hours charged by Design and Maintenance since October 2014.

I would appreciate it if one of you could give Mr. Lang a call to explain the work that was performed by your staff. His cell number is 978-0846. His office number is 875-6565.

Please let me know if you have any questions or need additional information.

Thank you for your assistance.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

EXHIBIT 49

Fresno County
Department of Public Works & Planning
Cost Accounting Management System
Project Cost Source Report

Detail Report by Project (W/ Lead Elmnts), Month, Source Type
Run Date: 07/23/2015 09:49:28am By: CSP
Fiscal Year: 2016, 2015, 2014, 2013

Selection Criteria

Select Project
4510-0000-Z6606C

4510 (Project (W/ Lead Elmnts)) BUDGET UNIT: PUBLIC WORKS-ROADS
0000 DIVISION:
Z6606C PROJECT NO: EIR #6606 - RIVERBEND SAND AND GRAVEL
2013 (FY 2014) DEC December
LBR Labor

Date	Employee	Name	Division	Activity	Description	Reg Rate	Ot Rate	Reg Hrs	Ot Hrs	Amount	Admin Surchg	Total Charge
11/25/2013	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	76.67	62.79	2.00	0.00	153.35	15.34	168.69
**** LBR Subtotal***								***2.00***	***0.00***	***153.35***	***15.34***	***168.69***
***** 2013 (FY 2014) DEC Subtotal***								***2.00***	***0.00***	***153.35***	***15.34***	***168.69***

2014 (FY 2014) FEB February
EQP Equipment

Date	Employee	Name	Division	Activity	Description	Equipment No	Units	Rate		Amount	Admin Surchg	Total Charge
01/31/2014	013105	KOONER, HARPREET K.	4513	4554	08 DODGE AVENGER	81325	110.00	0.61		67.10	0.00	67.10
**** EQP Subtotal***							***0.00***			***67.10***	***0.00***	***67.10***

LBR Labor

Date	Employee	Name	Division	Activity	Description	Reg Rate	Ot Rate	Reg Hrs	Ot Hrs	Amount	Admin Surchg	Total Charge
01/31/2014	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	76.90	62.98	8.00	0.00	615.17	61.52	676.69
**** LBR Subtotal***								***8.00***	***0.00***	***615.17***	***61.52***	***676.69***
***** 2014 (FY 2014) FEB Subtotal***								***8.00***	***0.00***	***682.27***	***61.52***	***743.79***

2014 (FY 2014) MAR March
LBR Labor

02/26/2014	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	76.90	62.98	1.00	0.00	76.90	7.69	84.59
02/26/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
02/27/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
02/28/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.07	330.90
03/04/2014	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	76.90	62.98	2.00	0.00	153.79	15.38	169.17
03/04/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
**** LBR Subtotal***								***11.00***	***0.00***	***1,032.90***	***103.29***	***1,136.19***
***** 2014 (FY 2014) MAR Subtotal***								***11.00***	***0.00***	***1,032.90***	***103.29***	***1,136.19***

2014 (FY 2014) APR April
LBR Labor

04/09/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	6.00	0.00	461.38	46.14	507.52
04/10/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	6.00	0.00	461.38	46.14	507.52
04/11/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	6.00	0.00	461.38	46.13	507.51
04/08/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
04/09/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
04/09/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	-6.00	0.00	-461.38	-46.14	-507.52
04/10/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	-6.00	0.00	-461.38	-46.14	-507.52
04/11/2014	013105	KOONER, HARPREET K.	4513	4662	Plan Prep - Engineering - Labor	76.90	62.98	-6.00	0.00	-461.38	-46.13	-507.51
04/25/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	6.00	0.00	461.38	46.14	507.52
04/24/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
04/18/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
04/21/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	7.00	0.00	538.27	53.83	592.10
04/22/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.51	676.68
04/23/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.08	330.91
04/24/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	4.00	0.00	401.10	40.11	441.21
04/18/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	-8.00	0.00	-615.17	-61.52	-676.69
04/21/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	-7.00	0.00	-538.27	-53.83	-592.10
04/22/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	-8.00	0.00	-615.17	-61.52	-676.69
04/24/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	-8.00	0.00	-615.17	-61.52	-676.69
04/25/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	-6.00	0.00	-461.38	-46.13	-507.51
**** LBR Subtotal***								***9.00***	***0.00***	***902.49***	***90.25***	***992.74***
***** 2014 (FY 2014) APR Subtotal***								***9.00***	***0.00***	***902.49***	***90.25***	***992.74***

2014 (FY 2014) MAY May
LBR Labor

05/02/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.76	338.34
05/01/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	3.50	0.00	269.14	26.91	296.05
04/30/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
05/05/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	3.00	0.00	230.69	23.07	253.76
05/07/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
05/08/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
05/09/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	2.00	0.00	153.79	15.38	169.17
05/06/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.75	338.33
04/29/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.08	330.91
04/30/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
05/02/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.08	330.91
05/05/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
05/06/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
05/07/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.08	330.91
05/08/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	3.00	0.00	300.83	30.08	330.91
05/09/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
05/14/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
05/15/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	3.50	0.00	269.14	26.91	296.05
05/16/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.76	338.34
05/19/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	3.00	0.00	230.69	23.07	253.76
05/20/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.76	338.34
05/21/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69

4510 (Project (W/ Lead Elmnts)) BUDGET UNIT: PUBLIC WORKS-ROADS
0000 DIVISION:
Z6606C PROJECT NO: EIR #6606 - RIVERBEND SAND AND GRAVEL
2014 (FY 2014) MAY May
LBR Labor

Date	Employee	Name	Division	Activity	Description	Reg Rate	Ot Rate	Reg Hrs	Ot Hrs	Amount	Admin Surchg	Total Charge
05/22/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.52	676.69
05/23/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	2.00	0.00	153.79	15.37	169.16
05/13/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
05/14/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
05/19/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
05/20/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.04	220.59
***** LBR Subtotal**								**107.00**	**0.00**	**8,835.76**	**883.58**	**9,719.34**
****** 2014 (FY 2014) MAY Subtotal**								**107.00**	**0.00**	**8,835.76**	**883.58**	**9,719.34**
2014 (FY 2014) JUN June												
LBR Labor												
06/05/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.76	338.34
06/03/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
06/02/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	2.00	0.00	200.55	20.06	220.61
06/04/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.02	110.30
06/17/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	2.00	0.00	153.79	15.38	169.17
06/18/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	7.00	0.00	538.27	53.83	592.10
06/09/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	4.00	0.00	307.58	30.76	338.34
06/10/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	6.00	0.00	461.38	46.14	507.52
06/11/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	76.90	62.98	8.00	0.00	615.17	61.51	676.68
06/18/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	1.00	0.00	100.28	10.03	110.31
06/20/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	100.28	72.79	5.00	0.00	501.38	50.14	551.52
***** LBR Subtotal**								**41.00**	**0.00**	**3,386.54**	**338.66**	**3,725.20**
****** 2014 (FY 2014) JUN Subtotal**								**41.00**	**0.00**	**3,386.54**	**338.66**	**3,725.20**
2014 (FY 2015) JUL July												
LBR Labor												
06/27/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	83.48	62.98	1.00	0.00	83.48	8.35	91.83
07/03/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	83.48	62.98	2.00	0.00	166.96	16.70	183.66
07/02/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	83.48	62.98	2.00	0.00	166.96	16.70	183.66
06/30/2014	013105	KOONER, HARPREET K.	4513	4576	Traffic Engineering Studies - Labor	83.48	62.98	1.00	0.00	83.48	8.34	91.82
06/30/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	102.91	72.79	3.00	0.00	308.72	30.87	339.59
06/23/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	102.91	72.79	2.00	0.00	205.82	20.58	226.40
06/26/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	102.91	72.79	2.00	0.00	205.82	20.58	226.40
07/02/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	102.91	72.79	4.00	0.00	411.63	41.17	452.80
***** LBR Subtotal**								**17.00**	**0.00**	**1,632.87**	**163.29**	**1,796.16**
****** 2014 (FY 2015) JUL Subtotal**								**17.00**	**0.00**	**1,632.87**	**163.29**	**1,796.16**
2014 (FY 2015) OCT October												
LBR Labor												
10/13/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	104.85	74.23	1.00	0.00	104.85	10.49	115.34
10/14/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	104.85	74.23	1.00	0.00	104.85	10.48	115.33
***** LBR Subtotal**								**2.00**	**0.00**	**209.70**	**20.97**	**230.67**
****** 2014 (FY 2015) OCT Subtotal**								**2.00**	**0.00**	**209.70**	**20.97**	**230.67**
2015 (FY 2015) JAN January												
LBR Labor												
12/30/2014	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
01/06/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
01/07/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	2.00	0.00	215.98	21.60	237.58
01/08/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	3.00	0.00	323.97	32.40	356.37
01/09/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.50	0.00	161.98	16.20	178.18
01/12/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	3.00	0.00	323.97	32.40	356.37
01/13/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.79	118.78
***** LBR Subtotal**								**12.50**	**0.00**	**1,349.87**	**134.99**	**1,484.86**
****** 2015 (FY 2015) JAN Subtotal**								**12.50**	**0.00**	**1,349.87**	**134.99**	**1,484.86**
2015 (FY 2015) FEB February												
LBR Labor												
01/21/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
02/13/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
***** LBR Subtotal**								**2.00**	**0.00**	**215.98**	**21.60**	**237.58**
****** 2015 (FY 2015) FEB Subtotal**								**2.00**	**0.00**	**215.98**	**21.60**	**237.58**
2015 (FY 2015) MAR March												
LBR Labor												
02/24/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	1.00	0.00	104.16	10.42	114.58
02/26/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	5.00	0.00	520.78	52.08	572.86
02/19/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	1.00	0.00	104.16	10.42	114.58
02/24/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	2.00	0.00	166.96	16.70	183.66
02/26/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	6.00	0.00	500.89	50.09	550.98
02/25/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	2.00	0.00	166.96	16.68	183.64
02/23/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	2.00	0.00	215.98	21.60	237.58
02/24/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	4.00	0.00	431.96	43.20	475.16
02/25/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	2.00	0.00	215.98	21.60	237.58
02/26/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	6.00	0.00	647.93	64.79	712.72
03/05/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	2.00	0.00	166.96	16.70	183.66
03/09/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	1.50	0.00	125.22	12.52	137.74

4510 (Project (W/ Lead Elmnts)) BUDGET UNIT: PUBLIC WORKS-ROADS
0000 DIVISION:
Z6606C PROJECT NO: EIR #6606 - RIVERBEND SAND AND GRAVEL
2015 (FY 2015) MAR March
LBR Labor

Date	Employee	Name	Division	Activity	Description	Reg Rate	Ot Rate	Reg Hrs	Ot Hrs	Amount	Admin Surchg	Total Charge
03/09/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	2.00	0.00	208.31	20.83	229.14
03/05/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	1.00	0.00	104.16	10.42	114.58
03/03/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
03/06/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	3.00	0.00	323.97	32.40	356.37
03/05/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	2.00	0.00	215.98	21.60	237.58
03/09/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	2.00	0.00	215.98	21.59	237.57
**** LBR Subtotal***								***45.50***	***0.00***	***4,544.33***	***454.44***	***4,998.77***
***** 2015 (FY 2015) MAR Subtotal***								***45.50***	***0.00***	***4,544.33***	***454.44***	***4,998.77***

2015 (FY 2015) APR April
EQP Equipment

Date	Employee	Name	Division	Activity	Description	Equipment No	Units	Rate		Amount	Admin Surchg	Total Charge
04/21/2015	012218	FINDLEY, DARREN NEIL	4512	4676	2008 DODGE AVENGER	81328	26.00	0.60		15.60	0.00	15.60
**** EQP Subtotal***							***0.00***			***15.60***	***0.00***	***15.60***

LBR Labor

Date	Employee	Name	Division	Activity	Description	Reg Rate	Ot Rate	Reg Hrs	Ot Hrs	Amount	Admin Surchg	Total Charge
04/21/2015	012218	FINDLEY, DARREN NEIL	4512	4676	Utility Relocation Coordination - L	69.12	51.51	1.50	0.00	103.68	10.37	114.05
04/21/2015	013105	KOONER, HARPREET K.	4513	4554	Traffic/Transportation Planning - L	83.48	62.98	1.50	0.00	125.22	12.52	137.74
04/22/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
**** LBR Subtotal***								***4.00***	***0.00***	***336.89***	***33.69***	***370.58***
***** 2015 (FY 2015) APR Subtotal***								***4.00***	***0.00***	***352.49***	***33.69***	***386.18***

2015 (FY 2015) MAY May
LBR Labor

05/18/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	1.00	0.00	104.16	10.42	114.58
05/19/2015	017775	ALIMI, MOHAMMAD H.	4513	4554	Traffic/Transportation Planning - L	104.16	77.25	1.00	0.00	104.16	10.41	114.57
05/18/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
05/19/2015	016675	DANIELE, FRANK	4514	4554	Traffic/Transportation Planning - L	107.99	76.56	1.00	0.00	107.99	10.80	118.79
**** LBR Subtotal***								***4.00***	***0.00***	***424.30***	***42.43***	***466.73***
***** 2015 (FY 2015) MAY Subtotal***								***4.00***	***0.00***	***424.30***	***42.43***	***466.73***
****** Z6606C Subtotal***								***265.00***	***0.00***	***23,722.85***	***2,364.05***	***26,086.90***
******* 0000 Subtotal***								***265.00***	***0.00***	***23,722.85***	***2,364.05***	***26,086.90***
******** 4510 Subtotal***								***265.00***	***0.00***	***23,722.85***	***2,364.05***	***26,086.90***

********* Grand Total***								***265.00***	***0.00***	***23,722.85***	***2,364.05***	***26,086.90***

EXHIBIT 50

From:	Pratt, Carol
To:	Alimi, Mohammad
Cc:	Asprec, Lemuel; Juarez, Jacqueline; Sholars, Briza; Kooner, Harpreet; Palacios, Robert
Subject:	RE: EIR 6606 Riverbend Sand and Gravel
Date:	Thursday, July 23, 2015 4:59:36 PM

Thank you very much Mohammad. I appreciate it.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Alimi, Mohammad
Sent: Thursday, July 23, 2015 4:21 PM
To: Pratt, Carol; Palacios, Robert
Cc: Asprec, Lemuel; Juarez, Jacqueline; Sholars, Briza; Kooner, Harpreet
Subject: RE: EIR 6606 Riverbend Sand and Gravel

Carol,

The project did not go to the Planning Commission till February 2016 and to our Board till May 2015. The staff were working on the CUP till it was approved and that's what these charges are for. I will call Mr. Lang and explain these charges.

Thanks,

Mohammad

Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey at the following link. Your feedback is greatly appreciated. **Customer Service Survey.**

Mohammad H. Alimi, Ph.D., PE

Design Division Manager
Department of Public Works and Planning
County of Fresno
Fresno, CA 93721
Tel: (559) 600-4505
Fax: (559) 600-4548
malimi@co.fresno.ca.us

Please consider the environment before printing this e-mail

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From: Pratt, Carol
Sent: Thursday, July 23, 2015 4:08 PM
To: Alimi, Mohammad; Palacios, Robert
Cc: Asprec, Lemuel; Juarez, Jacqueline; Sholars, Briza
Subject: EIR 6606 Riverbend Sand and Gravel

Good Afternoon Mohammad and Bob,

I received a call from Herb Lang today regarding his EIR #6606 Riverbend Sand and Gravel project. He was very concerned and unhappy about the number of hours Design Division and Maintenance Division was charging to his project. Although we had reversed Harpreet Kooner's time from this project (40 hours from April and May 2014) he is still concerned about the hours charged after July 2014. He wanted to know exactly what your staff was doing for his project as the work was signed off in July 2014.

I have attached a project cost source report for project number Z6606C. There has been a total of 68.5 hours charged by Design and Maintenance since October 2014.

I would appreciate it if one of you could give Mr. Lang a call to explain the work that was performed by your staff. His cell number is 978-0846. His office number is 875-6565.

Please let me know if you have any questions or need additional information.

Thank you for your assistance.

<< File: EIR6606RoadsChgs.pdf >>

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

EXHIBIT 51

From:	Luna, Hector
To:	rhoelzel@krcd.org
Subject:	FW: SPR 7946 eRoute - Riverbend Sand & Gravel (CUP 3390)
Date:	Thursday, July 23, 2015 9:37:00 AM
Attachments:	SPR 7946 eRoute.pdf

From: Luna, Hector
Sent: Thursday, July 23, 2015 9:09 AM
To: centralvalleyfresno@waterboards.ca.gov; CEQA (ceqa@valleyair.org); Dave Padilla; Gardner, Janet; Jennifer Bryan-Sanchez; Lichti, Betsy@Waterboards (Betsy.Lichti@waterboards.ca.gov); Steve Stadler; Tsuda, Kevin (KTsuda@co.fresno.ca.us); Watkins, Eric; Ritschel, Dana R.; Daniele, Frank
Cc: Parks, Jennifer
Subject: SPR 7946 eRoute - Riverbend Sand & Gravel (CUP 3390)

Good morning,

Please review attached SPR submittal and comment accordingly.

Note:
This SPR is a condition CUP 3390 approved by the Planning Commission on February 26, 2015; to review the PC staff report select the following link: http://www.co.fresno.ca.us/viewdocument.aspx?id=62985

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 52

County of Fresno
Department of Public Works and Planning
Development Services Division
Site Plan Review

Application Processing Routing Work Sheet

Date: 07/23/15 S.P.R. No: 7946

Please Comment and Return by: 08/17/2015
(Note: If this Department does not receive comments from you by the due date, we will assume you have none.)

EHD: _____ Fire Dist:_____ Dev Engineering _____ RM&O:_____ SJVAPCD:_____
Caltrans:_____ RWQCB:_____ SWRCB:_____ KRCD:_____

Applicant:	Herb Lang, Running Luck Ranch, LLC (John Buada)
Site Location:	14684 E. Goodfellow Ave.
Proposed Use:	Mining & Processing of sand & gravel to include a processing plant, ready-mix concrete plant and an asphalt plant all authorized by CUP 3390
Related Applications:	CUP 3390
Zoning District:	AE-20 (Exclusive Agriculture)
A.P.N:	333-160-01; 332-071-52 & 53; 350-041-12; 360-020-20; 333-061-04 & 05
Section:	25 &26
Township:	14 South
Range:	21 East
	1-15S/22E; 19, 30 & 31 - 14S/23E

Sphere of Influence : None

Fire Department: Fresno County Fire

Utilities Available:
Water Yes ☒/ No☐ Sewer Yes☒ / No☐
Agency: Individual / Individual

F.M.F.C.D.: Outside: District:

Flood Prone Area: No Zone:

School District: Sanger Unified

If you have any questions or require any further assistance please feel free to contact Hector Luna at (559) 600-4216 or email @ hluna@co.fresno.ca.us

Fresno County Department of Public Works and Planning

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497

APPLICATION FOR:

- ☐ Amendment Application
- ☐ Amendment to Text
- ☐ Conditional Use Permit
- ☐ Director Review and Approval
- X Site Plan Review/Occupancy Permit
- ☐ Variance/Minor Variance
- ☐ No Shoot/Dog Leash Law Boundary
- ☐ Other _____
- ☐ ALCC/RLCC
- ☐ Pre-Application (Check Type)
  - ☐ General Plan Amendment
  - ☐ Specific Plan Amendment
  - ☐ Specific Plan
- ☐ Determination of Merger
- ☐ Agreements

DESCRIPTION OF PROPOSED USE OR REQUEST:

Mining and processing of sand and gravel to include a processing plant, ready-mix concrete plant, and an asphalt plant all authorized by CUP 3390

PLEASE TYPE OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements and deeds as specified on the Pre-Application Review.

LOCATION OF PROPERTY: North and South of E Goodfellow Ave between Riverbend Ave and Kings River

333-160-01, 332-071-52 & 53
350-041-12, 360-020-20

Street address 14684 E Goodfellow Ave

APN 333-061-04 & 05 Parcel size 833 ac Sec-Twp / Rg. 25 & 26 -14/21, 1 - 15/22 19, 30 & 31 14/23

LEGAL DESCRIPTION: (Attach Copy of Deed)

I, John C. Buada (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type)	Address	City	Zip	Phone
Vern Olsen, Running Luck Ranch, LLC	14962 E Fantz	Parlier, CA	93648	559-875-9199
Herb Lang, Riverbend Sand and Gravel, LLC	14962 E Fantz	Parlier, CA	93648	559-875-6565
Applicant (Print or Type)	**Address**	**City**	**Zip**	**Phone**
John C. Buada, Buada Associates, Inc.	4872 N Arcade Ave	Fresno, CA	93704	559-432-4902
R				Phone

OFFICE USE ONLY

Application Type / No.:	SPR7946	Fee: 12,306	PLU	
Application Type / No.:		Fee:	PLU	
Application Type / No.:		Fee:	PLU	
Application Type / No.:		Fee:	PLU	
Initial Study No.:		Fee:	PLU	
Environmental Review:		Fee:	PLU	
Health Department Review:		Fee: 1,818	PLU	
Received by:	HEL	14,124		

This permit is sought under Ordinance Section: _____

Related applications: CUP3390

Drafting verification: Zone District: AE-20

APN# _____ - _____ - _____

APN# _____ - _____ - _____

APN# _____ - _____ - _____

Sec. Twp. Rg. _____ - _____ / _____

Parcel Size _____

WHEN VALIDATED
THIS APPLICATION IS YOUR RECEIPT

GREEN – DEPARTMENT COPY WHITE – APPLICANT COPY CANARY

F-8 (R08-09)

EMPLOYEE AND VEHICLE STATEMENT FOR SITE PLAN REVIEW

RIVERBEND SAND AND GRAVEL

TOTAL NUMBER PRESENTLY EMPLOYED	0
NUMBER OF EMPLOYEES TO BE ADDED	36
NUMBER OF SALESPERSONS (Outside)	2
TOTAL NUMBER OF TRUCKS AND/OR OTHER COMPANY VEHICLES PRESENTLY USED	0
NUMBER OF TRUCKS AND/OR COMPANY VEHICLES TO BE ADDED	18 (ready-mix trucks)

_____

SIGNATURE OF OWNER

OR

_____

SIGNATURE OF AUTHORIZED REPRESENTATIVE AND TITLE OF INDIVIDUAL

Representative
Riverbend Sand and Gravel, LLC

SURFACE MINING AND RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL PROJECT

1.0 PROJECT INFORMATION

1.1 Purpose and Scope

This application is submitted in accordance with the Regulations for Surface Mining and Reclamation in All Districts, Section 858 of the Fresno County Zoning Ordinance (FCZO), the Surface Mining and Reclamation Act (SMARA), and associated SMARA regulations adopted by the State Mining and Geology Board (SMGB) (CCR Sections 3500-3800).

Riverbend Sand and Gravel, LLC (Riverbend) is applying for a Conditional Use Permit (CUP) to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. The proposed Project Site, located approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E and includes approximately 619 acres of an approximately 833 acre site located immediately east and north of the Kings River (Exhibits A and B). The remaining 214 acres of the property, including all the existing riparian habitat along the Kings River, are excluded from the project. The project site is relatively flat and is currently in orchards and vineyards. The Hanke Ditch is piped and runs through the eastern portion of the project site north of Goodfellow Avenue and is an open ditch along the east side of the project site south of Goodfellow Avenue.

Mining is anticipated to occur to a depth of approximately 100 feet below natural ground surface. A “wet mining” method is proposed utilizing an electric dragline that does not require dewatering of the excavation. The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue with an anticipated annual process rate of 1.6 million tons and proposed annual sales of approximately 1.25 million tons. The processed material will be used by a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. Access to the project site is proposed from Goodfellow Avenue approximately 1/2 mile west of Riverbend Avenue. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 at sales of 1.25 million tons. Operations are expected be on-going for at least 75 years.

1.2 Names and Address of the Operator

Operator: Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734
(559) 875-6565

Site Address: 14684 E Goodfellow Avenue
Sanger, CA 93657-9551

Riverbend

LOCATION MAP

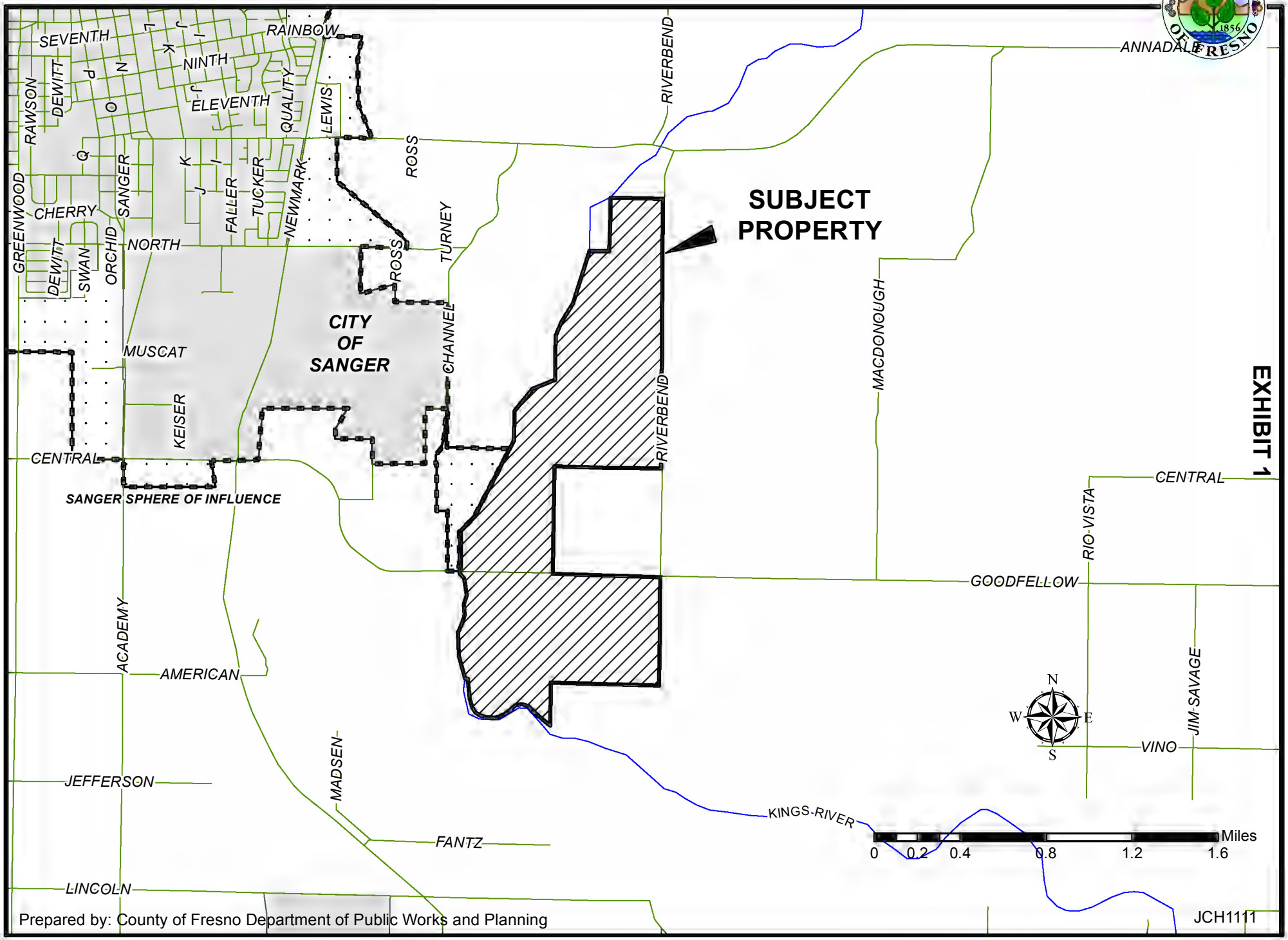
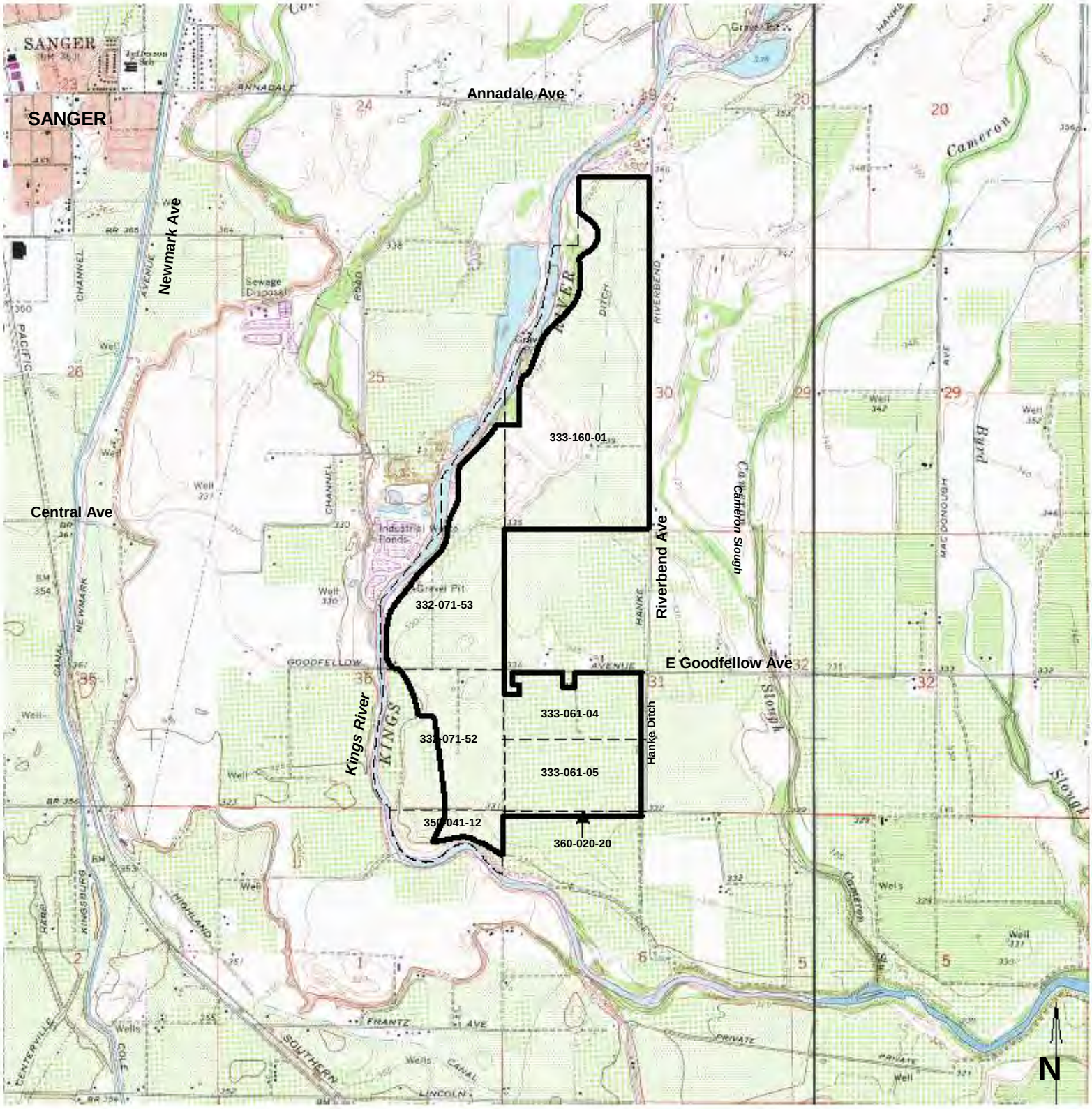


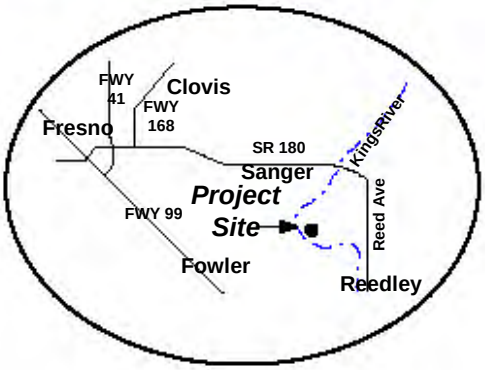
EXHIBIT 1

Prepared by: County of Fresno Department of Public Works and Planning

JCH1111



Source: USGS 7.5" Quad - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 350-041-12 Assessors Parcel No.

Riverbend Sand and Gravel

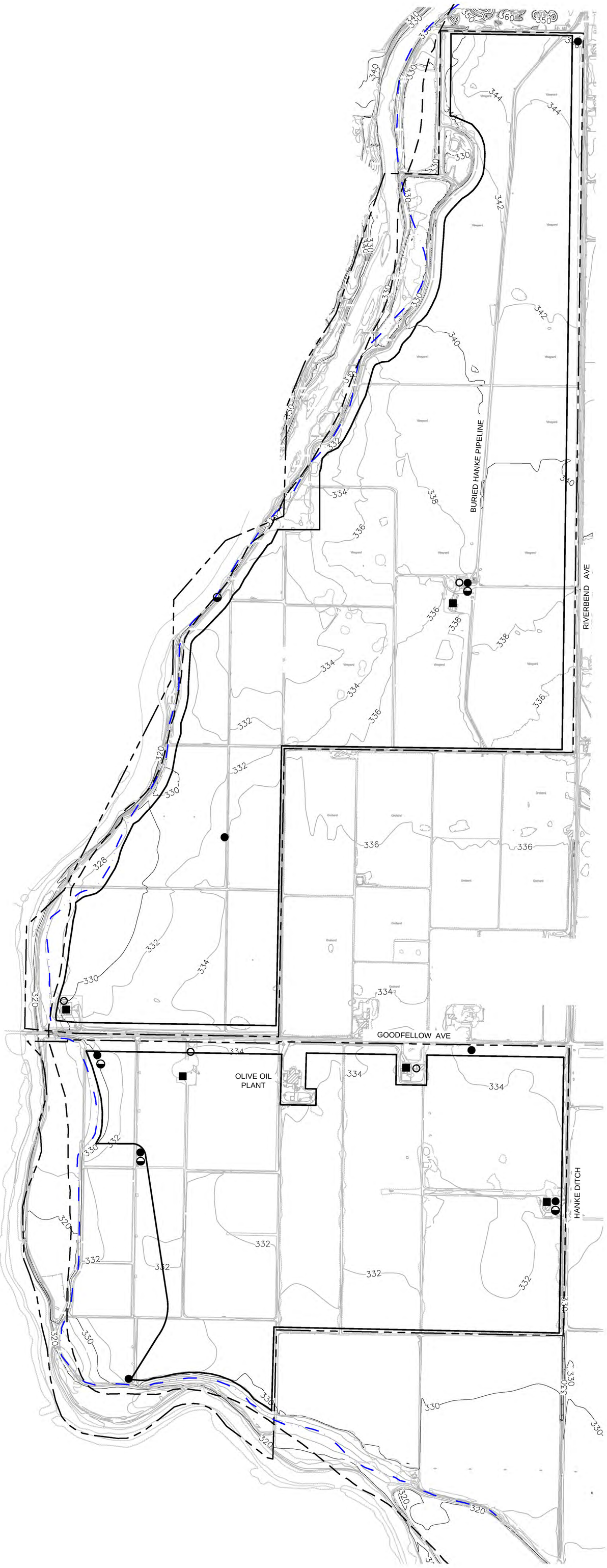
Exhibit A

Location Map



Aerial Source: Google Maps 2013

Riverbend Sand and Gravel
Exhibit B
Vicinity and Land Use Map



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- FEMA REGULATORY FLOODWAY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTES:

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011.

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

RIVERBEND SAND AND GRAVEL
14692 E. Fantz Ave.
Parlier, CA 93648
559-875-6565

SITE PLAN REVIEW – SHEET 1 OF 3

CURRENT SITE PLAN

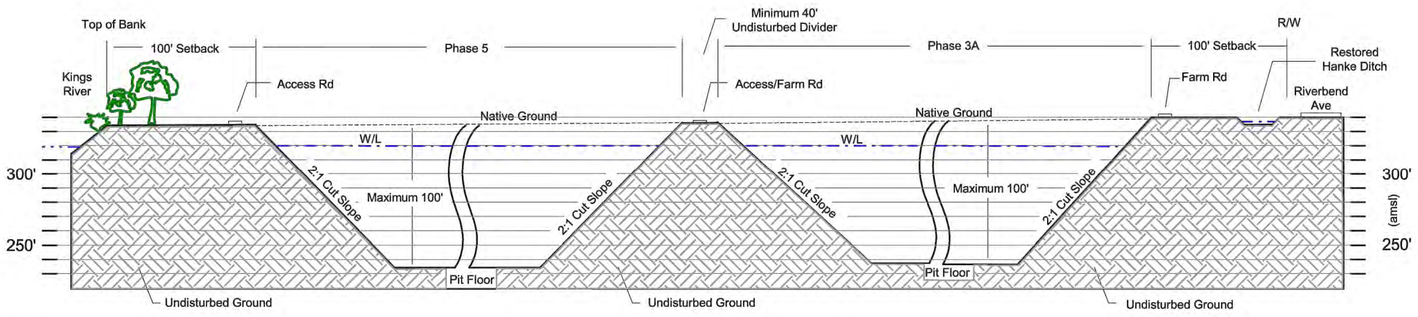
RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4872 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

	Date	Revision
D		
C		
B	11/17/14	ADD EXISTING CONTOUR ELEVATIONS
A	1/29/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

Excavation Cross-Section A-A'

Vertical Scale 1" = 100'
Horizontal = NTS



NOTES:
P/L = property line
R/W = right-of-way
W/L = water level
amsl = above mean sea level

Excavation Cross-Section B-B'

Vertical Scale 1" = 100'
Horizontal = NTS

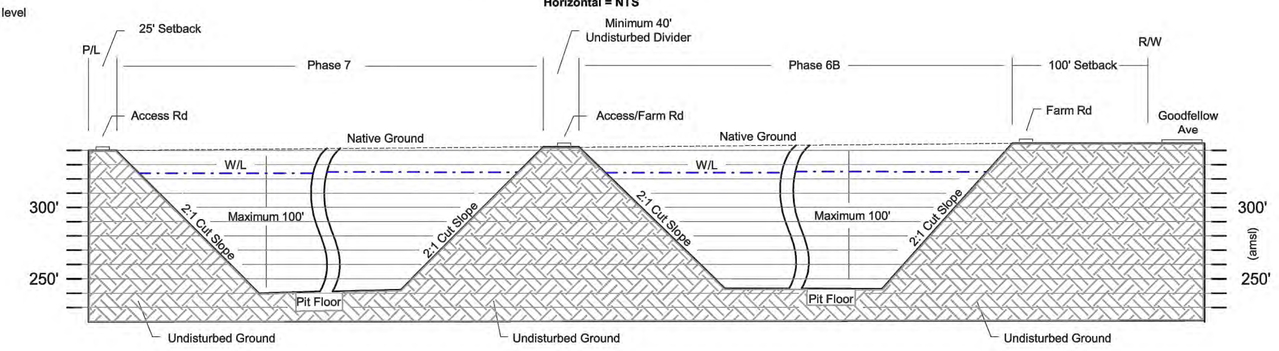
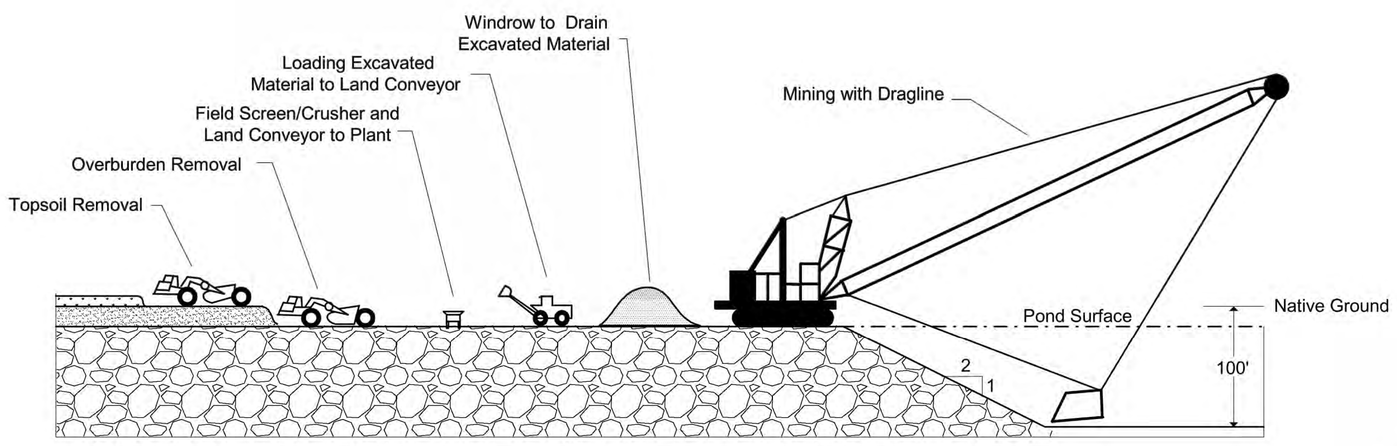


ILLUSTRATION OF MINING WITH DRAGLINE

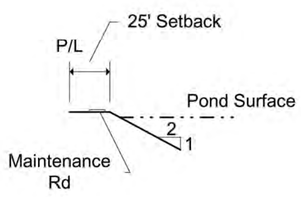
Not to Scale



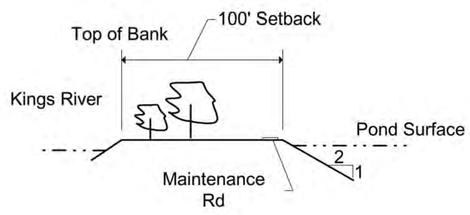
TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale

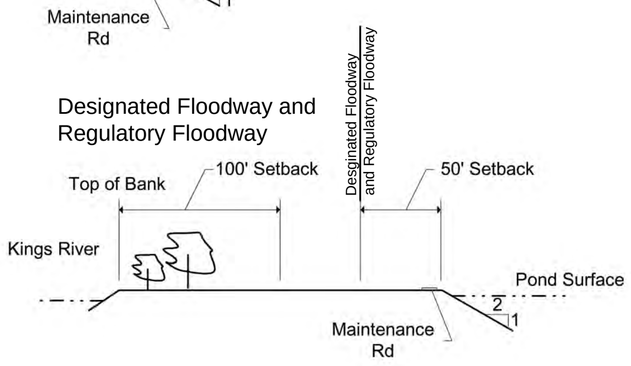
Property Line



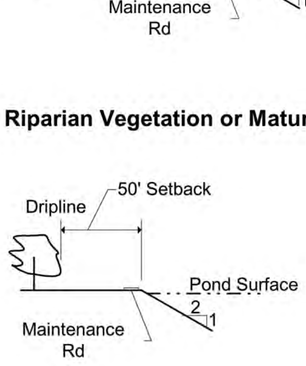
Kings River



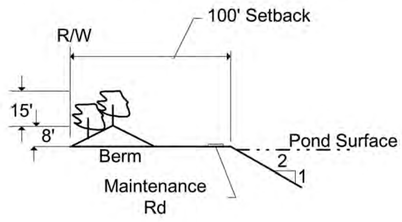
Designated Floodway and Regulatory Floodway



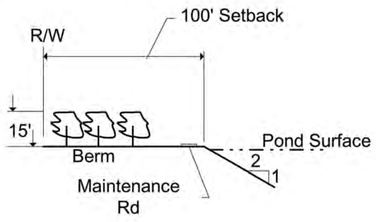
Riparian Vegetation or Mature Oak



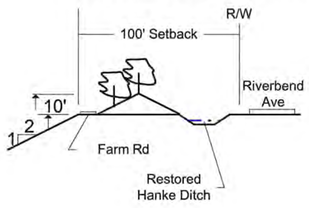
Goodfellow Ave w/Visual & Sound Berm



Goodfellow Ave w/Orchard-Like Screen



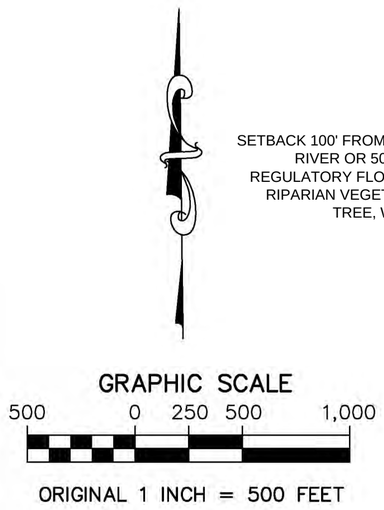
Riverbend Ave w/Visual & Sound Berm

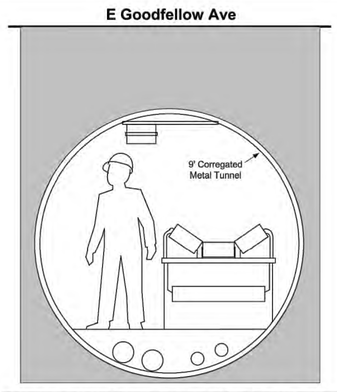


Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	**619**			

1. Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
2. Gross acres, includes farm roads.
3. Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.
4. To be used for portable plant during mining of plant site (Phase 9)





A conveyor tunnel will be constructed under Goodfellow Avenue to transport mined material from Phases 6-8 south of Goodfellow Avenue to the plant site. The tunnel will be constructed prior to the initiation of mining in Phase 6A in approximately 2054. Construction will require an Encroachment Permit issued by the Fresno County Department of Public Works and Planning Road Maintenance and Operations Division. Construction plans prepared by a Registered Civil Engineer shall be required to show compliance with all applicable standards, codes, and ordinance in affect at the time the permit is issued to insure the integrity of the road and the safety of the public and employees. The tunnel will be a corrugated metal tunnel or equivalent. Approximate dimensions will be nine feet in circumference by 75 feet long.

Detail B - Conveyor Tunnel Under Goodfellow Ave
NTS

Detail A - Plant Site Layout
NTS

GENERAL NOTES:

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR.
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY DICTATE CHANGES IN MINING METHODS.
3. SLOPES WILL BE MINED AT 2:1 (H:V).
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE.
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 50 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE
   - WHICHEVER IS GREATER;
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXPCEPT FOR THE VISUAL/SOUND BERMS.
7. LOCATION OF TOPSOIL STOCKPLES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- VISUAL/SOUND BERM (HEIGHT PER PLAN)
- ORCHARD-LIKE VISUAL SCREEN

RIVERBEND SAND AND GRAVEL
14692 E. Fantz Ave.
Parlier, CA 93648
559-875-6565

SITE PLAN REVIEW – SHEET 2 OF 3

MINE PLAN

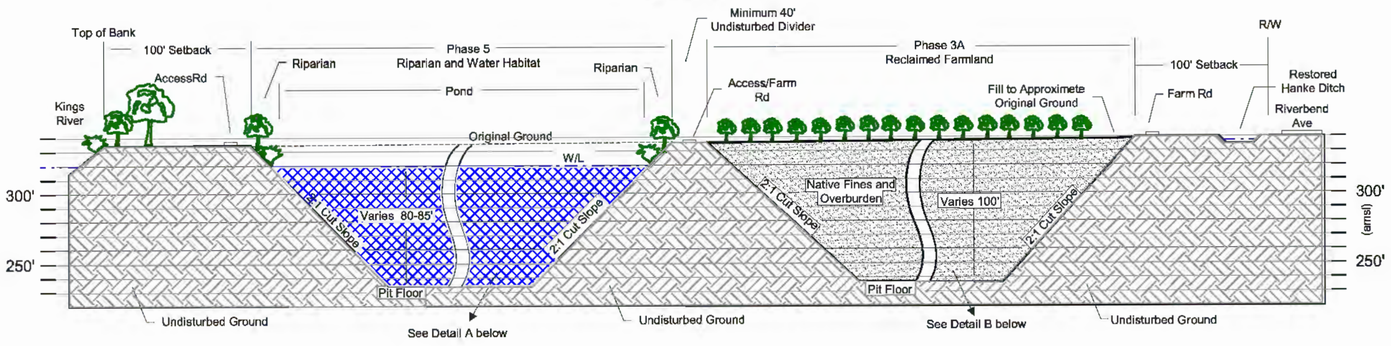
RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4872 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

D		
C		
B	11/17/14	ADD X-SECS, REV. TUNNEL DETAIL/SETBACKS
A	1/29/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release
	Date	Revision

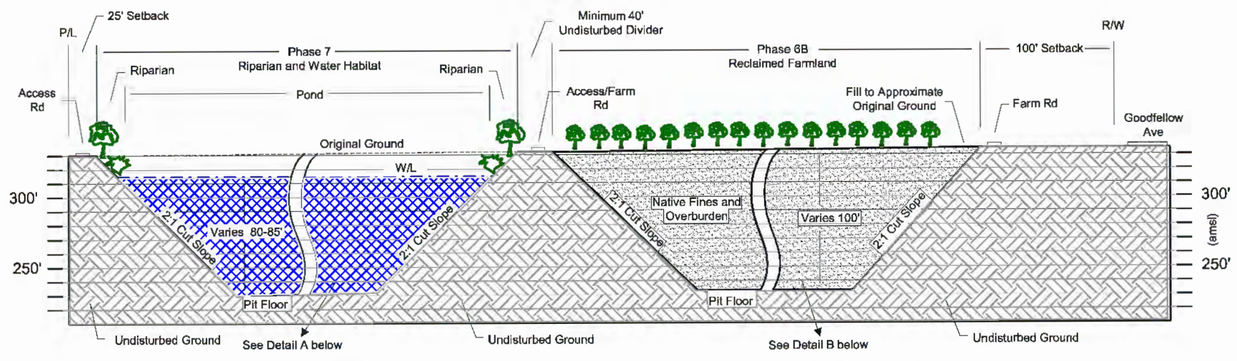
Reclamation Cross-Section A-A'

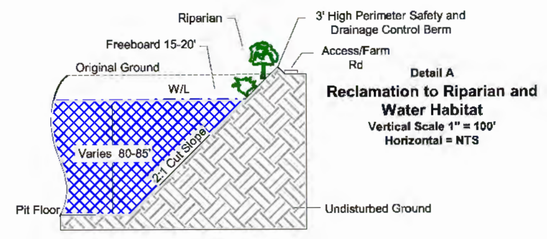
Vertical Scale 1" = 100'
Horizontal = NTS



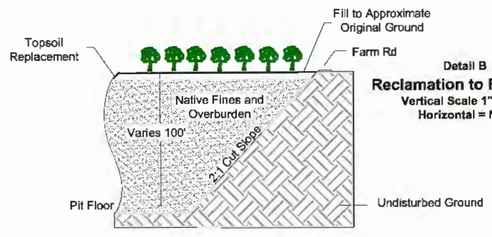
Reclamation Cross-Section B-B'

Vertical Scale 1" = 100'
Horizontal = NTS





Detail A
Reclamation to Riparian and Water Habitat
Vertical Scale 1" = 100'
Horizontal = NTS



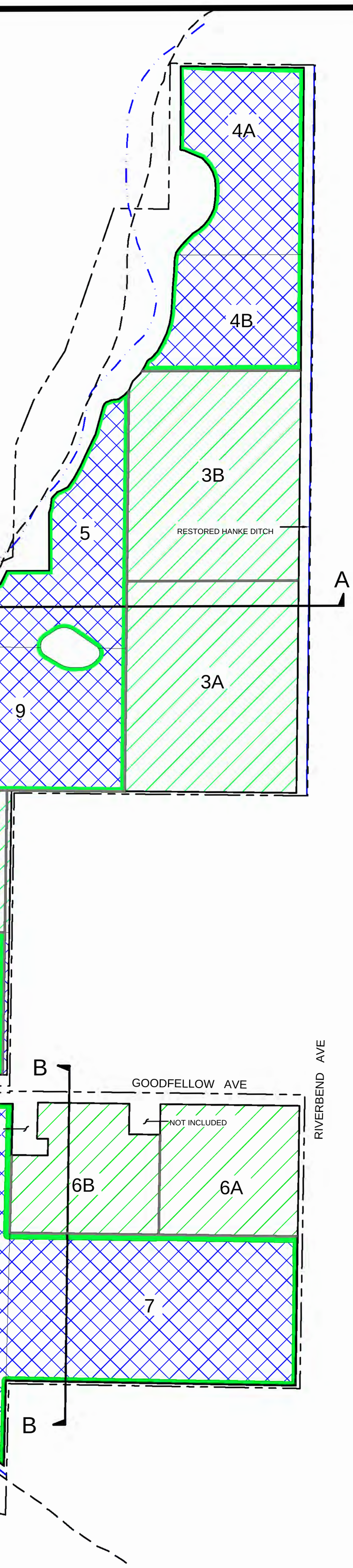
Detail B
Reclamation to Farmland
Vertical Scale 1" = 100'
Horizontal = NTS

NOTES:
P/L = property line
R/W = right-of-way
W/L = water level
amsl = above mean sea level

Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2, 3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	**619**	**268**	**318**	**33**	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
[2] Gross acres, includes farm roads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
[4] To be used for portable plant during mining of plant site (Phase 9)



GRAPHIC SCALE
500 0 250 500 1,000
ORIGINAL 1 INCH = 500 FEET

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES:

1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

RIVERBEND SAND AND GRAVEL
14692 E. Fantz Ave.
Parlier, CA 93648
559-875-6565

SITE PLAN REVIEW - SHEET 3 OF 3
RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4872 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

	Date	Revision
D		
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

EXHIBIT 53

From: Pratt, Carol
To: iblang@yahoo.com
Cc: Asprec, Lemuel; Juarez, Jacqueline; Kettler, William; Sholars, Briza
Subject: Letters for EIR #6606 Riverbend Sand and Gravel
Date: Friday, July 24, 2015 2:21:35 PM
Attachments: Riverbend.pdf

Good Afternoon Mr. Lang,

Attached are copies of the expense report letters for EIR #6606. These include the expenditures reported for the months of February, March, April, and May 2015.

We are still working on finalizing the numbers for the month of June. We will send you the report once this has been completed. In the meantime, I ran a preliminary report for the month of June. During the month of June, Development Services staff charged nine hours to EIR #6606. Road Maintenance and Design staff did not charge this project in June. There were also two invoices paid to SESPE Consulting totaling $60,684.00 and a payment to Business Journal in the amount of $237.50.

Please contact me if you have any questions or need additional information.

We apologize for the delay in getting this information to you.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

July 24, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT – JUNE 18, 2013 THROUGH FEBRUARY 15, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through February 15, 2015.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	417.0	$ 38,618.06
Environmental Health	10.0	980.00
Road Maintenance/Design	171.5	16,654.04
Total	598.5	$ 56,252.10
Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		369,542.00
Fleet Vehicle		105.45
Federal Express		173.36
Business Journal		925.00
	Total Costs	$428,854.16

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $54,172.55 staff deposit is <$5,139.61>.
The remaining balance of your $375,242.00 consultant deposit is $5,700.00.*
The remaining balance of your $50,000.00 Legal Services deposit is $50,000.00.
*Includes deposit of $5,700.00 for consultant services received on 2/24/15.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Carol Pratt for
Lemuel Asprec
Financial Services Manager

LA:JJ:mxc
c. Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

July 24, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT – JUNE 18, 2013 THROUGH MARCH 15, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through March 15, 2015.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	492.5	$ 45,560.27
Environmental Health	10.0	980.00
Road Maintenance/Design	217.0	21,562.88
Total	719.5	$ 68,103.15
Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		369,542.00
Fleet Vehicle		105.45
Federal Express		186.96
Business Journal		925.00
	Total Costs	$440,718.81

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $54,172.55 staff deposit is <$17,004.26>.
The remaining balance of your $375,242.00 consultant deposit is $5,700.00.*
The remaining balance of your $50,000.00 Legal Services deposit is $50,000.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Carol Pratt for

Lemuel Asprec
Financial Services Manager

LA:JJ:mxc
c. Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

July 24, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT – JUNE 18, 2013 THROUGH APRIL 26, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through April 26, 2015.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	524.6	$ 48,507.05
Environmental Health	10.0	980.00
Road Maintenance/Design	220.0	21,938.08
Total	754.6	$ 71,425.13
Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		369,542.00
Fleet Vehicle		105.45
Federal Express		186.96
Business Journal		925.00
	Total Costs	$444,040.79

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $64,172.55 staff deposit is <$10,326.24>.*
The remaining balance of your $424,526.00 consultant deposit is $54,984.00.*
The remaining balance of your $50,000.00 Legal Services deposit is $50,000.00.
*Includes deposits of $10,000.00 (Staff) and $49,284.00 (Consultant) received on 4/14/15.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Carol Pratt for
Lemuel Asprec
Financial Services Manager

LA:JJ:mxc
c. Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

July 24, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT – JUNE 18, 2013 THROUGH MAY 24, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through May 24, 2015.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	570.1	$ 52,796.62
Environmental Health	16.5	1,617.00
Road Maintenance/Design	224.0	22,406.08
Total	810.6	$ 76,819.70
Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		369,542.00
Fleet Vehicle		105.45
Federal Express		186.96
Business Journal		925.00
	Total Costs	$449,435.36

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$720.81>.*
The remaining balance of your $430,226.00 consultant deposit is $60,684.00.*
The remaining balance of your $50,000.00 Legal Services deposit is $50,000.00.
*Includes deposits of $15,000.00 (Staff) and $5,700.00 (Consultant) received on 5/15/15.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Carol Prattler

Lemuel Asprec
Financial Services Manager

LA:JJ:mxc
c. Development Services Division

EXHIBIT 54

From: Pratt, Carol
To: Kettler, William; Sholars, Briza
Cc: Asprec, Lemuel; Juarez, Jacqueline
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel
Date: Monday, July 27, 2015 2:12:57 PM
Attachments: Riverbend Memos.pdf

Will and Briza,

Here are the internal expense reports for February, March, April, and May 2015.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Pratt, Carol
Sent: Friday, July 24, 2015 2:22 PM
To: iblang@yahoo.com
Cc: Asprec, Lemuel; Juarez, Jacqueline; Kettler, William; Sholars, Briza
Subject: Letters for EIR #6606 Riverbend Sand and Gravel

Good Afternoon Mr. Lang,

Attached are copies of the expense report letters for EIR #6606. These include the expenditures reported for the months of February, March, April, and May 2015.

We are still working on finalizing the numbers for the month of June. We will send you the report once this has been completed. In the meantime, I ran a preliminary report for the month of June. During the month of June, Development Services staff charged nine hours to EIR #6606. Road Maintenance and Design staff did not charge this project in June. There were also two invoices paid to SESPE Consulting totaling $60,684.00 and a payment to Business Journal in the amount of $237.50.

Please contact me if you have any questions or need additional information.

We apologize for the delay in getting this information to you.

<< File: Riverbend.pdf >>

Carol Pratt
Assistant Business Manager

County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Pratt, Carol
To: Coldwell, Martin
Subject: Letters for Riverbend
Date: Monday, July 27, 2015 8:24:52 AM
Attachments: RiverbendFeb.doc
RiverbendMar.doc
RiverbendApr.doc
RiverbendMay.doc

Martin,

Here are the letters for Riverbend.

Carol Pratt

From: Juarez, Jacqueline
To: Coldwell, Martin
Subject: FW: Expense Report Workbook.xlsx
Date: Monday, July 27, 2015 8:23:04 AM
Attachments: Expense Report Workbook.xlsx

Fyi Martin, this is what I'm using to track deposits and expenditures. I realize this contractor requests monthly breakdowns so if utilizing this spreadsheet we'd have to take that into consideration and look at only specific months.

From: Juarez, Jacqueline
Sent: Thursday, July 23, 2015 11:21 AM
To: Pratt, Carol
Subject: Expense Report Workbook.xlsx

Riverbend EIR info attached.

EXHIBIT 55

From: Novak, Suzie
To: Morrison, Janet
Subject: BOS Schedule
Date: Tuesday, July 28, 2015 4:51:14 PM
Attachments: BOS Project Schedule 2015-7-13.docx

I believe while you were out that week, I sent over a package for an appeal to the BOS clerk. Just in case you were not copied, this is what Current Planning has on the BOS schedule. (Attached)

Suzie

EXHIBIT 56

From: Pratt, Carol
To: Sholars, Briza
Cc: Asprec, Lemuel; Juarez, Jacqueline
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel
Date: Tuesday, August 4, 2015 11:48:02 AM

Hi Briza,

Jackie has made the copies of the journals and backup.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Tuesday, August 04, 2015 11:22 AM
To: Juarez, Jacqueline; Pratt, Carol
Cc: Asprec, Lemuel
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Thanks I can pick up when ready

From: Juarez, Jacqueline
Sent: Tuesday, August 04, 2015 11:20 AM
To: Pratt, Carol
Cc: Asprec, Lemuel; Sholars, Briza
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Yes, I'll bring them over in a few moments.

From: Pratt, Carol
Sent: Tuesday, August 04, 2015 10:19 AM
To: Sholars, Briza; Juarez, Jacqueline
Cc: Asprec, Lemuel
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Hi Jackie,

Could you please make copies of the journals and the backup documents for the charges to Z6606C for February, March, April, and May charges?

Please let me know if you have any questions.

Thank you.

Carol Pratt

From: Sholars, Briza
Sent: Tuesday, August 04, 2015 10:02 AM
To: Pratt, Carol
Cc: Asprec, Lemuel; Juarez, Jacqueline
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Hi Carol, No one has told me specifically what he is looking for so what you suggested is great. Thank you.

From: Pratt, Carol
Sent: Tuesday, August 04, 2015 9:55 AM
To: Sholars, Briza
Cc: Asprec, Lemuel; Juarez, Jacqueline
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Hi Briza,

Does he want copies of the journals with the reports from CAMS which show the employees charging the project? Does he want them for the time periods included in the reports sent to him on 7/24/15?

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Sholars, Briza
Sent: Tuesday, August 04, 2015 9:46 AM
To: Pratt, Carol
Subject: RE: Letters for EIR #6606 Riverbend Sand and Gravel

Hi Carol, Herb has called Alan on this and we need a further breakdown of the financial charges. Can you help me with those printouts? Thank you. Regards, Briza

---

From: Pratt, Carol
Sent: Friday, July 24, 2015 2:22 PM
To: iblang@yahoo.com
Cc: Asprec, Lemuel; Juarez, Jacqueline; Kettler, William; Sholars, Briza
Subject: Letters for EIR #6606 Riverbend Sand and Gravel

Good Afternoon Mr. Lang,

Attached are copies of the expense report letters for EIR #6606. These include the expenditures reported for the months of February, March, April, and May 2015.

We are still working on finalizing the numbers for the month of June. We will send you the report once this has been completed. In the meantime, I ran a preliminary report for the month of June. During the month of June, Development Services staff charged nine hours to EIR #6606. Road Maintenance and Design staff did not charge this project in June. There were also two invoices paid to SESPE Consulting totaling $60,684.00 and a payment to Business Journal in the amount of $237.50.

Please contact me if you have any questions or need additional information.

We apologize for the delay in getting this information to you.

<< File: Riverbend.pdf >>

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

EXHIBIT 57

From:	Sholars, Briza
To:	Callie Martin (callie@thebusinessjournal.com)
Cc:	Morrison, Janet
Subject:	Please publish August 10th
Date:	Thursday, August 6, 2015 8:50:15 AM
Attachments:	Notice_rev.doc Notice_rev.doc

Hi Callie, please publish these 2 notices Monday Aug 10th. Thank you.

Regards,

Briza Grace Sholars, Planner III
Department of Public Works & Planning
2220 Tulare Street, Fresno CA 93721
Phone: 559-600-4207 Fax: 559-600-4200

Keep it Green

EXHIBIT 58

Luna, Hector

From: Lichti, Betsy@Waterboards <Betsy.Lichti@waterboards.ca.gov>
Sent: Thursday, August 06, 2015 4:31 PM
To: Luna, Hector
Cc: Dutton, Philip@Waterboards
Subject: RE: SPR 7946 eRoute - Riverbend Sand & Gravel (CUP 3390)

Hector – our review of this under CUP 3390 indicated that a domestic water supply permit would be required. Concurrent with their application for construction through the County, they should be submitting an application to our office for a domestic water supply permit such that we can be assured they have adequate water supply wells and water quality prior to operation. We will be issuing a letter to the legal owner listed in the SPR requiring submittal of a permit application. Reminders on your end, as per the final EIR would be helpful.

Betsy Lichti, PE
District Engineer, Fresno District
Direct 559.447.3485 Main Ofc 559.447.3300 Fax 559.447.3304

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Thursday, July 23, 2015 9:09 AM
To: WB-RB5F-CentralValleyFresno; CEQA (ceqa@valleyair.org); Padilla, Dave@DOT; Gardner, Janet@co.fresno.ca.us; Bryan-Sanchez, Jennifer@DOT; Lichti, Betsy@Waterboards; sstadler@krcd.org; Tsuda, Kevin; Watkins, Eric@CALFIRE; Ritschel, Dana R.; Daniele, Frank
Cc: Parks, Jennifer
Subject: SPR 7946 eRoute - Riverbend Sand & Gravel (CUP 3390)

Good morning,

Please review attached SPR submittal and comment accordingly.

Note:
This SPR is a condition CUP 3390 approved by the Planning Commission on February 26, 2015; to review the PC staff report select the following link: http://www.co.fresno.ca.us/viewdocument.aspx?id=62985

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 59

From: Luna, Hector
To: Banks, Ramona
Subject: RE: SPR 7946 - Riverbend Mine
Date: Monday, August 24, 2015 2:40:00 PM

Great and that is Five Points Solar not Riverbend, I need to slow down.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: Banks, Ramona
Sent: Monday, August 24, 2015 2:28 PM
To: Luna, Hector
Subject: RE: SPR 7950 - Riverbend Mine

Ok it's done.

From: Luna, Hector
Sent: Monday, August 24, 2015 1:52 PM
To: Banks, Ramona
Subject: SPR 7950 - Riverbend Mine

Ramona,

A revised site plan (PDF) has been emailed to me for this project, please add electronic "See Revised stamp" to site plan (only) in directory dated 2015-08-10 and add "Date, SPR and Revision Stamp" to site plan in 2015-08-24 directory.

G:\4360Devs&Pln\BLD_SFTY\Zoning\S.P.R\7900-7999\7950 Five Points Solar\Plans

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor

Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 60

From: Luna, Hector
To: John Buada
Cc: iblang@yahoo.com
Subject: RE: Riverbend Sand and Gravel SPR 7946
Date: Tuesday, August 25, 2015 8:46:00 AM
Attachments: SPR 7946 Wtrbrds Comments.pdf

John.

I am currently working on your project, comments received to date are referencing comments for approved CUP 3390 and Reclamation Plan. Attached is comment from Betsy Lichti at State Waterboards for your review. I plan on wrapping this SPR project by early next week if not sooner.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, August 25, 2015 8:27 AM
To: Luna, Hector
Cc: iblang@yahoo.com
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

Just checking on the status of the Riverbend SPR. Could please email me any comments as you receive them? That way I can get started on any responses or modifications that might be needed.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:51 PM

To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Some files have been sent to you via **Hightail** - the best way to send, share, and store your files. Try it now.

Download the file - CUP 3390 SMRP Riverbend S&G apprd 2-26-15.pdf; SPR Application Pkg filed 7-15-15.pdf

Your files will expire after 14 days or 500 downloads.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:31 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I am sending you the pdf of the plans and application docs by Hightail.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 2:12 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

Please send me PDF's of plans submitted at your earliest convenience.

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 1:05 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I'm on the way. Should be there before 1:30

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 9:11 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

I may have to attend a meeting this afternoon sometime after 1:30 – time not definite, but email me regardless when you're on your way.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216

Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 7:43 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Printing not ready. Not till after lunch now. I'll email you when I'm on the way.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 7:07 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

No, just ask for me when you get in. Do you have an approximate time frame for SPR submittal?

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 5:10 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

Do I need to make an appointment to file the SPR application package?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio

Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 4:50 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

OK, Thank you

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Tuesday, July 14, 2015 4:33 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

One hard copy of related documents will suffice, electronic copies (PDF) of documents submitted is the preference. If you have not made copies of plans yet, 5 copies of plans will be fine. I am trying to move away from hard copies and utilize electronic files for easier access.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]

Sent: Tuesday, July 14, 2015 3:47 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I plan to file the SPR application for the Riverbend Sand and Gravel project (CUP 3390) tomorrow morning. I will provide 7 copies of the Site Plan sheets and a pdf file with the Site Plans and related documents. How many copies of the related documents do you need?

The application package includes the following:

- Completed application form
- SPR filing fee for $14,124 payable to the "County of Fresno"
- Deeds for the Riverbend properties
- Vehicle Statement
- Site Plan sheets incorporating approved mitigation measures and conditions of approval including:
  - Current Site Plan
  - Mine Plan
  - Reclamation Plan
- Mine and Reclamation Plan document approved with CUP 3390 as Operational Statement
- Mitigation Monitoring and Reporting Program and Condition Compliance Matrix

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, July 13, 2015 3:09 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

SPR submittal information and fee schedule are attached for your reference.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division

Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, July 13, 2015 2:55 PM
To: Luna, Hector
Subject: Riverbend Sand and Gravel SPR

Hector,

I'm working on the SPR application for the Riverbend Sand and Gravel project (CUP 3390). Could you please email me the SPR fee schedule and any other fees dues with the application?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 61

From:	Brosi, Linda
To:	Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc:	Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject:	Agenda Items
Date:	Wednesday, August 26, 2015 10:43:51 AM
Attachments:	0901_TrailsideTerraceApartments_AI(FileID 15-1075.pdf 0901_SangerStreetLightImpPhIVCDBG15611_AI(FileID 15-1097.pdf 0901_ReedleyPioneerParkRestroomCDBG15571_AI(FileID 15-1067.pdf StaffReport26-Aug-2015-10-03-14.pdf StaffReport26-Aug-2015-10-19-55.pdf StaffReport26-Aug-2015-10-25-32.pdf StaffReport26-Aug-2015-10-41-22.pdf

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Good Morning,

Attached are the agenda items for September 1st for your review for the Manager's Meeting on Monday, August 31st.

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 62

From:	Asprec, Lemuel
To:	Pratt, Carol; Vang, Kay; Warren, Mark; Goertzen, Nancy; Alves, Patty
Subject:	FW: AI 9/1
Date:	Friday, August 28, 2015 3:24:17 PM
Attachments:	SummaryAgenda27-Aug-2015-09-38-20.pdf

FYI

From: Brosi, Linda
Sent: Friday, August 28, 2015 13:54
To: Camacho, Juana <jcamacho@co.fresno.ca.us>; Dodge, Dolores <ddodge@co.fresno.ca.us>; Eldred, Carol <CEldred@co.fresno.ca.us>; Frias, Eva <EFrias@co.fresno.ca.us>; Lopez, Nadia <nllopez@co.fresno.ca.us>; Morrison, Janet <jemorrison@co.fresno.ca.us>
Cc: Alimi, Mohammad <malimi@co.fresno.ca.us>; Asprec, Lemuel <lasprec@co.fresno.ca.us>; Gibbs, Gigi <GGibbs@co.fresno.ca.us>; Kettler, William <WKettler@co.fresno.ca.us>; Ozburn, Nicole <nozburn@co.fresno.ca.us>; Palacios, Robert <RPalacios@co.fresno.ca.us>; Seiden, Stuart <SSeiden@co.fresno.ca.us>; Siemer, Dale <DSiemer@co.fresno.ca.us>; Thompson, John R. <jothompson@co.fresno.ca.us>; Witrago, Juan <JWitrago@co.fresno.ca.us>
Subject: AI 9/1

ATTACHED IS THE RIGHT AGENDA FOR SEPTEMBER 1ST FOR YOUR DISTRIBUTION. PLEASE DESTROY ANY OTHER COPIES YOU MAY HAVE DISTRIBUTED……

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Morrison, Janet
To:	Adams, John; Ahmad, Ejaz; Brannick, Daniel; Chambers, Derek; Hernandez, John; Janes, Jeff; Jimenez, Roy; Khorsand, Mohammad; Luna, Hector; Monfette, Christina; Motta, Chris; Navarro, Thomas; Nebeker, William; Ramirez, Augustine; Sholars, Briza; Sopp, Steven; VonBerg, Eric
Cc:	Kettler, William
Subject:	BOS Agenda 9-1-15
Date:	Friday, August 28, 2015 2:07:00 PM
Attachments:	BOS Agenda 9-1-15.pdf

Please see attached Board of Supervisors Agenda for September 1, 2015.

Janet Morrison, Administrative Assistant III
Development Services Division
Department of Public Works and Planning
(559) 600-4497
jemorrison@co.fresno.ca.us

From: Brosi, Linda
Sent: Friday, August 28, 2015 1:54 PM
To: Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject: BOS Agenda 9/1/15

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Brosi, Linda
To:	Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc:	Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject:	AI 9/1
Date:	Friday, August 28, 2015 1:54:10 PM
Attachments:	SummaryAgenda27-Aug-2015-09-38-20.pdf

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Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 63

From: Frias, Eva
To: Nickel, Craig J.
Subject: FW: AI 9/1
Date: Monday, August 31, 2015 8:22:52 AM
Attachments: SummaryAgenda27-Aug-2015-09-38-20.pdf

Eva Frias OA III ☺
Department of Public Works and Planning
Resources Division
2220 Tulare Street, 6th Floor
Fresno, CA 93726
(559) 600-4316
(559) 600-4552
Stop #214

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link.
https://www.surveymonkey.com/s/PWP_SuperShort5

-

From: Brosi, Linda
Sent: Friday, August 28, 2015 1:54 PM
To: Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Kettler, William; Ozburn, Nicole; Palacios, Robert; Seiden, Stuart; Siemer, Dale; Thompson, John R.; Witrago, Juan
Subject: AI 9/1

ATTACHED IS THE RIGHT AGENDA FOR SEPTEMBER 1ST FOR YOUR DISTRIBUTION. PLEASE DESTROY ANY OTHER COPIES YOU MAY HAVE DISTRIBUTED……

Linda R. Brosi
Administrative Secretary
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 64

THIRD PARTY ADMINISTRATOR CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of September 2015, by and between the County of Fresno, a Political Subdivision of the State of California, hereinafter referred to as "County," and Buada Associates, Inc., whose address is 4872 N Arcade Avenue, Fresno, CA 93704, hereinafter referred to as "Consultant."

WITNESSETH

WHEREAS, on February 26, 2015, pursuant to County Resolution No. 12492, subject to the Conditions listed therein, the County Planning Commission certified Environmental Impact Report (EIR) No. 6606 for the Riverbend Sand and Gravel Project (State Clearinghouse No. 2013071097) ("Project"), approving Unclassified Conditional Use Permit ("UCUP") No. 3390, and adopting a Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan") for the Project; and

WHEREAS, Riverbend Sand and Gravel, LLC is the owner of the Project ("Applicant") and will be operating and developing the Project approved under UCUP No. 3390, consisting of a sand and gravel extraction facility on a 619-acre portion of a 833-acre site. Exhibit "A", attached hereto and incorporated herein by reference, reflects the legal description of the land in question; and

WHEREAS, the Monitoring Plan is attached hereto as Exhibit "B" and incorporated herein by reference. This Agreement is for UCUP No. 3390 and Applicant will be responsible for the Project described under UCUP No. 3390. The County Planning Commission approved a Reclamation Plan as a component of the UCUP for the Project on February 26, 2015; and

WHEREAS, Condition of Approval No. 11 of UCUP No. 3390 requires that the Applicant enter into an agreement with the County of Fresno to implement the Monitoring Plan via a third party consultant in accordance with Section 21081.6 of the

California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS, the Consultant's Proposal for Riverbend Sand and Gravel Mitigation Monitoring and Conditions Compliance, dated July 9, 2015 ("Proposal") is attached hereto as Exhibit "C" and incorporated herein by reference. The Proposal includes Tasks 1 – 3 under Scope of Services; and

WHEREAS, this Agreement shall cover monitoring the Project's Mitigation Measures and Conditions of Approval, as provided in the Monitoring Plan (Exhibit "B"); and

WHEREAS, the Consultant represents that it is qualified, able, and willing to monitor the Project's Mitigation Measures and Conditions of Approval, which representation the County specifically relies upon.

NOW, THEREFORE, in consideration of the Covenants and Conditions set forth herein, the parties agree as follows:

1. Obligations of the Consultant

A. Services To Be Provided: Consultant will monitor Applicant's compliance with all Project Mitigation Measures and Conditions of Approval (described in Exhibit "B"), as set forth in the Proposal (Exhibit "C").

B. Reporting: Consultant will provide County a written report by e-mail within 30 days of each monitoring visit to document the site conditions. If a failure to comply with applicable Mitigation Measures or Conditions of Approval is identified, the report shall indicate the issue, the person(s) contacted, and the corrective action(s) recommended.

2. Obligations of the County

A. County shall make available to Consultant all documents, studies, and other information, not otherwise confidential or privileged, in its possession related to the Project.

B. County shall compensate Consultant as provided in Section 3 of

this Agreement.

3. Invoicing and Compensation

A. Invoices: Consultant shall submit two copies of each invoice, which shall describe the tasks performed during the period covered by the invoice. The invoice shall specify: (1) hours worked and the billing rates, as set forth in Exhibit "C", and (2) the total amount billed to-date for the Project.

B. Compensation to Consultant: In full compensation for services performed under this Agreement, County agrees to pay Consultant, and Consultant agrees to accept, compensation according to the Hourly Rate and Expense Schedule specified in Exhibit "C".

Within 45 days of receipt of a proper invoice, County shall determine whether Consultant has adequately performed to the satisfaction of County the item(s) for which Consultant seeks payment, and shall remit payment thereof to Consultant.

If County determines that Consultant has not adequately performed any such task or services, County shall inform Consultant of those acts in writing which are necessary for satisfactory completion of the item(s). Consultant shall undertake any and all work to satisfactorily complete the item(s) at no additional charge to County.

Notwithstanding any other provision in this Agreement, compensation paid to Consultant shall not exceed Nine Thousand Dollars ($9,000) annually (September 1st – August 31st) for the entire term of this Agreement. The maximum amount payable for the entire term of this Agreement is $45,000.

C. Consultant to Bear Expenses: It is understood that the Consultant shall bear all expenses incidental to the performance of his obligations under this Agreement.

4. Term

This Agreement shall become effective on September 1, 2015 and shall

terminate on August 31, 2020.

5. Termination

A. The County may immediately suspend or terminate this Agreement in whole or in part, where in the determination of the County there is:

i. A discontinuance by Applicant of operation of the Project;

ii. A failure by Applicant to timely remit reimbursement to County for an invoice submitted by Consultant to County;

iii. An illegal or improper use of funds by Consultant;

iv. A failure by Consultant to comply with any term of this Agreement;

v. A substantially incorrect or incomplete report submitted to the County by Consultant;

vi. Inadequately performed services by Consultant.

B. Consultant or County may terminate this Agreement upon 180 days prior written notice to the other party. If the Consultant terminates the Agreement, Consultant shall reimburse the County, up to a maximum of Five Thousand Dollars ($5,000), for the actual expense of issuing a Request For Proposal, engaging a new Consultant, and the new Consultant's cost in becoming familiar with the Project, its operations to date, and its compliance with the Project Monitoring Plan set forth in Exhibit "B".

C. If this Agreement is terminated as provided in this section, the Consultant shall be compensated for satisfactorily performed services completed to the date of termination based upon the compensation rates set forth in Section 3 of this Agreement.

6. Hold Harmless and Insurance

A. The Consultant shall hold the County, its Boards, Commissions, officers, agents, and employees harmless and indemnify and, at County's request, defend the County, its Boards, Commissions, officers, agents and employees, against

the payment of any and all costs and expenses (including reasonable attorney fees and court costs), claims, losses, damages, causes of action, lawsuits, and liability for bodily and personal injury to or death of any person and for injury or loss of any property resulting from, or arising out of, or in any way connected with any negligent or wrongful acts or omissions of the Consultant, its officers, agents, and employees, in performing or failing to perform any work, services, or functions provided for, or referred to, or in any way connected with any work, services, or functions to be performed under this Agreement and against the payment of any and all costs and expenses (including reasonable attorney fees and court costs), claims, losses, damages, causes of action, lawsuits and liability for bodily and personal injury to, or death of any person, and for injury or loss of any property resulting from or arising out of, or in any way occurring to any person, firm, or corporation who may be so injured by any negligent or wrongful act or omission of the Consultant, its officers, agents, and employees in performing or failing to perform any work service or functions provided for, or referred to, or in any way connected with any work, service, or functions to be performed under this Agreement.

B. Without limiting the County's right to obtain indemnification from the Consultant or any third parties, the Consultant, at its sole expense, shall maintain in full force and effect the following insurance policies throughout the term of this Agreement: (1) Commercial General Liability Insurance with limits of not less than One-Million Dollars ($1,000,000.) per occurrence and an annual aggregate of Two Million Dollars ($2,000,000.). This policy shall be issued on a per occurrence basis. County may require specific coverages including completed operations, products liability, contractual liability, Explosion-Collapse-Underground, fire legal liability, or any other liability insurance deemed necessary because of the nature of this contract; (2) Comprehensive Automobile Liability Insurance with limits for bodily injury of not less than Two Hundred Fifty Thousand Dollars ($250,000.) per person, Five-Hundred Thousand Dollars ($500,000.) per accident and for property damages of not less than

Fifty Thousand Dollars ($50,000.), or such coverage with a combined single limit of Five Hundred Thousand Dollars ($500,000.). Coverage should include owned and non-owned vehicles used in connection with this Agreement; (3) Professional Liability Insurance, if Consultant employs licensed professional staff, (e.g., Ph.D., R.N., L.C.S.W., M.F.C.C.) in providing services, with limits of not less than One Million Dollars ($1,000,000.) per occurrence, Three Million Dollars ($3,000,000.) annual aggregate; and (4) A policy of Worker's Compensation Insurance as may be required by the California Labor Code.

The General Liability and Automobile Liability Insurance policies shall name the County, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the Consultant's policies herein. This insurance shall not be canceled or changed without a minimum of 30 days advance, written notice given to County.

Prior to the commencement of performing its obligations under this Agreement, the Consultant shall provide Certificates of Insurance on the foregoing policies, as required herein, to the County's Department of Public Works and Planning, stating that such insurance coverages have been obtained and are in full force; that the County, its officers, agents, and employees shall not be responsible for any premiums on the policies; that such insurance (General Liability and Automobile Liability only) names the County, its officers, agents, and employees, individually and collectively, as additional insured, but only insofar as the operations under this Agreement are concerned; that such coverages for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County, its officers, agents, and employees, shall be excess only and not contributing with insurance provided under the Consultant's policies herein; and that this insurance

shall not be canceled or changed without a minimum 30 days advance, written notice given to the County.

In the event the Consultant fails to keep in effect at all times insurance coverages as herein provided, the County may, in addition to other remedies it may have, suspend or terminate this Agreement upon the occurrence of such event.

7. Work Product

A. Any and all reports, studies, data, or other information, prepared or assembled by the Consultant under this Agreement shall not be provided to any person, association, corporation, or other organization during the term of this Agreement without the prior written consent of the County.

B. The County shall have the unlimited authority to forever publish, disclose, distribute and otherwise use throughout the world, in whole or in part, and allow others to do so, any and all reports, studies, data, or other information prepared by the Consultant pursuant to this Agreement.

C. All documents prepared or obtained by the Consultant shall become the exclusive property of the County. Upon termination of this Agreement and prior to any compensation received from the County for unpaid services, the Consultant shall surrender to the County all work products created pursuant to this Agreement without any reservation of rights therein. Consultant may retain such documents only for so long as the County authorizes such work product to be retained to allow the completion of work as provided in Subsection 5.B of this Agreement. Consultant may retain copies of any documents prepared or obtained by the Consultant and designated as public records under the Public Records Act, and such documents may be used by the Consultant in any manner after this Agreement has been terminated.

D. The Consultant shall provide (submit, reproduce and distribute) all materials related to Tasks 1 - 3 of the Proposal. The County will require that the Consultant provide documents in both Microsoft Word Office 2010 (or newer) and

PDF file formats.

8. Independent Contractor

In performance of the work, duties, and obligations assumed by the Consultant under this Agreement, it is mutually understood and agreed that the Consultant, including any and all of the Consultant's officers, agents, and employees, will at all times be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner, or associate of the County. Furthermore, the County shall have no right to control or supervise or direct the manner or method by which the Consultant shall perform its works and function. However, the County shall retain the right to administer this Agreement so as to verify that the Consultant is performing its obligations in accordance with the terms and conditions thereof. The Consultant and the County shall comply with all applicable provisions of law and the rules and regulations, if any, of Governmental authorities having jurisdiction over matters the subject thereof.

Because of its status as an independent contractor, the Consultant shall have absolutely no right to any and all employment rights and benefits available to County employees. The Consultant shall be solely liable and responsible for providing to, or on behalf of its employees, all legally-required employees benefits. In addition, the Consultant shall be solely responsible and save the County harmless from all matters relating to payment of the Consultant's employees, including compliance with Social Security withholding, and all other regulations governing such matters. It is acknowledged that during the term of this Agreement, Consultant may be providing services to others unrelated to the County or to this Agreement.

9. Governing Law

Venue for any action arising out of, or related to this Agreement shall only be in Fresno County, California.

The rights and obligations of the parties and all interpretation and

performance of this Agreement shall be governed in all respects by the laws of the State of California.

10. Amendments

Any changes to this Agreement requested either by the County or the Consultant may only be affected if mutually agreed upon in writing by duly authorized representatives of the parties hereto. This Agreement shall not be modified or amended or any rights of a party to it waived except by such writing.

11. Compliance With Laws

The Consultant shall comply with all Federal, State, and local laws, ordinances, regulations, and Fresno County Charter Provisions applicable in the performance of its services.

12. Audits and Inspections

The Consultant shall at any time during business hours, and as often as the County may deem necessary, make available to the County for examination all of its records and data with respect to the matters covered by this Agreement. The Consultant shall, upon request by the County, permit the County to audit and inspect all of such records and data necessary to ensure the Consultant's compliance with the terms of this Agreement.

If this Agreement exceeds Ten Thousand Dollars ($10,000.), the Consultant shall be subject to the examination and audit of the Auditor General for a period of three (3) years after final payment under this Agreement (Government Code Section 8546.7).

13. Contract Administration

The Consultant shall notify its appropriate employees of the individual whom the County designates as the County Contract Administrator for this Agreement. All routine correspondence and telecommunications related to Agreement performance and related issues should be addressed as follows:

Alan Weaver, Director
Department of Public Works and Planning

Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-4500
Fax: (559) 600-4548
e-mail: AWeaver@co.fresno.ca.us

14. Notices

The persons and their addresses having authority to give and receive notices under this Agreement include the following:

COUNTY:

Alan Weaver, Director
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Attn: Division Manager/Development Services

CONSULTANT:

John Buada, President
Buada Associates, Inc.
4872 N Arcade Avenue
Fresno, CA 93704

Any and all notices between the County and the Consultant provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to one of the parties, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to such party.

15. Non-Assignment

Neither party shall assign, transfer, or sub-contract this Agreement nor their rights or duties under this Agreement without the written consent of the other party.

16. Disclosure Of Self-Dealing Transactions

This provision is only applicable if the CONTRACTOR is operating as a corporation (a for-profit or non-profit corporation) or if during the term of the agreement, the CONTRACTOR changes its status to operate as a corporation.

Members of the CONTRACTOR's Board of Directors shall disclose any

self-dealing transactions that they are a party to while CONTRACTOR is providing goods or performing services under this agreement. A self-dealing transaction shall mean a transaction to which the CONTRACTOR is a party and in which one or more of its directors has a material financial interest. Members of the Board of Directors shall disclose any self-dealing transactions that they are a party to by completing and signing a Self-Dealing Transaction Disclosure Form, attached hereto as Exhibit "D" and incorporated herein by reference, and submitting it to the COUNTY prior to commencing with the self-dealing transaction or immediately thereafter.

17. Consultant's Legal Authority

Each individual executing or attesting this Agreement on behalf of the Consultant hereby covenants, warrants, and represents: (i) that he or she is duly authorized to execute or attest and deliver this Agreement on behalf of the Consultant's Corporation; and (ii) that this Agreement is binding upon such Corporation.

18. Binding Upon Successors

This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors in interest, assigns, legal representatives, and heirs.

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19. Entire Agreement

This Agreement constitutes the entire Agreement between the Consultant and County with respect to the subject matter hereof and supersedes all previous negotiations, proposals, commitments, writing, advertisements, publications, and understandings of any nature whatsoever unless expressly included in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

ATTEST:

CONSULTANT:
Buada Associates, Inc.

By: _____

Print Name: John C. Buada

Title: President
Chairman of the Board, or
President, or any Vice President

Date: 7/27/15

By: _____

Print Name: John C. Buada

Title: Secretary
Secretary (of Corporation), or
any Assistant Secretary, or
Chief Financial Officer, or
any Assistant Treasurer

Date: 7/27/15

COUNTY OF FRESNO

By: _____
Chair, Board of Supervisors

Date: Sept 1, 2015

BERNICE E. SEIDEL
Clerk to the Board of Supervisors

By: _____
Deputy

Date: September 1, 2015

PLEASE SEE ADDITIONAL SIGNATURE PAGE ATTACHED

ADDITIONAL SIGNATURE PAGE - Third Party Administrator Consultant Agreement (County of Fresno and Buada Associates, Inc.)

REVIEWED AND RECOMMENDED FOR APPROVAL

BY: _____
ALAN WEAVER, DIRECTOR
DEPARTMENT OF PUBLIC WORKS AND PLANNING

APPROVED AS TO LEGAL FORM
DANIEL C. CEDERBORG, COUNTY COUNSEL

BY: _____ 8/5/15
DEPUTY

APPROVED AS TO ACCOUNTING FORM
VICKI CROW, C.P.A.
AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

BY: _____
DEPUTY

ORG. NO.: 43600200
SUBCLASS NO.: 10000
FUND NO.: 0001
ACCOUNT NO.: 7295

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: -

Parcel No.1: APN 350-041-12

That portion of Government Lots 1 and 4 in the Northeast quarter of Section 1, Township 15 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, which lies North and East of the Main channel of Kings River.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.2: a portion of APN 332-071-52

That portion of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, described as follows:

Beginning at the Southeast comer of said Section 36, Thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance of 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

Parcel No.3: a portion of APN 332-071-52

That portion of the Southeast quarter of Section 36, Township 14 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof, lying East of Kings River.

Excepting therefrom that portion of said premises and described as follows:

Beginning at the Southeast corner of said Section 36, thence running North along the Easterly line of said Section, a distance of 0.68 chains to a survey stake; thence at right angles in a Westerly direction parallel to the Southerly line of said Section 36, a distance of 31.70 chains to the centerline of the main channel of Kings River; thence in a Southerly direction along the centerline of the main channel of Kings River, 0.68 chains to the South line of said Section 36; thence at right angles Easterly along the South line of said Section 36, a distance 31.70 chains to the point of beginning.

Excepting therefrom any portion or portions thereof now lying within the boundaries of the Kings River or its navigable tributaries or any other navigable body of water.

LEGAL DESCRIPTION

PARCEL 1:

A portion of the fractional Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows,

Beginning at a point on the West Line of said Southwest quarter which is 30 feet South from the West quarter corner; thence South 88° 52.6' East along the South line of the road right of way, 2668.2 feet to the East line of said Southwest quarter, at a point distance 30 feet South of the center quarter corner of said Section 31, thence South 1° 21.6' West along the East line of said Southwest quarter a distance of 1335.5 feet; thence North 88° 52.6' West, a distance of 2651.7 feet to the west line of said Section 31, thence North O° 39' East, a distance of 1335.5 feet to the point of beginning.

Said land is designated Parcel "A" on a map of resurvey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and other property, recorded December 16, 1941, in Book 15 Page 73 of Record of Surveys, records of said County.

APN 333-061-04

PARCEL 2:

That portion of Section 31, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, and of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official plat thereof, described as follows:

Commencing at a point on the West line of the Southwest quarter of said Section 31, 1365.5 feet Southerly from the Northwest corner of said Southwest quarter of Section 31; thence South 88° 52.6' East and parallel with the East and West centerline of said Section 31, 2651.7 feet to the North and South centerline of said Section 31; thence South 1° 21.6' West 1337.8 feet to a point on the East line of Lot 2 of section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, said point being 82.6 feet Southerly from the quarter section corner common to said sections 31 and 6; thence North 89° 7' West 2635.2 feet to the West line of Lot 1 of said section 6 at a point 82.6 feet Southerly from the Northwest corner of said Section 6; thence North 82° 39' East along the West line of said Lot 1 and of said Section 31, 1348.8 feet to the point of beginning.

Being Parcel "B" as same is designated and delineated upon that certain Map of Re-Survey of the Southwest quarter of Section 31, Township 14 South, Range 23 East, and of Lot 1 of Section 6 and part of the East half of the Northwest quarter of Section 6, Township 15 South, Range 23 East, Mount Diablo Base and Meridian, recorded at the request of Ross C. Phillips, L. S., on December 16, 1941, in Book 15, Page 73 of Record of surveys, Fresno County Records.

APR 333-061-05 & 360-020-20

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of FRESNO, State of California, described as follows:

PARCEL 1: APN 332-071-53

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT, LYING EAST OF THE KINGS RIVER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36, AND RUNNING THENCE WEST 1320.1 FEET; THENCE AT RIGHT ANGLES SOUTH 1323.2 FEET TO A POINT IN THE CENTER OF A COUNTY ROAD; THENCE AT RIGHT ANGLES WEST 990 FEET; THENCE AT RIGHT ANGLES NORTH 990.75 FEET TO A POINT IN THE CENTER OF KINGS RIVER; THENCE NORTH 45° EAST 466.4 FEET; THENCE ALONG THE CENTER OF KINGS RIVER NORTH 26°30' EAST 1479 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUING ALONG THE LAST MENTIONED COURSES 678 FEET; THENCE RUNNING NORTH 719 FEET TO A POINT 300 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25 IN SAID TOWNSHIP AND RANGE; THENCE RUNNING NORTH 40° EAST 700 FEET; THENCE NORTH 65-1/2° EAST 636 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND RUNNING THENCE SOUTH ALONG SAID LAST MENTIONED LINE 3448.50 FEET TO THE PLACE OF BEGINNING.

ALSO ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPTING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 2: APN 333-160-02S

THAT PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS THEREIN AND THEREUNDER AS RESERVED IN THE DEED FROM CELLA VINEYARDS, A CALIFORNIA CORPORATION, RECORDED FEBRUARY 11, 1947, IN BOOK 3884, PAGE 448 OF OFFICIAL

RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3: APN 332-042-56

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE THEREOF WHICH IS SOUTH 89°18' EAST A DISTANCE OF 2510.04 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 4°23'21" WEST A DISTANCE OF 1254.5S FEET TO A POINT 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE SOUTH 89°25' EAST A DISTANCE OF 262.64 FEET, PARALLEL WITH AND 69 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25 TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE NORTH 89°18' WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 3A:

AN EASEMENT FOR ROAD PURPOSES OVER THE NORTHERLY 6 FEET OF THE SOUTHERLY 55 FEET OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, FURTHER DESCRIBED AS: COMMENCING AT A POINT WHICH IS 49.00 FEET NORTH 00°31' WEST, OF THE CENTER OF SAID SECTION 25; THENCE NORTH 00°31 WEST, 6.00 FEET; THENCE SOUTH 89°25' EAST, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 2400.80 FEET TO A POINT; THENCE NORTH 4°23" EAST, 14.00 FEET TO A POINT; THENCE SOUTH 89°25' EAST, 10.00 FEET TO A POINT; THENCE SOUTH 00°6'19" EAST, 20.00 FEET TO A POINT WHICH IS 49.00 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 25; THENCE NORTH 89°25' WEST, 2410.80 FEET TO THE NORTH OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM ANY PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

PARCEL 4: APN 333-160-01S

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE WEST HALF OF SECTION 30, ALL IN TOWNSHIP 14 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EAST 160 RODS; THENCE NORTH 400

RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE WEST 80 RODS, THENCE SOUTH 80 RODS; THENCE SOUTH TO THE CENTER OF KINGS RIVER; THENCE SOUTHERLY IN THE CENTER OF SAID RIVER TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25; THENCE SOUTH ON SAID SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 870 FEET, A LITTLE MORE OR LESS, TO THE WEST BANK OF THE KINGS RIVER; THENCE ALONG THE WEST BANK OF SAID RIVER AS FOLLOWS: SOUTH 17°51' WEST 1387 FEET; SOUTH 34°22' WEST 514 FEET, AND SOUTH 19°41' WEST 460 FEET, A LITTLE MORE OR LESS, TO THE WEST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 30, 2177 FEET, MORE OR LESS, TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS AND MINERALS, EXCLUDING SAND, AS RESERVED BY CELLA VINEYARDS, FORMERLY KNOWN AS B & L CELLA BROS., BY DEED RECORDED JANUARY 31, 1974, IN BOOK 6261 PAGE 134 OF OFFICIAL RECORDS, DOCUMENT NO. 8303.

ALSO EXCLUDING THEREFROM ANY PORTION OR PORTIONS THEREOF NOW LYING WITHIN THE BOUNDARIES OF THE KINGS RIVER OR ITS NAVIGABLE TRIBUTARIES OR ANY OTHER NAVIGABLE BODY OF WATER.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX FOR THE RIVERBEND SAND AND GRAVEL PROJECT

INTRODUCTION

The Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to implement the mitigation measures identified in the Riverbend Sand and Gravel Project ("Project") Environmental Impact Report ("EIR"). Section 21081.6 of the California Environmental Quality Act ("CEQA") requires adoption of a monitoring or reporting program when mitigation measures have been identified that would reduce or avoid significant environmental effects. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism, such as obtaining an air quality permit or an Emergency/Contingency Plan.

The law states that the MMRP shall be designed to ensure compliance during implementation of the Project. When implemented, environmental effects associated with the Project will be reduced or eliminated. Therefore, the MMRP has been prepared as a matrix containing the following elements:

- Measures that would mitigate significant impacts on the environment are recorded with a description of the action and the procedure necessary to ensure compliance.
- A procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported.
- The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

PROGRAM MANAGEMENT

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the Fresno County ("County") planning director, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each County department or division shall ensure that the Project complies with the conditions (mitigation) that relate to that department.

The Project planner or responsible County department has the authority to stop the work of the operator if compliance with any aspects of the MMRP is not occurring after written notification

has been issued. The Project planner or responsible County department also has the authority to deny entry into a new mining phase until compliance with a mitigation measure occurs.

CONDITIONS COMPLIANCE MATRIX

The MMRP that was circulated as Chapter 4.0 in the Final EIR has been revised to include the recommended conditions of approval for the Project. Table 1, "Mitigation Monitoring and Reporting Program and Conditions Compliance Matrix for the Riverbend Sand and Gravel Project," includes the mitigation measures and conditions of approval, the procedure for complying with and/or monitoring them, and the party responsible for implementing them.

TABLE 1

MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONS COMPLIANCE MATRIX

FOR THE RIVERBEND SAND AND GRAVEL PROJECT

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
MITIGATION MEASURES			
AESTHETICS			
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-1**: A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue. The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase.	**AES-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-2**: Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening.	**AES-2**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AES-1: Would the Project substantially degrade the existing visual character	**MM AES-3**: The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding	**AES-3**: Use of a neutral-tone paint color will be monitored through the	Fresno County Dept. of Public Works & Planning, Development Services

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
or quality of the site and its surroundings?	landscape and vegetation.	annual County Mine Inspections.	Division
Impact AES-1: Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	**MM AES-4**: Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9). The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm.	**AES-4**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
AGRICULTURE & FORESTRY RESOURCES			
Impact AG-1: Would the Project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	**MM AG-1:** The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule: • Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE. • Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE. • Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.	**AG-1:** Annual compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	• Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE. Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project.		
AIR QUALITY			
Impact AQ-5: Would the Project create objectionable odors affecting a substantial number of people?	**MM AQ-1**: The following design features will mitigate VOC, SVOC, and/or SO_2 emissions: 1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions will be used to the extent feasible. 2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups will be implemented. 3. Mixing drum vapors will be routed back to the dryer burner.	**AQ-1**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact AQ-2: Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	**MM AQ-2:** Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that	**AQ-2**: Compliance through annual County Mine Inspections. In addition, documentation demonstrating compliance with the identified off-road engine	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact AQ-3: Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Impact AQ-4:*** Would the Project expose sensitive receptors to substantial pollution concentrations?	meet the Interim Tier 4 emissions standards. Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.	requirements shall be maintained on-site and provided to the County upon request.	
Impact AQ-2: Would the Project violate an air quality standard or contribute substantially to an existing or projected air quality violation? ***Impact AQ-3:*** Would the Project cause a cumulatively considerable net increase of a criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing	**MM AQ-3**: Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485).	**AQ-3**: Compliance through annual County Mine Inspections. In addition, the facility shall maintain a written idling policy and distribute that policy to affected operators of off-road equipment.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Air Resources Board, and San Joaquin Valley Air Pollution Control District

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
emissions which exceed quantitative thresholds for ozone precursors)? *Impact AQ-4:* Would the Project expose sensitive receptors to substantial pollution concentrations?			
BIOLOGICAL RESOURCES			
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1**: 1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. 2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). 3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At	**BIO-1**: Qualified biologist will conduct pre-demolition surveys for bat roosting sites and oversee avoidance of night-roosting bats during demolition activities for the periods specified. Qualified biologist will conduct pre-demolition surveys for day/maternity roosts and oversee humane eviction of the existing bat population and creation of artificial day roost habitat. If necessary, a mitigation/removal plan shall be prepared by a qualified biologist.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-2**: 1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season. 2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). 3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above: a. A qualified biologist shall evaluate the potential for the proposed work to disturb	**BIO-2**: Qualified biologist will conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities. If nests are found within identified ranges, CDFW shall be contacted.	Fresno County Dept. of Public Works & Planning, Development Services Division, California Department of Fish and Wildlife

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours. b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities. c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities. 4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned. 5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures.		
Impact BIO-5: Would the Project have a substantial adverse effect, either directly or through habitat	**MM BIO-3**: 1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry	**BIO-3**: Qualified biologist will conduct pre-construction surveys for elderberry shrubs and oversee	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines. 2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines: a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants. b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist. c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: "This area is habitat for	avoidance and/or implementation of additional mitigation measures as specified. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs. e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB.		
CULTURAL AND PALEONTOLOGICAL RESOURCES			
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-1**: Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-	**CPR-1**: Cultural site geographic coordinates will be provided to the County prior to commencement of Phase 8B. Thereafter, the exclusion zone would also be subject to compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County.		
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-2**: The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources.	**CPR-2**: Execution of agreement with qualified cultural and paleontological consultant regarding personnel education program.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	**MM CPR-3**: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	**CPR-3**: Earthmoving activities shall cease and a qualified archaeologist will be retained to assess the significance and provide direction. If such finds are found the Fresno County Department of Public Works and Planning shall be notified.	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact CPR-3: Would the Project directly or indirectly destroy a unique paleontological resource or	**MM CPR-4**: If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning	**CPR-4**: Earthmoving activities shall cease and a paleontologist will be retained to assess the	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
site or unique geologic feature?	Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.	significance and provide direction. Is such finds are discovered they shall be immediately reported to Fresno County Department of Public Works and Planning.	
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-5**: In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find.	**CPR-5:** Earthmoving activities shall cease. The Fresno County Coroner shall be contacted immediately in order to assess the remains and to determine the correct action. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours.	Fresno County Dept. of Public Works & Planning, Development Services Division; Fresno County Coroner
Impact CPR-4: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	**MM CPR-6**: The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed	**CPR-6:** If Native American remains are discovered, an agreement shall be executed between the operator/landowner and NAHC regarding treatment of burial items and unanticipated human remains.	Fresno County Dept. of Public Works & Planning, Development Services Division; Native American Heritage Commission; Fresno County Coroner

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	steps in Public Resources Code §5097.98, which include but are not limited to the following: • The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American. • The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. • The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.		
HYDROLOGY AND WATER QUALITY			
Impact HWQ-7: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	**MM HWQ-1**: To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid	**HWQ-1**: Compliance through annual County Mine Inspections. In addition, the operator will communicate the flooding potential to all employees each day verbally or by conspicuous posting of the current conditions (e.g., same location as safety items are posted).	Fresno County Dept. of Public Works & Planning, Development Services Division

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	working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades.		
NOISE AND VIBRATION			
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-1**: The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant: 1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards. 2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers: a. When operating the mine and aggregates	**NO-1:** 1. Upon commencement of operation, dragline noise measurements will be provided to the County demonstrating that the L_{50} noise levels are equal to or less than 70 dBA at a distance of 100-feet. If L_{50} noise levels exceed 70 dBA, then additional dragline mitigation measures shall be implemented, subsequent noise measurements shall be conducted and provided to the County demonstrating that the dragline noise will not exceed the Fresno County Noise Standard (50 dBA day and 45 dBA night) at any noise receiver. In the event the measured ambient noise level exceeds the noise level standard, the standard	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	plant only: i. 600 ft from R3, R4, R5, R7, R9, R10. ii. 900 ft from R8. iii. 725 ft from R13. iv. 925 ft from R14. b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant: i. 600 ft from R3, R4, R5. ii. 750 ft from R7, R9, R10. iii. 1,050 from ft R8. iv. 850 ft from R13. v. 975 ft from R14. 3. Prior to mining within 900 feet of Residences 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 4. Prior to mining within 900 feet of Residence 10 along Riverbend Avenue, an 11-foot tall berm should be constructed near the western edge of the proposed 100-foot excavation setback. 5. Prior to mining within 900 feet of Residence 13, the proposed 8-foot tall berm should be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue. 6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that	shall be adjusted so as to equal the ambient noise level. Compliance will additionally be met through annual County Mine Inspections. **NO-1:** 2-6. Compliance through annual County Mine Inspections.	

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
	the dragline cooling exhaust fans do not directly face the residence.		
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Impact NO-2:** Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	**MM NO-2**: The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8: 1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures: a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7. b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in 8 dBA reduction in noise from the aggregate plant. 2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards.	**NO-2**: Prior to nighttime operation of the aggregates plant, the operator shall install the 15-foot berm, install sound curtains, and provide noise measurements to the County that show noise levels at Receiver 8 to be less than Fresno County Noise Standards with the aggregates plant in operation. In the event the measured ambient noise level exceeds the noise level standard, the standard shall be adjusted so as to equal the ambient noise level. Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
Impact NO-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**MM NO-3:** The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance.	**NO-3**: Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning, Development Services Division
TRANSPORTATION AND TRAFFIC			
Impact TRANS-1: Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Impact TRANS-2***:* Would the Project conflict with an applicable congestion management program,	**MM TRANS-1**: The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR*).	**TRANS-1**: The Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). Fair share payments shall be made based on the schedule(s) to be detailed in the traffic mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			
Impact TRANS-4: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	**MM TRANS-2:** The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***: <u>Project Driveway at Goodfellow</u> • Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue. • Westbound acceleration lane for trucks exiting the site.	**TRANS-2**: The Applicant will construct the improvements prior to any product being shipped from the Project site. Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning, Development Services Division
Impact TRANS-7: Would truck traffic generated by the Project result in the Traffic Index (TI) increasing by a factor of 0.5?	**MM TRANS-3:** The Project will contribute its fair share cost for the purposes of improving the structural section of the impacted street segments. <u>Central Avenue</u> • McCall Avenue and Bethel Avenue • Bethel Avenue and Academy Avenue • Academy Avenue and Newmark • Newmark Avenue and Riverbend Avenue <u>McCall Avenue</u> • SR 180 (Kings Canyon) and Jensen Avenue	**TRANS-3**: The Applicant shall enter into Traffic Index mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements. Fair share payments shall be made based on the schedule(s) to be detailed in the mitigation agreements.	California Department of Transportation; Fresno County Dept. of Public Works & Planning, Development Services Division

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		• Jensen and North • North Avenue and Central Avenue		
CONDITIONS OF APPROVAL – UCUP 3390				
FRESNO COUNTY				
1.		The CUP approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.	Submittal of Financial Assurances to the County	Fresno County Dept. of Public Works & Planning Development Services Division
2.		To ensure that reclamation will proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance.	Submittal of Financial Assurances to the County with Department of Conservation being an alternative payee.	Fresno County Dept. of Public Works & Planning Development Services Division
3.		Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
4.		The Applicant shall implement the mitigation measures adopted by the County.	Compliance through annual County Mine Inspections.	Fresno County Dept. of Public Works & Planning Development Services Division
5.		The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden).	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
6.		The Applicant shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
7.	Noise	The Applicant shall comply with Fresno County noise standards applicable to construction activities	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		associated with the Project.		Development Services Division; Fresno County Environmental Health Division
8.		At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal will be filed with the Department of Public Works and Planning.	The landowner of the parcels subject to Williamson Act Contract No. 6322 shall file a Notice of Nonrenewal with the Department of Public Works and Planning at least 10 years prior to the scheduled mining of those parcels.	Fresno County Development Services, Policy Planning Unit
9.		The Applicant shall comply with all applicable County recycling requirements.	Compliance through annual County Mine Inspections	Fresno County Dept. of Public Works & Planning Development Services Division
10.		The Applicant shall comply with all applicable federal, state, and local regulatory requirements.	Compliance through agency-specific applications, permitting, and monitoring procedures.	California Air Resources Board; California Department of Fish and Wildlife; California Department of Public Health; California Department of Toxic Substances Control; California Department of Transportation; California Department of Water Resources; California Occupational Safety and Health Administration; Federal Aviation Administration; Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
				Development Services Division; San Joaquin Valley Air Pollution Control District; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service
11.	Mitigation Monitoring (Third Party Monitor Agreement)	The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant will pay all costs associated with the Consultant costs and Mitigation Monitoring.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Fresno County Dept. of Public Works & Planning Development Services Division
12.	Mitigation Monitoring (Reimbursement for Staff Time in Mitigation and Condition of Approval Implementation)	The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor.	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Applicant, in coordination with Fresno County Department of Public Works and Planning
13.		The Applicant Shall Enter into an Agreement Indemnifying the County for Legal Costs Associated with its Approval of Unclassified Conditional Use Permit 3390.	The Indemnification Agreement shall be submitted to the County Department of Public Works and Planning Development Services Division.	Fresno County Dept. of Public Works & Planning Development Services Division
14.	RWQCB Discharge Regulations	In the event that future changes in discharge regulations applicable to the project occur, the	If an amendment to the reclamation plan is required, and	Fresno County Dept. of Public Works & Planning

Identified Impact		EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
		Applicant shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.	upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to review the amended reclamation plan, in accordance with the provisions of SMARA.	Development Services Division
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH				
15.		The Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health in the event that Project facilities are to be developed that meet the definition of a public water system.	Upon the determination that that Project facilities meet the definition of a public water system, the applicant shall file an application for a Domestic Water Supply Permit from the California Department of Public Health.	California Department of Public Health
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT				
16.		The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD.	The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD as part of periodic SJVAPCD inspections.	San Joaquin Valley Air Pollution Control District; Fresno County Dept. of Public Works & Planning Development Services Division
NOTES: The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the Project Applicant.				

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
1.	This Use Permit will become void, unless there has been substantial development within two years of the effective date of this approval		
2.	Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.		
3.	Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building.		
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.		
5.	The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance.		
6.	A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board.		
7.	Because the proposed project includes land disturbances of more than five acres, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board.		

Identified Impact	EIR Mitigation Measures/Conditions of Approval	Compliance/Monitoring Procedure	Responsible Department
8.	The Applicant shall adhere to San Joaquin Air Pollution Control District Regulation VIII – Fugitive Dust Rules. The Applicant shall also adhere to the Districts permitting requirements which include Permit to Operate (PTO) and Authority to Construct (ATC).		
9.	The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions.		
10.	The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.		
11.	The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances.		

EXHIBIT C

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

July 9, 2015

Briza Sholars
Planner III
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: Proposal for Riverbend Sand and Gravel Mitigation Monitoring and Conditions Compliance (EIR No. 6606, UCUP No. 3390)

Dear Ms. Sholars:

The following is Buada Associates, Inc.'s ("Buada Associates") proposal for services relating to implementation of the Mitigation Monitoring and Reporting Plan and Condition Compliance Matrix ("Monitoring Plan") approved and adopted in connection with the certification of Environmental Impact Report (EIR) No. 6606 for the Riverbend Sand and Gravel Project (State Clearinghouse No. 2013071097) ("Project") and approval of Unclassified Conditional Use Permit (UCUP) No. 3390 and Reclamation Plan by the Fresno County Planning Commission on February 26, 2015.

Riverbend Sand and Gravel, LLC ("Riverbend") will be operating and developing the Riverbend Sand and Gravel Project, approved under UCUP No. 3390, consisting of a sand and gravel extraction facility on a 619-acre portion of a 833-acre site. Condition 11 of the Monitoring Plan requires that Riverbend (as the Applicant) enter into an agreement with the County of Fresno to implement the Monitoring Plan via a third party consultant.

A. Scope of Services

Buada Associates will perform the following services, as an independent third party consultant, to implement monitoring of the Project's Mitigation Measures and Conditions of Approval, as provided in the Monitoring Plan:

Task 1: Monitoring to verify compliance with all Project Mitigation Measures and Conditions of Approval. Coordinate with County and/or Riverbend to collect all relevant information, and review information as necessary

Task 2: Prepare and provide the County a written report by e-mail within 30 days of each monitoring visit to document the status of compliance with all Project Mitigation Measures and Conditions of Approval.

Task 3: Attend, as necessary, up to two (2) site visits and two (2) meetings with the County and Riverbend per year.

B. Compensation and Term

Buada Associates will provide the above services on a time and materials basis, in accordance with the attached Schedule of Charges, at a cost not to exceed Nine Thousand Dollars ($9,000) annually, for a period of five (5) years. Therefore, the maximum cost for services per this proposal is $45,000.

If you need any additional information or have any questions regarding this proposal, please contact me by email at jcbuada@buada.com or by phone at (559) 432-4902.

Sincerely,

John C. Buada
President

BUADA ASSOCIATES, INC.

SCHEDULE OF CHARGES
Effective January 1, 2015

LABOR:

Labor Category	Hourly Rate
Principal	$200.00
Project Manager	$170.00
Associate Planner	$130.00
Administrative Assistant	$75.00

A 100% markup on hourly rate for expert witness services
*Adjustable on an Annual Basis

REIMBURSABLE EXPENSES (+ 10% Administration Fee)

	Cost
Copies B/W	$0.10/pg
Copies Color (8.5x11)	$0.50/pg
Copies Color (11x17)	$1.00/pg
Mileage	$0.56/mi
Auto Rental	Cost
Lodging	Cost
Meals	Cost
Parking	Cost
Map Prints	Cost
Postage	Cost
Photo	Cost
Database Search	Cost

INVOICES

Invoices will be rendered monthly, either as final or partial billing. Terms are Net 15 days. An additional late payment charge of 1.5% per month will be payable on accounts not paid within 30 days from the billing date. On accounts not paid within 60 days from the billing date services will be suspended until current.

EXHIBIT D

SELF-DEALING TRANSACTION DISCLOSURE FORM

In order to conduct business with the County of Fresno (hereinafter referred to as "County"), members of a contractor's board of directors (hereinafter referred to as "County Contractor"), must disclose any self-dealing transactions that they are a party to while providing goods, performing services, or both for the County. A self-dealing transaction is defined below:

"A self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest"

The definition above will be utilized for purposes of completing this disclosure form.

INSTRUCTIONS

(1) Enter board member's name, job title (if applicable), and date this disclosure is being made.

(2) Enter the board member's company/agency name and address.

(3) Describe in detail the nature of the self-dealing transaction that is being disclosed to the County. At a minimum, include a description of the following:

   a. The name of the agency/company with which the corporation has the transaction; and

   b. The nature of the material financial interest in the Corporation's transaction that the board member has.

(4) Describe in detail why the self-dealing transaction is appropriate based on applicable provisions of the Corporations Code.

(5) Form must be signed by the board member that is involved in the self-dealing transaction described in Sections (3) and (4).

(1) Company Board Member Information:			
Name:	John C. Buada	**Date:**	July 9, 2015
Job Title:	President		

(2) Company/Agency Name and Address:

Buada Associates, Inc.
4872 N Arcade
Fresno, CA 93704

(3) Disclosure (Please describe the nature of the self-dealing transaction you are a party to):

Not party to any self-dealing transaction.

(4) Explain why this self-dealing transaction is consistent with the requirements of Corporations Code 5233 (a):

(5) Authorized Signature

Signature:	John C. Buada	Date:	July 7, 2015

EXHIBIT 65

County of Fresno

Hall of Records, Room 301
2281 Tulare Street
Fresno, California
93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

Summary Agenda

Board of Supervisors

Deborah A. Poochigian, 5th District, Chairman
Buddy Mendes, 4th District, Vice Chairman
Brian Pacheco, 1st District
Andreas Borgeas, 2nd District
Henry Perea, 3rd District

John Navarrette, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk

Tuesday, September 1, 2015 **9:00 AM** **Hall of Records**

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular p.m. session.

All supporting documentation is available for public review in the office of the Clerk to the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

http://fresnocounty.legistar.com.

Invocation and Pledge of Allegiance

1. 15-1257 Approve Agenda

2. 15-1349 Approve Consent Agenda - Item Numbers 16 – 36

Chairman Poochigian

3. 15-1354 Adopt resolution proclaiming September 13 - 19, 2015 as 4-H Club Week in Fresno County and receive a presentation by local 4-H All-Star team members

Attachments: Resolution

Supervisor Perea

4. 15-1341 Proclaim the week of September 7th-13th as Suicide Prevention Week in Fresno County

Attachments: Proclamation

Administrative Office

5. **15-1407** Approve and authorize the Chairman to execute an Agreement with Fresno Humane Animal Services, for the provision of mandated animal control services, effective upon execution with services commencing October 1, 2015, not to exceed five consecutive years which includes a three year base contract and two optional one year extensions, total not to exceed $6,222,048; approve and authorize the Clerk to the Board to execute Budget Transfer 10 to transfer appropriations in the amount of $386,379 within Org 2540, Interest and Miscellaneous Expenditures from Operating Transfer Out to Org 56204762, Department of Public Health, Professional and Specialized Services; and, adopt Resolution decreasing FY 2015-16 appropriations and revenues for Org 0124 - Debt Service in the amount of $386,379.

Attachments: On file with Clerk - Resolution (Org 0120)

On file with Clerk - Budget Transfer 10

6. 15-1037 Consider and take action on request for determination of public convenience or necessity on application for Alcoholic Beverage License Type 20 filed by 7 Eleven Inc. & Dunnenger Incorporated located at 385 W. Shaw Avenue, Fresno, CA 93704

Attachments: Agenda Item

Census Tract 50 Map

SSJ Law Firm Letter w/ Attach. 1-5

ABC Application (Form ABC-245)

Behavioral Health

7. **15-1242**

Adopt Budget Resolution increasing FY 2015-16 appropriations for Mental Health Services Act Capital Facilities Org 1055 in the amount of $1,000,000 (4/5 vote); adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Adult Crisis Residential Treatment (CRT) Facility Org 56302114 in the amount of $4,100,714 (4/5 vote); adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Adult CRT Facility Org 8851 in the amount of $4,100,714 (4/5 vote); approve the recommendation of Dyson Siegrist Janzen Architects (DSJ), of Fresno, California, to provide architectural services for the Adult CRT Facility from pre-design through project completion phases; authorize the Department of Public Works and Planning ("Department") staff to negotiate an Agreement with DSJ. If fair and reasonable agreement terms cannot be negotiated with DSJ, authorize the Department to initiate negotiations for an Agreement with Integrated Designs by SOMAM, Inc., (Integrated), the second-ranked firm; and further authorize the Department to enter into negotiations with TAM + CZ, Architects, LLP, in the event satisfactory Agreement terms with both DSJ and Integrated are not reached; and, upon successful contract negotiations, authorize the Director of the Department of Public Works and Planning to approve the architectural consultant services Agreement in order to expedite the project design services for the Adult CRT facility, contingent upon Agreement review and approval, by County Counsel and the Auditor-Controller/Treasurer-Tax Collector

Attachments:

Agenda Item

On file with Clerk - Resolution (Org 1055)

On file with Clerk - Resolution (Org 8851)

On file with Clerk - Resolution (Org 5630)

Public Works and Planning

8. 15-1088

Conduct first hearing of proposed amendment to Fresno County Ordinance Code, Title 15 regulating building and construction within Fresno County to add Section 15.18.030 of Chapter 15.18 pertaining to residential rooftop solar energy systems, waive reading of Ordinance in its entirety and set second hearing for September 22, 2015; and approve County's standard checklist for small residential rooftop energy systems, forms that substantially comply with those contained in California Solar Permitting Guidebook published by Governor's Office of Planning and Research **JANES/Kettler**

Attachments:

Agenda Item

Exhibit A

Ordinance

9. 15-1102 Consider and take action on resolution to discontinue the dissolution of County Service Area 47 and to discontinue the proposed sale of assets and transfer of service and responsibility to California Water Service Company **ZIMMER**

Attachments: Agenda Item
Map
On file with Clerk - Resolution
On file with Clerk - Exhibit A

Board of Supervisors' Committee Reports and Comments

10. 15-1310 Board of Supervisors' Committee Reports and Comments - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

Board Appointments

11. 15-1311 Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Attachments: Agenda Item
Attachment A

Public Presentations

12. 15-1350 Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic

Closed Session

13. 15-1266 Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment.

14. 15-1312 Public Employee Appointment or Employment, Government Code Section 549657 – Title: County Administrative Officer

15. 15-1317 Conference with legal counsel - Initiation of Litigation; Government Code Section 54956.9(d)(4) – 1 Case

Adjourn

NEXT MEETINGS:

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 600-3529 no later than Monday at 9:00 a.m.

CONSENT AGENDA

Supervisor Perea

16. 15-1340 Adopt resolution in honor of the 60th year anniversary of the Fresno Evangel home and express appreciation of Gerre Brennen for her outstanding leadership and service to the Fresno community

Attachments: Resolution

Supervisor Mendes and Supervisor Perea

17. 15-1060 Adopt amended Resolution proclaiming continuation of the local emergency status as a result of the 2015 Drought Conditions

Attachments: Agenda Item

On file with Clerk - Resolution

District Attorney/Public Administrator

18. 15-1245 Receive and file annual report of the Real Estate Fraud Prosecution program pursuant to California Government Code Section 27388

Attachments: Agenda Item

Auditor Controller-Treasurer/Tax Collector

19. 15-1233 Approve eighty-eight (88) resolutions granting claims for excess proceeds where sufficient information and proof of claimant's right to the excess proceeds have been established and order the distribution after the 90 day waiting period. Approve thirty-eight (38) resolutions denying claims for excess proceeds pursuant to California Revenue and taxation Code Section 4675 where either insufficient excess proceeds available to disburse to claimant, insufficient evidence to deem proof of claimant; or the claim was withdrawn

Attachments: Agenda Item

On file with Clerk – Resolutions (88 - Granting Distribution of Proceeds)

On file with Clerk – Resolutions (18 – Insufficient Excess Proceeds Available)

On file with Clerk – Resolutions (19 – Insufficient Evidence)

On file with Clerk – Resolutions (1 - Insufficient Evidence-HOA)

Sheriff/Coroner

20. 15-1202 Approve and authorize the Chairman to execute a retroactive Revenue Agreement with the City of Fresno for the housing of local inmates effective July 1, 2015, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed $949,000

Attachments: Agenda Item

On file with Clerk - Agreement with City of Fresno

Administrative Office

21. 15-1256 Authorize Chairman to sign a letter of interest to receive additional Community Recidivism Reduction Grant FY 2015-16 funds through the California Board of State and Community Corrections ($125,000)

Attachments: Agenda Item

Letter of Interest to CRRG

Agriculture

22. 15-1042 Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Food and Agriculture for the Certified Farmers Market Inspection Program, effective July 1, 2015 through June 30, 2016 ($17,200)

Attachments: Agenda Item

On file with Clerk - Ca. Dept. of Food & Ag

Personnel Services

23. 15-1035 Approve Resolutions Rejecting Claims for Damages; Approve Resolutions Rejecting Applications for Leave to Present a Late Claim for Damages

Attachments: Agenda Item

On file with Clerk - Resolution (PG&E)

On file with Clerk - Resolution (Jones)

On file with Clerk - Resolution (Barber)

On file with Clerk - Resolution (Rodriguez)

On file with Clerk - Resolution (Burke)

On file with Clerk - Resolution (Ballesteros)

On file with Clerk - Resolution (May)

24. 15-1379 Approve the Salary Resolution Amendments regarding salary adjustments for Deputy County Counsel I/II/III/IV/Senior as reflected on Appendix "C"

Attachments: Agenda Item

Salary Resolution

25. 15-1338 Approve the Addendum to Memorandum of Understanding (MOU) for Representation Unit 31 - Public Defenders, represented by the Professional Association County Employees, regarding the extension of the current MOU through December 17, 2017; and, approve the related Salary Resolution Amendments as reflected on Appendix "B".

Attachments: Agenda Item

Addendum to MOU, Unit 31

Salary Resolution

Probation

26. 15-0916 Retroactively Approve the Chief Probation Officer's previous submittal of a grant application to State of California's Board of State and Community Corrections for Title II Juvenile Delinquency Prevention and Intervention Grant Program funds ($300,000); Adopt resolution authorizing the Chairman to sign the grant application and to execute the subsequent grant award agreement for the period of October 1, 2015 through September 30, 2016, subject to approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector

Attachments: Agenda Item

On file with Clerk - BSCC Grant Application

On file With Clerk - Resolution

On file With Clerk - Transmittal

Public Health

27. 15-1091 Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Resources Recycling and Recovery (CalRecycle) for Fiscal Year 2015-16 Local Enforcement Agency Grant Program funding, effective July 1, 2015 through October 28, 2016 ($28,889)

Attachments: Agenda Item

On File with Clerk - Agreement with CalRecycle

28. 15-1081 Approve and authorize the Chairman to execute a retroactive revenue Allocation Agreement with the California Department of Public Health for Tobacco Control Program funds, effective July 1, 2015 through June 30, 2016 ($150,000).

Attachments: Agenda Item

On file with Clerk - Agreement with Ca. Dept. of Public Health

Public Works and Planning

29. 15-1027 Authorize Chairman to sign the Mitigation Monitoring Reimbursement Agreement (County Staff Time) for the Riverbend Sand and Gravel Project and adopt a Resolution establishing an account associated with Unclassified Conditional Use Permit (UCUP) No. 3390 to reimburse required mitigation monitoring **SHOLARS**

Attachments: Exhibit A

On file with Clerk - Resolution

On file with Clerk – Agreement with Riverbend Sand and Gravel, LLC

Agenda Item

30. 15-1028 Make a finding that the best interests of the County would be served by the suspension of the competitive bidding process because unusual or extraordinary circumstances exist in that the recommended vendor has unique and specialized expertise in the mining field; and authorize Chairman to sign a Third Party Mitigation Monitoring Agreement for the Riverbend Sand and Gravel Project **SHOLARS**

Attachments: Agenda Item

Exhibit A

Exhibit B

On file with Clerk - Agreement with Buada Associates, Inc.

31. 15-1096 Approve amendments to Zoo Authority Bylaws **CROSBY**

Attachments: Agenda Item

Attachment A - E

32. 15-1067 Approve and authorize Chairman to execute Agreement with the City of Reedley for the Reedley Pioneer Park Restroom, Community Development Block Grant Project No. 15571 ($169,944) **GIBBS/Avedian**

Attachments: Agenda Item

Map

On file with Clerk - Agreement with City of Reedley

33. 15-1075

Amend the County's FY 2015-16 Action Plan to add Trailside Terrace Apartments housing development located in the City of Reedley; Approve and authorize Chairman to execute Agreement with Reedley Trailside Terrace, LP for HOME Investment Partnerships Program funds for the development of the Trailside Terrace Apartments in the City of Reedley ($1,000,000); Authorize Director of Public Works and Planning, or his designee, to execute all loan and related documents necessary to the project, including any amendments thereto, and to approve on the County's behalf, items specified in Section XVIII of the Agreement

GIBS/Quiroga

Attachments:
Agenda Item
Map
On file with Clerk - Agreement with Reedley Trailside Terrace

34. 15-1097

Approve and authorize Chairman to execute Agreement with City of Sanger for Sanger Street Light Improvements (Phase IV), Community Development Block Grant Project No. 15611 ($163,567)

GIBBS/Avedian

Attachments:
Agenda Item
Map
On file with Clerk - Agreement with City of Sanger

Social Services

35. 15-1063

Approve and authorize the Chairman to execute Amendment II to Agreement No. A-13-194 with Cynthia Billups for coaching services, effective upon execution through September 30, 2016 ($322,500).

Attachments:
Agenda Item
On file with Clerk - Agreement with Cynthia Billups

36. 15-1076

Delegate the authority to appeal Juvenile Dependency Court case findings and orders to the Director of the Department of Social Services or designee.

Attachments:
Agenda Item

Board Agenda Item 8

DATE: September 1, 2015

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Amendment to Title 15 (Addition of Section 15.18.030 - Small Residential Rooftop Solar Energy Systems)

RECOMMENDED ACTION(S):

1. **Conduct first hearing of proposed amendment to Fresno County Ordinance Code, Title 15 regulating building and construction within Fresno County to add Section 15.18.030 of Chapter 15.18 pertaining to residential rooftop solar energy systems, waive reading of Ordinance in its entirety and set second hearing for September 22, 2015.**

2. **Approve the County's standard checklist for small residential rooftop energy systems, forms that substantially comply with those contained in the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research.**

Approval of this recommended action would amend Title 15 of the Fresno County Ordinance Code to implement the requirements of Assembly Bill 2188 (AB 2188), approved by the California Legislature in 2014 which amended Section 714 of the Civil Code and Section 65850.5 of the Government Code. AB 2188 addresses streamlined permitting for small residential rooftop solar systems. Staff notes that it is the current practice of the Department is to provide over-the-counter review and next day inspections for roof-mount solar customers.

ALTERNATIVE ACTION(S):

No viable alternative is available. The County is required to adopt the ordinance mandated by Government Code Section 65850.5(g)(1).

FISCAL IMPACT:

There is no net County cost associated with the recommended action. All costs are recovered through existing building permit fees.

DISCUSSION:

Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The County currently expedites the review of such applications by reviewing and issuing applications over the counter. The County also currently can accept and approve such applications at the building counter and/or electronically through the County's email, internet, or via fax.

The County, however, is required to adopt the ordinance mandated by Section 65850.5(g)(1). The attached ordinance is intended to satisfy this requirement. The proposed ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the County's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications (which is the current practice). See Exhibit "A" for Streamlined Solar Checklist. Attached is the Draft Ordinance which identifies the addition of Small Residential Rooftop Solar Energy Systems.

Staff has determined the proposed Ordinance is exempt under from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) if the CEQA Guidelines, because it can be it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment. If the proposed Ordinance is adopted after a second reading, a Notice of Exemption (NOE) will be filed with the Fresno County Clerk's Office.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Ordinance

CAO ANALYST:

John Hays

Board Agenda Item 9

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: County Service Area 47-Quail Lake Request to Discontinue Sale and Transfer of Water and Wastewater Services

RECOMMENDED ACTION(S):

Consider and take action on resolution to discontinue the dissolution of County Service Area 47 and to discontinue the proposed sale of assets and transfer of service and responsibility to California Water Service Company

Adopting the proposed resolution will discontinue the proceeding to dissolve County Service Area 47 (CSA 47) and discontinue the proposed sale of CSA 47 assets and transfer of water and wastewater service responsibility to California Water Service Company (Cal Water).

ALTERNATIVE ACTION(S):

The Board may direct staff to continue with the proceeding to dissolve CSA 47 and continue working on the sale and transfer of CSA 47 assets and responsibility for water and wastewater services to Cal Water.

FISCAL IMPACT:

There is no net County cost associated with the recommended actions. Property owners in CSA 47 have paid all costs associated with the dissolution, sale, and transfer process through water and wastewater service fees. To date, the total funds expended on the dissolution, sale, and transfer process are approximately $62,300.

DISCUSSION:

CSA 47 was formed in 1995 to provide community water and wastewater services to the Quail Lake Estates Subdivision located between Ashlan and Shaw Avenues, east of McCall Avenue. CSA 47 encompasses approximately 375 acres including 707 residential lots, a community clubhouse, an elementary school, and a commercial parcel. CSA 47 currently serves approximately 704 residences, the Quail lake Clubhouse and the Quail Lake Charter School.

The proposal to dissolve CSA 47 began in late 2010, when members of the Quail Lake Homeowners Association (HOA), who also serve as the CSA 47 Citizens Advisory Committee (CAC), approached County staff about the possibility of dissolving CSA 47. Upon completion of the proposed dissolution, water and wastewater services would be transferred to Cal Water, a private utility company, which is regulated by the Public Utility Commissions (PUC).

Staff's understanding of the primary reason for the CSA 47 CAC proposal to dissolve and transfer the responsibility of water and wastewater services was to secure lower water and wastewater rates for the Quail

Lake property owners. Staff further understands that Cal Water was proposed by the CAC as the alternative provider because it demonstrated the probability, in 2010, of being able to offer lower rates and the experience and expertise to operate the water and wastewater systems in an efficient manner.

On April 24, 2012, the Board approved the process for dissolving CSA 47. This process included a public meeting on May 8, 2012. Prior to the public meeting, staff sent out a survey to all property owners to measure the level of support for the proposed dissolution and transfer of service provider responsibility to Cal Water. A total of 340 responses were received of the 710 existing and potential future customers (707 residential lots, HOA Clubhouse lot, one commercial lot, and school parcel). From those received, 306 (90%) supported and 34 (10%) opposed the transfer of service provider responsibility from CSA 47 to Cal Water. At that time, the developer of Quail Lake, Cambridge Group, LLC, owned a number of lots within CSA 47, many of which had not been developed. The developer was responsible for 145 of the 306 surveys in support of the transfer. If these 145 surveys were excluded from the total, it left 195 surveys received, from which 161 (82.6%) supported and 34 (17.4%) opposed the transfer.

On July 10, 2012, the Board adopted Resolution No. 12-285 initiating an application to the Fresno Local Agency Formation Commission (LAFCo) to dissolve CSA 47. The Board action directed staff to initiate and submit a dissolution application, and directed staff to enter into agreement negotiations with Cal Water for the purpose of transferring CSA 47 assets, infrastructure, facilities, and water and wastewater service responsibilities to Cal Water.

On March 13, 2013, LAFCo approved the dissolution, with the condition that the LAFCo Executive Officer must review and approve an agreement between the County and Cal Water, which agreement must include a plan specifying the terms, conditions, and necessary actions to be taken in order for the transfer of CSA 47 assets, liabilities, infrastructure, facilities, and service responsibilities to be complete. The dissolution is not complete until that condition is satisfied, either within one year of the LAFCo approval, or within an extension period approved by LAFCo. The County has already requested and received two one-year extensions, granted by LAFCo on January 15, 2014, and February 11, 2015. The current deadline to satisfy the condition is March 13, 2016.

Since the March 13, 2013 LAFCo approval, County staff has been working toward the sale and transfer of water and wastewater services to Cal Water. There have also been complicating issues arising from the County's Limited Obligation Improvement Bonds (Assessment District No. 282 - Quail Lake) Series 1997, which remain outstanding and are secured by assessments on CSA 47 properties. The sale agreement is near the final draft stage.

In February 2015, the CAC decided to form a Dissolution and Transfer of Services Subcommittee to provide an objective analysis of the options to transfer water and wastewater services to Cal Water, or stay with CSA 47.

In May 2015, the CAC met to discuss the subcommittee's recommendation to oppose or support the sale and transfer of water and wastewater services from CSA 47 to Cal Water. On June 4, 2015, the CAC held a community meeting for the subcommittee to objectively present their findings to the property owners. County staff and Cal Water representatives were not invited to either of the meetings.

On June 11, 2015, County staff held a public meeting at the Quail Lake Clubhouse to discuss the sale and transfer of water and wastewater services and to give the property owners an opportunity to voice their comments, questions and concerns. At the meeting, County staff also reiterated the need for a rate adjustment if the community keeps the water and wastewater services with CSA 47. Cal Water representatives were also present and provided a presentation that included many of the incentives for continuing the sale and transfer of water and wastewater services to Cal Water.

After a unanimous informal vote of the 59 residents in attendance at the County meeting to keep water and wastewater services with CSA 47, and at the request of the HOA and CAC, County staff sent a survey to all of the affected property owners on June 23, 2015. The survey was meant to gauge the desire of the Quail Lake

community to either continue the sale and transfer of water and wastewater services to Cal Water or keep services with CSA 47. From the 710 existing and potential future customers (707 residential lots, HOA Clubhouse lot, one commercial lot, and school parcel), a total of 381 responses were received. From those received, 32 (8%) expressed support, and 349 (92%) expressed an opposition to the sale and transfer of water and wastewater services to Cal Water.

Please note that the developer of Quail Lake, Lennar Homes, owns 12 lots within CSA 47, many of which are currently in development. The developer was responsible for 12 of the 32 surveys in support of the transfer. If these 12 surveys are excluded from the total, the result are 369 total surveys received, of which 20 (5%) are in support and 349 (95%) are in opposition of the sale and transfer of water and wastewater services.

Copies of the survey and results are attached as Exhibit A to this agenda item and are on file with the Clerk to the Board.

The Board is not bound to approve or disapprove the discontinuance of the dissolution, or sale and transfer of services based on this survey. The survey was conducted to measure the level of community support or opposition for the sale and transfer of water and wastewater services to Cal Water, and is strictly for informational purposes.

County staff has conferred with LAFCo on the possibility of ceasing the dissolution and have been informed that declining to file a dissolution extension and not submitting a proposed agreement with Cal Water for review by the LAFCo Executive Officer will result in the termination of the dissolution proceedings.

If the Board determines that the sale and transfer of water and wastewater services shall be discontinued, staff will abandon the dissolution and discontinue the sale and transfer of water and wastewater services to Cal Water. Staff will then begin working on a Proposition 218 proceeding to adjust the water and wastewater rates for CSA 47.

REFERENCE MATERIAL:
BAI # 32, April 24, 2012
BAI # 7, July 10, 2012, Resolution No. 12-285

ATTACHMENTS INCLUDED AND/OR ON FILE:
Map
On file with Clerk - Resolution
On file with Clerk - Exhibit A

CAO ANALYST:
John Hays

Board Agenda Item 29

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Mitigation Monitoring Reimbursement Agreement for County Staff Time for the Riverbend Project

RECOMMENDED ACTION(S):

Authorize Chairman to sign the Mitigation Monitoring Reimbursement Agreement (County Staff Time) for the Riverbend Sand and Gravel Project and adopt a Resolution establishing an account associated with Unclassified Conditional Use Permit (UCUP) No. 3390 to reimburse required mitigation monitoring.

UCUP No. 3390 was approved to mine (extract) construction grade aggregate (sand and gravel) from property located north and south of the Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. Approval of the recommended action will implement Mitigation Measures that must be satisfied prior to initiation of operations associated with Unclassified Conditional Use Permit (UCUP) No. 3390 approved by the Planning Commission February 26, 2015.

ALTERNATIVE ACTION(S):

No viable options available because without approval of the recommended action the project cannot be implemented as approved.

FISCAL IMPACT:

There is no net County cost associated with the recommended action. If approved, the Applicant would provide funding to compensate for County's staff time in reviewing and administering any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the third party monitor.

DISCUSSION:

The EIR prepared for UCUP No. 3390 was certified and approved by the Planning Commission on February 26, 2015, to mine construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno. (See Exhibit "A"). The EIR identified the need for a third party to monitor the Applicant's compliance with the Project's Mitigation Measures and Conditions of Approval as provided in the Mitigation Monitoring and/or Reporting Program and Condition of Compliance Matrix (MMRP&CCM)

The purpose of a MMRP&CCM is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in the EIR and is found to be necessary to meet the requirements of the California Environmental Quality Act (CEQA). When making findings required by Public Resources Code Section 21081 or adopting a negative declaration containing mitigation measures, the approving body shall adopt a mitigation monitoring and reporting program as proposed or modified pursuant to

this title.

Condition of Approval No. 12 for UCUP No. 3390 requires Riverbend to enter into an agreement with the County for reimbursement of County staff time associated with mitigation monitoring. As adopted by the Fresno County Planning Commission the condition reads:

> *"The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor."*

A Mitigation Monitoring Reimbursement Agreement for County Staff time is necessary to provide funding to compensate for County's staff time in reviewing and administering any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the third party monitor. The County will submit a monthly invoice and Riverbend shall reimburse the County for all reasonable costs incurred by related to the monitoring.

REFERENCE MATERIAL:

BAI #8, May 19, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Map
On file with Clerk - Resolution
On file with Clerk - Agreement with Riverbend Sand and Gravel, LLC

CAO ANALYST

John Hays

Board Agenda Item 29

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Agreement with the City of Reedley for the Reedley Pioneer Park Restroom, Community Development Block Grant (CDBG) Project No.15571

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement with the City of Reedley for the Reedley Pioneer Park Restroom, Community Development Block Grant Project No. 15571 ($169,944).

The Agreement provides Community Development Block Grant (CDBG) funding for the Reedley Pioneer Park Restroom Project, which is included in the County's 2015-2016 Action Plan as approved by the Board on May 5, 2015. The $169,944 agreement amount is available from the City's 2015-2016 allocation of CDBG funds as listed in the Action Plan.

ALTERNATIVE ACTION(S):

The Board may direct the City to propose a different eligible use for its CDBG funds. A different use would require an amendment to the Action Plan.

FISCAL IMPACT:

There is no net cost to the County. The total estimated project cost is $169,944. CDBG funds in the amount of $169,944 are included in the Department's adopted budget for FY 2015-16, Org 7205 for the Reedley Pioneer Park Restroom Project. The City will provide all sums of money in excess of the CDBG funds that may be necessary to complete the project.

DISCUSSION:

The U.S. Department of Housing and Urban Development (HUD) annually allocates CDBG funding to the County using a formula based on census data for the County and its partner cities. Using the same formula, the County then reallocates a portion of the CDBG funds to its partner cities through a Joint Powers Agreement (JPA) for the purpose of carrying out housing and community development activities. The JPA permits the partner Cities to select eligible projects for submission to the County for consideration. Under the JPA, the County is responsible for the overall administration of the CDBG Program and for the contract management of each project receiving CDBG funds. The Agreement contains a mutual indemnity clause consistent with the JPA.

The Reedley Pioneer Park Restroom Project, which was approved by the Board for inclusion in the 2015-2016 Action Plan, consists of the replacement of an existing old cinder block restroom that does not meet current building codes or accessibility requirements with a pre-fabricated restroom that is compliant with Americans with Disabilities Act (ADA) standards. The Project will be located at the Pioneer Park in downtown Reedley.

In addition to providing funds for the project, the Agreement requires the City of Reedley to prepare the design plans and specifications in conformance with Federal and State regulations governing Federally-funded projects. The City of Reedley will be responsible for the advertising and awarding of the project to the lowest responsible bidder and completion of the necessary construction engineering. The County agrees to review and approve the plans and specifications for compliance with Federal regulations prior to the City advertising the project for bid. The City of Reedley will be responsible for maintaining the improvements after the project is completed.

Initial Study/Environmental Assessment No. 6969 was completed for the Reedley Pioneer Park Restroom Project under the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Based on the environmental review, the project is categorically exempt from the provisions of the CEQA Guidelines under Section 15301, Class 1 - Existing Facilities and Section 15302, Class 2 - Replacement or Reconstruction. Under Section 15301, a Class 1(c) exemption consists of the operation, repair, maintenance or minor alteration of existing public facilities involving negligible or no expansion of use. Under Section 15302, a Class 2(c) exemption includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose. It has also been determined that the project is exempt per Section 58.34 (a) (12) of the NEPA Guidelines because the project meets the requirements for a categorical exclusion under Section 58.35 (a)(1).

OTHER REVIEWING AGENCIES:

The Agreement has been reviewed and approved by the City of Reedley.

REFERENCE MATERIAL:
BAI #23 5-5-15

ATTACHMENTS INCLUDED AND/OR ON FILE:
Map
On file with Clerk - Agreement with City of Reedley

CAO ANALYST:
John Hays

Board Agenda Item 30

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Third Party Mitigation Monitoring Agreement for Unclassified Conditional Use Permit No 3390 (Riverbend Sand and Gravel Project)

RECOMMENDED ACTION(S):

1. **Make a finding that the best interests of the County would be served by the suspension of the competitive bidding process because unusual or extraordinary circumstances exist in that the recommended vendor has unique and specialized expertise in the mining field.**

2. **Authorize Chairman to sign a Third Party Mitigation Monitoring Agreement for the Riverbend Sand and Gravel Project.**

The Agreement is associated with Unclassified Conditional Use Permit (UCUP) No. 3390 approved to mine (extract) construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno (See Exhibit A, map). Approval of the recommended action will implement an approved Condition of Approval and allow for the retention of an Administrator to oversee the implementation of Mitigation Measures that must be satisfied during operations associated with UCUP No. 3390 and Environmental Impact Report (EIR) No. 6606 approved and certified by the Planning Commission on February 26, 2015.

ALTERNATIVE ACTION(S):

No viable options available because without approval of the recommended action, the project cannot be implemented as approved.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

County Administrative Policy No. 34 provides exceptions to the requirement that competitive bids or request for proposals shall be secured for all contracts for goods or services acquired by the County. Included in the exceptions is the situation when in unusual or extraordinary circumstances, the Board of Supervisors finds that the best interest of the County would be served by not securing competitive bids or issuing a request for proposal. The Suspension of Competition Acquisition Request form has been reviewed and approved by Purchasing and is included as Exhibit B to the agenda item.

FISCAL IMPACT:

There is no net County cost associated with the recommended action. If approved, Riverbend LLC would provide funding directly to the County to fund an Administrator (consultant) of their choice, to implement and administer the Mitigation Monitoring and/or Reporting Plan and Condition of Compliance Matrix (MMRP&CCM).

DISCUSSION:

EIR No. 6606 was prepared for UCUP No. 3390 and was certified and approved by the Planning Commission on February 26, 2015, to permit the mining of construction grade aggregate (sand and gravel) from property located north and south of Goodfellow Avenue between the Kings River and Riverbend Avenue in the County of Fresno.

The EIR identified the need for a third party to monitor the Applicant's compliance with the Project's Mitigation Measures and Conditions of Approval as provided in the MMRP&CCM.

The purpose of a MMRP&CCM is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in the EIR and is found to be necessary to meet the requirements of the California Environmental Quality Act (CEQA). When making findings required by Public Resources Code Section 21081 or adopting a negative declaration containing mitigation measures, the approving body shall adopt a mitigation monitoring and reporting program as proposed or modified pursuant to this title.

Condition of Approval No. 11 of the MMRP&CCM for UCUP No.3390 requires the applicant's consultant to enter into an agreement with the County to implement and fund the MMRP&CCM via a third party Administrator. The applicant has recommended the selection of Buada Associates, Inc. for services in connection with implementing and administering the Monitoring Plan. County staff concurs that the recommended vendor possesses unique and specialized expertise in the mining field, and is the best candidate to provide the services specified in this Agreement. It should be noted that County staff will be reviewing the work of the Administrator. This action will more effectively ensure compliance with the certified EIR. As adopted by the Fresno County Planning Commission the condition reads:

"*The County of Fresno shall enter into an agreement with a Consultant to act as a Third Party Monitor and implement the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the Project's mitigation measures and conditions of approval as provided in the Mitigation Monitoring and/or Reporting Program and Conditions Compliance Matrix, and the Applicant will pay all costs associated with the Consultant costs and Mitigation Monitoring."*

REFERENCE MATERIAL:

BAI #8, May 19, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
On file with Clerk - Agreement with Buada Associates, Inc.

CAO ANALYST:

John Hays

Board Agenda Item 30

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Agreement with Reedley Trailside Terrace, LP for the Trailside Terrace Apartments in the City of Reedley

RECOMMENDED ACTION(S):

1. **Amend the County's FY 2015-16 Action Plan to add Trailside Terrace Apartments housing development located in the City of Reedley;**

2. **Approve and authorize Chairman to execute Agreement with Reedley Trailside Terrace, LP for HOME Investment Partnerships Program funds for the development of the Trailside Terrace Apartments in the City of Reedley ($1,000,000);**

3. **Authorize Director of Public Works and Planning, or his designee, to execute all loan and related documents necessary to the project, including any amendments thereto, and to approve on the County's behalf, items specified in Section XVIII of the Agreement.**

The first recommended action amends the County's FY 2015-16 Action Plan, approved by the Board on May 5, 2015, to add this specific affordable housing development project as an eligible activity under the County's HOME-funded Affordable Housing Development activity.

The second recommended action requests the Board's approval and execution of an Agreement with Reedley Trailside Terrace, Limited Partnership (LP), a California Limited Partnership, (Partnership). The Partnership currently consists of Silvercrest Inc., a nonprofit agency, which is the Managing General Partner and the Housing Authority of Fresno County, California a public body corporate and politic, which is the Administrative General Partner and the project developer. The Agreement before the Board provides a loan for $1,000,000 from the County's HOME Investment Partnerships (HOME) Program Grant to assist with the development of a low-income multi-family rental apartment complex in the City of Reedley, for which the total cost of development is expected to be $14,881,595. Trailside Terrace Apartments is a fifty-five unit rental housing project, of which eleven units will be designated HOME-assisted units.

The third recommend action requests the Board authorize the Director of Public Works and Planning, or his designee, at his discretion, to execute all loan and related documents necessary for the project, and any amendments thereto including items as specified in Section XVIII of the Agreement, which only includes non-substantive changes.

ALTERNATIVE ACTION(S):

The Board may deny the Agreement as proposed, or make any changes as appropriate consistent with the Federal regulations governing the HOME program. If HOME funds are not approved, the fifty-five unit,

low-income multi-family project may not be able to be developed.

FISCAL IMPACT:

There is no net County cost associated with the recommended actions. The Agreement before the Board reserves loan funds in the amount of $1,000,000 from the County's Federal HOME Grant. The HOME funds are included in the Department's adopted FY 2015-2016 budget, Org No. 5512/2008. The total estimated project cost for the Trailside Terrace Apartments is $14,881,595. The balance of funds needed to complete the financing of the project will be from non-County funds and will include a variety of other public and private funding sources.

DISCUSSION:

The Agreement before the Board reserves HOME funds in the amount of $1,000,000 for a pending loan that will be secured by a Promissory Note and Deed of Trust. The Agreement and Deed will both be recorded and will carry restrictions that will run with the land to enforce HOME income and rent requirements on the property for a period of twenty years.

The Agreement provides HOME funding to assist with the development of eleven units in a fifty-five unit low-income multi-family rental housing project in the City of Reedley. The Trailside Terrace Apartment Project, located at the west side of G Street and east side of H Street (see attached map), will provide affordable housing for persons earning no more than 60% of the area median income (AMI) for Fresno County. It will consist of a mix of one, two and three bedrooms units restricted to households at varying income levels that will range from 30% AMI to 60% AMI. The units must meet the HOME Program income and rent requirements for the full affordability period. Construction must meet all applicable local codes and property standards as identified in 24 CFR § 92.25 for HOME assisted new construction to ensure longevity and safety. The Agreement also provides for the Partnership to require professional liability insurance limits of $1,000,000 per incident and $2,000,000 aggregate for any professional contracts associated with this project, and secure a performance bond and labor and material bond in an amount sufficient to ensure full completion of the project.

The partners of the Reedley Trailside Terrace, LP have a strong history of affordable housing development with Fresno County and Central California. Based on criteria established under the Federal HOME Program, the Partnership is eligible to apply for HOME funding for affordable housing development projects. The Partnership, its members and the project have been reviewed by County staff and have been determined to meet the threshold criteria for funding under the County's Affordable Housing Development Program.

Release of County HOME funds is contingent upon the Partnership securing all other funding to complete financing for the project, including meeting all of the funding requirements for Low-Income Housing Tax Credits. The project is supported by the City of Reedley and is consistent with the County's General Plan, which directs residential growth to cities. The Partnership is requesting $1,000,000 of HOME funds to assist with the construction of eleven of the fifty-five rental units.

Additional funding for the estimated $14,881,595 housing project will come from a variety of funding sources that will include a loan from the Housing Authority of Fresno County and Tax Credits.

Estimated Sources of Funds:

1.	Construction Loan	$9,175,157
2.	Developer (Deferred Costs)	946,778
3.	Housing Authority of Fresno County	2,210,000
4.	County of Fresno (HOME Loan Funds)	1,000,000
5.	AHP Funds (Federal Reserve Bank)	540,000
6.	CA Tax Credit Equity	1,009,660

Estimated Total Project Costs	$14,881,595

Anticipated Permanent Loan Lien Order:
(Construction Loan Paid During Permanent Financing)

1. Housing Authority of Fresno County	$2,210,000
2. County of Fresno (HOME Loan Funds)	$1,000,000
3. AHP Funds (Federal Reserve Bank)	$540,000

Due to the complex financing and time sensitive nature of these large housing developments, it is not unusual for the project's other funding sources to change as the developer solidifies financing from a variety of public and private funding sources to complete financing for the project. The County's permanent lien position will not be lower than second lien position.

The project has already received tax credits, and is expected to commence construction in December, 2015, and be completed by March 2017.

OTHER REVIEWING AGENCIES:

The Agreement has been reviewed and approved by Reedley Trailside Terrace, LP.

ATTACHMENTS INCLUDED AND/OR ON FILE:
Map
On file with Clerk - Agreement with Reedley Trailside Terrace, LP

CAO ANALYST:
John Hays

Board Agenda Item 31

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Agreement with the City of Sanger for the Sanger Street Light Improvements (Phase IV), Community Development Block Grant (CDBG) Project No. 15611

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement with the City of Sanger for the Sanger Street Light Improvements (Phase IV), Community Development Block Grant Project No. 15611 ($163,567).

The Agreement provides Community Development Block Grant (CDBG) funding for the Sanger Street Light Improvements (Phase IV) Project, which is included in the County's 2015-2016 Action Plan as approved by the Board on May 5, 2015. The $163,567 agreement amount is available from the City's 2015-16 allocation of CDBG funds as listed in the Action Plan.

ALTERNATIVE ACTION(S):

The Board may direct the City to propose a different eligible use for its CDBG funds. A different use would require an amendment to the Action Plan.

FISCAL IMPACT:

There is no net cost to the County. The total estimated project cost is $260,000. CDBG funds in the amount of $163,567 are included in the Department's adopted budget for FY 2015-16, Org. No. 7205 for the Sanger Street Light Improvements (Phase IV) Project. The City will provide all sums of money in excess of the CDBG funds that may be necessary to complete the project.

DISCUSSION:

The U.S. Department of Housing and Urban Development (HUD) annually allocates CDBG funding to the County using a formula based on census data for the County and its partner cities. Using the same formula, the County then reallocates a portion of the CDBG funds to its partner cities through a Joint Powers Agreement (JPA) for the purpose of carrying out housing and community development activities. The JPA permits the partner Cities to select eligible projects for submission to the County for consideration. Under the JPA, the County is responsible for the overall administration of the CDBG Program and for the contract management of each project receiving CDBG funds. The Agreement contains a mutual indemnity clause consistent with the JPA.

The Sanger Street Light Improvements (Phase IV) Project, which was approved by the Board for inclusion in the 2015-2016 Action Plan, consists of the installation of street lights, electrical conduit, and related improvements that are either deficient or non-existent at various locations within the City. The improvements will be constructed within the area generally bounded by Edgar Avenue, "K" Street, Annadale Avenue, and Tucker

Avenue. The improvements will increase safety and benefit a service area that will principally assist low to moderate income residents.

In addition to providing funds for the project, the Agreement requires the City of Sanger to prepare the design plans and specifications in conformance with Federal and State regulations governing Federally-funded projects. The City of Sanger will be responsible for the advertising and awarding of the project to the lowest responsible bidder and completion of the necessary construction engineering. The County agrees to review and approve the plans and specifications for compliance with Federal regulations prior to the City advertising the project for bid. The City of Sanger will be responsible for maintaining the improvements after the project is completed.

Initial Study/Environmental Assessment No. 6821 was completed for the Sanger Street Light Improvements (Phase III) Project under the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and includes all phases planned for the project. Based on the environmental review, the project is categorically exempt from the provisions of the CEQA Guidelines under Section 15301, Class 1 - Existing Facilities. Under Section 15301, a Class 1(c) exemption consists of the operation, repair, maintenance or minor alteration of existing public facilities involving negligible or no expansion of use, including existing highways, streets, and sidewalks. It has also been determined that the project is exempt per Section 58.34 (a)(12) of the NEPA Guidelines because the project meets the requirements for a categorical exclusion under Section 58.35 (a)(1).

OTHER REVIEWING AGENCIES:

The Agreement has been reviewed and approved by the City of Sanger.

REFERENCE MATERIAL:

BAI #23, 5-5-15

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with City of Sanger

CAO ANALYST:

John Hays

EXHIBIT 66

Board Agenda Item 29

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Agreement with the City of Reedley for the Reedley Pioneer Park Restroom, Community Development Block Grant (CDBG) Project No.15571

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement with the City of Reedley for the Reedley Pioneer Park Restroom, Community Development Block Grant Project No. 15571 ($169,944).

The Agreement provides Community Development Block Grant (CDBG) funding for the Reedley Pioneer Park Restroom Project, which is included in the County's 2015-2016 Action Plan as approved by the Board on May 5, 2015. The $169,944 agreement amount is available from the City's 2015-2016 allocation of CDBG funds as listed in the Action Plan.

ALTERNATIVE ACTION(S):

The Board may direct the City to propose a different eligible use for its CDBG funds. A different use would require an amendment to the Action Plan.

FISCAL IMPACT:

There is no net cost to the County. The total estimated project cost is $169,944. CDBG funds in the amount of $169,944 are included in the Department's adopted budget for FY 2015-16, Org 7205 for the Reedley Pioneer Park Restroom Project. The City will provide all sums of money in excess of the CDBG funds that may be necessary to complete the project.

DISCUSSION:

The U.S. Department of Housing and Urban Development (HUD) annually allocates CDBG funding to the County using a formula based on census data for the County and its partner cities. Using the same formula, the County then reallocates a portion of the CDBG funds to its partner cities through a Joint Powers Agreement (JPA) for the purpose of carrying out housing and community development activities. The JPA permits the partner Cities to select eligible projects for submission to the County for consideration. Under the JPA, the County is responsible for the overall administration of the CDBG Program and for the contract management of each project receiving CDBG funds. The Agreement contains a mutual indemnity clause consistent with the JPA.

The Reedley Pioneer Park Restroom Project, which was approved by the Board for inclusion in the 2015-2016 Action Plan, consists of the replacement of an existing old cinder block restroom that does not meet current building codes or accessibility requirements with a pre-fabricated restroom that is compliant with Americans with Disabilities Act (ADA) standards. The Project will be located at the Pioneer Park in downtown Reedley.

In addition to providing funds for the project, the Agreement requires the City of Reedley to prepare the design plans and specifications in conformance with Federal and State regulations governing Federally-funded projects. The City of Reedley will be responsible for the advertising and awarding of the project to the lowest responsible bidder and completion of the necessary construction engineering. The County agrees to review and approve the plans and specifications for compliance with Federal regulations prior to the City advertising the project for bid. The City of Reedley will be responsible for maintaining the improvements after the project is completed.

Initial Study/Environmental Assessment No. 6969 was completed for the Reedley Pioneer Park Restroom Project under the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Based on the environmental review, the project is categorically exempt from the provisions of the CEQA Guidelines under Section 15301, Class 1 - Existing Facilities and Section 15302, Class 2 - Replacement or Reconstruction. Under Section 15301, a Class 1(c) exemption consists of the operation, repair, maintenance or minor alteration of existing public facilities involving negligible or no expansion of use. Under Section 15302, a Class 2(c) exemption includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose. It has also been determined that the project is exempt per Section 58.34 (a) (12) of the NEPA Guidelines because the project meets the requirements for a categorical exclusion under Section 58.35 (a)(1).

OTHER REVIEWING AGENCIES:

The Agreement has been reviewed and approved by the City of Reedley.

REFERENCE MATERIAL:
BAI #23 5-5-15

ATTACHMENTS INCLUDED AND/OR ON FILE:
Map
On file with Clerk - Agreement with City of Reedley

CAO ANALYST:
John Hays

Board Agenda Item 30

DATE: September 1, 2015

TO: Board of Supervisors

SUBMITTED BY: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Agreement with Reedley Trailside Terrace, LP for the Trailside Terrace Apartments in the City of Reedley

RECOMMENDED ACTION(S):

1. **Amend the County's FY 2015-16 Action Plan to add Trailside Terrace Apartments housing development located in the City of Reedley;**

2. **Approve and authorize Chairman to execute Agreement with Reedley Trailside Terrace, LP for HOME Investment Partnerships Program funds for the development of the Trailside Terrace Apartments in the City of Reedley ($1,000,000);**

3. **Authorize Director of Public Works and Planning, or his designee, to execute all loan and related documents necessary to the project, including any amendments thereto, and to approve on the County's behalf, items specified in Section XVIII of the Agreement.**

The first recommended action amends the County's FY 2015-16 Action Plan, approved by the Board on May 5, 2015, to add this specific affordable housing development project as an eligible activity under the County's HOME-funded Affordable Housing Development activity.

The second recommended action requests the Board's approval and execution of an Agreement with Reedley Trailside Terrace, Limited Partnership (LP), a California Limited Partnership, (Partnership). The Partnership currently consists of Silvercrest Inc., a nonprofit agency, which is the Managing General Partner and the Housing Authority of Fresno County, California a public body corporate and politic, which is the Administrative General Partner and the project developer. The Agreement before the Board provides a loan for $1,000,000 from the County's HOME Investment Partnerships (HOME) Program Grant to assist with the development of a low-income multi-family rental apartment complex in the City of Reedley, for which the total cost of development is expected to be $14,881,595. Trailside Terrace Apartments is a fifty-five unit rental housing project, of which eleven units will be designated HOME-assisted units.

The third recommend action requests the Board authorize the Director of Public Works and Planning, or his designee, at his discretion, to execute all loan and related documents necessary for the project, and any amendments thereto including items as specified in Section XVIII of the Agreement, which only includes non-substantive changes.

ALTERNATIVE ACTION(S):

The Board may deny the Agreement as proposed, or make any changes as appropriate consistent with the Federal regulations governing the HOME program. If HOME funds are not approved, the fifty-five unit,

low-income multi-family project may not be able to be developed.

FISCAL IMPACT:

There is no net County cost associated with the recommended actions. The Agreement before the Board reserves loan funds in the amount of $1,000,000 from the County's Federal HOME Grant. The HOME funds are included in the Department's adopted FY 2015-2016 budget, Org No. 5512/2008. The total estimated project cost for the Trailside Terrace Apartments is $14,881,595. The balance of funds needed to complete the financing of the project will be from non-County funds and will include a variety of other public and private funding sources.

DISCUSSION:

The Agreement before the Board reserves HOME funds in the amount of $1,000,000 for a pending loan that will be secured by a Promissory Note and Deed of Trust. The Agreement and Deed will both be recorded and will carry restrictions that will run with the land to enforce HOME income and rent requirements on the property for a period of twenty years.

The Agreement provides HOME funding to assist with the development of eleven units in a fifty-five unit low-income multi-family rental housing project in the City of Reedley. The Trailside Terrace Apartment Project, located at the west side of G Street and east side of H Street (see attached map), will provide affordable housing for persons earning no more than 60% of the area median income (AMI) for Fresno County. It will consist of a mix of one, two and three bedrooms units restricted to households at varying income levels that will range from 30% AMI to 60% AMI. The units must meet the HOME Program income and rent requirements for the full affordability period. Construction must meet all applicable local codes and property standards as identified in 24 CFR § 92.25 for HOME assisted new construction to ensure longevity and safety. The Agreement also provides for the Partnership to require professional liability insurance limits of $1,000,000 per incident and $2,000,000 aggregate for any professional contracts associated with this project, and secure a performance bond and labor and material bond in an amount sufficient to ensure full completion of the project.

The partners of the Reedley Trailside Terrace, LP have a strong history of affordable housing development with Fresno County and Central California. Based on criteria established under the Federal HOME Program, the Partnership is eligible to apply for HOME funding for affordable housing development projects. The Partnership, its members and the project have been reviewed by County staff and have been determined to meet the threshold criteria for funding under the County's Affordable Housing Development Program.

Release of County HOME funds is contingent upon the Partnership securing all other funding to complete financing for the project, including meeting all of the funding requirements for Low-Income Housing Tax Credits. The project is supported by the City of Reedley and is consistent with the County's General Plan, which directs residential growth to cities. The Partnership is requesting $1,000,000 of HOME funds to assist with the construction of eleven of the fifty-five rental units.

Additional funding for the estimated $14,881,595 housing project will come from a variety of funding sources that will include a loan from the Housing Authority of Fresno County and Tax Credits.

Estimated Sources of Funds:

1.	Construction Loan	$9,175,157
2.	Developer (Deferred Costs)	946,778
3.	Housing Authority of Fresno County	2,210,000
4.	County of Fresno (HOME Loan Funds)	1,000,000
5.	AHP Funds (Federal Reserve Bank)	540,000
6.	CA Tax Credit Equity	1,009,660

Estimated Total Project Costs	$14,881,595

Anticipated Permanent Loan Lien Order:
(Construction Loan Paid During Permanent Financing)

1. Housing Authority of Fresno County	$2,210,000
2. County of Fresno (HOME Loan Funds)	$1,000,000
3. AHP Funds (Federal Reserve Bank)	$540,000

Due to the complex financing and time sensitive nature of these large housing developments, it is not unusual for the project's other funding sources to change as the developer solidifies financing from a variety of public and private funding sources to complete financing for the project. The County's permanent lien position will not be lower than second lien position.

The project has already received tax credits, and is expected to commence construction in December, 2015, and be completed by March 2017.

OTHER REVIEWING AGENCIES:

The Agreement has been reviewed and approved by Reedley Trailside Terrace, LP.

ATTACHMENTS INCLUDED AND/OR ON FILE:
Map
On file with Clerk - Agreement with Reedley Trailside Terrace, LP

CAO ANALYST:
John Hays

EXHIBIT 67

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

September XX, 2015

Buada Associates, Inc.
Attn: John Buada
4872 N. Arcada Ave.
Fresno, CA 93704

Dear Mr. Buada:

SUBJECT: SITE PLAN REVIEW NO. 7946

Site Address:	14684 E. Goodfellow Ave
APN:	333-061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Zoning District:	AE-20 (Limited Agricultural District)
Use Approved:	Allow a sand and gravel extraction and construction and operation of aggregate processing, ready-mix concrete, asphalt, and portable recycle concrete plants and related facilities.
Legal Description of Site:	See Appendix A of the approved Reclamation Plan

The Department of Public Works and Planning (Department) has reviewed your application and determined that the required findings can be made and hereby approves Site Plan Review No. 7946 subject to the following conditions.

CONDITIONS OF APPROVAL

Approval of this application is subject to conditions as required by Section 858 and 874 of the Fresno County Zoning Ordinance and Conditional Use Permit No. 3390.

The required improvements are listed below and on the approved plans. An inspection is required prior to the issuance of a Certificate of Occupancy to assure compliance with these conditions and the approved Site Plan. Please call (559) 600-4560, Fresno County Department of Public Works and Planning, Building and Safety Section, to arrange for this inspection when required improvements are completed.

Unless otherwise specified in an individual condition, prior to any excavation, the Dedication of Right-of-Way, Financial Assurances, Required Development Clearances, On and Off-Site Improvements, and those items listed under Miscellaneous shall be completed/satisfied. (Note: Some conditions may be applicable to future phases as noted in each condition.) As used herein, the "Owner" refers to Colony Land Company, LP, and any of its agents.

I. FINANCIAL ASSURANCES

CUP 3390 approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director.

To ensure that the reclamation will proceed in accordance with the approved Reclamation Plan, security shall be required which will be released upon satisfactory performance. Security may be posed in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board (SMGB) as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation being an alternative payee.

Cost estimates for the Financial Assurances shall be submitted to the Department for review and approval prior to the Owner securing Financial Assurances. The Director of the Department of Public Works and Planning (Director) shall forward a copy of the cost estimates together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation (DOC) for review. If the DOC does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of the Fresno County Zoning Ordinance, Surface Mining and Reclamation Act (SMARA), and State regulations.

The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed

areas as may be required subject to adjustments for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professional retained by the Owner and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of the physical activities necessary to implement the approved Reclamation Plan, the costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with he approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten (10) percent shall be added to the cost of the Financial Assurances.

In projecting the costs of Financial Assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the Owner and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.

The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required for reclamation in accordance with the approved Reclamation Plan.

The amount of the Financial Assurances required for any one year shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the Owner may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during this Department's annual inspection and accepted thereafter if further adjustment is not required. Any changes shall be completed and submitted within 30 days of notice from the County.

Revisions to Financial Assurances shall be submitted to this Department for approval by July 1st each year. If an amendment to the reclamation plan is required, and upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to

review the amended reclamation plan, in accordance with the provisions of SMARA. (858G, COAs -1 and -2)

III. REQUIRED DEVELOPMENT CLEARANCES

A. The owner(s) shall execute and record an agreement, binding upon his successors, heirs or assigns, which shall permit the County to enter the property to enforce completion of the Reclamation Plan. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (858 J.2)

B. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Owner shall enter into an agreement with the County of Fresno to implement a mitigation measure and conditions of approval monitoring and reporting program to be administered by a third party in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the conditions specified herein which incorporate the adopted mitigation measures. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-11)

The Owner shall enter into an agreement with the County of Fresno to provide funding to compensate for County Staff's time in reviewing and administering any materials related to condition of approval and mitigation measure monitoring and reporting, including those prepared by the third party administrator.

C. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-12)

D. An agreement shall be entered into indemnifying the County for legal costs associated with its approval of Unclassified Conditional Use Permit No. 3287. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-13)

E. An Engineered Grading and Drainage plan shall be submitted to the Department of Public Works and Planning demonstrating how surface runoff and drainage will be controlled in accordance with Fresno County Improvements Standards. The plan must include calculation of runoff quantities generated by this development and capacity of proposed facilities. The plan must also include detailed erosion control measures designed for not less than the 20 year/1 hour Intensity storm event. The reclamation plan shall be supplemented with those elements of the Engineered Grading and Drainage plan, subject to the provisions of the Surface Mining and Reclamation Act. Engineered Grading and Drainage plan details supplementing the Reclamation Plan shall not be considered a substantial deviation of the approved reclamation plan under SMARA section 3502(d). Contact the Grading Engineer for Grading and Drainage Plan requirements at (559) 600-4022.

According to FEMA FIRM Panels 2170H, a portion of the parcels with Assessor's Parcel Numbers 333-090-06s and 333-090-17s are in Flood Zone A, subject to flooding from the 100-year storm. No work is proposed within the flood zone.

(Compliance with this condition is complete. An Engineered Grading and Drainage Plan was prepared that complies with the requirements specified herein and the plan was incorporated into the Revised Reclamation Plan that was approved by the Board of Supervisors on August 6, 2013.).

F. All driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. A complete listing of materials, costs, and quantities in place, shall be submitted to this Department for approval. A Plan Check Fee, based upon the estimated costs, will be collected upon submittal of design plans and cost estimate. . The balance of the Plan Check Fee must be paid upon approval of the cost estimate.

G. Owner shall design and install fire protection measures as required by the Fresno County Fire Protection District, which may include but are not limited to water flow requirements, water storage, fire pumps, fire hydrants, fire sprinkler systems, fire alarm systems and road access. All structures and other applicable facilities shall comply with California Code of Regulations Title 24 – Fire Code. **In addition to the two (2) construction sets submitted to Building Safety Section for review (Plan Check), three (3) sets of construction plans shall be submitted to the Site Plan Review section and date stamped prior to Fire District review.** These plans will be forwarded to the Fire District for their review. It will be the responsibility of the Owner to contact the Fire Protection District for required fire protection improvements. Contact the Fire District at (559) 493-4359 for information.

Note:

Two (2) sets of construction plans are required to be approved and stamped by the Fire District prior to building permit issuance; allow sufficient time for Fire District review.

H. A determination was made that the Project facilities meet the definition of a public water system, therefor; the applicant shall file an application for a Domestic Water Supply Permit from the Regional Water Quality Control Board. Contact the Central Valley office at 559.445.5116 or 1685 "E" Street, Fresno, Ca. 93706 for additional information (COA 15)

I. Due to the proposed project disturbing more than five acres of land, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board. (Notes 7)

J. Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information. (Notes 2)

K. The Owner shall obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from SJVAPCD prior to the issuance of permits. The Owner shall also adhere to the equipment descriptions and conditions contained within the Authority to Construct (ATC) and Permit to Operate (PTO) authorizations issued by the SJVAPCD. (Notes 8)

IV. OFF-SITE IMPROVEMENTS (County)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR).* (MM TRANS-1)

B. An encroachment permit for off-site improvements at the intersection of the project site access road with Reed Avenue as specified at Condition V.D shall be obtained from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division, and the

improvements shall be designed and installed in accordance with Fresno County Improvement Standards.

C. The Owner shall be responsible for relocation of utilities that may be necessary within the road right-of-way(s) to the correct alignment and grade affected by the improvements specified at Condition V.D.

D. The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***:

Project Driveway at Goodfellow

- Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue.
- Westbound acceleration lane for trucks exiting the site. (MM TRANS-2)

E. The Project shall contribute its fair share cost for the purposes of improving the structural section of the impacted street segments.

Central Avenue

- McCall Avenue and Bethel Avenue
- Bethel Avenue and Academy Avenue
- Academy Avenue and Newmark
- Newmark Avenue and Riverbend Avenue

McCall Avenue

- SR 180 (Kings Canyon) and Jensen Avenue
- Jensen and North
- North Avenue and Central Avenue (MM TRANS-3)

V. OFF-SITE IMPROVEMENTS (CALTRANS)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County and Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into traffic mitigation agreements with the County (for non-SR 180 improvements) and with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR)*. (MM TRANS-1)

B. For those improvements under the jurisdiction of the California Department of Transportation (Caltrans), payment of this project's proportionate share shall be made to Caltrans and verification of payment shall be submitted to this Department.

VI. ON-SITE IMPROVEMENTS

A. Parking, circulation, and loading areas shall be identified on improvement plans and reviewed and approved by the Department prior to construction. Parking for the physically disabled shall be provided as required by applicable laws.

B. Active storage, parking, and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative and repeated as necessary to prevent the creation of dust by vehicles. Compliance with SVJAPCD Rules 8011 and 8071 will be deemed to satisfy this requirement.

C. The driveway shall be concrete or asphalt concrete paved a minimum width of 24 feet for the first 100 feet off of the edge of the road right-of-way.

D. The gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater and shall not swing outward. A 45 degree (45°) corner cut-off shall be maintained for Project related structures or other features, including berms at the Project access road intersection with Reed Avenue.

E. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.

F. A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue.

The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase (MM AES-1)

G. Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees

(e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening. (MM AES-2)

H. The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding landscape and vegetation. (MM AES-3)

VII. Construction

A. Qualified biologist shall conduct pre-construction surveys for elderberry shrubs and oversee avoidance and/or implementation of additional mitigation measures as specified.

1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines.

2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines:

   a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.

   b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist.

   c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: “This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as

amended. Violators are subject to prosecution, fines, and imprisonment."

d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs.

e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB. (MM BIO-3)

VIII. MISCELLANEOUS

A. Qualified biologist shall conduct pre-demolition surveys for bats as follows:

1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active. (MM BIO-1(1))

2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15). (MM BIO-1(2))

3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site. (MM BIO-1(3))

B. Qualified biologist shall conduct pre-demolition surveys for migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities as follows:

1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season.

2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above:

    a. A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours.

    b. CDFW shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities.

    c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned.

5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures. (MM BIO-2)

C. The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources. (MM CPR-2)

D. The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance. (MM NO-3)

E. The Owner shall file a New Operator and Request for Mine ID Number from the Office of Mine Reclamation.

F. Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 485-7500 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.

G. The Civil Engineer, who prepares the on-site improvement plan, shall inspect construction of the facilities and shall certify to the Department of Public Works and Planning that the work conforms to approved plans and specifications.

IX. OPERATIONAL REQUIREMENTS

A. The processing plant and ready-mix plant shall annually renew their air quality permits and comply with their conditions. (Notes 9)

B. Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9).

The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. (MM AES-4)

C. The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule:

- Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE.

- Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE.

- Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.

- Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE.

All ACE's entered into as described here shall have ownership transferred to an qualified Land Trust within 5 years of being established.

Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project. (MM AG-1)

D. The following design features will mitigate VOC, SVOC, and/or SO_2 emissions:

1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions shall be used to the extent feasible.

2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups shall be implemented.

3. Mixing drum vapors shall be routed back to the dryer burner. (MM AQ-1)

E. Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.

Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks

shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards. (MM AQ-2,-4)

F. Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485). (MM AQ-3)

G. Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County. (MM CPR-1)

H. To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades. (MM HWQ-1)

I. The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant:

1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.

2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers:

    a. When operating the mine and aggregates plant only:

        i. 600 ft. from R3, R4, R5, R7, R9, R10.
        ii. 900 ft. from R8.
        iii. 725 ft. from R13.
        iv. 925 ft. from R14.

    b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant.

        i. 600 ft. from R3, R4, R5.
        ii. 750 ft. from R7, R9, R10.
        iii. 1,050 from ft. R8.
        iv. 850 ft. from R13.
        v. 975 ft. from R14.

3. Prior to mining within 900 feet of Residence Nos. 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

4. Prior to mining within 900 feet of Residence No. 10 along Riverbend Avenue, an 11-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

5. Prior to mining within 900 feet of Residence No. 13, the proposed 8-foot tall berm shall be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue.

6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that the dragline cooling exhaust fans do not directly face the residence. (MM NO-1)

J. The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8:

1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures:

    a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7.

    b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in an 8 dBA reduction in noise from the aggregate plant.

2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards. (MM NO-2)

K. The Applicant shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden). (COA 5)

L. The Owner shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year. (COA-6)

M. Submittal of dragline

X. NOTES

A. All conditions of approval for CUP application 3390 shall be implemented in accordance with the timeframes specified for each phase.

B. Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission. (COA 3)

C. Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.

D. Fresno County shall conduct an inspection of the operation once each calendar year to determine if the operation is in compliance with the

requirements of Public Resources Code Chapter 9, commencing with Section 2710. The inspection shall be completed in compliance with the provisions of SMARA and may include, but shall not be limited to adherence to reclamation requirements of the approved Reclamation Plan. The County will also inspect for compliance with conditions of approval and mitigation measures of CUP 3287 as specified herein. An inspection fee shall be paid prior to each inspection. Currently the inspection fee is $2,257.00

E. The Applicant shall implement the mitigation measures adopted by the County. (COA 4)

F. The Applicant shall comply with Fresno County noise standards applicable to construction activities associated with the Project. (COA 7)

G. At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal shall be filed with the Department of Public Works and Planning. (COA 8)

H. The Applicant shall comply with all applicable County recycling requirements. (COA 9)

I. The Applicant shall comply with all applicable federal, state, and local regulatory requirements. (COA 10)

J. The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD. (COA 16)

K. The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. (Notes 10)

L. Pursuant to the provision identified in Zoning Ordinance Section 858.E.4, a Site Plan Review shall be submitted and approved for the entire area shown for the mining and reclamation plan prior to commencing mining or building. (Notes 3)

M. The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances. (Notes 11)

N. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all

construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. (MM CPR-3)

O. If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law. (MM CPR-4)

P. In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find. (MM CPR-5)

Q. The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed steps in Public Resources Code §5097.98, which include but are not limited to the following:

- The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American.

- The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods.

- The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations. (MM CPR-6)

R. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes. (Notes 4)

S. The project shall implement applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines as necessary to reduce the release of pollutants in storm water runoff to the maximum extent practicable and in compliance with project Storm Water Pollution Prevention Plans (SWPPPs). Guidelines are available at the Fresno Metropolitan Flood Control District office, Contact the District at (559) 456-3292 for information. (Notes-6)

T. In the event that future changes in discharge regulations applicable to the project occur, the Owner shall notify the County of these changes and it shall be determined whether the changes require an amendment to the reclamation plan.

U. Required site improvements may be bonded in accordance with the provisions of Section 874-C-2 of the Fresno County Zoning Ordinance.

V. This Use Permit (CUP 3390) will become void, unless there has been substantial development within two years of the effective date of this approval.

W. This Site Plan Review approval shall expire concurrently with Conditional Use Permit No. 3287.

This approval is final, unless appealed to the Fresno County Planning Commission. In this event, you must submit a fee of $508.00 and file a written appeal setting forth your reasons for such appeal to the Commission. Such appeal shall be filed with the Director of the Department of Public Works and Planning within 15 days after the mailing of this decision and shall be addressed to:

Department of Public Works and Planning
Development Services Division
Attention: Hector Luna
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

If you have any questions, please contact me at (559) 600-4216.

Regards,

Hector Luna, Staff Analyst
Development Services Division

Initial: HEL
G:\4360Devs&Pln\BLD_SFTY\Zoning\S.P.R\7900-7999\7946 Riverbend\SPR 7946 Approval Letter.doc

c: Fresno County Department of Community Health, Environmental Health System
Fresno County Fire Protection District; 210 S. Academy Ave.; Sanger, CA 93657

Enclosure

DRAFT

EXHIBIT 68

From: Luna, Hector
To: Parks, Jennifer
Subject: RE: SPR 7946 (Riverbend Sand & Gravel Minning)
Date: Wednesday, September 2, 2015 8:04:00 AM

Good morning Jen,

Can you verify and advise me if a Grading Plan was submitted with the Reclamation Plan for this project? I am wrapping the Site Plan Review and want to verify if grading Plan was submitted and possibly approved.

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: Parks, Jennifer
Sent: Tuesday, August 04, 2015 4:23 PM
To: Luna, Hector
Cc: Ramirez, Augustine
Subject: SPR 7946

Jennifer Parks
Engineering Tech I
Department of Public Works and Planning
Division of Development Services
Ph: 559-600-4279

EXHIBIT 69

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR 7946
Date: Wednesday, September 9, 2015 3:49:00 PM

John,

I'll have the file ready in the morning and send you PDF's of approval letter and approved site plans when completed. Your suggestions were helpful although some requirements such as grading review and encroachment permits are required by the Department even though not listed in the conditions of approval for the land use permit.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, September 09, 2015 1:43 PM
To: Luna, Hector
Cc: iblang@yahoo.com
Subject: RE: Riverbend Sand and Gravel SPR 7946

Hector,

Please see attached pages with my suggested edits.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Tuesday, September 08, 2015 11:30 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR 7946

John,

I apologize for the delay, the SPR review is just about complete although I have been having trouble getting enough time to verify all the comments on the approval letter. CUP 3390 conditions are noted in red to assist in cross referencing the MMRP & COA for land use permit. I am setting aside time today to get it to you as soon as possible, attached is draft copy of approval letter.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, September 08, 2015 11:18 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR 7946

Hector,

Would it be possible for you to email me the draft conditions to review before they are finalized?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Tuesday, August 25, 2015 8:47 AM
To: John Buada
Cc: iblang@yahoo.com
Subject: RE: Riverbend Sand and Gravel SPR 7946

John.

I am currently working on your project, comments received to date are referencing comments for approved CUP 3390 and Reclamation Plan. Attached is comment from Betsy Lichti at State Waterboards for your review. I plan on wrapping this SPR project by early next week if not sooner.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, August 25, 2015 8:27 AM
To: Luna, Hector
Cc: iblang@yahoo.com
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

Just checking on the status of the Riverbend SPR. Could please email me any comments as you receive them? That way I can get started on any responses or modifications that might be needed.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:51 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Some files have been sent to you via Hightail - the best way to send, share, and store your files. Try it now.

Download the file - CUP 3390 SMRP Riverbend S&G apprd 2-26-15.pdf; SPR Application Pkg filed 7-15-15.pdf

Your files will expire after 14 days or 500 downloads.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 3:31 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I am sending you the pdf of the plans and application docs by Hightail.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 2:12 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

Please send me PDF's of plans submitted at your earliest convenience.

Thanks,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 1:05 PM

To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I'm on the way. Should be there before 1:30

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 9:11 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

I may have to attend a meeting this afternoon sometime after 1:30 – time not definite, but email me regardless when you're on your way.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Wednesday, July 15, 2015 7:43 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Printing not ready. Not till after lunch now. I'll email you when I'm on the way.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio

Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Wednesday, July 15, 2015 7:07 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

No, just ask for me when you get in. Do you have an approximate time frame for SPR submittal?

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 5:10 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

Do I need to make an appointment to file the SPR application package?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 4:50 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

OK, Thank you

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Tuesday, July 14, 2015 4:33 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

One hard copy of related documents will suffice, electronic copies (PDF) of documents submitted is the preference. If you have not made copies of plans yet, 5 copies of plans will be fine. I am trying to move away from hard copies and utilize electronic files for easier access.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, July 14, 2015 3:47 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR

Hector,

I plan to file the SPR application for the Riverbend Sand and Gravel project (CUP 3390) tomorrow morning. I will provide 7 copies of the Site Plan sheets and a pdf file with the Site Plans and related documents. How many copies of the related documents do you need?

The application package includes the following:

- Completed application form

- SPR filing fee for $14,124 payable to the “County of Fresno”
- Deeds for the Riverbend properties
- Vehicle Statement
- Site Plan sheets incorporating approved mitigation measures and conditions of approval including:
  - Current Site Plan
  - Mine Plan
  - Reclamation Plan
- Mine and Reclamation Plan document approved with CUP 3390 as Operational Statement
- Mitigation Monitoring and Reporting Program and Condition Compliance Matrix

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, July 13, 2015 3:09 PM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR

John,

SPR submittal information and fee schedule are attached for your reference.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, July 13, 2015 2:55 PM
To: Luna, Hector
Subject: Riverbend Sand and Gravel SPR

Hector,

I'm working on the SPR application for the Riverbend Sand and Gravel project (CUP 3390). Could you please email me the SPR fee schedule and any other fees dues with the application?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

EXHIBIT 70

From: Vang, Kay
To: Pratt, Carol
Subject: Herb Lang
Date: Friday, September 11, 2015 1:55:52 PM

Carol,

I called him back and gave him your e-mail address, so he can e-mail you the tax forms. That was all he needed.

-Kay

EXHIBIT 71

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Riverbend Sand & Gravel, LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☑ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
14962 E. Fantz Ave

Requester's name and address (optional)

6 City, state, and ZIP code
Parlier, CA 93648

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
[ ][ ][ ] - [ ][ ] - [ ][ ][ ][ ]

or

Employer identification number
[2][7] - [3][5][3][0][4][8][3]

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 9-11-15

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

YEAR

CALIFORNIA FORM

2015 Withholding Exemption Certificate 590

The payee completes this form and submits it to the withholding agent.

Withholding Agent (Type or print)

Name

Payee

Name

RIVERBEND SAND & GRAVEL, LLC

☐ SSN or ITIN ☑ FEIN ☐ CA Corp no. ☐ CA SOS file no.

27-3530483

Address (apt./ste., room, PO Box, or PMB no.)

14962 E. FANTZ AVE

City (If you have a foreign address, see Instructions.)

PARLIER

State: CA ZIP Code: 93648

Exemption Reason

Check only one reason box below that applies to the payee.

By checking the appropriate box below, the Payee certifies the reason for the exemption from the California income tax withholding requirements on payment(s) made to the entity or individual.

☐ **Individuals — Certification of Residency:**
I am a resident of California and I reside at the address shown above. If I become a nonresident at any time, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

☐ **Corporations:**
The corporation has a permanent place of business in California at the address shown above or is qualified through the California Secretary of State (SOS) to do business in California. The corporation will file a California tax return. If this corporation ceases to have a permanent place of business in California or ceases to do any of the above, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

☑ **Partnerships or Limited Liability Companies (LLCs):**
The partnership or LLC has a permanent place of business in California at the address shown above or is registered with the California SOS, and is subject to the laws of California. The partnership or LLC will file a California tax return. If the partnership or LLC ceases to do any of the above, I will promptly inform the withholding agent. For withholding purposes, a limited liability partnership (LLP) is treated like any other partnership.

☐ **Tax-Exempt Entities:**
The entity is exempt from tax under California Revenue and Taxation Code (R&TC) Section 23701 _____ (insert letter) or Internal Revenue Code Section 501(c) _____ (insert number). If this entity ceases to be exempt from tax, I will promptly notify the withholding agent. Individuals cannot be tax-exempt entities.

☐ **Insurance Companies, Individual Retirement Arrangements (IRAs), or Qualified Pension/Profit Sharing Plans:**
The entity is an insurance company, IRA, or a federally qualified pension or profit-sharing plan.

☐ **California Trusts:**
At least one trustee and one noncontingent beneficiary of the above-named trust is a California resident. The trust will file a California fiduciary tax return. If the trustee or noncontingent beneficiary becomes a nonresident at any time, I will promptly notify the withholding agent.

☐ **Estates — Certification of Residency of Deceased Person:**
I am the executor of the above-named person's estate or trust. The decedent was a California resident at the time of death. The estate will file a California fiduciary tax return.

☐ **Nonmilitary Spouse of a Military Servicemember:**
I am a nonmilitary spouse of a military servicemember and I meet the Military Spouse Residency Relief Act (MSRRA) requirements. See instructions for General Information E, MSRRA.

CERTIFICATE OF PAYEE: Payee must complete and sign below.

Under penalties of perjury, I hereby certify that the information provided in this document is, to the best of my knowledge, true and correct. If conditions change, I will promptly notify the withholding agent.

Payee's name and title (type or print) HERB LANG, Project Mgr Telephone 559) 875-6565

Payee's signature ▶ Herb Lang, Project Mgr Riverbend Sand & Gravel Date 9-11-15

EXHIBIT 72

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

September 14, 2015

Buada Associates, Inc.
Attn: John Buada
4872 N. Arcada Ave.
Fresno, CA 93704

Dear Mr. Buada:

SUBJECT: SITE PLAN REVIEW NO. 7946

Site Address:	14684 E. Goodfellow Ave
APN:	333-061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Zoning District:	AE-20 (Limited Agricultural District)
Use Approved:	Allow a sand and gravel extraction and construction and operation of aggregate processing, ready-mix concrete, asphalt, and portable recycle concrete plants and related facilities.
Legal Description of Site:	See Appendix B of the approved Reclamation Plan for Conditional Use Permit No. 3390.

The Department of Public Works and Planning (Department) has reviewed your application and determined that the required findings can be made and hereby approves Site Plan Review No. 7946 subject to the following conditions.

CONDITIONS OF APPROVAL

Approval of this application is subject to conditions as required by Section 858 and 874 of the Fresno County Zoning Ordinance and Conditional Use Permit No. 3390.

The required improvements are listed below and on the approved plans. An inspection is required prior to the issuance of a Certificate of Occupancy to assure compliance with these conditions and the approved Site Plan. Please call (559) 600-4560, Fresno County Department of Public Works and Planning, Building and Safety Section, to arrange for this inspection when required improvements are completed.

Unless otherwise specified in an individual condition, prior to any excavation, any required, including but not limited to, Dedication of Right-of-Way, Financial Assurances, Required Development Clearances, On and Off-Site Improvements, and those items listed under Miscellaneous shall be completed/satisfied. (Note: Some conditions may be applicable to future phases as noted in each condition.) As used herein, the "Owner" refers to Running Luck Ranch, LLP, and any of its agents.

I. FINANCIAL ASSURANCES

CUP 3390 approval shall be conditioned upon acceptance of Financial Assurances by the [Fresno County Planning] Director. (COA 1)

To ensure that the reclamation will proceed in accordance with the approved Reclamation Plan, security shall be required which will be released upon satisfactory performance. Security may be posed in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board (SMGB) as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation being an alternative payee.

Cost estimates for the Financial Assurances shall be submitted to the Department for review and approval prior to the Owner securing Financial Assurances. The Director of the Department of Public Works and Planning (Director) shall forward a copy of the cost estimates together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation (DOC) for review. If the DOC does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of the Fresno County Zoning Ordinance, Surface Mining and Reclamation Act (SMARA), and State regulations.

The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed

areas as may be required subject to adjustments for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professional retained by the Owner and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of the physical activities necessary to implement the approved Reclamation Plan, the costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with he approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten (10) percent shall be added to the cost of the Financial Assurances.

In projecting the costs of Financial Assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the Owner and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.

The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required for reclamation in accordance with the approved Reclamation Plan.

The amount of the Financial Assurances required for any one year shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the Owner may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during this Department's annual inspection and accepted thereafter if further adjustment is not required. Any changes shall be completed and submitted within 30 days of notice from the County.

Revisions to Financial Assurances shall be submitted to this Department for approval by July 1st each year. If an amendment to the reclamation plan is required, and upon receipt of and deeming the materials to be complete, the information shall be processed as a plan amendment to allow the incorporation of the changed requirements into the reclamation plan. As part of the review process, the County may provide the Department of Conservation/Office of Mine Reclamation the opportunity to

review the amended reclamation plan, in accordance with the provisions of SMARA. (858G, COA's 2 and 14)

II. REQUIRED DEVELOPMENT CLEARANCES

A. The owner(s) shall execute and record an agreement, binding upon his successors, heirs or assigns, which shall permit the County to enter the property to enforce completion of the Reclamation Plan. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (858 J.2)

B. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Owner shall enter into an agreement with the County of Fresno to implement a mitigation measure and conditions of approval monitoring and reporting program to be administered by a third party in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. This agreement shall cover monitoring the conditions specified herein which incorporate the adopted mitigation measures. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-11)

C. Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.

The Applicant shall enter into an agreement with the County of Fresno to compensate for County staff's time to review and administer any materials related to Mitigation Monitoring and/or Reporting, including those prepared by the Third Party Monitor. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-12)

D. An agreement shall be entered into indemnifying the County for legal costs associated with its approval of Unclassified Conditional Use Permit No. 3287. A fee of $243.50 shall be submitted to this Department to cover the cost of the preparation of this agreement. (COA-13)

E. An Engineered Grading and Drainage plan shall be submitted to the Department of Public Works and Planning demonstrating how surface runoff and drainage will be controlled in accordance with Fresno County Improvements Standards. The plan must include calculation of runoff quantities generated by this development and capacity of proposed facilities. The plan must also include detailed erosion control measures designed for not less than the 20 year/1 hour Intensity storm event.

Contact the Grading Engineer for Grading and Drainage Plan requirements at (559) 600-4022.

(Compliance with this condition is satisfied. An Engineered Surface Water and Drainage Plan that complies with the requirements specified herein was approved by the Office of Mine Reclamation and was incorporated into the Reclamation Plan that was approved by the Planning Commission on February 26, 2015.)

F. All driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. A complete listing of materials, costs, and quantities in place, shall be submitted to this Department for approval. A Plan Check Fee, based upon the estimated costs, will be collected upon submittal of design plans and cost estimate. . The balance of the Plan Check Fee must be paid upon approval of the cost estimate.

G. Owner shall design and install fire protection measures as required by the Fresno County Fire Protection District, which may include but are not limited to water flow requirements, water storage, fire pumps, fire hydrants, fire sprinkler systems, fire alarm systems and road access. All structures and other applicable facilities shall comply with California Code of Regulations Title 24 – Fire Code. **In addition to the two (2) construction sets submitted to Building Safety Section for review (Plan Check), three (3) sets of construction plans shall be submitted to the Site Plan Review section and date stamped prior to Fire District review.** These plans will be forwarded to the Fire District for their review. It will be the responsibility of the Owner to contact the Fire Protection District for required fire protection improvements. Contact the Fire District at (559) 493-4359 for information.

Note:

Two (2) sets of construction plans are required to be approved and stamped by the Fire District prior to building permit issuance; allow sufficient time for Fire District review.

H. The State Water Resource Control Board (Fresno District) has determined the Project facilities meet the definition of a public water system, therefor; the applicant shall file an application for a Domestic Water Supply Permit from the Regional Water Quality Control Board. Contact the Central Valley office at 559.447.3300 or 1685 “E” Street, Fresno, Ca. 93706 for additional information. (COA 15)

I. A Storm water pollution prevention plan shall be submitted to the U.S. Environmental Protection Agency and administered by the California State Regional Water Quality Control Board. (COA 15)

J. Due to the proposed project disturbing more than five acres of land, the Applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Storm Water Permit from the Regional Water Quality Control Board. (Note 7)

K. Prior to occupancy, the Applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information. (Note 2)

L. The Owner shall obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from SJVAPCD prior to the issuance of permits. The Owner shall also adhere to the equipment descriptions and conditions contained within the Authority to Construct (ATC) and Permit to Operate (PTO) authorizations issued by the SJVAPCD. (Note 8)

III. OFF-SITE IMPROVEMENTS (County)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the County fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into a traffic mitigation agreement with the County (for non-SR 180 improvements. The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR).* (MM TRANS-1)

B. The necessary permits for off-site improvements shall be obtained from the Department of Public Works and Planning, Road Maintenance and Operations Division, and shall be installed in accordance with County Improvement Standards. For requirements contact RM&O at (559) 600-4240.

C. Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

D. The Owner shall be responsible for relocating those utilities within the road right-of-way to the correct alignment and grade affected by the developer's improvements.

E. The Project applicant shall make the following improvements ***prior to any product being shipped from the Project site***:

Project Driveway at Goodfellow

- Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue.
- Westbound acceleration lane for trucks exiting the site. (MM TRANS-2)

F. The Project shall contribute its fair share cost for the purposes of improving the structural section of the impacted street segments.

Central Avenue

- McCall Avenue and Bethel Avenue
- Bethel Avenue and Academy Avenue
- Academy Avenue and Newmark Avenue
- Newmark Avenue and Riverbend Avenue

McCall Avenue

- SR 180 (Kings Canyon) and Jensen Avenue
- Jensen and North Avenue
- North Avenue and Central Avenue (MM TRANS-3)

IV. OFF-SITE IMPROVEMENTS (CALTRANS)

A. The Project Applicant shall pay proportional fair share contributions towards the required identified improvements. (*Please refer to Section 3.12.6.8 of the DEIR for explanation of the Caltrans fair share formulas and Tables 3.12-16 through 3.12-18 for fair share percentages*). The Project Applicant shall enter into a traffic mitigation agreements with Caltrans (for SR 180 improvements). The traffic mitigation agreements shall establish the exact payment amounts and thresholds that define the timing of the required payments. (*The required improvements are listed on pages 3.12-63 through 3.12-68 of the DEIR)*. (MM TRANS-1)

B. For those improvements under the jurisdiction of the California Department of Transportation (Caltrans), payment of this project's proportionate share shall be made to Caltrans and verification of payment shall be submitted to this Department.

V. ON-SITE IMPROVEMENTS

A. Parking, circulation, and loading areas shall be identified on improvement plans and reviewed and approved by the Department prior to construction. Parking for the physically disabled shall be provided as required by applicable laws.

B. Active storage, parking, and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative and repeated as necessary to prevent the creation of dust by vehicles.

C. The driveway shall be concrete or asphalt concrete paved a minimum width of 24 feet for the first 100 feet off of the edge of the road right-of-way.

D. The gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater and shall not swing outward.

E. A 45 degree (45°) corner cut-off shall be maintained at any proposed or existing driveway accessing the County right-of-way.

F. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.

G. A 10-foot high vegetated berm shall be constructed along Riverbend Avenue adjacent to Phases 3A, 3B, 4A and 4B. An 8-foot vegetated berm shall be constructed along the south side of Goodfellow from Riverbend Avenue to 2,000 feet west of Riverbend Avenue.

The berms will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. The berms shall be constructed and planted prior to the removal of overburden in each phase (MM AES-1)

H. Orchard-like screens shall be planted on the north side of Goodfellow Avenue west of the entrance road and on the south side of Goodfellow Avenue west of the 8-foot high vegetated berm prior to overburden removal in the adjacent phases. The tree species will be evergreen trees (e.g., olives) planted at a minimum of four (4) rows parallel to Goodfellow Avenue, with adjacent rows off-set such that there are no gaps to ensure dense screening. (MM AES-2)

I. The dragline shall be painted a neutral-tone color to achieve the best blending with the surrounding landscape and vegetation. (MM AES-3)

VI. Construction

A. Qualified biologist shall conduct pre-construction surveys for elderberry shrubs and oversee avoidance and/or implementation of additional mitigation measures as specified.

1. Prior to the start of ground disturbing activities for the aggregate plant and each individual phase of mining (i.e. Phase 1A, 1B), surveys for elderberry shrubs shall be conducted within the mixed riparian forest community within 100 feet of the work limits. Any elderberry shrubs identified shall be located on a map and the stems inventoried in accordance with USFWS guidelines.

2. To the maximum extent practicable, all Project activities shall be set back a minimum of 100 feet from all elderberry shrubs with one or more stems of 1-inch diameter at ground level growing within the Biological Study Area (BSA) or adjacent areas. If a 100-foot setback cannot be maintained, implementation of additional mitigation measures described below shall be required in accordance with USFWS guidelines:

a. Prior to initiation of construction, the limits of all construction, access roads, staging areas, etc., shall be staked. The staked areas shall be inspected by a qualified biologist. Based on this inspection, additional refinements to construction areas shall be performed as necessary and as feasible to ensure a minimum 20-foot setback from the dripline of all elderberry plants.

b. Once the final limits of construction are set, brightly colored fencing (i.e., snow fencing) shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group under the direction of a qualified biologist.

c. Signs shall be posted every 50 feet along the edge of the VELB avoidance area with the following information: “This area is habitat for the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.”

d. Workers shall be briefed on the need to avoid damage to elderberry shrubs and the possible penalties for not complying with these requirements. All work crews shall be advised of the status of VELB and the need to protect the elderberry shrubs.

e. During the initial construction period for each phase of mining, a qualified biologist shall inspect the mining area periodically to assure that the Project is not affecting VELB. (MM BIO-3)

VII. MISCELLANEOUS

A. Qualified biologist shall conduct pre-demolition surveys for bats as follows:

1. All buildings to be removed shall be surveyed by a qualified biologist to determine if they are being used as a roost site for bats, and if so, what type of roosting behavior is occurring (night roost vs. day/maternity roost). The survey shall be conducted in June or July when maternity roosts would be most active.

2. Any buildings to be removed that are determined to support only night-roosting bats shall be removed between September 1 and October 14, or between February 16 and April 14. Removal of buildings during these periods will avoid impacts to any bats utilizing the buildings during the normal breeding season (April 15 to August 30) and winter torpor (October 15 to February 15).

3. If a building is determined to support a day/maternity roost, a mitigation plan (i.e., removal plan) shall be prepared by a qualified bat biologist experienced with bat eviction and exclusion possessing a Memorandum of Understanding with the California Department of Fish and Wildlife. At a minimum, the mitigation plan shall provide for humane eviction of the existing bat population and creation of artificial day roost habitat, to mitigate impacts resulting from removal of the roost site. (MM BIO-1)

B. Qualified biologist shall conduct pre-construction surveys for nesting migratory birds and raptors and oversee avoidance of active nests during construction and ground disturbance activities as follows:

1. To the maximum extent practicable, all construction activities associated with the initiation of work on the Project site or initiation of new mining phases shall be scheduled between September 15 and February 1, which is the typical non-nesting season.

2. If the initiation of work in new areas cannot be scheduled during the non-nesting season, prior to the initiation of work on the Project site and each individual phase of mining (e.g., Phase 1A, 1B, etc.), a qualified biologist shall survey all suitable nest trees within 0.25 mile of the work limits for nesting Swainson's hawks, within 500 feet of the work limits for other raptors, and within 250 feet of the work limits for other nesting birds no more than 10 days prior to the start of ground disturbing activities. The survey will follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

3. If nesting Swainson's hawks are found within 0.25 mile, other nesting raptors are found within 500 feet, or other nesting birds are found within 250 feet of the work limits as described in Item 2 above:

    a. A qualified biologist shall evaluate the potential for the proposed work to disturb nesting activities. The evaluation criteria shall include, but not be limited to, the location/orientation of the nest in the nest tree, the distance of the nest to the work limits, the line of sight between the nest and the work limits, and the description of the proposed work. The nest shall be continually surveyed for the first 24 hours.

    b. California Department of Fish & Wildlife (CDFW) shall be contacted to review the evaluation and determine if the Project can proceed without adversely affecting nesting activities.

    c. If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities that occur during the breeding season to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the Project is adversely affecting nesting activities.

4. If no nesting Swainson's hawks are found within 0.25 miles, no other nesting raptors are found within 500 feet, or no other nesting birds are found within 250 feet of the work limits as described in measure 2 above, work can proceed as planned.

5. Construction initiated during the non-nesting season and continuing into the nesting season shall not be subject to the above measures. (MM BIO-2)

C. The Project Applicant shall obtain the services of a qualified cultural and paleontological consultant (execution of agreement) to implement an education program to ensure that construction personnel are aware of potentially sensitive archaeological and paleontological resources. (MM CPR-2)

D. The Project shall designate an individual to be the contact person for noise complaints. This individual shall have access to a noise meter and be available to measure noise levels and confirm compliance with the County noise ordinance. (MM NO-3)

E. Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 485-7500 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.

VIII. OPERATIONAL REQUIREMENTS

A. The processing plant and ready-mix plant shall annually renew or as required by the SJVAPCD renew their air quality permits and comply with their conditions. (Note 9)

B. Prior to commencement of plant area operations, a 15-foot high vegetated berm shall be constructed along the Kings River adjacent to the Plant area (i.e., Phase 9).

The berm will be planted with evergreen trees that will grow at least 15 feet high in two (2) staggered rows with one row on top of the berm. (MM AES-4)

C. The Project shall conserve agricultural land by acquiring an agricultural conservation easement (ACE) on 351 acres of Important Farmland as classified by DOC's FMMP to mitigate for the 351 acres of Important Farmland on the Project site to be converted to non-agricultural use. The ACE would be phased in accordance with the following schedule:

- Within one year of existing agricultural land being taken out production for the Project 100 acres shall be placed in an ACE.

- Within the earlier of 5 years, or before 100 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 100 acres shall be placed in an ACE.

- Within the earlier of 10 years, or before 200 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 75 acres shall be placed in an ACE.

- Within the earlier of 15 years, or before 275 acres of existing agricultural land has been taken out of agricultural production for the Project, an additional 76 acres shall be placed in an ACE.

All ACE's entered into as described here shall have ownership transferred to an qualified Land Trust within 5 years of being established.

Temporarily taking of land out of agriculture production for normal farming purposes (e.g. rotating crops, resting soil, etc.) shall not be considered taking of existing agricultural land out of production for the Project. (MM AG-1)

D. The following design features will mitigate VOC, SVOC, and/or SO_2 emissions:

1. The type of asphaltic cement produced by on-site plants affects odorous emissions. Some cements have lower VOC/SVOC emissions than others. Therefore, cements with lower VOC/SVOC emissions shall be used to the extent feasible.

2. Periodic burner tune-ups may reduce VOC emission by about 38 percent. Therefore, periodic burner tune-ups shall be implemented.

3. Mixing drum vapors shall be routed back to the dryer burner. (MM AQ-1)

E. Each off-road engine on-site between 1/1/2015 and 12/31/2018, excluding scrapers and haul trucks, shall be model year 2015 or later. Engines in scrapers shall be no greater than ten (10) years old and shall meet the Tier 3 off-road engine standard. Engines in off-road haul trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards.

Each off-road engine on-site after 1/1/2019, excluding scrapers, shall be model year 2014 or later. Engines in scrapers shall meet Tier 3 engine standard and be model year 2010 model year or later. Off-road haul trucks shall not be used after 1/1/2019 except during occasional repairs or during relocation of overland conveyors not to exceed five workdays in any month. In such cases, the off-road trucks shall be equipped with engines that meet the Interim Tier 4 emissions standards. (MM AQ-2)

F. Diesel trucks shall not idle greater than five (5) minutes while on-site as required by the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR §2485). (MM AQ-3)

G. Prior to commencement of Phase 8B, markers shall be placed at the geographic boundary coordinates delineating the 50-foot exclusion zone surrounding site CA-FRE-3591 to prevent disturbance by project activities. It is inappropriate to prescribe a specific type of markers at this time, as technological changes over the next 60 years may result in fencing/marker options not currently available. However, the markers shall fulfill the following purpose: (1) provide a clear visual indicator of the exclusion zone and (2) prevent the entry of unauthorized equipment, vehicles, and mine personnel into the exclusion zone. To facilitate the identification and delineation of the boundary and 50-foot exclusion zone for CA-FRE-3591, the site shall be surveyed and Universal Transverse Mercator (UTM) geographic coordinates provided to the County. (MM CPR-1)

H. To mitigate the risk of loss or injury potentially resulting from flooding, the operator shall implement a system to regularly monitor public announcements concerning potential Kings River flooding. At the beginning of each day that employees are to work in areas mapped within the 100-year flood hazard zone, the operator must check with the National Weather Service to determine if flood warnings are in effect. The operator must communicate the flooding potential to all employees each day. Employees must avoid working in portions of the Project site that are within the flood hazard zone. In addition, access to areas of the Project site subject to potential flooding shall be physically demarcated with signage and deterrents such as traffic barricades. (MM HWQ-1)

I. The following specific measures are required to ensure impacts associated with Project dragline excavation are less than significant:

1. The reference sound levels associated with dragline operation shall be verified through noise level measurements immediately upon commencement of dragline operations at the Project site. In the event that actual noise emissions of the dragline exceed the assumptions contained within this analysis, additional noise control measures shall be implemented. Those measures would include replacing fan motors with variable drive motors and/or installation of cooling air inlet and/or exhaust silencers directly to the dragline as required to satisfy the Fresno County Noise Ordinance standards.

2. Except during a public emergency that requires immediate production of aggregates and concrete products, excavation activities using the proposed dragline shall be limited to daytime hours when located within the following distances from noise receivers:

    a. When operating the mine and aggregates plant only:

i. 600 ft. from R3, R4, R5, R7, R9, R10.
ii. 900 ft. from R8.
iii. 725 ft. from R13.
iv. 925 ft. from R14.

b. When operating the mine, aggregates plant and the hot mix asphalt plant and/or the ready mix concrete plant.

i. 600 ft. from R3, R4, R5.
ii. 750 ft. from R7, R9, R10.
iii. 1,050 from ft. R8.
iv. 850 ft. from R13.
v. 975 ft. from R14.

3. Prior to mining within 900 feet of Residence Nos. 3, 4, 5, 7, & 9 along Riverbend Avenue, the proposed 10-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

4. Prior to mining within 900 feet of Residence No. 10 along Riverbend Avenue, an 11-foot tall berm shall be constructed near the western edge of the proposed 100-foot excavation setback.

5. Prior to mining within 900 feet of Residence No. 13, the proposed 8-foot tall berm shall be constructed near the southern edge of the proposed 100-foot excavation setback along the South side of Goodfellow from Riverbend Avenue to 2000 feet West of Riverbend Avenue.

6. Excavation activities within 1,000 feet of an existing residence shall be conducted such that the dragline cooling exhaust fans do not directly face the residence. (MM NO-1)

J. The following specific measures are required to ensure that impacts associated with concurrent operation of the aggregates processing plant, mine, and other activities are less than significant at Receiver 8:

1. Plant area noise at Receiver 8 shall be reduced to less than the Fresno County Noise Control Ordinance thresholds by implementing the following noise control measures:

a. A 15-foot tall earthen berm shall be constructed near the Project western boundary in the vicinity of Receiver 8. The berm shall extend laterally to the extents shown on DEIR Figure 2-7.

b. Prior to commencement of night-time operation, sound curtains shall be constructed adjacent to the noisiest aggregate plant equipment (i.e. crushers) in order to provide additional shielding in the direction of Receiver 8. The curtains are estimated to result in an 8 dBA reduction in noise from the aggregate plant.

2. Following implementation of the noise control measures identified in Item 1 above, noise tests shall be conducted to confirm effectiveness of the control measures and compliance with the County Noise Control Ordinance exterior noise standards. (MM NO-2)

K. The Owner shall not exceed annual mined production of 1.6 million tons (including aggregate and overburden). (COA 5)

L. The Owner shall not exceed maximum annual marketed aggregate production of 1.25 million tons per year. (COA-6)

IX. NOTES

A. All conditions of approval for CUP application 3390 shall be implemented including, but not limited too, mitigation measures and conditions of approval adopted by the County. (COA 4)

B. The Applicant shall adhere to all the requirements identified in Section 858 of the Fresno County Zoning Ordinance. (COA 4)

C. Development and operation of the use shall be in conformance with the site plan, elevation drawings, operational statement, and Reclamation Plan approved by the Commission. (COA 3)

D. Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.

E. Fresno County shall conduct an inspection of the operation once each calendar year to determine if the operation is in compliance with the requirements of Public Resources Code Chapter 9, commencing with Section 2710. The inspection shall be completed in compliance with the provisions of SMARA and may include, but shall not be limited to adherence to reclamation requirements of the approved Reclamation Plan. The County will also inspect for compliance with conditions of approval and mitigation measures of CUP 3390 as specified herein. An inspection fee shall be paid prior to each inspection. Currently the inspection fee is $2,257.00, subject to change.

F. The Applicant shall comply with Fresno County noise standards applicable to construction activities associated with the Project. (COA 7)

G. At least 10 years prior to the scheduled mining of the parcels subject to Williamson Act Contract No. 6322 a Notice of Nonrenewal shall be filed with the Department of Public Works and Planning. (COA 8)

H. The Applicant shall comply with all applicable County recycling requirements. (COA 9)

I. The Applicant shall comply with all applicable federal, state, and local regulatory requirements. (COA 10)

J. The Applicant shall comply with all applicable rules and permitting requirements of the SJVAPCD. (COA 16)

K. The operator shall comply with all applicable Air Resources Board and San Joaquin Valley Air Pollution Control District regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. (Note 10)

L. The Applicant shall adhere to the provisions set forth by the Office of Mine Reclamation. These provisions include regulations for compliance, reporting, and financial assurances. (Note 11)

M. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the Project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. Such finds include, but are not limited to, prehistoric grinding implements, stone tools, soapstone bowls, and ornaments (e.g., beads, pendants) as well as intact building foundations and high concentrations of historical artifacts. The Fresno County Department of Public Works and Planning shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. (MM CPR-3)

N. If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any

necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law. (MM CPR-4)

O. In the event that unanticipated human remains are discovered, work shall immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine whether the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (H&SC §7050.5). At the same time, the mine operator shall immediately notify the Fresno County Department of Public Works and Planning, and a qualified archaeologist shall be contacted to evaluate the archaeological implications of the find. (MM CPR-5)

P. The CEQA Guidelines (§15064.5) detail steps to be taken when human remains are found to be of Native American origin. If Native American remains are discovered, the operator/landowner shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items shall be treated or disposed, with appropriate dignity. The NAHC and landowner shall follow prescribed steps in Public Resources Code §5097.98, which include but are not limited to the following:

- The NAHC shall notify those persons it believes to be the most likely to have descended from the deceased Native American.
- The most likely descendant(s) may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods.
- The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations. (MM CPR-6)

Q. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes. (Note 4)

R. Required site improvements may be bonded in accordance with the provisions of Section 874-C-2 of the Fresno County Zoning Ordinance.

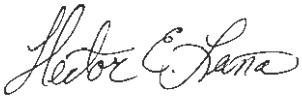
S. Conditional Use Permit No. 3390 will become void, unless there has been substantial development within two years of the effective date of this approval. (Note 1)

T. This Site Plan Review approval shall expire concurrently with Conditional Use Permit No. 3390.

This approval is final, unless appealed to the Fresno County Planning Commission. In this event, you must submit a fee of $508.00 and file a written appeal setting forth your reasons for such appeal to the Commission. Such appeal shall be filed with the Director of the Department of Public Works and Planning within 15 days after the mailing of this decision and shall be addressed to:

Department of Public Works and Planning
Development Services Division
Attention: Hector Luna
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

If you have any questions, please contact me at (559) 600-4216.

Regards, 

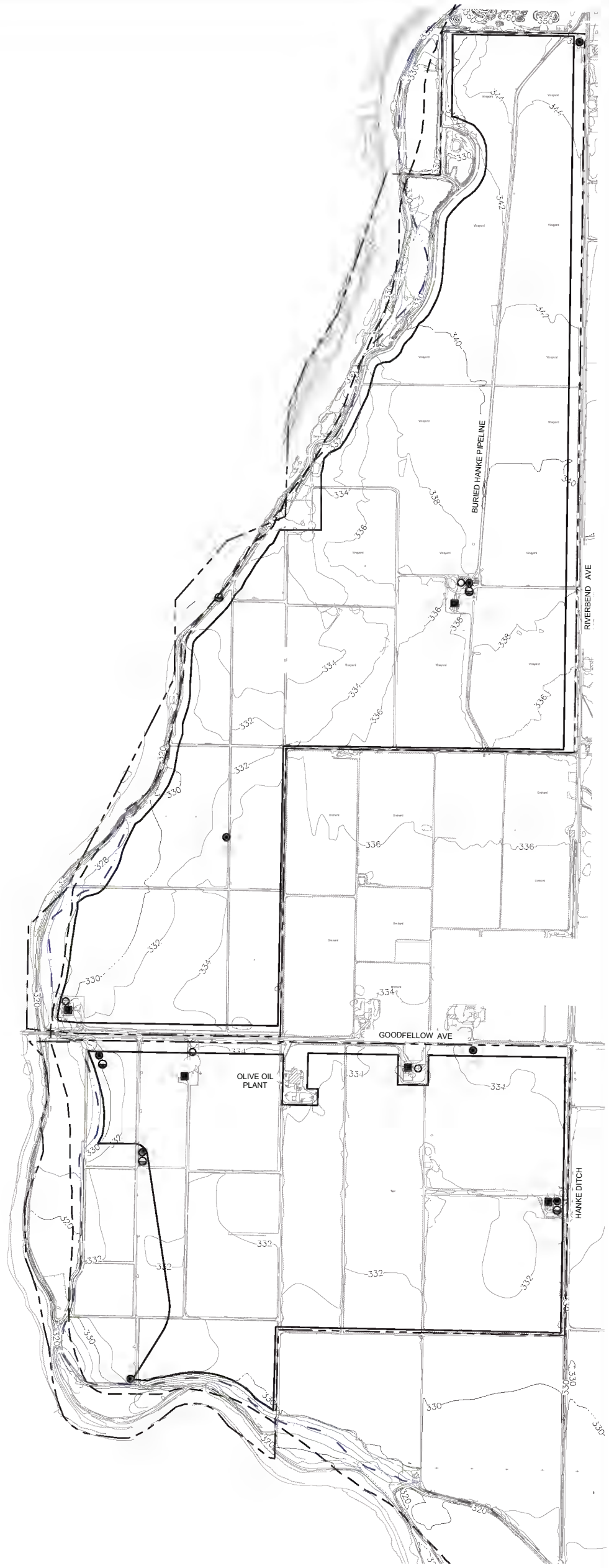
Hector Luna, Staff Analyst
Development Services Division

Initial: HEL
G:\4360Devs&Pln\BLD_SFTY\Zoning\S.P.R\7900-7999\7946 Riverbend\SPR 7946 Approval Letter.doc

c: Fresno County Department of Community Health, Environmental Health System
Fresno County Fire Protection District; 210 S. Academy Ave.; Sanger, CA 93657

Enclosure

EXHIBIT 73



LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- FEMA REGULATORY FLOODWAY
- DESIGNATED FLOODWAY
- FARMHOUSE
- IRRIGATION WELL
- SURFACE WATER PUMP
- DOMESTIC WELL

NOTES:

BOUNDARY DATA SHOWN IS BASED ON SOURCES OF VARYING RELIABILITY AND SHOULD NOT BE CONSTRUED AS A FIELD VERIFIED BOUNDARY SURVEY.

TOPOGRAPHY IS BASED ON AERIAL PHOTOGRAPHY DATED AUGUST 31, 2010 AND FEBRUARY 7, 2011.

GRAPHIC SCALE

ORIGINAL 1 INCH = 500 FEET

FRSNO COUNTY PUBLIC WORKS AND PLANNING DEPARTMENT

APPROVED PLAN

	SPR# 7946	MV#	B/P
DRA#	OTHER	DATE: 09/14/2015	BY: HEL

NOTE:

1) THIS APPROVAL IS SUBJECT TO ALL CONDITIONS NOTED HEREON AND IN THE APPROVAL LETTER
2) ALL IMPROVEMENTS MUST BE INSPECTED AND APPROVED BY THE DEVELOPMENT SERVICES DIVISION

RIVERBEND SAND AND GRAVEL
14692 E. Fantz Ave.
Parlier, CA 93648
559-875-6565

SITE PLAN REVIEW – SHEET 1 OF 3

CURRENT SITE PLAN

RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4872 Arcade Ave.
CA

	Date	Revision
D		
C		
B	11/17/14	ADD EXISTING CONTOUR ELEVATIONS
A	1/28/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

EXHIBIT 74

From: Luna, Hector
To: jcbuada@buada.com
Subject: Riverbend Sand and Gravel SPR 7946 SPR Approval
Date: Monday, September 14, 2015 11:48:00 AM
Attachments: SPR 7946 Approved Mine Plan.pdf
SPR 7946 Approved Site Plan.pdf
CUP 3390 MMRP and Conditions (Ex B).pdf
SPR 7946 Approval Letter.pdf

Good morning John,

This SPR project has been reviewed and approved, attached are PDF copies of approval letter and approved plans for your files. An SPR package is available in our office for pick-up or may be mailed to you upon request, your incite and feedback during the review process was appreciated.

A PDF copy of the MMRP depicting reference to the SPR approval letter is attached as well for cross referencing the approval letter.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 75

From: Luna, Hector
To: John Buada (jcbuada@buada.com)
Subject: FW: Riverbend Sand and Gravel SPR 7946 SPR Approval
Date: Tuesday, September 15, 2015 1:20:00 PM
Attachments: SPR 7946 Approval Letter.pdf

John,

County staff time agreement mentioned was mentioned twice on the approval letter, I revised the approval letter to remove the duplication.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: Luna, Hector
Sent: Tuesday, September 15, 2015 7:52 AM
To: 'John Buada'
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

I've attached an email from Betsy Lichti from the State Water Resource Control Board stating that the application for a domestic water supply permit be submitted concurrently with construction permits to ensure adequate water supply and quality. If you would like to discuss this further with Betsy, her contact info is on the attached email and any a decision is reached to defer the application, I will note the file.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, September 14, 2015 5:57 PM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

Thank you! I will come by and pick up the SPR package on Weds.

Regarding Condition IIH:

H&S Code 116275(h)defines a "Public water system as follows:

> *"Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.*

Based on the estimated number of 38 employees as listed in the operational statement with all uses in operation (i.e. mining and processing, asphalt plant and ready-mixed concrete), it can be understood that the State Water Resources Control Board would conclude that the Riverbend domestic water system would qualify as public water system.

However, Riverbend will not have all the uses are in operation for number of years. Therefore, until it has 15 or more service connections or regularly serves at least 25 of the same persons for over six months per year, it will not require a Domestic Water Supply Permit

Therefore, Riverbend is requesting that Condition IIH be revised to reflect CUP Condition 15:

> *In the event that Project facilities are developed that meet the definition of a public water system, the Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health or the State Water Resources Control Board.*

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, September 14, 2015 11:49 AM
To: jcbuada@buada.com
Subject: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

This SPR project has been reviewed and approved, attached are PDF copies of approval letter and approved plans for your files. An SPR package is available in our office for pick-up or may be mailed to you upon request, your incite and feedback during the review process was appreciated.

A PDF copy of the MMRP depicting reference to the SPR approval letter is attached as well for cross referencing the approval letter.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 76

From: ~~Flores Becker, Amina~~
To: ~~Zimmer, Julie~~
Subject: RE: September 22, 2015 Division Managers Meeting
Date: Monday, September 21, 2015 3:22:21 PM

What do the submitted plans have to do with the amendment? That needs to be clear in the response. If it has nothing to do with the amendment, then why are we mentioning it?
Sincerely,
Amina Flores-Becker

From: Zimmer, Julie
Sent: Monday, September 21, 2015 3:20 PM
To: Flores Becker, Amina
Subject: RE: September 22, 2015 Division Managers Meeting
The bullet in question regarding the Design should read as follows:

- Status of taking the proposed TMR agreement language changes to BOS for approval?
  - **Design is currently working with Mark Wolfe (hired by TMR) to review plans submitted.**

Thank you,
Julie Zimmer-Belle, MPA
Staff Analyst, Special Districts Administration
County of Fresno
Public Works & Planning, Resources Division
jzimmer@co.fresno.ca.us
(559) 600-4481
Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey.
Click here:
This Email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the original message.

From: Flores Becker, Amina
Sent: Monday, September 21, 2015 2:23 PM
To: Zimmer, Julie
Subject: FW: September 22, 2015 Division Managers Meeting
Hi Julie,
Please move forward with the amendment for revising the TMR agreement language. JT said he gave you the language changes already and that Design should not be changing anything or working on this and that we are to move forward. The item is listed below in **blue highlight and purple bold font**. Please see JT if you need further direction as I will be out for a couple days.
Sincerely,
Amina Flores-Becker

From: Flores Becker, Amina
Sent: Friday, September 18, 2015 10:29 AM
To: Thompson, John R.
Subject: RE: September 22, 2015 Division Managers Meeting
Please see responses below in purple.
Sincerely,
Amina Flores-Becker

From: Thompson, John R.
Sent: Wednesday, September 16, 2015 6:52 PM
To: Cantu, Heriberto; Flores Becker, Amina; Lopez, Sally (PWP Resources)
Subject: Fwd: September 22, 2015 Division Managers Meeting
Please see below.

Sincerely,
John R. Thompson

Begin forwarded message:

From: "Weaver, Alan" <aweaver@co.fresno.ca.us>
Date: September 16, 2015 at 5:29:37 PM PDT
To: "Thompson, John R." <jothompson@co.fresno.ca.us>, "Gibbs, Gigi" <GGibbs@co.fresno.ca.us>, "Asprec, Lemuel" <lasprec@co.fresno.ca.us>, "Brosi, Linda" <LBrosi@co.fresno.ca.us>, "Kettler, William" <WKettler@co.fresno.ca.us>, "Witrago, Juan" <JWitrago@co.fresno.ca.us>, "Jimenez, Bernard" <BJimenez@co.fresno.ca.us>, "Palacios, Robert" <RPalacios@co.fresno.ca.us>, "Ozburn, Nicole" <nozburn@co.fresno.ca.us>, "Siemer, Dale" <DSiemer@co.fresno.ca.us>, "Seiden, Stuart" <SSeiden@co.fresno.ca.us>, "Alimi, Mohammad" <malimi@co.fresno.ca.us>, "Son, Steven" <sson@co.fresno.ca.us>
Subject: September 22, 2015 Division Managers Meeting

August 10, 2015 Division Managers Meeting
8:30AM (9/16/15)

1. Review of the September 22nd Board Agenda
   a. Please review all items (Consent and Regular) in preparation for the Division Managers Meeting. Each division manager of the author's division will make an abbreviated presentation that touches on all of the relevant points and clearly identifies the justifications for the recommendations. The presentations must include a hard copy, to be provided to me, of any graphics you will/may be utilizing during your presentation at the following Board meeting. I will ask clarification questions, if I have any, and then I will ask the rest of the meeting members to ask questions they may have. The point of this exercise is to again play stump the author and see if we can identify any pertinent issues that have not been fully clarified.
   b.
2. Three month look ahead.
3. Discuss possible Cell Phone Policy
4. Discuss upcoming meetings in next two weeks.
5. Clerical Rotation for SGMA Working Group Meetings. (M&O in May, Resources in June, DS in July, M&O in August, Resources in September) October???
6. Round Table in which each attendee provides a **brief explanation of the significant events that transpired in in their respective division over the last two weeks and what they expect to encounter this coming couple of weeks**.

Please respond to the following by end of the day on Friday 9/18/15.

John,
General:

- Status of lock out, tag out program to be implemented by 9/30/15.
- Status of Arborist's Report for 4863 Van Ness? (Uremovic)

Parks:

- How of requesting Conservancy fund the Lost Lake Trail Project? Anticipated schedule?

Solid Waste Operations/Landfills:

- Status of Personnel modifying the Job Specs and meeting with Unit 13 regarding the licensing requirements for all DSEO?
- Status of revised agreement with Toro and going to BOS to request approval to amend the Toro agreement?

Solid Waste Programs:

- When will we have the next meeting to discuss the 4th ESAP workshop? 10/16/15 What is the target date for the workshop? 10/27/15
- Status of setting up tire amnesty events at road yard 8?

Special Districts:

- All water and sewer districts to have finaled electrical inspections and repairs completed by 10/31/15.
  - Operators working on all pending items. JJC has completed their pending items.
- Status of field meeting with Nayiri, Amina, you and me at CSA 35 AH?

- Community meeting scheduled for 10/8/15 and field meeting scheduled for 10/1/15.

- Status of SGMA outreach to water districts? This is something I need your staff to document the process and eventually submit to the State for verification we did it.
  - Have not started outreach.
- Status of taking the proposed TMR agreement language changes to BOS for approval?
  - **Design is currently working with Mark Wolfe (hired by TMR) to finalize the exhibit (budget) to include in the amendment with language changes.**
- Status of obtaining a permit and final inspection for the truck stand at CSA 34?
  - Is this the stand that pulls water from the pond?
- Status of revised letter from Dawyot?
  - Never provided a letter that gave us a contact list for emergency water hauling. Bonadelle has been hauling water to use for dust control.
    - Received another analysis that includes all three misters
- Status of the Millerton infrastructure plan and implementation plan?
  - Have not received any update from Troy Ewell on the status of the updated plans.
- Status of Mister effectiveness? Are we keeping up with the inflow? Have you received anything from Bonadelle regarding who would truck the effluent? How close to the max level are we? Have you asked them to begin trucking? What is current unused capacity of basins?
  - We are keeping up with inflow. We are at 75% of capacity = 10,785,769 gallons (Max is 14.8M gallons)
- **Please update the following table with target dates to conduct a Prop 218 proceedings in FY 14/15 and FY 15/16**

District	Analyst	Public Meeting	Public Hearing	Comment
CSA 1	Jarod	Not scheduled	Not scheduled	
CSA 34	Julie	1/11/15	1/26/15	Will also have a public meeting prior to ROI at the end of May or early June
CSA 34A	Julie	12/9/15	1/5 & 1/26	Will also have a public meeting prior to ROI at the end of May or early June
CSA 34C	Julie	12/16/15	1/5 & 1/26	Will also have a public meeting prior to ROI at the end of May or early June

- Status of the decision tree for CSA dissolutions? target 1/31/15.
- Status of new PG&E service for CSA 34? How did 6/24/15 meeting go?
  - Waiting on PG&E to confirm whether they will move one of the pole locations so that we don't have to get another easement.
- Have you assigned staff to:
  - Compile and develop records and documents for Millerton New Town, and Shaver? Target completion by December 2014.
  - Develop hydraulic models and plat maps to be able to properly administer the districts? Target completion of scoping by August 2013.
    - No to both
- Status of the 5 water and/or sewer districts reports?
  - Analyst making final changes to their individual reports. Those are due from them to me today (9/18/15).
- Status of ID 173 (East Fresno Sewer System) and 217 (Shaver Sewer Bonds) to go to BOS in October 2014.
  - Will be scheduling meeting soon.

Pending

- Target April or May 2015 for COG to resume and complete final draft of the Courthouse Park walkways plan, pending completion of FAX Terminal.
- Status of setting up a revolving fund to loan $$ to Districts until they pass a rate increase? Back to DAC 6/19/15, how did it go?
  - DAC gave direction to move forward with Revolving Fund after the CSA 34 Prop 218 is complete. John Hays recommended we go back to DAC and request to bring Revolving Fund to BOS prior to that because of current available funding. May go back to DAC in October.

Steve,

- Status of charging the delay cost for the gas line to the utility owner on the Mountain View Project?
- Target Application for the LS exam by November?
- Status of Task Order with CHSR?
- Status of CHSR Maintenance Agreement?
- Status of equipment inventory you requested?
- Status of the Nebraska/Chestnut; Fowler, and Clovis AI?
- Will we be pursuing a rubberized pavement grant this year? 9/2/15 email
- Status of Coalinga Disposal Site Claim analysis and payment of agreed upon CCOs?
- Status of State's acceptance of Dr. Benson's recommendation that the ET cover is acceptable?
- Did you or staff contact and set up meeting with Mr. Bradley? 7/30 email

Stuart,

- Status of Brix Building Basement study and response to Fresno?
- What is the anticipated schedule to resolve the fire barrier issue on the 6th floor?
- Status of the Facility fees ordinance codification corrections? 7/23/15?

Bob,

- With respect to obtaining soil from the basin at Brawley and Nielson, since they have about 100,000CY are they willing to truck it around to various point in the County where we can stockpile for later use?
- Status of the Belmont Pipeline Project. When did you actually send out the letter to Fresno? 8/7/15 email?
- Did the Sheriff pay for all of the Gun Range work costs, including disposal of the treated wood?
- Status of the floor repair and related asbestos cleanup at Yard 4?
- I sent you an email request for information regarding road closures on August 3rd. Please provide the requested information no later than 9/18/15.
- What is the status of the fence violation (within ROW without permit) at 13198 Ashlan? Is it time for a citation?
- Status of the recarpeting in Suite B?
- Status of the Lincoln and McMullen Grade TSR?
- Status of catching up on the PMS inspections (% complete)? Target completion by 1/1/15. What are your contingency plans to accomplish this by 1/1/16 due to staffing issues?
- Status of the request to close Ashlan for Christmas Tree Lane and installation of two Radar Driver Feedback Signs on Ashlan? 7/20/15 email. Please provide a copy of what was sent to Dean Alexander by 9/11/15. When is the joint meeting scheduled with PD, SFO, City Traffic Staff and us?
- Status of request for at what depth and relative alignment are the Sewer and Storm Drainage facilities installed or to be installed in Temperance? Do you know the rational for allowing full closure instead of maintaining a half street? How many full closures have we approved in the last 3 years for streets that carry 4,000 ADT or higher? What is has the average permissible length of closure been? How many of the projects exceeded the permissible closure? 8/3 email.

Pending

Mo,

- What's up at COG?
- What's up at FCTA?
- Status of the Fig North FMFCD/City/County project? Status of the agreement? Proposed project construction schedule? Deadline for grant invoicing?
- What is the status of the HSR design exceptions?
- Please provide a current status of our project reimbursements that identifies each project, what cost has been incurred by 7/31/15, amount that has been reimbursed, amount pending, and date of last invoice.
- Status of Walnut widening estimate? 9/15/15 email
- Status of the HSR agreements? (ROW, Maintenance, ???)
- Status of going back to BOS for Clovis, Elkhorn and Fowler HSR crossing modifications?
- Status of Vie Del Wineries, HSR and EDC regarding Nebraska and Chestnut?
- Status of the Jensen/Drummond sewer project?
- Status of Cornerstone's request for additional payment?

Pending

- 2016-21 RIP. Due April, 2016.

Bernard,

Pending Legislation

- Please update the matrix weekly that lists the pending legislation and the issues related to County so we can easily track by inspection. Please send me an electronic copy weekly and show the updated status in a different color text for ease of identification. Please add a little more description to the Bill Description column.

General

- What's up at COG?
  - How did the Ag Mitigation discussion go?

- Outcome of 9/16 Measure C Amendment #3 Public Meeting?
- Status of setting up a workshop for the BOS to discuss Fire Codes, interpretations and enforcement options? Is this to come out of the CAO's office? We were targeting 11/17/15.
- Status of the COG Ad-hoc committee on Ag Mitigation? What have they done, discussed or proposed so far? (3/26/15)
- Status of Friant Corridor study? Target to BOS in October/November.
- Did you respond to Danilo Blanusa's survey request (8/19/15 email)
- Status of the revised Code Enforcement Ordinance granting discretion to Director to lower/waive penalties and penalties accumulation?
- Status of the County Housing Element Cycle 4 schedule, and 5th cycle? When does the State's 90 day review period expire?
- Status of Biola request for well lot? And indemnification?
- Status of the FID GSA MOU?
- Status of information requested by District 2 for their fact sheet?

Pending

Will

General:

- Status of presenting obtaining revised fence ordinance direction from BOS? Target October.
- Status of requested research, presentation outline, preparing the AI for the BOS 10/13/15 Fire workshop.
- How did the AMANDA switch go?

Rapid Response

- **Please provide an ongoing list of the companies served and an estimate of the potential jobs to be created by those companies. Please submit biweekly in your response to the Division Manager information requests**

Advance Planning:

- When will we present the GP EIR SOW and Consultant Agreement to BOS for approval? Target 10/13/15.
- Status of the Zoning Ordinance Update? (Also to include allowing RV storage in districts other than industrial) On hold pending GP resolution.

Code Enforcement:

- Status of revisit of 6537 N. Sequoia's and cleanup/CE estimate? Has County Counsel's office received approval for us to go back on site?
- Status of correcting the on-line code version regarding late fee penalties Section 1.13.120 and allowing Director discretion in waiving citation fines and penalties? Need to target 9/22/15 for first reading.
- Status of the violations that Richard Perkins was working on behalf of the violators attorney? (8530 & 8588 E. Olive) (Korenak, Diamond Paving) Bill Nebeker was to contact PO.
- Status of complaint at 27418 Sales Road regarding conversion of building to allow storage of his vehicle? 8/7/15 email

Building & Zoning:

- Status of Jeff Janes recommended modification of the County ordinance designating County Building Official. 10/13/15 1st reading, 11/17/15 2nd reading?
- Status of the SCE permitting and inspections for facilities in Camp Edison?
- What is an in-house plan check consultant?
- Have we approved any temporary water tanks in the last 3 months?
- Have we heard anything from State Fire Marshal or Ed Gravlin regarding the tempered glass issue>

Land Use & Environmental:

- Status of Response to Herb Lang regarding Riverbend costs and requirements relative to other projects?

Water:

- What have you done to keep the WAC active? Please share the meeting agenda with me.

Mapping:

- Status of the mapping backlog? How many are pending review that were submitted over 60 days ago?
- Did you speak with David McGlasson regarding contract services? (7/9/15 email)

Grading:

- Status of revised grading plan/options for Gary McDonald's TM 5955? Augie was working on this.

Building Permits:

- Status of revision of County Improvement Standards that were budgeted in FY 14/15 with completion and adopting to be obtained no later than June 1, 2015

Nicole

- Status of Vacancy/Recruitment?
- Status of Investigations?
- Did you respond to the 7/1/15 email from Beth Bandy regarding the Local 39 complaint?
- Status of evaluation training?
- Status of revised Cell Phone policy review?
- Did you document the recent grievance meeting?
- Was the property loss form completed for the Loader damaged at the gun range?
- When is the safety meeting scheduled that you want me to attend? Do you have an outline of the issues I need to address?
- Status of the retitling at American Avenue Landfill (Disposal Site Supervisor and Disposal Site Lead Supervisor?
- Status of alternative work schedules requests? 8/6/15 email
- Have you received the Personnel Commission's response to Local 39's request for findings?

Pending

Lemuel

- Pending issues/projects?
  - Status of annual Road Report? When due?
- Status of the Asset inventory? (8/4/15 email)
- Status of the GASB 51 Right Of Way Easement issues? (8/26/15 email)
- Special District Billing RFP to go out 10/1/15.
- Status of Auditors request for Auditors delinquent FCAC Forms?
- What work do you have that is delayed such as accounts payable and how far behind are you? **Working on one year-end form for 4510. A/P is slowly being caught up. We are working on invoices that have been approved for payment with dates of mid-August, but there are still a few with early August dates. June labor billing has not yet been completed. This should be completed by next week. July and August will follow. Should we consider OT to catch up?**
- Status of the 3 months past due Ameripride invoices?
- Have the KRCD Groundwater Monitoring Well project permit fees been transferred from 4360200 to pay the encroachment permit fees? Please consult with Bob Palacios on this.

Gigi

- Pending issues/projects?
- Any response from Inspector General regarding Sanger Crossing?

Juan

- Current issues?
- Status of recruitment to replace Adam Chavez?

Linda,

- Status of State of the County Breakfast signup?

Pending Items

- Status of project to prepare plot plans for all of the homes in Brighten Crest (152 buildable lots, 88 currently developed, 64 pending development) illustrating the location of the step tanks and appurtenant plumbing? (John Thompson)
- Title 15 issues, Ag Exempt to BOS in April/May 2014; Relaxation of set back and permit fee reduction for garden sheds to BOS in February 2014; Fence/Hedge to BOS in May 2014; NBOD to BOS in 7/14
- Internet usage (May 15)
- Status of CC update of fee ordinance to allow Director to waive or reduce fees, via agreement. (Sharon Lantia, Rob Solley)

Thanks

Alan Weaver
Director, Fresno County Public Works and Planning
2220 Tulare Street, 6th Floor

Fresno Ca. 93721
559-600-4500
FAX 559-600-4548

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link. Survey

Thank you.

EXHIBIT 77

From: Luna, Hector
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval
Date: Monday, September 28, 2015 11:37:00 AM

Sure, no problem

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, September 28, 2015 11:31 AM
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

I haven't been able to made it down to pick up the SPR package. Could you please have it sent to me?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Monday, September 14, 2015 5:57 PM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

Thank you! I will come by and pick up the SPR package on Weds.

Regarding Condition IIH:

H&S Code 116275(h)defines a "Public water system as follows:

> *"Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.*

Based on the estimated number of 38 employees as listed in the operational statement with all uses in operation (i.e. mining and processing, asphalt plant and ready-mixed concrete), it can be understood that the State Water Resources Control Board would conclude that the Riverbend domestic water system would qualify as public water system.

However, Riverbend will not have all the uses are in operation for number of years. Therefore, until it has 15 or more service connections or regularly serves at least 25 of the same persons for over six months per year, it will not require a Domestic Water Supply Permit

Therefore, Riverbend is requesting that Condition IIH be revised to reflect CUP Condition 15:

> *In the event that Project facilities are developed that meet the definition of a public water system, the Applicant shall obtain a Domestic Water Supply Permit from the California Department of Public Health or the State Water Resources Control Board.*

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Phone: 559-432-4902
Fax: 559-432-4097
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, September 14, 2015 11:49 AM
To: jcbuada@buada.com
Subject: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

This SPR project has been reviewed and approved, attached are PDF copies of approval letter and approved plans for your files. An SPR package is available in our office for pick-up or may be mailed to you upon request, your incite and feedback during the review process was appreciated.

A PDF copy of the MMRP depicting reference to the SPR approval letter is attached as well for cross referencing the approval letter.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 78

From: Pratt, Carol
To: McDonald, Nicole; Reyes, Becky
Cc: Foreman, Holly; Vang, Kay; Olivas, Kevin
Subject: FW: Riverbend Sand & Gravel, LLC. Vendor approval.
Date: Thursday, October 29, 2015 3:44:46 PM
Attachments: Riverbend Sand & Gravel W9 CA590.pdf

Good Afternoon Nicole and Becky,

Sorry to bother you, but when we had asked the owner (Mr. Herb Lang) of Riverbend Sand & Gravel LLC to include his social security number on the attached forms (as requested below), he noted that the checks written to the County were issued from Riverbend Sand & Gravel LLC , therefore he should not have to furnish his social security number as the check we will be processing is for a refund.

I would like to furnish him a copy of the EDD statute mentioned in the email below. Do you happen to have this document handy?

Thank you for your assistance.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: McDonald, Nicole **On Behalf Of** ACTTC - Vendor Maintenance
Sent: Thursday, October 29, 2015 1:58 PM
To: Olivas, Kevin
Subject: RE: Riverbend Sand & Gravel, LLC. Vendor approval.

Per EDD statute all individual/ sole proprietors are required to supply their SSN# please have the vendor provide new forms using the SSN#.

Nicole McDonald

Account Clerk II

Auditor/Controller Office

General Accounting

(559) 600-7088

From: Olivas, Kevin
Sent: Thursday, October 29, 2015 12:24 PM
To: ACTTC - Vendor Maintenance
Cc: Vang, Kay; Pratt, Carol
Subject: Riverbend Sand & Gravel, LLC. Vendor approval.

Please approve vendor number 278816. Forms attached.

<< File: Riverbend Sand & Gravel W9 CA590.pdf >>

Thank you,

Kevin B. Olivas

Fresno County Public Works & Planning,

Financial Services-Administration

2220 Tulare St, Suite #625

Fresno, CA 93721

Phone: (559) 600-4293

Fax: (559) 455-4606

kolivas@co.fresno.ca.us

www.co.fresno.ca.us

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link. Survey

EXHIBIT 79

From:	Reyes, Becky
To:	Pratt, Carol
Cc:	Foreman, Holly; Vang, Kay; Olivas, Kevin; McDonald, Nicole
Subject:	RE: Riverbend Sand & Gravel, LLC. Vendor approval.
Date:	Friday, October 30, 2015 7:23:53 AM

Carol- As long as your payments are for refunds and not payments for product or services you can use a One Time vendor. If there is a second payment you would need to create another One Time vendor for that payment, the original vendor number will automatically unapproved.

From: Pratt, Carol
Sent: Thursday, October 29, 2015 4:13 PM
To: Reyes, Becky
Cc: Foreman, Holly; Vang, Kay; Olivas, Kevin; McDonald, Nicole
Subject: RE: Riverbend Sand & Gravel, LLC. Vendor approval.

Becky,

The One Time vendor sounds great, however there is a possibility that we may need to issue this vendor another refund. At this time, we will be issuing a refund for the legal services portion of his deposit. There is a possibility that another refund will be issued to this vendor for the other portion of his deposit with the County.

Again, this is a possibility. Can we still proceed with the One Time vendor setup?

Thank you for your response and assistance in this matter.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Reyes, Becky
Sent: Thursday, October 29, 2015 3:56 PM
To: Pratt, Carol; McDonald, Nicole
Cc: Foreman, Holly; Vang, Kay; Olivas, Kevin
Subject: RE: Riverbend Sand & Gravel, LLC. Vendor approval.

Carol- To approve a regular vendor we need tax forms. If you are processing a refund you can create a One Time vendor which doesn't require tax forms because the vendor number will automatically unapprove after a single use.

Becky

From: Pratt, Carol
Sent: Thursday, October 29, 2015 3:45 PM
To: McDonald, Nicole; Reyes, Becky
Cc: Foreman, Holly; Vang, Kay; Olivas, Kevin
Subject: FW: Riverbend Sand & Gravel, LLC. Vendor approval.

Good Afternoon Nicole and Becky,

Sorry to bother you, but when we had asked the owner (Mr. Herb Lang) of Riverbend Sand & Gravel LLC to include his social security number on the attached forms (as requested below), he noted that the checks written to the County were issued from Riverbend Sand & Gravel LLC , therefore he should not have to furnish his social security number as the check we will be processing is for a refund.

I would like to furnish him a copy of the EDD statute mentioned in the email below. Do you happen to have this document handy?

Thank you for your assistance.

<< File: Riverbend Sand & Gravel W9 CA590.pdf >>

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: McDonald, Nicole **On Behalf Of** ACTTC - Vendor Maintenance
Sent: Thursday, October 29, 2015 1:58 PM
To: Olivas, Kevin
Subject: RE: Riverbend Sand & Gravel, LLC. Vendor approval.

Per EDD statute all individual/ sole proprietors are required to supply their SSN# please have the vendor provide new forms using the SSN#.

Nicole McDonald

Account Clerk II

Auditor/Controller Office

General Accounting

(559) 600-7088

From: Olivas, Kevin
Sent: Thursday, October 29, 2015 12:24 PM
To: ACTTC - Vendor Maintenance
Cc: Vang, Kay; Pratt, Carol
Subject: Riverbend Sand & Gravel, LLC. Vendor approval.

Please approve vendor number 278816. Forms attached.

<< File: Riverbend Sand & Gravel W9 CA590.pdf >>

Thank you,

Kevin B. Olivas

Fresno County Public Works & Planning,

Financial Services-Administration

2220 Tulare St, Suite #625

Fresno, CA 93721

Phone: (559) 600-4293

Fax: (559) 455-4606

kolivas@co.fresno.ca.us

www.co.fresno.ca.us

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link. Survey

EXHIBIT 80

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

November 3, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT September 24, 2013 THROUGH May 24, 2015 - ***REVISED***
ENVIORNMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through May 24, 2015.

Department Salaries and Benefits	Hours	Cost Incurred
Development Services	570.1	$ 52,796.62
Environmental Health	16.5	1,617.00
Road maintenance/Design	***225.0***	***22,390.48***
Total:	***811.6***	***$ 76,804.10***

Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		369,542.00
Fleet Vehicle		***121.05***
Federal Express		186.96
Business Journal		925.00
	Total Costs	$449,435.36

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$720.81>.
The remaining balance of your $430,226.00 consultant deposit is $60,684.00.
The remaining balance of your $50,000.00 legal services deposit is $50,000.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager
LA:jj
c: Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

November 3, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT June 18, 2013 THROUGH June 21, 2015
ENVIORNMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through June 21, 2015.

Department Salaries and Benefits	Hours	Cost Incurred
Development Services	579.1	$ 53,534.40
Environmental Health	16.5	1,617.00
Road Maintenance/Design	225.0	22,390.48
Total:	820.6	$ 77,541.88

Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		430,226.00
Fleet Vehicle		121.05
Federal Express		186.96
Business Journal		1,162.50
	Total Costs	$ 511,094.64

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$1,696.09>.
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $50,000.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager
LA:jj
c: Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

November 3, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT June 18, 2013 THROUGH July 19, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through July 19, 2015.

Department Salaries and Benefits	Hours	Cost Incurred
Development Services	586.1	$ 54,062.34
Environmental Health	16.5	1,617.00
Road Maintenance/Design	225.0	22,390.48
Total:	827.6	$ 78,069.82

Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		430,226.00
Fleet Vehicle		121.05
Federal Express		186.96
Business Journal		1,162.50
	Total Costs	$ 511,622.58

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$2,224.03>.
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $50,000.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager
LA:jj
c: Development Services Division

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

November 3, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT June 18, 2013 THROUGH August 16, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through August 16, 2015.

Department Salaries and Benefits	Hours	Cost Incurred
Development Services	590.1	$ 54,364.02
Environmental Health	16.5	1,617.00
Road Maintenance/Design	225.0	22,390.48
Total:	831.6	$ 78,371.50

Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		430,226.00
Fleet Vehicle		121.05
Federal Express		186.96
Business Journal		1,162.50
	Total Costs	$ 511,924.26

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$2,525.71>.
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $50,000.00.*
*Refund of $50,000.00 being processed.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager
LA:jj

EXHIBIT 81

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: November 3, 2015

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division

SUBJECT: MONTHLY EXPENSE REPORTS

PERIOD COVERED FROM: August 22 2012, THROUGH May 24, 2015 - ***REVISED***

APPLICANT'S NAME: RIVERBEND SAND & GRAVEL

PROJECT NAME: EIR #6606

PROJECT NUMBER(S) Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru May 24, 2015
Dev. Serv.	45.5	570.1	$48,507.05	$4,289.57	$52,796.62
Env. Health	6.5	16.5	$ 980.00	$ 637.00	$ 1,617.00
Design/Maint.	4.0	***225.0***	***$ 21,922.48***	$ 468.00	***$22,390.48***
SALARIES & BENEFIT TOTAL:	56.0	811.6			***$76,804.10***

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru August 16, 2015
Mid Valley Pub.		$ 1,856.25	$ 0.00	$ 1,856.25
SESPE Consult.		$369,542.00	$ 0.00	$ 369,542.00
Fleet-Vehicle		***$ 121.05***	$ 0.00	***$ 121.05***
Federal Express		$ 186.96	$ 0.00	$ 186.96
Business Journal		$ 925.00	$ 0.00	$ 925.00
OTHER DIRECT COSTS TOTAL:				***$ 372,631.26***
GRAND TOTAL:				$ 449,435.36

BALANCE OF DEPOSIT UNEXPENDED:	County Staff*	Consultant Contract*	Legal Services
DEPOSIT:	$79,172.55	$430,226.00	$ 50,000.00
CUMULATIVE COSTS INCURRED THRU May 24, 2015	$79,893.36	$369,542.00	$ 0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	<$ 720.81>	$ 60,684.00	$ 50,000.00

☐ REFUND ☐ INVOICE

*Includes deposit of $15,000.00 (Staff) and $5,700.00 (Consultant) received on 5/15/15.
**Billed using Master Schedule of Fee rates for staff effective FY 2014-15.

PREPARED BY: JACQUELINE JUAREZ EXTENSION: 04285 DATE: November 3, 2015

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: November 3, 2015

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division

SUBJECT: MONTHLY EXPENSE REPORTS

PERIOD COVERED FROM: August 22, 2012 THROUGH June 21, 2015

APPLICANT'S NAME: RIVERBEND SAND & GRAVEL

PROJECT NAME: EIR #6606

PROJECT NUMBER(S) Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 21, 2015
Dev. Serv.	9.0	579.1	$52,796.62	$ 737.78	$53,534.40
Env. Health	0.0	16.5	$ 1617.00	$ 0.00	$ 1,617.00
Design/Maint.	0.0	225.0	$22,390.48	$ 0.00	$22,390.48
SALARIES & BENEFIT TOTAL:	9.0	820.6			$77,541.88

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 21, 2015
Mid Valley Pub.		$ 1,856.25	$ 0.00	$ 1,856.25
SESPE Consult.		$369,542.00	$ 60,684.00	$ 430,226.00
Fleet-Vehicle		$ 121.05	$ 0.00	$ 121.05
Federal Express		$ 186.96	$ 0.00	$ 186.96
Business Journal		$ 925.00	$ 237.50	$ 1,162.50
OTHER DIRECT COSTS TOTAL:				$ 433,552.76
GRAND TOTAL:				$ 511,094.64

BALANCE OF DEPOSIT UNEXPENDED:	County Staff*	Consultant Contract*	Legal Services
DEPOSIT:	$79,172.55	$430,226.00	$ 50,000.00
CUMULATIVE COSTS INCURRED THRU June 21, 2015	$80,868.64	$430,226.00	$ 0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	<$1,696.09>	$ 0.00	$ 50,000.00

☐ REFUND ☐ INVOICE

**Billed using Master Schedule of Fee rates for staff effective FY 2014-15.

PREPARED BY: JACQUELINE JUAREZ EXTENSION: 04285 DATE: November 3, 2015

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: November 3, 2015

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division

SUBJECT: MONTHLY EXPENSE REPORTS

PERIOD COVERED FROM: August 22, 2012 THROUGH July 19, 2015

APPLICANT'S NAME: RIVERBEND SAND & GRAVEL

PROJECT NAME: EIR #6606

PROJECT NUMBER(S) Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru July 19, 2015
Dev. Serv.	7.0	586.1	$53,534.40	$ 527.94	$54,062.34
Env. Health	0.0	16.5	$ 1,617.00	$ 0.00	$ 1,617.00
Design/Maint.	0.0	225.0	$22,390.48	$ 0.00	$22,390.48
SALARIES & BENEFIT TOTAL:	7.0	827.6			$78,069.82

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru July 19, 2015
Mid Valley Pub.		$ 1,856.25	$ 0.00	$ 1,856.25
SESPE Consult.		$430,226.00	$ 0.00	$ 430,226.00
Fleet-Vehicle		$ 121.05	$ 0.00	$ 121.05
Federal Express		$ 186.96	$ 0.00	$ 186.96
Business Journal		$ 1,162.50	$ 0.00	$ 1,162.50
OTHER DIRECT COSTS TOTAL:				$ 433,552.76
GRAND TOTAL:				$ 511,622.58

BALANCE OF DEPOSIT UNEXPENDED:	County Staff*	Consultant Contract*	Legal Services
DEPOSIT:	$79,172.55	$430,226.00	$ 50,000.00
CUMULATIVE COSTS INCURRED THRU July 19, 2015	$81,396.58	$430,226.00	$ 0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	<$2,224.03>	$ 0.00	$ 50,000.00

☐ REFUND ☐ INVOICE

**Billed using Master Schedule of Fee rates for staff effective FY 2014-15.

PREPARED BY: JACQUELINE JUAREZ EXTENSION: 04285 DATE: November 3, 2015

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: November 3, 2015

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division

SUBJECT: MONTHLY EXPENSE REPORTS

PERIOD COVERED FROM: August 22, 2012 THROUGH August 16, 2015

APPLICANT'S NAME: RIVERBEND SAND & GRAVEL

PROJECT NAME: EIR #6606

PROJECT NUMBER(S) Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru August 16, 2015
Dev. Serv.	4.0	590.1	$54,062.34	$ 301.68	$54,364.02
Env. Health	0.0	16.5	$ 1,617.00	$ 0.00	$ 1,617.00
Design/Maint.	0.0	225.0	$22,390.48	$ 0.00	$22,390.48
SALARIES & BENEFIT TOTAL:	4.0	831.6			$78,371.50

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru August 16, 2015
Mid Valley Pub.		$ 1,856.25	$ 0.00	$ 1,856.25
SESPE Consult.		$430,226.00	$ 0.00	$ 430,226.00
Fleet-Vehicle		$ 121.05	$ 0.00	$ 121.05
Federal Express		$ 186.96	$ 0.00	$ 186.96
Business Journal		$ 1,162.50	$ 0.00	$ 1,162.50
OTHER DIRECT COSTS TOTAL:				$ 433,552.76
GRAND TOTAL:				$ 511,924.26

BALANCE OF DEPOSIT UNEXPENDED:	County Staff*	Consultant Contract*	Legal Services
DEPOSIT:	$79,172.55	$430,226.00	$ 50,000.00
CUMULATIVE COSTS INCURRED THRU August 16, 2015	$81,698.26	$430,226.00	$ 0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	<$2,525.71>	$ 0.00	$ 50,000.00

☐ REFUND ☐ INVOICE

**Billed using Master Schedule of Fee rates for staff effective FY 2014-15.

PREPARED BY: JACQUELINE JUAREZ EXTENSION: 04285 DATE: November 3, 2015

EXHIBIT 82

From: Asprec, Lemuel
To: Juarez, Jacqueline
Subject: RE: Riverbend Expense Memos
Date: Wednesday, November 4, 2015 10:35:55 AM

Thank you Jackie for completing this.

-LEMUEL

From: Juarez, Jacqueline
Sent: Wednesday, November 4, 2015 09:32
To: Sholars, Briza <bsholars@co.fresno.ca.us>; Kettler, William <WKettler@co.fresno.ca.us>
Cc: Pratt, Carol <CPratt@co.fresno.ca.us>; Asprec, Lemuel <lasprec@co.fresno.ca.us>
Subject: Riverbend Expense Memos

Good morning. Attached are the internal Expense Report memos for Rivierbend/EIR #6606 (revised May, June, July, and August 2015). Sorry for the delay.

We will send out the other letters/memos as soon as possible.

Thank you,

Jacqueline Juarez
Financial Services
Public Works & Planning
(559) 600-4285

From: Juarez, Jacqueline
To: Sholars, Briza; Kettler, William
Cc: Pratt, Carol; Asprec, Lemuel
Subject: Riverbend Expense Memos
Date: Wednesday, November 4, 2015 9:32:18 AM
Attachments: Riverbend Memos (Revised May thru Aug 2015).pdf

Good morning. Attached are the internal Expense Report memos for Rivierbend/EIR #6606 (revised May, June, July, and August 2015). Sorry for the delay.

We will send out the other letters/memos as soon as possible.

Thank you,

Jacqueline Juarez
Financial Services
Public Works & Planning
(559) 600-4285

From: Juarez, Jacqueline
To: iblang@yahoo.com
Cc: Pratt, Carol; Sholars, Briza; Asprec, Lemuel; Kettler, William
Subject: Letters for EIR #6606 Riverbend Sand and Gravel
Date: Wednesday, November 4, 2015 8:55:01 AM
Attachments: Riverbend Letters (May-Aug).pdf

Hello Mr. Lang,

Attached are copies of the expense report letters for EIR #6606. These include a revised expenditure report for May and expenditure reports for June, July, and August 2015. We will begin working on September's letter shortly. Again we apologize for the delay.

Thank you,

Jacqueline Juarez
Financial Services
Public Works & Planning
(559) 600-4285

EXHIBIT 83

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

November 30, 2015

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Dear Gentlemen:

SUBJECT: EXPENSE REPORT June 18, 2013 THROUGH September 13, 2015
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through September 13, 2015.

Department Salaries and Benefits	Hours	Cost Incurred
Development Services	591.1	$ 54,475.05
Environmental Health	16.5	1,617.00
Road Maintenance/Design	225.0	22,390.48
Total:	832.6	$ 78,482.53

Other Costs		
Mid Valley Publishing		$ 1,856.25
SESPE Consulting		430,226.00
Fleet Vehicle		121.05
Federal Express		186.96
Business Journal		1,468.75
	Total Costs	$ 512,341.54

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is <$2,942.99>.
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $0.00.*
*Legal Services Deposit Refund of $50,000.00 was issued November 10, 2015.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager
LA:jj
c: Development Services Division

EXHIBIT 84

From:	Juarez, Jacqueline
To:	iblang@yahoo.com
Cc:	Pratt, Carol; Sholars, Briza; Asprec, Lemuel; Kettler, William
Subject:	EIR #6606 Riverbend Sand & Gravel Expense Rpt
Date:	Tuesday, December 1, 2015 11:21:27 AM
Attachments:	Riverbend Sand & Gravel Expense Report through 9.13.15.pdf

Hello Mr. Lang. Attached is the Expense Report for EIR #6606 through our September billing. Please contact us if you have any questions.

Thank you.

Jacqueline Juarez
Financial Services
Public Works & Planning
(559) 600-4285

EXHIBIT 85

From: Ahmad, Ejaz
To: Adams, John
Subject: CUP 3297
Date: Friday, April 22, 2016 9:38:00 AM
Attachments: CUP3297 Ext 1 SR.docx

Per your request.

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report
Consent Agenda Item No. 2
October 8, 2015

SUBJECT: **Initial Study No. 6279 and Unclassified Conditional Use Permit No. 3297 – Time Extension**

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3297 which authorized a photovoltaic solar power generation facility with related improvements including 50-foot-high electrical utility poles, twenty 300 square-foot inverter buildings, an 8,850 square-foot substation and eight-foot-high chain-link fencing on an approximately 120.07-acre portion of a 155.85-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: **The project site is located one half-mile to the west of N. Russell Avenue between W. Nees and W. Althea Avenues and approximately 12 miles west of the City of Firebaugh (SUP. DIST. 1) (APNs 005-040-17S, 005-040-12S, 005-040-15S).**

OWNER: **Aric, Aaron, Stacee and Jennifer Barcellos**
APPLICANT: **CED Oro Loma Solar, LLC**
REPRESENTATIVE: **Provost & Pritchard Consulting Group**

STAFF CONTACT: **Ejaz Ahmad, Planner**
(559) 600-4204

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a first one-year time extension for Unclassified Conditional Use Permit No. 3297; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map

2. Existing Land Use Map

3. Existing Zoning Map

4. Planning Commission Resolution and Staff Report dated November 17, 2011

5. Applicant's letter requesting a first one-year time extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration prepared for Initial Study Application No. 6279 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit Application No. 3297 on November 17, 2011.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This time extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required. A letter was received by the California Department of Fish and Wildlife (DFW) identifying additional species and protocol to follow, but it was determined that the information provided is not new information and did not fit any of the three criteria listed above.

PUBLIC NOTICE:

Notices were sent to thirteen (13) property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two years after approval of the permit. Zoning Ordinance Section 873-I.3 authorizes the Planning Commission to grant a maximum of two (2) one (1)-year time extensions when it can be demonstrated that circumstances beyond the control of the Applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1. However, this time limit has been extended due to a recent Zoning Ordinance Text Amendment (Ordinance No. T-087-366) approved by the County Board of Supervisors on December 6, 2011. Effective January 5, 2012, the Ordinance allows the Planning Commission to grant two additional one-year extensions in addition to the extensions currently allowed in Section 873-I.3 provided that the request for extension is filed prior to the expiration of the permit for a possible total of four (4) extensions.

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) Application No. 3297 was approved by the Fresno County Planning Commission on November 17, 2011 with that decision appealed by Fresno County Citizens for Responsible Solar, represented by the law offices of Adams Broadwell Joseph and Cardozo on December 1, 2011. At the Fresno County Board of Supervisors' January 24, 2012 hearing, the appeal was continued to a date uncertain to allow the Appellant and Applicant (SolarReserve) the opportunity to resolve concerns and come to a possible resolution that would allow the withdrawal of the appeal.

Negotiations between the Appellant and Applicant resulted in a withdrawal of the appeal by Fresno County Citizens for Responsible Solar on August 28, 2013. As 19 months elapsed between the time of the Board appeal hearing and the withdrawal of the appeal, County staff has determined the effective approval date for the land use application to be August 28, 2013. As conditional use permits are given two years of initial life, the project must either be constructed, a time extension granted, or a determination of substantial development made prior to the project expiration date of August 28, 2015 to insure the project remains active.

This first one-year time extension was filed by the Applicant on August 10, 2015. If this time extension is granted, the Applicant will have an additional year (until August 28, 2016) to achieve substantial development of the subject photovoltaic solar power generation facility.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) Application No. 3297 was originally approved on November 17, 2011 concurrently with Initial Study Application No. 6279 based on a determination that the required findings could be made. Attached is a copy of the Planning Commission's Resolution and Staff Report (Exhibit 4) documenting Conditions imposed on the project.

It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional one year to exercise the CUP as originally approved. In a letter submitted by the Applicant's representative, the primary justification for requesting extension of the CUP approval is to allow additional time to facilitate construction of the project as well as to provide power to Pacific Gas and Electric Company (PG&E) pursuant to specific deadlines (Exhibit 5). The current CUP approval expires on August 28, 2015. The subject time extension will allow the Applicant additional time until August 28, 2016 to complete the project.

The current time extension was routed to the same agencies that reviewed this project in June 2010. None of those agencies identified any change in circumstances or the need for additional conditions. The California Department of Fish and Wildlife (DFW) has identified additional species and protocols to follow to avoid impacts on those species in a letter dated August 14, 2015. However, the information presented in the letter is not new information as defined by Section 15162(b) of the CEQA Guidelines that could not have been known to the agency at the time comments were provided for the original application. DFW comments have been provided to the Applicant.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the first one-year time extension for Unclassified Conditional Use Permit No. 3297 should be approved, based on factors cited in the analysis above. Approval of this time extension will extend the expiration date to August 28, 2016.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year time extension for Unclassified Conditional Use Permit No. 3297; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the first one-year time extension request for Unclassified Conditional Use Permit No. 3297 (state reasons for denial); and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EJ:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3200-3299\3297\EXT 1\SR\CUP3297 Ext 1 SR.docx

EXHIBIT 86

From: Jimenez, Bernard
To: White, Steven
Subject: FW: 5/24/16 Draft Agenda
Date: Tuesday, May 10, 2016 8:09:58 AM
Attachments: 05242016 BOS Agenda.pdf

FYI, draft May 24th Board agenda. I've asked Sherrie with the Clerk's office to add you to the distribution list. Thanks.

Bernard Jimenez, Deputy Director of Planning
Department of Public Works and Planning
Ph: (559) 600-4234
fax: (559) 600-4548

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey
Thank you.

From: Evans, Sherrie
Sent: Tuesday, May 10, 2016 8:05 AM
To: Alexander, Ronald <ronalexander@co.fresno.ca.us>; Apkarian, Arpi <AApkarian@co.fresno.ca.us>; Asadoorian, Michelle <masadoorian@co.fresno.ca.us>; Austin, Devonnel <daustin@co.fresno.ca.us>; Bash, Robert <rbash@co.fresno.ca.us>; Brosi, Linda <LBrosi@co.fresno.ca.us>; Buck, Samantha <sbuck@co.fresno.ca.us>; Burrows, Kathy <KBurrows@co.fresno.ca.us>; Cederborg, Daniel <dcederborg@co.fresno.ca.us>; Cornuelle, Gary <gcornuelle@co.fresno.ca.us>; Cortes, Carlos - Personnel <CarlosCortes@co.fresno.ca.us>; Cuadros, Joan <JCuadros@co.fresno.ca.us>; Day, Vickie <vday@co.fresno.ca.us>; De La Rosa, Sonia <SDeLaRosa@co.fresno.ca.us>; Dhaliwal, Manjit <MDhaliwal@co.fresno.ca.us>; Dictos, Paul <pdictos@co.fresno.ca.us>; Escamilla, Andrew <AEscamilla@co.fresno.ca.us>; Figueroa, Jeannie <JFigueroa@co.fresno.ca.us>; Flores, David <daflores@co.fresno.ca.us>; Garabedian, Sue <sgarabedian@co.fresno.ca.us>; Gilbert, Kari <kgilbert@co.fresno.ca.us>; Hays, John <JKHays@co.fresno.ca.us>; Hurtado, Jeannie <jhurtado@co.fresno.ca.us>; Jimenez, Bernard <BJimenez@co.fresno.ca.us>; Jimenez, Vanessa <vjimenez@co.fresno.ca.us>; Johnson, Gayle <GaJohnson@co.fresno.ca.us>; Kelley, Janelle <JKelley@co.fresno.ca.us>; Kreamer, Amanda <akreamer@co.fresno.ca.us>; Landy, Priscilla <plandy@co.fresno.ca.us>; Manoukian, Eliz <EManoukian@co.fresno.ca.us>; Martin, Brian <bmartin@co.fresno.ca.us>; Martinez, Jennifer <jmartinez@co.fresno.ca.us>; Mayeda, June <June.Mayeda@fresnosheriff.org>; Melikian, Brian <BMelikian@co.fresno.ca.us>; Mendrin, Elena <emendrin@co.fresno.ca.us>; Nielsen, Patty <pnielsen@co.fresno.ca.us>; Orth, Brandi <BOrth@co.fresno.ca.us>; Ortiz, Natalie M. <naortiz@co.fresno.ca.us>; Paolinelli, Deborah <dpaolinelli@co.fresno.ca.us>; Pinedo, Patricia <ppinedo@co.fresno.ca.us>; Quiroz, Ginella <gquiroz@co.fresno.ca.us>; Ramirez, Sophia <soramirez@co.fresno.ca.us>; Reinke, Greg <greinke@co.fresno.ca.us>; Rodriguez, Becky <ReRodriguez@co.fresno.ca.us>; Rousseau, Jean <jrousseau@co.fresno.ca.us>; Rusconi, Steve <SRusconi@co.fresno.ca.us>; Scott-Slater, Vera <vscott-slater@co.fresno.ca.us>; Seely, Sandra

<sseely@co.fresno.ca.us>; Seidel, Bernice <BSeidel@co.fresno.ca.us>; Seymour, Lawrence <LSeymour@co.fresno.ca.us>; Shaw, Stephanie <sshaw@co.fresno.ca.us>; Subedar, Nick <NSubedar@co.fresno.ca.us>; Syharath, Toune <Toune.Syharath@fresnosheriff.org>; Sylvester, Jamie <jsylvester@co.fresno.ca.us>; Tateosian, Sevag <stateosian@co.fresno.ca.us>; Thompson, John R. <jothompson@co.fresno.ca.us>; Thompson, Theresa <tthompson@co.fresno.ca.us>; Tilkes, Charlotte <ctilkes@co.fresno.ca.us>; Trester, Thomas <Thomas.Trester@fresnosheriff.org>; Tullis, Lance <ltullis@co.fresno.ca.us>; Wahba, Hesham <Hesham.Wahba@fresnosheriff.org>; Wood, Danielle <dwood@co.fresno.ca.us>; Zaragoza, Jessika <jzaragoza@co.fresno.ca.us>
Subject: 5/24/16 Draft Agenda

Thank you,

Sherrie Evans
Deputy Clerk III
Clerk to the Board of Supervisors
(559)600-1602

From:	Evans, Sherrie
To:	Alexander, Ronald; Apkarian, Arpi; Asadoorian, Michelle; Austin, Devonnel; Bash, Robert; Brosi, Linda; Buck, Samantha; Burrows, Kathy; Cederborg, Daniel; Cornuelle, Gary; Cortes, Carlos - Personnel; Cuadros, Joan; Day, Vickie; De La Rosa, Sonia; Dhaliwal, Manjit; Dictos, Paul; Escamilla, Andrew; Figueroa, Jeannie; Flores, David; Garabedian, Sue; Gilbert, Kari; Hays, John; Hurtado, Jeannie; Jimenez, Bernard; Jimenez, Vanessa; Johnson, Gayle; Kelley, Janelle; Kreamer, Amanda; Landy, Priscilla; Manoukian, Eliz; Martin, Brian; Martinez, Jennifer; Mayeda, June; Melikian, Brian; Mendrin, Elena; Nielsen, Patty; Orth, Brandi; Ortiz, Natalie M.; Paolinelli, Deborah; Pinedo, Patricia; Quiroz, Ginella; Ramirez, Sophia; Reinke, Greg; Rodriguez, Becky; Rousseau, Jean; Rusconi, Steve; Scott-Slater, Vera; Seely, Sandra; Seidel, Bernice; Seymour, Lawrence; Shaw, Stephanie; Subedar, Nick; Syharath, Toune; Sylvester, Jamie; Tateosian, Sevag; Thompson, John R.; Thompson, Theresa; Tilkes, Charlotte; Trester, Thomas; Tullis, Lance; Wahba, Hesham; Wood, Danielle; Zaragoza, Jessika
Subject:	5/24/16 Draft Agenda
Date:	Tuesday, May 10, 2016 8:05:29 AM
Attachments:	05242016 BOS Agenda.pdf

Thank you,

Sherrie Evans
Deputy Clerk III
Clerk to the Board of Supervisors
(559)600-1602

EXHIBIT 87

From:	Morrison, Janet
To:	Adams, John; Ahmad, Ejaz; Brannick, Daniel; Chambers, Derek; Hernandez, John; Janes, Jeff; Jimenez, Roy; Khorsand, Mohammad; Luna, Hector; Monfette, Christina; Motta, Chris; Navarro, Thomas; Nebeker, William; Ramirez, Augustine; Sopp, Steven
Cc:	Kettler, William
Subject:	FW: 5/24 Agenda
Date:	Thursday, May 19, 2016 1:57:50 PM
Attachments:	0524 Board Agenda.pdf

Please see attached BOS Agenda for May 24, 2016.

From: Brosi, Linda
Sent: Thursday, May 19, 2016 12:34 PM
To: Borgen, Desiree; Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Ishii, Randy; Kettler, William; Palacios, Robert; Seiden, Stuart; Thompson, John R.; Witrago, Juan
Subject: 5/24 Agenda

Linda R. Brosi
Executive Secretary-Confidential
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From: Frias, Eva
To: Nickel, Craig J.
Subject: FW: 5/24 Agenda
Date: Thursday, May 19, 2016 1:02:00 PM
Attachments: 0524 Board Agenda.pdf

Eva Frias OA III ☺

Department of Public Works and Planning
Resources Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721
(559) 600-4316 Desk
(559) 600-4552 Fax
Stop #214

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link.
https://www.surveymonkey.com/s/PWP_SuperShort5

-

From: Brosi, Linda
Sent: Thursday, May 19, 2016 12:34 PM
To: Borgen, Desiree; Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Ishii, Randy; Kettler, William; Palacios, Robert; Seiden, Stuart; Thompson, John R.; Witrago, Juan
Subject: 5/24 Agenda

For your distribution…….

Linda R. Brosi
Executive Secretary-Confidential
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

From:	Brosi, Linda
To:	Borgen, Desiree; Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc:	Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Ishii, Randy; Kettler, William; Palacios, Robert; Seiden, Stuart; Thompson, John R.; Witrago, Juan
Subject:	5/24 Agenda
Date:	Thursday, May 19, 2016 12:34:25 PM
Attachments:	0524 Board Agenda.pdf

For your distribution…….

Linda R. Brosi
Executive Secretary-Confidential
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 88

From: Seiden, Stuart
To: Crosby, Catherine; Davidson, N. Roger; Guerra, Linda; Peraza, Reymundo; Perez, Tiana; Wood, Richard
Subject: FW: 5/24 Agenda
Date: Monday, May 23, 2016 8:15:11 AM
Attachments: 0524 Board Agenda.pdf

FYI.

Stuart G. Seiden
Capital Projects Division Manager
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 8th Floor
Fresno, California 93721
phone: 559.600.5206 x1
fax: 559.600.4548

How are we doing?

Please take a couple of minutes to complete our new Super Short Customer Service Survey.

Your comments are greatly appreciated; keep them coming.

Thank you!

From: Brosi, Linda
Sent: Thursday, May 19, 2016 12:34 PM
To: Borgen, Desiree; Camacho, Juana; Dodge, Dolores; Eldred, Carol; Frias, Eva; Lopez, Nadia; Morrison, Janet
Cc: Alimi, Mohammad; Asprec, Lemuel; Gibbs, Gigi; Ishii, Randy; Kettler, William; Palacios, Robert; Seiden, Stuart; Thompson, John R.; Witrago, Juan
Subject: 5/24 Agenda

For your distribution…….

Linda R. Brosi
Executive Secretary-Confidential
Department of Public Works and Planning
(559) 600-4500
(559) 600-4548 (FAX)
lbrosi@co.fresno.ca.us

EXHIBIT 89

County of Fresno

Internal Agenda Report - Draft

Board of Supervisors

Hall of Records, Room 301
2281 Tulare Street
Fresno, California
93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

Buddy Mendes, 4th District, Chairman
Brian Pacheco, 1st District, Vice-Chairman
Andreas Borgeas, 2nd District
Henry Perea, 3rd District
Deborah A. Poochigian, 5th District

Jean M. Rousseau, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk

Tuesday, May 24, 2016 **9:00 AM** **Hall of Records**

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular session.

All supporting documentation is available for public review in the office of the Clerk to the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

http://fresnocounty.legistar.com.

Invocation and Pledge of Allegiance

1. **16-0646** Approve Agenda

2. **16-0647** Approve Consent Agenda - Item Numbers 23 - 82

Board of Supervisors

3. **16-0589** Presentation of Retirement Plaque to Bouaphan Chansavath - Department of Social Service - 25 Years of Service

4. **16-0599** Presentation of Retirement Plaque to Consuelo Andrews - Department of Social Services - 23 Years of Service

Supervisor Pacheco

5. **16-0663** Proclaim May 2016 as Elder Abuse Awareness Month in Fresno County

Attachments: Proclamation

Supervisor Perea

6. **16-0505** Receive presentation by Nathan Bond to recite the declaration of independence

7. **16-0423** Older Americans PROC

DRAFT

Supervisor Poochigian

8. **16-0507** Discuss and give direction to staff to begin the process for the Board initiated dissolution of three Mello - Roos Community Facilities Districts

DRAFT

Auditor Controller-Treasurer/Tax Collector

9. **16-0430** Conduct hearing on petition by Amado Antonio Rodriguez to rescind the County's sale of PAR IN W1/2 of BLK 64, Orange Cove, CA APN 378-051-31, at the County's March 6-9, 2015 sale of tax-delinquent properties.

APP REV

Attachments: On file with Clerk-Tax Deed to Purchaser of Tax-Defaulted Property 4-28-2015.pdf

On file with Clerk-Petition to Rescind Tax Sale on APN 378-051-31.pdf

On file with Clerk-3-22-16 Notice of Hearing on Petition-Rodriguez.pdf

Presentation Rescission PPT-Rodriguez.pdf

10. **16-0680** Conduct the first hearing on an ordinance to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs (MSF) Ordinances by amending Sections 300 and Section 3000 relating to the Auditor-Controller/Treasurer-Tax Collector Fees; and Waive reading of the ordinance in its entirety and set second hearing for June 21, 2016.

DRAFT

Attachments: 16-0680 Attachment A.xls

16-0680 Attachment B.xls

16-0680 Ordinance.pdf

Behavioral Health

11. **16-0635**

Hear and consider appeal from Youth Leadership Institute regarding recommended award of Substance Abuse Prevention Services for Youth and Young Adults ages 10-25 to the California Health Collaborative; Approve and authorize the Chairman to execute an Agreement with California Health Collaborative for the provision of substance abuse prevention services for youth and young adults ages 10-25, effective July 1, 2016 through June 30, 2020 ($4,120,000); approve and authorize the Chairman to execute an Agreement with LPC Consulting Associates, Inc. for substance abuse prevention program evaluation services, effective July 1, 2016 through December 31, 2020 ($370,000).

APP REV

Attachments:

Agenda Item

Agreement for Substance Abuse Prevention Services

Agreement for Substance Abuse Prevention Program Evaluation Services

Advance Agenda Materials.pdf

Internal Services

12. **16-0523**

Acknowledge receipt and consider all sealed bids and call for oral bids for the sale of approximately 12.586 acres with improvements of County owned property located in the south west corner of Ventura and Tenth Streets, Fresno, CA, commonly known as the former Juvenile Hall (APN's 470-054-04t, 14t, 16t, 9t, 10t, 11t, 12t, 13t; 470-124-07t, 09t; 470-021-01t; 470-133-01t), pursuant to Resolution 16-058 adopted by your Board on February 9, 2016 to sell such surplus property at a minimum sale price of $4,386,000.; Authorize the Chairman or the County Administrative Officer, or the Director of Internal Services/Chief Information Officer to execute the Sale Agreement, Grant Deed and any other documents associated with the sale, subject to final review and approval of such documents by County Counsel.

APP REV

Attachments:

Bd Agenda Exhibits A - C

On file with the Clerk - Form of Sale-Purchase Agreement and Escrow Instructic

Public Health

13. **16-0614** Discuss and approve the Emergency Services Director to submit an Application for State financial assistance under California Disaster Assistance Act to the California Office of Emergency Services to mitigate Tree Mortality ($2,000,000); and, approve Resolution authorizing the County Administrative Officer / Emergency Services Director and the Department of Public Health Director as the County's agent for the purpose of obtaining Federal and State disaster assistance

Attachments:
On file with Clerk - CDDA Application
On file with Clerk - Resolution
On file with Clerk - Proclamation of State Emergency

Public Works and Planning

14. **16-0337** Conduct a Public Hearing to Adopt a Resolution of Necessity, authorizing Eminent Domain proceedings, and authorizing deposit of funds ($25,900) with the Fresno County Superior Court for the Jensen Avenue and Temperance Avenue Traffic Signal Construction Project (4/5 Vote)

Attachments:
Exhibit A
Exhibit B
Location Map
On file with Clerk - Resolution
On file with Clerk - Affidavit of Mailing

15. **16-0390** Adopt resolution authorizing conveyance of 10-acre homesite parcel from existing 33.35-acre parcel subject to Agricultural Land Conservation Contract No. 7156 (RLCC No. 969). DRAFT

Attachments:
Exhibits A-E
On file with Clerk - Resolution

16. **16-0484** Conduct first hearing to amend Fresno County Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Sections 1000 - Computer Services (EMIS); 1500 - Parks and Recreation; and 2200 - Public Works and waive reading of Ordinance in its entirety and set second hearing for June 7, 2016. APP PAUSED

Attachments:
Exhibit A - C
Ordinance

17. **16-0659** Conduct public hearing and adopt Resolution to establish the County of Fresno as the Exclusive Groundwater Sustainability Agency for the portion of the Kings Groundwater subbasin that underlies James Irrigation District and Reclamation District 1606.

DRAFT

Attachments: Exhibit A.pdf
Exhibit B.pdf
Resolution Revised.pdf

Board of Supervisors' Committee Reports and Comments

18. **16-0648** Board of Supervisors' Committee Reports and Comments - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

Board Appointments

19. **16-0649** Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Attachments: Attachment A

Public Presentations

20. **16-0650** Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic

Closed Session

The public may comment on Closed Session items prior to the Board's recess to Closed Session

21. **16-0546** Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment

Sitting as the In-Home Supportive Services Public Authority Governing Board:

22. **16-0695** Sitting as the IHSS Public Authority Governing Board:

APP REV

CLOSED SESSION: Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment.

Adjourn

NEXT MEETINGS:

June 7, 2016 - 9:00 AM
June 13 through 17, 2016 - Budget Hearings
June 21, 2016 - 9:00 AM

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 600-3529 no later than Monday at 9:00 a.m.

CONSENT AGENDA

(Any Board Member may pull any consent item for discussion or separate vote)

Board of Supervisors

23. **16-0651** Approve minutes of meeting for May 10, 2016

Chairman Mendes

24. **16-0694** Adjourn in Memory of Phyllis Roberts. Ms. Roberts a long time resident of Coalinga will be remembered as a philanthropist, teacher, friend and mother who was passionate about making Coalinga a better place APP REV

Attachments: In-Memory Certificate. Roberts.doc

Supervisor Perea

25. **16-0623** Proclaim May 24, 2016, as “Dystonia Awareness Day in Fresno County” and encourage Fresno County residents to participate in the First Annual Dystonia Zoo Walk to educate the community on the effects of Dystonia and support the efforts to spread awareness

Attachments: Dystonia proclamation doc (2).doc

Supervisor Poochigian

26. **16-0580** Adopt resolution to approve and consent to the proposed "Climb to Kaiser" bicycling event on Saturday, June 25, 2016 DRAFT

Attachments: 05.24.2016 Climb to Kaiser.doc

Auditor Controller-Treasurer/Tax Collector

27. **16-0620** Approve and authorize Chairman to execute an Agreement with RT Lawrence, Inc. for licensing and support of the Remittance Processing System, effective upon execution, not to exceed five consecutive years, which includes a three year base agreement and two optional one year extensions, total not to exceed $200,381.65. DRAFT

District Attorney/Public Administrator

28. **15-1552**

Approve and authorize Chairman to execute an agreement with Journal Technologies, Inc. to provide case management software solution licenses, implementation services and systems maintenance effective May 24, 2016 through May 23, 2023 ($2,236,537) and adopt Budget Resolution re-appropriating $802,957 from the FY 2013-14 budget to the FY 2015-16 budget for the District Attorney Org 2860 (4/5 vote).

APP REV

Attachments:

On file with the Clerk - Resolution

On file with the Clerk - Agreement.pdf

Sheriff/Coroner

29. **16-0375**

Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 2609 of Section 2600 - Sheriff-Coroner and waive reading of the ordinance in its entirety

DRAFT

Attachments:

MSF FY 2016-17 Attachment A

MSF FY 2016-17 Ordinance.pdf

MSF FY 2016-17 Exhibit A.xlsx

30. **16-0431**

Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues in the Sheriff-Coroner's Org 3111 in the amount of $623,938 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the State Asset Forfeiture Org 1460 in the amount of $108,769 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Fresno Methamphetamine Task Force (FMTF) High Intensity Drug Trafficking Areas (HIDTA) Asset Forfeiture Org 1462 in the amount of $224,635 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Indigent Burial Trust Fund Org 1465 in the amount of $46,281 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Federal Asset Forfeiture Org 1459 in the amount of $244,253 (4/5 vote); and adopt Budget Resolution decreasing FY 2015-16 appropriations and estimated revenues for Sheriff-Coroner's Org 3111 in the amount of $158,342

APP REV

Attachments:

On file with Clerk – Resolutions (Org 3111, 1459, 1460, 1462 and 1465)

31. **16-0573**

Approve and authorize Chairman to execute a retroactive revenue Agreement with the U.S. Army Corps of Engineers for the Sheriff-Coroner's Office to provide law enforcement services for Pine Flat Lake campsites from the period of May 1, 2016 through September 30, 2016 ($60,626.16)

Attachments:

On file with Clerk - Agreement with U.S. Army Corps of Engineers

32. **16-0577** Approve and authorize the Chairman to execute a revenue Agreement with the State Center Community College District (SCCCD), effective from July 1, 2016 through June 30, 2018 (not to exceed $137,813 per year)

Attachments: On file with Clerk - Agreement with SCCCD

33. **16-0604** Approve and authorize the Chairman to execute a retroactive revenue agreement, referred to as the 2016 Patrol operating and financial plan Modification 10 to Agreement 15-167, with the USDA Forest Service, Sierra National Forest for Sheriff-Coroner's law enforcement services for the period beginning October 1, 2015 through September 30, 2016 ($20,000); approve and authorize the Chairman to execute a retroactive revenue agreement, referred to as the 2016 Drug operating and financial plan Modification 11 to Agreement 15-166, with the USDA, Forest Service, Sierra and Sequoia National Forests for Sheriff's law enforcement services for the period beginning October 1, 2015 through September 30, 2016 ($17,020.58)

APP REV

Attachments: On file with Clerk - Agreements with USDA

County Counsel

34. **16-0056** Approve Indemnification Agreement with Riverbend Sand and Gravel, LLC, as required by Unclassified Conditional Use Permit No. 3390.

Attachments: On file with Clerk - Indemnification Agreement (Riverbend Sand and Gravel, LL(

Administrative Office

35. **16-0178**

DRAFT

Adopt Budget Resolution increasing Assigned Fund Balance in the General Fund for District Attorney Office Building in the amount of $3,000,000 and decreasing Assigned Fund Balance in the General Fund for Post Budget Mitigation in the amount of $3,000,000 (4/5 vote); Adopt Budget Resolution increasing 2015-16 appropriations in the amount of $689,845 for Interest and Miscellaneous Org 2540 and decreasing Assigned Fund Balance in the General Fund for Post Budget Mitigation in the amount of $689,845 (4/5 vote); Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - County Animal Control Facility Org ____ in the amount of $300,000 (4/5 vote); Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Sheriff's Area 2 Substation Org ____ in the amount of $389,845 (4/5 vote); Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - County Animal Control Facility Org ____ in the amount of $2,700,000 using proceeds from Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (2006 Tobacco Securitization Bonds) currently on deposit in the County's Endowment Fund for a portion of the County Animal Control Facility ($2,700,000) (4/5 vote); Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Sheriff's Area 2 Substation Org ____ in the amount of $1,819,724 using proceeds from Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (2006 Tobacco Securitization Bonds) currently on deposit in the County's Endowment Fund for a portion of the Sheriff's Area 2 Substation ($1,819,724) (4/5 vote); Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Main Jail Roof Exercise Yard Org ____ in the amount of $362,850 of FY 2014-15 excess Proposition 172 funding (4/5 vote); and Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Sheriff's Area 2 Substation Org ___ in the amount of $790,431 of FY 2014-15 excess Proposition 172 funding (4/5 vote).

Attachments:

Revised Resolution Rec. Action 1 (2)

Revised Resolution Rec. Action 2 (2)

Revised Resolution Rec. Action 3 (2)

Revised Resolution Rec. Action 4 (2)

Revised Resolution Rec. Action 5 (2)

Revised Resolution Rec. Action 6 (2)

Revised Resolution Rec. Action 7 (2)

DRAFT

36. **16-0543**

Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Sheriff's Area 2 Substation Org 8853 in the amount of $3,000,000 using proceeds from Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (2006 Tobacco Securitization Bonds) currently on deposit in the County's Endowment Fund for a portion of the Sheriff's Area 2 Substation ($3,000,000) (4/5 vote); and Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - District Attorney Building Org 8854 in the amount of $2,177,555.13 using proceeds from Tobacco Settlement Asset-Backed Bonds, Subordinate Series 2006 (2006 Tobacco Securitization Bonds) currently on deposit in the County's Endowment Fund for a portion of the District Attorney Building ($2,177,555.13) (4/5 vote); and Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - District Attorney Building Org 8854 in the amount of $32.012.87 using proceeds from Tobacco Settlement Asset-Backed Bonds, Subordinate Services 2002 (2002 Tobacco Securitization Bonds) currently on deposit with the County for a portion of the District Attorney Building ($32,012.87) (4/5 vote); and Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - District Attorney Building Org 8854 in the amount of $790,431 and decrease FY 2014-15 excess Proposition 172 funding the amount of ($790,431) (4/5 vote); and Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Fund 0400 Capital Projects - Jail Improvements Org 8852 for Main Jail Roof Exercise Yard repairs in the amount of $362,850 and decrease FY 2014-15 excess Proposition 172 funding in the amount of ($362,850) (4/5 vote); and Adopt Budget Resolution increasing FY 2015-16 appropriations and estimated revenues for Interest and Miscellaneous Expenditures Org 2540 in the amount of $3,000,000 and decreasing Assigned Fund Balance in the General Fund for Post Budget Mitigation in the amount of ($3,000,000) (4/5 vote); and Adopt 0400 Capital Projects - County Animal Control Facility Org 8855 in the amount of $3,000,000 and decreasing Interest and Miscellaneous Expenditures Org 2540 in the amount of ($3,000,000) (4/5 vote).

Attachments:

DRAFT 2 May 10 bdg reso #1

DRAFT 2 May 10 bdg reso #2

DRAFT 2 May 10 bdg reso #3

Draft 2 May 10 bdg reso #4

Draft 2 May 10 bdg reso #5

DRAFT 2 MAY 10 bdg reso #6

DRAFT 2 MAY 10 bdg reso #7

37. **16-0606** Approve resolution designating the Fresno Arts Council to serve as Fresno County's local partner with the California Arts Council for FY 2016-17

Attachments: On file with Clerk - Resolution

38. **16-0665** Undertake joint appointments (requiring City of Fresno and County of Fresno concurrence) and County of Fresno Exclusive Appointments to the newly modified Fresno Regional Workforce Development Board (FRWDB), as detailed in the attached Schedule of FRWDB Board Appointments, consistent with the Workforce Innovation and Opportunity Act of 2014

DRAFT

39. **16-0666** Amend the Board of Supervisors meeting schedule to move the October 25, 2016 Board meeting to October 18, 2016

Attachments: Amended Board Meeting Schedule

Behavioral Health

40. **15-1793** Approve and authorize Chairman to execute Amendments to the Agreements for Substance Use Disorder Treatment Services as depicted within Attachment A, effective upon execution; remove Administrative Policy Number 5 - Contract Salary Limitation language from the Agreements as depicted within Attachment B as it is not applicable to these contractors, effective upon execution; and, execute Amendment II to Agreement No. 13-492 with Bay Area Addiction Research and Treatment, an increase of $33,000, to provide narcotic treatment program services to inmates at County detention facilities, effective upon execution ($453,000)

Attachments: Attachment A

Attachment B

On file with Clerk - BAART Amendment II, Agt. No. 13-492

On file with Clerk - State-County Contract, Amendment II, Agt. No. 14-705

On file with Clerk - Eminence Amendment I, Agt. No. 13-572

On file with Clerk - Master Agreement for Residential Detoxification & Stabilizati

On file with Clerk - Mental Health Systems, Inc., Amendment I, Agt. No. 13-574

On file with Clerk - Mental Health Systems, Inc., Amendment II, Agt. No. 13-395

On file with Clerk - Promesa Behavioral Health, Amendment I, Agt. No. 13-575

On file with Clerk - Spirit of Woman, Amendment II, Agt. No. 13-312

On file with Clerk - Turning Point of Central California, Inc., Amendment I, Agt. N

On file with Clerk - WestCare California, Inc., Amendment I, Agt. No. 13-313

On file with Clerk - WestCare California, Inc., Amendment I, Agt. No. 13-573

41. **16-0258** Receive the Fresno County Behavioral Health Board's Revised 2015 Annual Report with recommendations

DRAFT

42. **16-0294** Approve and authorize the Chairman to execute Amendment II to Agreement No. 13-492-1 with Bay Area Addiction Research and Treatment (BAART), increasing the annual maximum contract award to provide methadone dosing for inmates at Fresno County jail, effective upon execution through June 30, 2018 ($435,000). DRAFT

43. **16-0447** Amendment I to Agreement No. 13-394 with the Fresno Center for New Americans (FCNA), Living Well Program DRAFT

Attachments:
MHSA Living Welling Program Amendment I - revised by LAH.doc
MHSA Living Well Revised Exhibit B - 1 Scope of Work FCNA.doc
MHSA Living Well Progrem Exhibit C-1.xls

44. **16-0464** Approve and authorize the Chairman to execute an Agreement with Exodus Recovery, Inc., for the operation of a crisis stabilization center and Access Line answering services, effective July 1, 2016, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, not to exceed $50,194,034; and, approve and authorize the Chairman to execute a Facility Use Agreement with Exodus Foundation, Inc., effective July 1, 2016 through June 30, 2021, for County-owned space located at 4411 E. Kings Canyon Road, Fresno, CA 93702, Building 319 (10,450 square feet) to be used by Exodus Recovery, Inc. to provide crisis stabilization center and Access Line answering services APP REV

Attachments:
On file with Clerk - Agreement with Exodus Recovery, Inc.
On file with Clerk - Facility Use Agreement

45. **16-0478** Approve and authorize the Chairman to execute Amendment I to Agreement No. 11-338 with Centro La Familia, an increase of $56,785, for continued Consumer/Family Advocacy services, effective July 1, 2011 through December 31, 2016 ($624,625)

Attachments:
On file with Clerk - Agreement with Centro La Familia

46. **16-0496** Approve and authorize the Chairman to execute Amendment I to Agreement No. 14-704 with Central Star Behavioral Health, Inc., to update the terms for compensation for acute youth inpatient psychiatric health facility services during FY 2016-17, with no change in the maximum annual compensation, effective July 1, 2016 ($22,260,096); and, authorize the Department of Behavioral Health Director, or designee, to modify services, daily bed rate, and budget line items without exceeding the contract maximum APP REV

Attachments:
On file with Clerk - 14-704 Amendment I with Central Star.pdf

47. **16-0587** Approve and authorize the Chairman to execute a Amendment III to Agreement No. 13-398 with JDT Consultants, Inc., an increase of $325,000, for the provision of therapeutic behavioral services to Fresno County Medi-Cal beneficiaries as mandated pursuant to the permanent injunction issued by the U.S. District Court in the case of Emily Q. v. Bonta, effective upon execution through June 30, 2018 ($15,625,000).

APP REV

Attachments: On file with Clerk - Amendment III to Agreement 13-398.pdf

48. **16-0588** Approve and authorize the Chairman to execute retroactive Amendment I to Agreement No. 13-278 with Joseph V. Melton, L.M.F.T. and Associates, an increase of $206,340, for Mental Health Certification Review Hearing Officer services, effective April 1, 2016 ($562,440)

Attachments: On file with Clerk - Amendment I to Agreement 13-278

Internal Services

49. **16-0571** Approve and authorize Chairman to execute a Job Order Contracting Agreement with Durham Construction Company, Inc. for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000. (Minimum of $25,000 guaranteed); Approve and authorize Chairman to execute a Job Order Contracting Agreement with Velis Engineering, Inc. for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000. (Minimum of $25,000 guaranteed); Approve and authorize Chairman to execute a Job Order Contracting Agreement with Haus Construction Inc. dba Floor Werx for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000 (Minimum of $25,000 guaranteed)

Attachments: On file with the Clerk - Agreement - Durham

On file with the Clerk - Agreement - Haus

On file with the Clerk - Agreement - Velis

50. **16-0642** Conduct the second hearing to amend the County of Fresno Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 3800 - General Services, where subsections 3801 through 3803 will remain unchanged, subsection 3804 and subsections 3809 through 3813 will be updated, and subsections 3805 through 3808 will be deleted and waive the reading of the ordinance in its entirety.

DRAFT

Attachments: Attachment A - Comparison of Rates.pdf

Attachment B - FY 2016-17 Proposed MSF Rates.pdf

Ordinance Amending MSF Section 3800.pdf

51. **16-0643**

Conduct the second hearing to amend the County of Fresno Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 4300 - Information Technology Services where subsections 4301 through 4318 will be updated, and subsections 4319 through 4329 will be added and waive the reading of the ordinance in its entirety.

DRAFT

Attachments: Attachment A - Comparison of Rates.pdf

Attachment B - FY 2016-17 Proposed MSF Rates.pdf

Ordinance Amending MSF Section 4300.pdf

Library

52. **16-0584**

Approve and authorize the Chairman to execute Amendment I to Lease Agreement #05-115 to extend Lease to month-to-month with Marks Bullard Investors LP., for space used by the Fig Garden Library, 3071 W. Bullard, Suite 20A, Fresno, CA 93711 at a rent of $11,123.03; approve and authorize the County Librarian, or the Director of Internal Services/Chief Information Officer, or a designee of one of them, to terminate Amendment I to Lease Agreement #05-115 for the Fig Garden Library upon thirty days written notice

APP REV

Attachments: On file with Clerk - Amendment I to Lease Agreement #05-115

53. **16-0629**

Adopt Resolution accepting and expressing gratitude for the monetary donation of $552.27 from the Central California Branch of The International Dyslexia Association to support Adult Literacy program needs

APP REV

Attachments: On file with Clerk - Resolution

On file with Clerk - Request for Acceptance of Donation

Probation

54. **16-0494**

Approve and authorize the Chairman to execute an Agreement with B.I. Incorporated dba B.I. Correctional Services, Incorporated to operate an adult Day Reporting Center for the Probation Department, effective July 1, 2016 through June 30, 2021, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed ($3,625,000)

Attachments: On file with Clerk - Agreement with B.I., Inc.

Public Health

55. **16-0437** Approve and authorize the Chairman to execute retroactive revenue Amendment II to Agreement No. 14-602, an increase of $32,253, with the California Department of Public Health for Federal and State Public Health Emergency Preparedness and Hospital Preparedness Program Carry Forward and new funds, effective July 1, 2014 through June 30, 2017 ($4,658,209)

APP REV

Attachments: PHEP Signed Amendment Signature Page BAI 052416.pdf

56. **16-0467** Approve and authorize the Chairman to execute a retroactive Amendment II to Agreement No. 14-613 with the California Department of Public Health for Emergency Medical Services, effective July 1, 2014 through June 30, 2017 ($168,381)

APP REV

Attachments: On file with Clerk - Amendment II to Agreement No. 14-613 with CDPH

57. **16-0515** Approve and authorize the Chairman to execute Amendment I to Agreement No. 14-347 with ROAM, dba SkyLife, a two-year renewal, for the provision of emergency air ambulance services within the boundaries of Fresno County, effective July 1, 2016 through June 30, 2018 ($0)

Attachments: On file with Clerk - Amendment I to Agreement No. 14-347 with ROAM

58. **16-0516** Approve and authorize the Chairman to execute the First Amendment to Agreement No. 14-346 with K.W.P.H. Enterprises, dba American Ambulance, an 18-month extension, for non-exclusive emergency ambulance services within the boundaries of Fresno County Ambulance Zone N, effective July 1, 2016 through December 31, 2017 ($0)

Attachments: On file with Clerk - First Amendment to Agreement No. 14-346-1 with American

59. **16-0542** Approve and Authorize the Chairman to execute an Application for Assistance Revenue Agreement for submission to the California Governor's Office of Emergency Services for FY 2015 Pre-Disaster Mitigation Competitive Grant Program, effective upon execution through October 30, 2018, ($150,000). Approve and authorize the Chairman to execute the Grant Award Face Sheet, Governing Body Resolution, and Grant Assurances

Attachments: On file with Clerk - Agreement with CA Office of Emergency Services

60. **16-0585**

Find that the proposed space of approximately 100 square feet of the Building as identified in the attached Lease Agreement (Premises) is surplusage, is not needed for County purposes for the duration of the term of the Lease Agreement, and Lessee Fresno Kings Madera Regional Health Authority dba CalViva Health, a California Government Entity, will use the Premises to further a public purpose by providing health care member services to residents of the County; and, approve and authorize the Chairman to execute a Lease Agreement with Fresno Kings Madera Regional Health Authority dba CalViva Health, for 100 square feet of office space in the County of Fresno Brix-Mercer Complex, located at 1221 Fulton Mall, Fresno, California, for health care member services, effective upon execution through May 23, 2019, with two optional 12-month extensions ($18,000)

APP REV

Attachments: On File with Clerk-CalViva Health Lease Agreement

Public Works and Planning

61. **16-0357**

Adopt Resolution increasing FY 2015-16 appropriations and estimated revenues for Public Works and Planning - Development Services Division, Organization 43600200 in amount of $978,000 (4/5 vote); and adopt Resolution increasing FY 2015-16 appropriations and estimated revenue for Internal Services Department - Fleet Services Equipment, Organization 8911, in amount of $35,000 for purchase of one Inspectors vehicle

Attachments: On file with Clerk - Resolution (Org 43600200)

On file with Clerk - Resolution (Org 8911)

62. **16-0388**

Approve the 2016-2021 Fresno County Road Improvement Program; and declare projects intended to be performed by Force Account for FY 2016-17 in accordance with California Public Contract Code 22031(g)

DRAFT

Attachments: Exhibit A

Road Improvement Program 2016-17

63. **16-0416**

1. Approve and authorize the Chairman to execute Agreement with the City of Selma to allow improvements to property in process of annexation to City of Selma.

DRAFT

2. Find that approval of the Agreement is exempt from the California Environmental Quality Act (CEQA) and direct the Department of Public Works and Planning to file Notice of Exemption with the Office of the Fresno County Clerk .

64. **16-0422** Adopt a Budget Resolution for County Service Area 31, Org 9171 increasing FY 2015-16 appropriations in amount of $38,000 from County Service Area 31 General Reserves (4/5 Vote)

Attachments: On file with Clerk - Budget Resolution

65. **16-0425** Reject all bids for Contract No. 15-09-C, County Service Area 44D Wastewater Treatment Facility Improvements.

Attachments: Location Map

66. **16-0486** Approve and authorize Chairman to execute agreement for repair of County roads for Raisin City Elementary School District's planned construction project for off-site road improvements, including underground utilities, along Bryan Avenue (Bowles - Springfield), Bowles Avenue (Bryan - Ring), and Ring Avenue (Bowles - Fike), known as Raisin City Elementary School District's Off-site Improvements, currently scheduled for construction to begin later this year; and accept grant of street easement from school district for 10' x 10' corner cutoff at southeast corner of Bowles and Bryan Avenues and 20' x 20' corner cutoff at southwest corner of Bowles and Ring Avenues to accommodate new curb ramps and landings at those corners

Attachments: On file with Clerk - Agreement with Raisin City Elementary School Dist.

67. **16-0517** Adopt Mitigated Negative Declaration prepared for Italian Bar Road Bridge Replacement Project over San Joaquin River/Redinger Lake, 5.7 miles north of Jose Basin Road, approximately 55 miles northeast of City of Fresno

DRAFT

Attachments: Location Map

Exhibits A and B

68. **16-0528** Conduct second hearing and adopt Ordinance amending Fresno County Ordinance Code Section 4.16.090 concerning the allocation of sales and use tax revenues, amending it as to the City of San Joaquin as to its sales tax distribution rate, and amending the dates to which all cities within the County must adhere to the stated rates, changing the effective dates of the adjusted rates to be from July 1, 2016 to June 30, 2017, waive the reading of the Ordinance in its entirety

Attachments: Exhibits A - B

On file with Clerk - Ordinance

69. **16-0548** Approve and authorize the Chairman to execute an Agreement with Tetra Tech BAS, Inc., to provide annual monitoring, maintenance, and regulatory reporting for the Landfill Gas Collection and Control System at the American Avenue Disposal Site, effective June 1, 2016 through May 31, 2019, with the option to renew for two additional one-year terms ($843,570)

Attachments: On file with Clerk - Agreement with Tetra Tech BAS, Inc.

70. **16-0551** Approve and authorize Chairman to execute Amendment I to Agreement 15-424 with City of Reedley for Reedley Pioneer Park Restroom, Community Development Block Grant Project No. 15571 ($251,576)

Attachments: On file with Clerk - Amend to Agreement with City of Reedley

71. **16-0565** Adopt Resolution certifying re-computed Cancellation Fee for partial cancellation of Agricultural Land Conservation Contract 1387 as determined by County Assessor's Office per Government Code Section 51283.4; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation at such time as all Conditions included in Certificate of Tentative Cancellation have been satisfied

Attachments: On file with Clerk - Resolution

On file with Clerk - Tentative Cancellation

72. **16-0583** Reject all bids for Contract No. 15-10-C, Bituminous Seal Coats, Various Locations in Fresno County

Attachments: Location Maps

Location List

Exhibit A

Exhibit B

73. **16-0601** Adopt proposed Payment Programs Resolution authorizing the submittal of individual or regional applications for various payment programs, administered by the Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution. Authorize the Chairman of the Board of Supervisors and the Director of Public Works and Planning, or his/her designee(s), as Signature Authorities for all documents necessary to secure payment and implement payment program activities; and adopt proposed Grant Programs Resolution authorizing the submittal of individual or regional applications for various grant programs, administered by the Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution. Authorize the Chairman of the Board of Supervisors or his/her designee as Signature Authority for all grant-related documents necessary to secure grant funds and implement grant program activities. Authorize the Director of Public Works and Planning, or his/her designee, as Signature Authority for all grant-related documents, excepting only grant agreements and amendments thereto, necessary to secure funds and implement grant program activities

Attachments: On file with Clerk - Resolution (Payment Programs)

On file with Clerk - Resolution (Grant Programs)

74. **16-0619** Adopt Resolution certifying re-computed Cancellation fee for partial cancellation of Agricultural Land Conservation Contract 1425 as determined by County Assessor's Office per Government Code Section 51283.4; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation at such time as all Conditions included in Certificate of Tentative Cancellation have been satisfied

Attachments: On file with Clerk - Resolution

On file with Clerk - Certificate of Tentative Cancellation

75. **16-0638** Approve City of Fresno's request to acquire road easements adjacent to existing road right-of-way in unincorporated areas of the County required in conjunction with City's approval and requirements for development of Tentative Tract No. 5341

Attachments: Exhibit A

76. **16-0639** Conduct second hearing and adopt Ordinance to amend Sections 11.24.010 through 11.24.100 of Chapter 11.24 of Fresno County Ordinance Code to reflect changes for speed limits as listed on Ordinance Summary Attachment and waive reading of Ordinance in its entirety

Attachments: Vicinity Map
Speed Zone Ordinance
Speed Zone Ordinance Summary

77. **16-0645** Approve City of Fresno's request to acquire road easements adjacent to existing road right-of-way in unincorporated areas of the County required in conjunction with the City's development of the Southeast Surface Water Treatment Facility

Attachments: Exhibit A
Exhibit B

Social Services

78. **16-0411** Approve and authorize the Chairman to execute an Agreement with JUMP Technology Services for Case Management Software as a Solution (SaaS) for Adult Protective Services, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed $194,020.00

Attachments: On file with Clerk - Agreement with JUMP Technology Services

79. **16-0487** Approve and authorize the Chairman to execute retroactive Amendment I to Agreement A-15-072 with Fresno Housing Authority for CalWORKs Housing Support Program services, effective July 1, 2015 through June 30, 2017 ($1,711,893)

Attachments: On file with the Clerk - Amendment I

80. **16-0495** Approve and authorize the Chairman to execute an Agreement with Assistance League of Fresno for participation in Operation Bear Hug effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, and express gratitude to the Assistance League of Fresno for the non-monetary donation of certified child-safe teddy bears valued at $312.29 and distributed during FY 2015-16; and, Approve and authorize the Chairman to execute an Agreement with Assistance League of Fresno for participation in the Dream Dress program, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions ($0)

Attachments: On file with Clerk - Operation Bear Hug Agreement

On file with Clerk - Dream Dress Agreement

81. **16-0498** Adopt Resolution to retroactively accept donations valued at $1,800 from staff at McCormick Barstow, LLP, Attorneys at Law, on behalf of In-Home Supportive Services recipients

Attachments: On file with Clerk - IHSS Donation Resolution

On file with Clerk - Request for Acceptance of Donation

On file with Clerk - 2016 Letter from Donor

EXHIBIT 90

Board of Supervisors

Agenda - Final

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Buddy Mendes, 4th District, Chairman
Brian Pacheco, 1st District, Vice-Chairman
Andreas Borgeas, 2nd District
Henry Perea, 3rd District
Deborah A. Poochigian, 5th District

Jean M. Rousseau, County Administrative Officer
Daniel C. Cederborg, County Counsel
Bernice E. Seidel, Clerk

Tuesday, May 24, 2016 **9:00 AM** **Hall of Records**

The Fresno County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk's desk. Please see note below regarding consent agenda items. The Chairman will call for public testimony as each item is heard. If you wish to speak to an individual item please step to the podium during this time period and state your name for the record. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Presentation period at the end of the regular session.

All supporting documentation is available for public review in the office of the Clerk to the Board of Supervisors located in the Hall of Records building, 2281 Tulare Street, Room 301, Fresno, 93721 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. Agenda items are also available online at:

http://fresnocounty.legistar.com.

Invocation and Pledge of Allegiance

1. Approve Agenda

2. Approve Consent Agenda - Item Numbers 23 - 74

Board of Supervisors

3. Presentation of Retirement Plaque to Bouaphan Chansavath - Department of Social Service - 25 Years of Service

4. Presentation of Retirement Plaque to Consuelo Andrews - Department of Social Services - 23 Years of Service

The County of Fresno is an Equal Employment Opportunity Employer

Supervisor Pacheco

5. Proclaim May 2016 as Elder Abuse Awareness Month in Fresno County

Attachments: Proclamation

Supervisor Perea

6. Receive presentation by Nathan Bond to recite the declaration of independence

7. Proclaim the month of May to be Older Americans Month in Fresno County. The Board urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful vital individuals who greatly contribute to our community

Attachments: Proclamation

Supervisor Poochigian

8. Discuss and give direction to staff regarding the Mello-Roos Community Facilities Districts

Attachments: Agenda Item
Exhibit - A1-A5
Exhibit - B1-B3
Exhibit - C
On file with Clerk – Letters of Request
On file with Clerk – October 28, 2014

Auditor Controller-Treasurer/Tax Collector

9. Conduct hearing on petition by Amado Antonio Rodriguez to rescind the County's sale of PAR IN W1/2 of BLK 64, Orange Cove, CA APN 378-051-31, at the County's March 6-9, 2015 sale of tax-delinquent properties

Attachments: Agenda Item
On file with Clerk-Tax Deed to Purchaser of Tax-Defaulted Property 4-28-2015
On file with Clerk-Petition to Rescind Tax Sale on APN 378-051-31
On file with Clerk-3-22-16 Notice of Hearing on Petition-Rodriguez
On file with Clerk - 5-11-16 Received Documents from Petitioner-Rodriguez
Presentation Rescission PPT-Rodriguez
PPT Presentation Supporting Documents

10. Conduct the first hearing on an ordinance to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs (MSF) Ordinances by amending Sections 300 and Section 3000 relating to the Auditor-Controller/Treasurer-Tax Collector Fees; and Waive reading of the ordinance in its entirety and set second hearing for June 7, 2016

Attachments: Agenda Item
Ordinance
Exhibit A
Exhibit B

Behavioral Health

11. Hear and consider appeal from Youth Leadership Institute regarding recommended award of Substance Abuse Prevention Services for Youth and Young Adults ages 10-25 to the California Health Collaborative; approve and authorize the Chairman to execute an Agreement with California Health Collaborative for the provision of substance abuse prevention services for youth and young adults ages 10-25, effective July 1, 2016 through June 30, 2020 ($4,120,000); and, approve and authorize the Chairman to execute an Agreement with LPC Consulting Associates, Inc. for substance abuse prevention program evaluation services, effective July 1, 2016 through December 31, 2020 ($370,000)

Attachments: Agenda Item
Agenda Materials
On file with Clerk - Agreement with California Health Collaborative
On file with Clerk - Agreement with LPC Consulting Associates, Inc.

Internal Services

12. Acknowledge receipt and consider all sealed bids and call for oral bids for the sale of approximately 12.586 acres with improvements of County owned property located in the south west corner of Ventura and Tenth Streets, Fresno, CA, commonly known as the former Juvenile Hall (APN's 470-054-04t, 14t, 16t, 9t, 10t, 11t, 12t, 13t; 470-124-07t, 09t; 470-021-01t; 470-133-01t), pursuant to Resolution 16-058 adopted by your Board on February 9, 2016 to sell such surplus property at a minimum sale price of $4,386,000.; Authorize the Chairman or the County Administrative Officer, or the Director of Internal Services/Chief Information Officer to execute the Sale Agreement, Grant Deed and any other documents associated with the sale, subject to final review and approval of such documents by County Counsel

Attachments: Agenda Item
Agenda Exhibits A-C
On file with Clerk - Form of Sale-Purchase Agreement and Escrow Instructions

Public Health

13. Discuss and approve the Emergency Services Director to submit an Application for State financial assistance under California Disaster Assistance Act to the California Office of Emergency Services to mitigate Tree Mortality ($2,000,000); and, approve Resolution authorizing the County Administrative Officer / Emergency Services Director and the Department of Public Health Director as the County's agent for the purpose of obtaining Federal and State disaster assistance

Sponsors: Lopez

Attachments: Agenda Item
On file with Clerk - Application
On file with Clerk - Resolution
On file with Clerk - Proclamation of State Emergency

Public Works and Planning

14. Conduct a Public Hearing to Adopt a Resolution of Necessity, authorizing Eminent Domain proceedings, and authorizing deposit of funds ($25,900) with the Fresno County Superior Court for the Jensen Avenue and Temperance Avenue Traffic Signal Construction Project (4/5 Vote)

Attachments: Agenda Item **(SIEMER/Beyelia)**
Exhibit A
Exhibit B
Location Map
On file with Clerk - Resolution
On file with Clerk - Affidavit of Mailing

15. Adopt resolution authorizing conveyance of 10-acre homesite parcel from existing 33.35-acre parcel subject to Agricultural Land Conservation Contract No. 7156 (RLCC No. 969)

Sponsors: Khorsand

Attachments: Agenda Item **(KETTLER/Khorsand)**
Exhibits A-E
On file with Clerk - Resolution

16. Conduct first hearing to amend Fresno County Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Sections 1000 - Computer Services (EMIS); 1500 - Parks and Recreation; and 2200 - Public Works and waive reading of Ordinance in its entirety and set second hearing for June 7, 2016 **(ASPREC)**

Board of Supervisors' Committee Reports and Comments

17. Board of Supervisors' Committee Reports and Comments - Receive and provide direction (this item reserved for committee reports by members of the Board of Supervisors)

Board Appointments

18. Board Appointments - Receive Boards, Commissions and Committees Vacancy Report; and Appoint Applicants as necessary

Attachments: Agenda Item

Attachment A

Public Presentations

19. Public Presentations - This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic

Closed Session

The public may comment on Closed Session items prior to the Board's recess to Closed Session

20. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: All Bargaining Units and Management and Unrepresented Employees - Hours, Wages and Terms and Conditions of Employment

21. Conference with legal counsel – Significant Exposure to Litigation - Government Code section 54956.9(d)(2) (2 Cases)

21.1 Conference with Real Property Negotiators - Government Code 54956.8. Property: 333 W. Pontiac Way, Clovis, CA 93612; County Negotiator: Robert W. Bash, Director of Internal Services/Chief Information Officer. Negotiating Parties: Schneider Electric (PELCO), Under Negotiations: Instructions to County's negotiator may concern purchase of property, price, terms and conditions

Sitting as the In-Home Supportive Services Public Authority Governing Board:

22. Conference with Labor Negotiator (Government Code, section 54957.6): Agency Negotiator: Paul Nerland; Employee Organization: SEIU-Local 2015 - Hours, Wages and Terms and Conditions of Employment

Adjourn

NEXT MEETINGS:

June 7, 2016 - 9:00 AM
June 13 through 17, 2016 - Budget Hearings
June 21, 2016 - 9:00 AM

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 600-3529 no later than Monday at 9:00 a.m.

CONSENT AGENDA

(Any Board Member may pull any consent item for discussion or separate vote)

Board of Supervisors

23. Approve minutes of meeting for May 10, 2016 and May 16, 2016 Special Meeting

Attachments: Action Summary Minutes

Chairman Mendes

24. Adjourn in Memory of Phyllis Roberts. Ms. Roberts a long time resident of Coalinga will be remembered as a philanthropist, teacher, friend and mother who was passionate about making Coalinga a better place

Attachments: Roberts Adjourn In-Memory Certificate

Supervisor Perea

25. Proclaim May 24, 2016, as “Dystonia Awareness Day in Fresno County” and encourage Fresno County residents to participate in the First Annual Dystonia Zoo Walk to educate the community on the effects of Dystonia and support the efforts to spread awareness

Attachments: Proclamation

Auditor Controller-Treasurer/Tax Collector

26. Approve and authorize Chairman to execute an Agreement with RT Lawrence, Inc. for software, licensing, and support of the RTLFiRST Remittance Processing System, effective upon execution, not to exceed five consecutive years, which includes a three year base agreement and two optional one year extensions, total not to exceed $200,382

Attachments: Agenda Item

On file with Clerk - Agreement with RT Lawrence, Inc.

District Attorney/Public Administrator

27. Approve and authorize Chairman to execute an agreement with Journal Technologies, Inc. to provide case management software solution licenses, implementation services and systems maintenance effective May 24, 2016 through May 23, 2023 ($2,236,537) and adopt Budget Resolution re-appropriating $802,957 from the FY 2013-14 budget to the FY 2015-16 budget for the District Attorney Org 2860 (4/5 vote)

Attachments: Agenda Item

On file with Clerk - Resolution

On file with Clerk - Agreement

Sheriff/Coroner

28. Conduct second hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 2609 of Section 2600 - Sheriff-Coroner and waive reading of the ordinance in its entirety

29. Adopt Budget Resolution increasing the FY 2015-16 appropriations and estimated revenues in the Sheriff-Coroner's Org 3111 in the amount of $623,938 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the State Asset Forfeiture Org 1460 in the amount of $108,769 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Fresno Methamphetamine Task Force (FMTF) High Intensity Drug Trafficking Areas (HIDTA) Asset Forfeiture Org 1462 in the amount of $224,635 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Indigent Burial Trust Fund Org 1465 in the amount of $46,281 (4/5 vote); adopt Budget Resolution increasing the FY 2015-16 appropriations in the Federal Asset Forfeiture Org 1459 in the amount of $244,253 (4/5 vote); and adopt Budget Resolution decreasing FY 2015-16 appropriations and estimated revenues for Sheriff-Coroner's Org 3111 in the amount of $158,342

Attachments: Agenda Item

On file with Clerk – Resolutions (Org 3111, 1459, 1460, 1462 and 1465)

30. Approve and authorize Chairman to execute a retroactive revenue Agreement with the U.S. Army Corps of Engineers for the Sheriff-Coroner's Office to provide law enforcement services for Pine Flat Lake campsites from the period of May 1, 2016 through September 30, 2016 ($60,626.16)

Attachments: Agenda Item

On file with Clerk - Agreement with U.S. Army Corps of Engineers

31. Approve and authorize the Chairman to execute a revenue Agreement with the State Center Community College District (SCCCD), effective from July 1, 2016 through June 30, 2018 (not to exceed $137,813 per year)

Attachments: Agenda Item

On file with Clerk - Agreement with SCCCD

32. Approve and authorize the Chairman to execute a retroactive revenue agreement, referred to as the 2016 Patrol operating and financial plan Modification 10 to Agreement 15-167, with the USDA Forest Service, Sierra National Forest for Sheriff-Coroner's law enforcement services for the period beginning October 1, 2015 through September 30, 2016 ($20,000); approve and authorize the Chairman to execute a retroactive revenue agreement, referred to as the 2016 Drug operating and financial plan Modification 11 to Agreement 15-166, with the USDA, Forest Service, Sierra and Sequoia National Forests for Sheriff's law enforcement services for the period beginning October 1, 2015 through September 30, 2016 ($17,020.58)

Attachments: Agenda Item

On file with Clerk - Agreements with USDA

County Counsel

33. Approve Indemnification Agreement with Riverbend Sand and Gravel, LLC, as required by Unclassified Conditional Use Permit No. 3390

Attachments: Agenda Item

On file with Clerk - Indemnification Agt. (Riverbend Sand and Gravel, LLC)

Administrative Office

34. Approve resolution designating the Fresno Arts Council to serve as Fresno County's local partner with the California Arts Council for FY 2016-17

Attachments: Agenda Item

On file with Clerk - Resolution

35. Jointly appoint 12 public sector members and 1 private sector member to the newly modified Fresno Regional Workforce Development Board (FRWDB), in concurrence with previous action taken by the Fresno City Council, as detailed in the attached Schedule of FRWDB Board Appointments, consistent with the Workforce Innovation and Opportunity Act of 2014

Attachments: Agenda Item

Attachment - Schedule of FRWDB Board Appointments

36. Amend the Board of Supervisors meeting schedule to move the October 25, 2016 Board meeting to October 18, 2016

Attachments: Agenda Item

Amended Board Meeting Schedule

Behavioral Health

37. Approve and authorize Chairman to execute Amendments to the Agreements for Substance Use Disorder Treatment Services as depicted within Attachment A, effective upon execution; remove Administrative Policy Number 5 - Contract Salary Limitation language from the Agreements as depicted within Attachment B as it is not applicable to these contractors, effective upon execution; and, execute Amendment II to Agreement No. 13-492 with Bay Area Addiction Research and Treatment, an increase of $33,000, to provide narcotic treatment program services to inmates at County detention facilities, effective upon execution ($453,000)

Attachments:
Agenda Item
Attachment A
Attachment B
On file with Clerk - BAART Amendment II, A-13-492
On file with Clerk - State-County Contract, Amendment II, A-14-705
On file with Clerk - Eminence Amendment I, A-13-572
On file with Clerk - Master Agreement, Amendment I, A-15-245
On file with Clerk - Mental Health Systems, Inc., Amendment I, A-13-574
On file with Clerk - Mental Health Systems, Inc., Amendment II, A-13-395
On file with Clerk - Promesa Behavioral Health, Amendment I, A-13-575
On file with Clerk - Spirit of Woman, Amendment II, A-13-312
On file with Clerk - Turning Point of Central California, Inc., Amend. I, A-14-262
On file with Clerk - WestCare California, Inc., Amendment I, A-13-313
On file with Clerk - WestCare California, Inc., Amendment I, A-13-573

38. Approve and authorize the Chairman to execute an Agreement with Exodus Recovery, Inc., for the operation of a crisis stabilization center and Access Line answering services, effective July 1, 2016, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, not to exceed $50,194,034; and, approve and authorize the Chairman to execute a Facility Use Agreement with Exodus Foundation, Inc., effective July 1, 2016 through June 30, 2021, for County-owned space located at 4411 E. Kings Canyon Road, Fresno, CA 93702, Building 319 (10,450 square feet) to be used by Exodus Recovery, Inc. to provide crisis stabilization center and Access Line answering services

Attachments:
Agenda Item
On file with Clerk - Agreement with Exodus Recovery, Inc.
On file with Clerk - Facility Use Agreement

39. Approve and authorize the Chairman to execute Amendment I to Agreement No. 11-338 with Centro La Familia, an increase of $56,785, for continued Consumer/Family Advocacy services, effective July 1, 2011 through December 31, 2016 ($624,625)

Attachments:
Agenda Item
On file with Clerk - Agreement with Centro La Familia

40. Approve and authorize the Chairman to execute Amendment I to Agreement No. 14-704 with Central Star Behavioral Health, Inc., to update the terms for compensation for acute youth inpatient psychiatric health facility services during FY 2016-17, with no change in the maximum annual compensation, effective July 1, 2016 ($22,260,096); and, authorize the Department of Behavioral Health Director, or designee, to modify services, daily bed rate, and budget line items without exceeding the contract maximum

Attachments: Agenda Item

On file with Clerk - Amendment I to Agreement No. 14-704 with Central Star

41. Approve and authorize the Chairman to execute a Amendment III to Agreement No. 13-398 with JDT Consultants, Inc., an increase of $325,000, for the provision of therapeutic behavioral services to Fresno County Medi-Cal beneficiaries as mandated pursuant to the permanent injunction issued by the U.S. District Court in the case of Emily Q. v. Bonta, effective upon execution through June 30, 2018 ($15,625,000)

Attachments: Agenda Item

On file with Clerk - Amendment III to Agreement No. 13-398

42. Approve and authorize the Chairman to execute retroactive Amendment I to Agreement No. 13-278 with Joseph V. Melton, L.M.F.T. and Associates, an increase of $206,340, for Mental Health Certification Review Hearing Officer services, effective April 1, 2016 ($562,440)

Attachments: Agenda Item

On file with Clerk - Amendment I to Agreement 13-278

Internal Services

43. Approve and authorize Chairman to execute a Job Order Contracting Agreement with Durham Construction Company, Inc. for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000. (Minimum of $25,000 guaranteed); Approve and authorize Chairman to execute a Job Order Contracting Agreement with Velis Engineering, Inc. for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000. (Minimum of $25,000 guaranteed); Approve and authorize Chairman to execute a Job Order Contracting Agreement with Haus Construction Inc. dba Floor Werx for County property capital and maintenance projects, effective May 20, 2016 through May 19, 2017, in an amount not to exceed $2,000,000 (Minimum of $25,000 guaranteed)

Attachments: Agenda Item

On file with Clerk - Agreement - Durham

On file with Clerk - Agreement - Haus

On file with Clerk - Agreement - Velis

44. Conduct the second hearing to amend the County of Fresno Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 3800 - General Services, where subsections 3801 through 3803 will remain unchanged, subsection 3804 and subsections 3809 through 3813 will be updated, and subsections 3805 through 3808 will be deleted and waive the reading of the ordinance in its entirety

Attachments: Agenda Item
Attachment A - Comparison of Rates
Attachment B - FY 2016-17 Proposed MSF Rates
Ordinance Amending MSF Section 3800

45. Conduct the second hearing to amend the County of Fresno Master Schedule of Fees, Charges, and Recovered Costs Ordinance by amending Section 4300 - Information Technology Services where subsections 4301 through 4318 will be updated, and subsections 4319 through 4329 will be added and waive the reading of the ordinance in its entirety

Attachments: Agenda Item
Attachment A - Comparison of Rates
Attachment B - FY 2016-17 Proposed MSF Rates
Ordinance Amending MSF Section 4300

Library

46. Approve and authorize the Chairman to execute Amendment I to Lease Agreement #05-115, with Marks Bullard Investors LP., for space used by the Fig Garden Library, 3071 W. Bullard, Suite 20A, Fresno, CA 93711, continuing the expiring Lease on a month-to-month basis, with fixed monthly rent of $11,123.03; authorize the County Librarian, or the Director of Internal Services/Chief Information Officer, or a designee of one of them, to terminate Lease Agreement #05-115, as amended, upon thirty days written notice

Attachments: Agenda Item
On file with Clerk - Amendment I to Lease Agreement #05-115

47. Adopt Resolution accepting and expressing gratitude for the monetary donation of $552.27 from the Central California Branch of The International Dyslexia Association to support Adult Literacy program needs

Attachments: Agenda Item
On file with Clerk - Resolution
On file with Clerk - Request for Acceptance of Donation

Probation

48. Approve and authorize the Chairman to execute an Agreement with B.I. Incorporated dba B.I. Correctional Services, Incorporated to operate an adult Day Reporting Center for the Probation Department, effective July 1, 2016 through June 30, 2021, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed ($3,625,000)

Attachments: Agenda Item

On file with Clerk - Agreement with B.I., Inc.

Public Health

49. Approve and authorize the Chairman to execute retroactive revenue Amendment II to Agreement No. 14-602, an increase of $32,253, with the California Department of Public Health for Federal and State Public Health Emergency Preparedness and Hospital Preparedness Program Carry Forward and new funds, effective July 1, 2014 through June 30, 2017 ($4,658,209)

Attachments: Agenda Item

On file with Clerk - Amendment II to Agreement No. 14-602

50. Approve and authorize the Chairman to execute a retroactive Amendment II to Agreement No. 14-613 with the California Department of Public Health for Emergency Medical Services, effective July 1, 2014 through June 30, 2017 ($168,381)

Attachments: Agenda Item

On file with Clerk - Amendment II to Agreement No. 14-613 with CDPH

51. Approve and authorize the Chairman to execute Amendment I to Agreement No. 14-347 with ROAM, dba SkyLife, a two-year renewal, for the provision of emergency air ambulance services within the boundaries of Fresno County, effective July 1, 2016 through June 30, 2018 ($0)

Attachments: Agenda Item

On file with Clerk - Amendment I to Agreement No. 14-347 with ROAM

52. Approve and authorize the Chairman to execute the First Amendment to Agreement No. 14-346 with K.W.P.H. Enterprises, dba American Ambulance, an 18-month extension, for non-exclusive emergency ambulance services within the boundaries of Fresno County Ambulance Zone N, effective July 1, 2016 through December 31, 2017 ($0)

Attachments: Agenda Item

On file with Clerk - First Amendment to Agreement No. 14-346-1 with American

53. Approve and Authorize the Chairman to execute an Application for Assistance Revenue Agreement for submission to the California Governor's Office of Emergency Services for FY 2015 Pre-Disaster Mitigation Competitive Grant Program, effective upon execution through October 30, 2018, ($150,000). Approve and authorize the Chairman to execute the Grant Award Face Sheet, Governing Body Resolution, and Grant Assurances

Sponsors: Lopez

Attachments: Agenda Item

On file with Clerk - Agreement with CA Office of Emergency Services

54. Find that the proposed space of approximately 100 square feet of the Building as identified in the attached Lease Agreement (Premises) is surplusage, is not needed for County purposes for the duration of the term of the Lease Agreement, and Lessee Fresno Kings Madera Regional Health Authority dba CalViva Health, a California Government Entity, will use the Premises to further a public purpose by providing health care member services to residents of the County; and, approve and authorize the Chairman to execute a Lease Agreement with Fresno Kings Madera Regional Health Authority dba CalViva Health, for 100 square feet of office space in the County of Fresno Brix-Mercer Complex, located at 1221 Fulton Mall, Fresno, California, for health care member services, effective upon execution through May 23, 2019, with two optional 12-month extensions ($18,000)

Attachments: Agenda Item

On file with Clerk - Lease Agreement with FKMRHA dba CalViva Health

55. Approve and authorize the Chairman to execute a retroactive Agreement with Resource Development Associates, for program evaluation services, effective March 1, 2016 through March 31, 2017, with two optional one-year extensions, total not to exceed $145,000

Attachments: Agenda Item

On file with Clerk - Agreement with RDA

Public Works and Planning

56. Adopt Resolution increasing FY 2015-16 appropriations and estimated revenues for Public Works and Planning - Development Services Division, Organization 43600200 in amount of $978,000 (4/5 vote); and adopt Resolution increasing FY 2015-16 appropriations and estimated revenue for Internal Services Department - Fleet Services Equipment, Organization 8911, in amount of $35,000 for purchase of one Inspectors vehicle **(KETTLER)**

Attachments: Agenda Item

On file with Clerk - Resolution (Org 43600200)

On file with Clerk - Resolution (Org 8911)

57. Approve the 2016-2021 Fresno County Road Improvement Program; and declare projects intended to be performed by Force Account for FY 2016-17 in accordance with California Public Contract Code 22031(g) **(ALIMI/Nuttman)**

Attachments: Agenda Item
Exhibit A
Road Improvement Program 2016-17

58. Adopt a Budget Resolution for County Service Area 31, Org 9171 increasing FY 2015-16 appropriations in amount of $38,000 from County Service Area 31 General Reserves (4/5 Vote)

Attachments: Agenda Item **(THOMPSON/Weeks)**
On file with Clerk - Budget Resolution

59. Reject all bids for Contract No. 15-09-C, County Service Area 44D Wastewater Treatment Facility Improvements **(ALIMI/Martin)**

Attachments: Agenda Item
Location Map

60. Approve and authorize Chairman to execute agreement for repair of County roads for Raisin City Elementary School District's planned construction project for off-site road improvements, including underground utilities, along Bryan Avenue (Bowles - Springfield), Bowles Avenue (Bryan - Ring), and Ring Avenue (Bowles - Fike), known as Raisin City Elementary School District's Off-site Improvements, currently scheduled for construction to begin later this year; and accept grant of street easement from school district for 10' x 10' corner cutoff at southeast corner of Bowles and Bryan Avenues and 20' x 20' corner cutoff at southwest corner of Bowles and Ring Avenues to accommodate new curb ramps and landings at those corners **(ISHII/Daniele)**

Attachments: Agenda Item
On file with Clerk - Agreement with Raisin City Elementary School Dist.

61. Adopt Mitigated Negative Declaration prepared for Italian Bar Road Bridge Replacement Project over San Joaquin River/Redinger Lake, 5.7 miles north of Jose Basin Road, approximately 55 miles northeast of City of Fresno **(ALIMI/Rutherford)**

Attachments: Agenda Item
Location Map
Exhibits A and B

62. Conduct second hearing and adopt Ordinance amending Fresno County Ordinance Code Section 4.16.090 concerning the allocation of sales and use tax revenues, amending it as to the City of San Joaquin as to its sales tax distribution rate, and amending the dates to which all cities within the County must adhere to the stated rates, changing the effective dates of the adjusted rates to be from July 1, 2016 to June 30, 2017, waive the reading of the Ordinance in its entirety

Attachments: Agenda Item **(KETTLER/Khorsand)**
Exhibits A - B
Ordinance

63. Approve and authorize the Chairman to execute an Agreement with Tetra Tech BAS, Inc., to provide annual monitoring, maintenance, and regulatory reporting for the Landfill Gas Collection and Control System at the American Avenue Disposal Site, effective June 1, 2016 through May 31, 2019, with the option to renew for two additional one-year terms ($843,570)

Attachments: Agenda Item **(THOMPSON/Nickel)**
On file with Clerk - Agreement with Tetra Tech BAS, Inc.

64. Approve and authorize Chairman to execute Amendment I to Agreement 15-424 with City of Reedley for Reedley Pioneer Park Restroom, Community Development Block Grant Project No. 15571 ($251,576) **(GIBBS/Avedian)**

Attachments: Agenda Item
On file with Clerk - Amend to Agreement with City of Reedley

65. Adopt Resolution certifying re-computed Cancellation Fee for partial cancellation of Agricultural Land Conservation Contract 1387 as determined by County Assessor's Office per Government Code Section 51283.4; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation at such time as all Conditions included in Certificate of Tentative Cancellation have been satisfied **(KETTLER/Khorsand)**

Attachments: Agenda Item
On file with Clerk - Resolution
On file with Clerk - Tentative Cancellation

66. Adopt Resolution certifying re-computed Cancellation fee for partial cancellation of Agricultural Land Conservation Contract 1425 as determined by County Assessor's Office per Government Code Section 51283.4; and authorize Chairman to sign Certificate of Tentative Cancellation and approve recordation of Certificate of Cancellation at such time as all Conditions included in Certificate of Tentative Cancellation have been satisfied **(KETTLER/Khorsand)**

Sponsors: Khorsand

Attachments: Agenda Item
On file with Clerk - Resolution
On file with Clerk - Certificate of Tentative Cancellation

67. Reject all bids for Contract No. 15-10-C, Bituminous Seal Coats, Various Locations in Fresno County **(ALIMI/Ervin)**

Attachments: Agenda Item
Location Maps
Location List
Exhibit A
Exhibit B

68. Adopt proposed Payment Programs Resolution authorizing the submittal of individual or regional applications for various payment programs, administered by the Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution. Authorize the Chairman of the Board of Supervisors and the Director of Public Works and Planning, or his/her designee(s), as Signature Authorities for all documents necessary to secure payment and implement payment program activities; and adopt proposed Grant Programs Resolution authorizing the submittal of individual or regional applications for various grant programs, administered by the Department of Resources Recycling and Recovery, for a period of five years from date of adoption of said Resolution; Authorize the Chairman of the Board of Supervisors or his/her designee as Signature Authority for all grant-related documents necessary to secure grant funds and implement grant program activities; Authorize the Director of Public Works and Planning, or his/her designee, as Signature Authority for all grant-related documents, excepting only grant agreements and amendments thereto, necessary to secure funds and implement grant program activities

Attachments: Agenda Item **(THOMPSON/Griffey)**
On file with Clerk - Resolution (Payment Programs)
On file with Clerk - Resolution (Grant Programs)

69. Conduct second hearing and adopt Ordinance to amend Sections 11.24.010 through 11.24.100 of Chapter 11.24 of Fresno County Ordinance Code to reflect changes for speed limits as listed on Ordinance Summary Attachment and waive reading of Ordinance in its entirety **(ISHII)**

Attachments: Agenda Item
Vicinity Map
Speed Zone Ordinance
Speed Zone Ordinance Summary

70. Approve City of Fresno's request to acquire road easements adjacent to existing road right-of-way in unincorporated areas of the County required in conjunction with the City's development of the Southeast Surface Water Treatment Facility **(ISHII/Daniele)**

Attachments: Agenda Item
Exhibit A
Exhibit B

Social Services

71. Approve and authorize the Chairman to execute an Agreement with JUMP Technology Services for Case Management Software as a Solution (SaaS) for Adult Protective Services, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed $194,020.00

Attachments: Agenda Item

On file with Clerk - Agreement with JUMP Technology Services

72. Approve and authorize the Chairman to execute retroactive Amendment I to Agreement A-15-072 with Fresno Housing Authority for CalWORKs Housing Support Program services, effective July 1, 2015 through June 30, 2017 ($1,711,893)

Attachments: Agenda Item

On file with Clerk - Amendment I

73. Approve and authorize the Chairman to execute an Agreement with Assistance League of Fresno for participation in Operation Bear Hug effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, and express gratitude to the Assistance League of Fresno for the non-monetary donation of certified child-safe teddy bears valued at $312.29 and distributed during FY 2015-16; and, Approve and authorize the Chairman to execute an Agreement with Assistance League of Fresno for participation in the Dream Dress program, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions ($0)

Attachments: Agenda Item

On file with Clerk - Operation Bear Hug Agreement

On file with Clerk - Dream Dress Agreement

74. Adopt Resolution to retroactively accept donations valued at $1,800 from staff at McCormick Barstow, LLP, Attorneys at Law, on behalf of In-Home Supportive Services recipients

Attachments: Agenda Item

On file with Clerk - IHSS Donation Resolution

On file with Clerk - Request for Acceptance of Donation

On file with Clerk - 2016 Letter from Donor

EXHIBIT 91

From: Parks, Jennifer
To: Graham, Sherri
Subject: RE: Invoice
Date: Monday, July 25, 2016 10:02:13 AM

Correct

Jennifer Parks
Engineering Tech II
Department of Public Works and Planning
Division of Development Services
Ph: 559-600-4279

How are we doing?
Please take a couple minutes to complete our new Super Short Customer Service Survey.
Development Engineering

From: Graham, Sherri
Sent: Monday, July 25, 2016 9:26 AM
To: Parks, Jennifer
Subject: RE: Invoice

So you need me to re invoice Riverbend and Sand with new send to and Create an invoice for Carmelita that we missed?

No problem just want to make sur eim clear on what you need.

Thank you

SHERRI GRAHAM-GOLDSMITH
County of Fresno Public Works and Planning
Program Technician
PH 559-600-4285
FX 559-455-4606
sgraham@co.fresno.ca.us

"WHEN THE POWER OF LOVE OVERCOMES THE LOVE OF POWER, THE WORLD WILL KNOW PEACE"

From: Parks, Jennifer
Sent: Monday, July 25, 2016 9:14 AM
To: Graham, Sherri
Subject: Invoice

Hi Sherri,

I sending a couple more invoices. One is a change in sender for Riverbend Sand and Gravel and the other is one that missed for Carmelita.

Jennifer Parks
Engineering Tech II
Department of Public Works and Planning
Division of Development Services
Ph: 559-600-4279

How are we doing?
Please take a couple minutes to complete our new Super Short Customer Service Survey.
Development Engineering

EXHIBIT 92

From: Chambers, Derek
To: Al Solis
Cc: Bill Robinson; Motta, Chris
Subject: RE: Panoche Westside Farms - CUP 3423 Expired
Date: Monday, August 22, 2016 2:39:00 PM

Hello Al,

Regardless of the potential to add two additional discretionary one-year time extension opportunities for a CUP, an application for time extension would still have to be filed prior to the expiration date of the CUP.

With regard to CUP No. 3423, an application for time extension was not filed prior to March 13, 2016, which is the expiration date for the CUP.

Derek Chambers, Planner
Development Services Division
Fresno County Public Works and Planning
(559) 600-4205 voice
(559) 600-4200 fax

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey

---

From: Al Solis [mailto:Al@soldevelopment.com]
Sent: Monday, August 22, 2016 1:54 PM
To: Chambers, Derek
Cc: Bill Robinson; Motta, Chris
Subject: RE: Panoche Westside Farms - CUP 3423 Expired

Not sure I understand FC Board item (#10) on Thursday changing CUP's from 4 year to 6 years, how would that relate to this item ? I'm sure I'm missing something ?

From: Chambers, Derek [mailto:dchambers@co.fresno.ca.us]
Sent: Tuesday, June 14, 2016 3:45 PM
To: Al Solis
Cc: Bill Robinson; Motta, Chris
Subject: Panoche Westside Farms - CUP 3423 Expired

Hello Al,

According to Section 873-I.1 of the Fresno County Zoning Ordinance, a Conditional Use Permit (CUP) becomes expired when substantial development of its project is not achieved within two years of CUP approval.

CUP No. 3423 was approved by the Planning Commission on March 13, 2014. Considering that the project has not completed a Plan Check, and that building permits have not been issued for the project, CUP No. 3423 is considered to be expired.

Sorry for the bad news,

Derek Chambers, Planner
Development Services Division
Fresno County Public Works and Planning
(559) 600-4205 voice
(559) 600-4200 fax

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our short Customer Service Survey at the following link: Short Customer Service Survey

---

From: Al Solis [mailto:Al@soldevelopment.com]
Sent: Tuesday, June 14, 2016 3:06 PM
To: Motta, Chris
Cc: Chambers, Derek; Bill Robinson
Subject: FW: Panoche Westside Farms

Please advise

From: Al Solis
Sent: Thursday, June 09, 2016 10:29
To: Chambers, Derek
Cc: Bill Robinson
Subject: Panoche Westside Farms

There may a new buyer for IS # 6753, CUP # 3423. It was approved by the Fresno County PC on March 13, 2014. What is the date used for determining the 2 year life of the CUP ?

EXHIBIT 93

County of Fresno

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

August 25, 2016

Granville Management Inc.
1396 W. Herndon #101
Fresno, CA 93711

Granville Management:

SUBJECT: EXPENSE REPORT - JULY 1, 2013 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #536

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from July 29, 2013 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	21.50	$2,385.46
Total:	21.50	$2,385.46

Other Cost

Total Costs:	$2,385.46

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $15,500.00 deposit is $13,114.54.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc
Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM July 1, 2013 THROUGH June 19, 2016

APPLICANT'S NAME: Granville Homes

PROJECT NAME: General Plan Amendment #536

PROJECT NUMBER(S): ZGP536

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	21.50	$2,385.46	$0.00	$2,385.46
SALARIES & BENEFIT TOTAL:	0.00	21.50			$2,385.46

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$2,385.46

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$15,500.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$2,385.46
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$13,114.54

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

M & P Investments Inc.
Attn: Dr. N. S. Dhaliwal
1245 Jacob Lane
Carmichael, CA 95608

M & P Investments:

SUBJECT: EXPENSE REPORT - SEPTEMBER 16, 2014 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #541

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from September 16, 2014 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	10.50	$677.78
Total:	10.50	$677.78

Other Cost

Total Costs:	$677.78

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $8,000.00 deposit is $7,322.22.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:HS:mxc

c: Development Services and Fred Arastoo

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM September 16, 2014 THROUGH June 19, 2016

APPLICANT'S NAME: M & P Investments

PROJECT NAME: General Plan Amendment #541

PROJECT NUMBER(S): ZGP541

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Services	0.00	10.50	$677.78	$0.00	$677.78
SALARIES & BENEFIT TOTAL:	0.00	10.50			$677.78

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$677.78

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$8,000.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$677.78
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$7,322.22

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Recurrent Energy Development Holdings
300 California St., 7th Floor
San Francisco, CA 94104

Recurrent Energy Development Holdings:

SUBJECT: EXPENSE REPORT - SEPTEMBER 24, 2013 THROUGH JUNE 19, 2016
ENVIRONMENTAL IMPACT REPORT #6730

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from October 22, 2013 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	466.50	$41,577.49
Rd. Maintenance	15.00	$1,679.35
Environmental Health	1.00	$98.00
Total:	482.50	$43,354.84

Other Cost	
Ker West	$4,167.00
Fleet Services	$61.95
Environmental Assoc.	$432,988.00
Business Journal	$975.25

Total Costs: $481,547.04

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $48,090.08 deposit is $(468.96)*.
The remaining balance of your $432,988.00 consultant deposit is $-0-.
The remaining balance of your $50,000.00 legal deposit is $0.**
*Includes balance transferred from Pre EIR #6730P.

**Transferred legal deposit to new contract Z6730M Tranquillity Solar.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc
c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM September 24, 2013 THROUGH June 19, 2016

APPLICANT'S NAME: Recurrent Energy

PROJECT NAME: EIR #6730

PROJECT NUMBER(S): Z6730C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	466.50	$41,577.49	$0.00	$41,577.49
Rd. Maint.	0.00	15.00	$1,679.35	$0.00	$1,679.35
Env. Health	0.00	1.00	$98.00	$0.00	$98.00
SALARIES & BENEFIT TOTAL:	0.00	482.50			$43,354.84

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
Ker West		$4,167.00	$0.00	$4,167.00
Fleet Services		$61.95	$0.00	$61.95
Environmental Assoc		$432,988.00	$0.00	$432,988.00
Business Journal		$975.25	$0.00	$975.25
OTHER DIRECT COSTS TOTAL:				$438,192.20
GRAND TOTAL:				$481,547.04

BALANCE OF DEPOSIT UNEXPENDED:	County Staff	Consultant Staff	Legal Services	
DEPOSIT	$48,090.08	$432,988.00	$0.00	
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$48,559.04	$432,988.00	$0.00	
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	($468.96)	$0.00	$0.00	

☐ REFUND ☐ INVOICE

Transferred legal deposit to Z6730M Tranquillity Solar.

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Riverbend Sand & Gravel:

SUBJECT: EXPENSE REPORT JUNE 18, 2013 THROUGH JUNE 19, 2016
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	591.10	$54,475.05
Environmental Health	16.50	$1,617.00
Road Maintenance/Design	229.00	$22,871.28
Total:	836.60	$78,963.33

Other Cost	
Mid Valley Publishing	$1,856.25
SESPE Consulting	$430,226.00
Fleet Vehicle	$121.05
Federal Express	$186.96
Business Journal	$1,468.75

Total Costs: $512,822.34

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is $ (3,423.79).
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $0.00.*
*Legal Services Deposit Refund of $50,000.00 was issued November 10, 2015.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division LA

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM August 22, 2012 THROUGH June 19, 2016

APPLICANT'S NAME: Riverbend Sand & Gravel

PROJECT NAME: EIR #6606

PROJECT NUMBER(S): Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Development Services	0.00	591.10	$54,475.05	$0.00	$54,475.05
Environmental Health	0.00	16.50	$1,617.00	$0.00	$1,617.00
Design/Maint.	0.00	229.00	$22,871.28	$0.00	$22,871.28
SALARIES & BENEFIT TOTAL:	0.00	836.60			$78,963.33

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
Mid Valley Pub.		$1,856.25	$0.00	$1,856.25
SESPE Consult.		$430,226.00	$0.00	$430,226.00
Fleet-Vehicle		$121.05	$0.00	$121.05
Federal Express		$186.96	$0.00	$186.96
Business Journal		$1,468.75	$0.00	$1,468.75
OTHER DIRECT COSTS TOTAL:				$433,859.01
GRAND TOTAL:				$512,822.34

BALANCE OF DEPOSIT UNEXPENDED:	County Staff	Consultant Contract	Legal Services*	
DEPOSIT	$79,172.55	$430,226.00	$0.00	
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$82,596.34	$430,226.00	$0.00	
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	($3,423.79)	$0.00	$0.00	

☐ REFUND ☐ INVOICE

*The Legal Services Deposit refund in the amount of $50,000.00 was issued November 10, 2015.

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Donovan Harris
7411 N. Flora Ave.
Fresno, CA 93721

Dear Mr. Harris:

SUBJECT: EXPENSE REPORT - DECEMBER 17, 2002 THROUGH JUNE 19, 2016
MITIGATION MONITORING PROGRAM

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from December 17, 2002 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	28.00	$2,018.08
Development Engineering	1.00	$56.31
Total:	29.00	$2,074.39

Other Cost

Total Costs: $2,074.39

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $11,500.00 deposit is $9,425.61.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM December 17, 2002 THROUGH June 19, 2016

APPLICANT'S NAME: Donovan Harris

PROJECT NAME: Mitigation Monitoring Program

PROJECT NUMBER(S): ZMM001

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Planning	0.00	28.00	$2,018.08	$0.00	$2,018.08
Dev. Eng.	0.00	1.00	$56.31	$0.00	$56.31
SALARIES & BENEFIT TOTAL:	0.00	29.00			$2,074.39

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$2,074.39

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$11,500.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$2,074.39
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$9,425.61

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Gabrielson Ranch
13455 S. Bryans Flat Road
Jackson, WY 83001

Gabrielson Ranch:

SUBJECT: EXPENSE REPORT - JUNE 1, 2016 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #548

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 1, 2016 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	0.00	$0.00
Total:	0.00	$0.00

Other Cost

Total Costs:	$0.00

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department and County overhead.

The remaining balance of your $1,500.00 deposit is $1,500.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: MONTHLY EXPENSE REPORT

PERIOD COVERED FROM JUNE 1, 2016 THROUGH June 19, 2016

APPLICANT'S NAME: GABRIELSON RANCH

PROJECT NAME: GENERAL PLAN AMENDMENT #548

PROJECT NUMBER(S): ZGP548

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	0.00	$0.00	$0.00	$0.00
SALARIES & BENEFIT TOTAL:	0.00	0.00			$0.00

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
			$0.00	$0.00
OTHER DIRECT COSTS TOTAL:				$0.00
GRAND TOTAL:				$0.00

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$1,500.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$1,500.00

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Beal Properties
1175 Shaw Ave. Suite 104PMB372
Clovis, CA 93612

Dear Beal Properties:

SUBJECT: EXPENSE REPORT - FEBRUARY 21, 2014 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #540

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 24, 2013 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	164.70	$14,286.81
Total:	164.70	$14,286.81

Other Cost

Total Costs:	$14,286.81

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $7,000.00 deposit is $(7,286.81).

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM February 21, 2014 THROUGH June 19, 2016

APPLICANT'S NAME: Beal Properties

PROJECT NAME: General Plan Amendment #540

PROJECT NUMBER(S): ZGP540

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	164.70	$14,286.61	$0.00	$14,286.61
SALARIES & BENEFIT TOTAL:	0.00	164.70			$14,286.61

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$14,286.61

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$7,000.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$14,286.81
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	($7,286.81)

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Bigelow-Silkwood Friant Ranch
7110 N. Fresno St., Suite 340
Fresno, CA 93720

Bigelow-Silkwood Friant Ranch:

SUBJECT: EXPENSE REPORT - MARCH 18, 2013 THROUGH JUNE 19, 2016
ENVIRONMENTAL IMPACT REPORT #5481 REVISED

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from April 29, 2013 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	116.50	$9,620.92
Total:	116.50	$9,620.92

Other Cost	
Quad-Knopf	$24,416.22
Business Journal	$792.00

Total Costs: $34,829.14

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $30,000.00 staff deposit is $19,587.08.
The remaining balance of your $45,925.60 consultant deposit is $21,509.38.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager LA

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM March 18, 2013 THROUGH June 19, 2016

APPLICANT'S NAME: Friant Ranch

PROJECT NAME: Revised EIR #5481

PROJECT NUMBER(S): Z5481R

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	116.50	$9,620.92	$0.00	$9,620.92
SALARIES & BENEFIT TOTAL:	0.00	116.50			$9,620.92

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
Quad Knopf		$24,416.22	$0.00	$24,416.22
Business Journal		$792.00	$0.00	$792.00
OTHER DIRECT COSTS TOTAL:				$25,208.22
GRAND TOTAL:				$34,829.14

BALANCE OF DEPOSIT UNEXPENDED:	County Staff	Consultant
DEPOSIT	$30,000.00	$45,925.60
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$10,412.92	$24,416.22
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$19,587.08	$21,509.38

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Ronald D. Wilson, Mgr., Land Use Permits
CEMEX
5180 Golden Foothill Parkway, Suite 200
El Dorado Hills, CA 95762-9608

Dear Mr. Wilson:

SUBJECT: EXPENSE REPORT - JANUARY 25, 2005 THROUGH JUNE 19, 2016
ENVIRONMENTAL IMPACT REPORT #4858

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from January 25, 2005 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Planning Office	564.50	$34,258.79
Development Services	2,511.50	$223,685.85
Health	66.80	$5,346.50
Total:	3,142.80	$263,291.14

Other Cost	
Business Journal	$818.50
Airport Blueprint	$63.71
Federal Express	$181.47
Mid Valley Publishing	$3,271.75
Arcadis G & M Inc.	$199,142.50
Resource Design	$216,704.00
Fresno Bee	$6,367.52
Narciso Lopez	$292.50
GSA - Security	$392.92
Benchmark Land Use Group	$196,788.60

Total Costs: $887,314.61

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $573,483.00 consultant deposit is $1,432.90.
The remaining balance of your $275,000.00 staff deposit is $320.49.
The remaining balance of your $40,585.00 coordinator deposit is $ -0-.
The remaining balance of your $50,000.00 Legal Services deposit is $50,000.00.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM January 25, 2005 THROUGH June 19, 2016

APPLICANT'S NAME: Cemex

PROJECT NAME: Environmental Impact Report #4858

PROJECT NUMBER(S): Z4858C

SALARIES AND BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Current Dept. Overhead	Total Costs Incurred Thru June 19, 2016
Planning	0.00	564.50	$34,258.79	$0.00		$34,258.79
Dev. Serv.	0.00	2,511.50	$223,685.85	$0.00		$223,685.85
Health	0.00	66.80	$5,346.50	$0.00		$5,346.50
SALARIES & BENEFITS TOTAL:	0.00	3,142.80				$263,291.14

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Month	Total Costs Incurred Thru June 19, 2016
Business Journal		$818.50	$0.00	$818.50
Airport Blueprint		$63.71	$0.00	$63.71
Federal Express		$181.47	$0.00	$181.47
Mid Valley Publishing		$3,271.75	$0.00	$3,271.75
Arcadis G&M Inc. Consultant		$199,142.50	$0.00	$199,142.50
Resources Design Cord.		$40,585.00	$0.00	$40,585.00
Resources Design Consult.		$176,119.00	$0.00	$176,119.00
Fresno Bee		$6,367.52	$0.00	$6,367.52
Narciso Lopez		$292.50	$0.00	$292.50
GSA Security		$392.92	$0.00	$392.92
Benchmark Land Use		$196,788.60	$0.00	$196,788.60
			$0.00	$0.00
OTHER DIRECT COSTS TOTAL:				$624,023.47
GRAND TOTAL:				$887,314.61

BALANCE OF DEPOSIT UNEXPENDED:	County Staff	Consultant Contract	Coodinator Contract	Legal Services
DEPOSIT	$275,000.00	$573,483.00	$40,585.00	$50,000.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$274,679.51	$572,050.10	$40,585.00	$0.00
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$320.49	$1,432.90	$0.00	$50,000.00

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Colburn Thomason
7090 N. Marks #102
Fresno, CA 93711

Dear Colburn Thomason:

SUBJECT: EXPENSE REPORT - JUNE 19, 2015 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #545

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 19, 2015 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	9.50	$718.34
Total:	9.50	$718.34

Other Cost

Total Costs:	$718.34

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $10,000.00 deposit is $9,281.66.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM June 19, 2015 THROUGH June 19, 2016

APPLICANT'S NAME: Colburn Thomason

PROJECT NAME: Shaver Lake Community Plan

PROJECT NUMBER(S): ZGP545

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Development Services	0.00	9.50	$718.34	$0.00	$718.34
SALARIES & BENEFIT TOTAL:	0.00	9.50			$718.34

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$718.34

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$10,000.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$718.34
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$9,281.66

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

County of Fresno

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

August 25, 2016

Midland Pacific Building Corp.
7305 Morrow Rd., Suite#207
Atascadero, CA 93422-4445

Midland Pacific Building Corp.:

SUBJECT: EXPENSE REPORT - SEPTEMBER 20, 2006 THROUGH JUNE 19, 2016
GENERAL PLAN AMENDMENT #518

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from November 27, 2012 through June 19, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Planning	6.00	$350.96
Development Services	14.50	$1,775.67
Total:	20.50	$2,126.63

Other Cost

Total Costs: $2,126.63

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $7,000.00 deposit is $4,873.37.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Aspree
Financial Services Manager

LA:SG:mxc

c: Development Services

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: August 25, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Manager

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM September 20, 2006 THROUGH June 19, 2016

APPLICANT'S NAME: Dennis Meresco/Midland Pacific

PROJECT NAME: General Plan Amendment #518

PROJECT NUMBER(S): ZGP518

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru June 19, 2016
Dev. Serv.	0.00	14.50	$1,775.67	$0.00	$1,775.67
Planning	0.00	6.00	$350.96	$0.00	$350.96
SALARIES & BENEFIT TOTAL:	0.00	20.50			$2,126.63

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru June 19, 2016
OTHER DIRECT COSTS TOTAL:				
GRAND TOTAL:				$2,126.63

BALANCE OF DEPOSIT UNEXPENDED:	County Staff
DEPOSIT	$7,000.00
CUMULATIVE COSTS INCURRED THRU June 19, 2016	$2,126.63
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	$4,873.37

☐ REFUND ☐ INVOICE

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: August 25, 2016

EXHIBIT 94

From:	Pratt, Carol
To:	Kettler, William
Cc:	Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Subject:	RE: Expense Reports through 6/19/16
Date:	Tuesday, November 29, 2016 3:00:57 PM
Attachments:	RiverbendSand&Gravel.pdf

Good Afternoon Will,

I am following up on the email I had sent a couple of months ago. I could not find a response (I apologize if you had sent one).

Attached is the updated memo and letter prepared by Sherri for the Riverbend Sand & Gravel EIR 6606 project. As no additional charges have been incurred for this project, the numbers remain the same.

Before the memo and letter is finalized and sent out, do you anticipate collecting the $3,423.79 shortfall from the applicant or will this be funded by the general fund allocation in your budget?

A portion of the shortfall represents charges from Roads in the amount of $480.80. As the Road Fund needs to be reimbursed for their charges, can we bill 43600200 for this charge?

Please advise.

Thank you.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Pratt, Carol
Sent: Thursday, September 01, 2016 10:07 AM
To: Kettler, William
Cc: Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel; Alimi, Mohammad; Ishii, Randy
Subject: FW: Expence Reports through 6/19/16

Good Morning Will,

A portion of the $3,423.79 shortfall for staff charges for the Riverbend Sand & Gravel project (EIR #6606) represents Design Division's charges and Road Maintenance Division's charges from December 2015 in the amount of ~~$240.40~~. s/b $480.80

As the Road fund should have been reimbursed last fiscal year, may we go ahead and bill your budget 43600200 now for their charges? Assuming that Riverbend reimburses the County for this overage, the reimbursement check will be deposited into your budget to cover your division's

charges as well as Design's and Maintenance's portion.

Please confirm if the above can be processed.

Please let us know if you have any questions.

Thank you for your assistance.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Graham, Sherri
Sent: Thursday, September 01, 2016 9:07 AM
To: Kettler, William; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Cc: Asprec, Lemuel; Pratt, Carol
Subject: Expence Reports through 6/19/16

Attached are the finalized signed letters that were sent out this morning 9/1/16

If you have any questions or concerns please let us know. We can make adjustments to the next letters that go out.

Thank you,

SHERRI GRAHAM-GOLDSMITH
County of Fresno Public Works and Planning
Program Technician
PH 559-600-4285
FX 559-455-4606
sgraham@co.fresno.ca.us

"WHEN THE POWER OF LOVE OVERCOMES THE LOVE OF POWER, THE WORLD WILL KNOW PEACE"

EXHIBIT 95

County of Fresno
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Expense Report Memo

DATE: November 28, 2016

TO: William Kettler, Development Services Manager

FROM: Lemuel Asprec, Financial Services Division

SUBJECT: Monthly Expense Report

PERIOD COVERED FROM August 22, 2012 THROUGH October 23, 2016

APPLICANT'S NAME: Riverbend Sand & Gravel

PROJECT NAME: EIR #6606

PROJECT NUMBER(S): Z6606C

SALARIES & BENEFITS:

Department	Current Hours	Total Hours	Previous Balance	Current Salaries & Benefits	Total Costs Incurred Thru October 23, 2016
Development Services	0.00	591.10	$54,475.05	$0.00	$54,475.05
Environmental Health	0.00	16.50	$1,617.00	$0.00	$1,617.00
Design/Maint.	0.00	229.00	$22,871.28	$0.00	$22,871.28
SALARIES & BENEFIT TOTAL:	0.00	836.60			$78,963.33

OTHER DIRECT COSTS:

Department	Type	Previous Balance	Current Period	Total Costs Incurred Thru October 23, 2016
Mid Valley Pub.		$1,856.25	$0.00	$1,856.25
SESPE Consult.		$430,226.00	$0.00	$430,226.00
Fleet-Vehicle		$121.05	$0.00	$121.05
Federal Express		$186.96	$0.00	$186.96
Business Journal		$1,468.75	$0.00	$1,468.75
OTHER DIRECT COSTS TOTAL:				$433,859.01
GRAND TOTAL:				$512,822.34

BALANCE OF DEPOSIT UNEXPENDED:	County Staff	Consultant Contract	Legal Services*	
DEPOSIT	$79,172.55	$430,226.00	$0.00	
CUMULATIVE COSTS INCURRED THRU October 23, 2016	$82,596.34	$430,226.00	$0.00	
BALANCE OF DEPOSIT UNEXPENDED TOTAL:	($3,423.79)	$0.00	$0.00	

☐ REFUND ☐ INVOICE

*The Legal Services Deposit refund in the amount of $50,000.00 was issued November 10, 2015.

PREPARED BY: Sherri Graham EXTENSION: 04285 DATE: November 28, 2016

County of Fresno

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

November 28, 2016

Riverbend Sand & Gravel
14962 E. Fantz Ave.
Parlier, CA 93648

Riverbend Sand & Gravel:

SUBJECT: EXPENSE REPORT JUNE 18, 2013 THROUGH OCTOBER 23, 2016
ENVIRONMENTAL IMPACT REPORT #6606

Pursuant to our agreement to provide you with an accounting of time and expenses incurred in relation to the review and processing of your project, the following Expenditure Report reflects the work performed by Fresno County staff from June 18, 2013 through October 23, 2016.

Department Salaries and Benefits	Hours	Costs Incurred
Development Services	591.10	$54,475.05
Environmental Health	16.50	$1,617.00
Road Maintenance/Design	229.00	$22,871.28
Total:	836.60	$78,963.33

Other Cost	
Mid Valley Publishing	$1,856.25
SESPE Consulting	$430,226.00
Fleet Vehicle	$121.05
Federal Express	$186.96
Business Journal	$1,468.75

Total Costs: $512,822.34

The above may not include incidental charges against this project which have not yet been accumulated. Costs incurred for salaries and benefits include weighted salaries, benefits, and Department overhead.

The remaining balance of your $79,172.55 staff deposit is $ (3,423.79).
The remaining balance of your $430,226.00 consultant deposit is $0.00.
The remaining balance of your $50,000.00 legal services deposit is $0.00.*
*Legal Services Deposit Refund of $50,000.00 was issued November 10, 2015.

If you have any questions, please contact me at (559) 600-4298.

Sincerely,

Lemuel Asprec
Financial Services Manager

LA:SG:mxc

c: Development Services

EXHIBIT 96

From: Graham, Sherri
To: Pratt, Carol
Subject: RE: Expense Reports through 6/19/16
Date: Wednesday, December 7, 2016 8:43:17 AM

Thank you

From: Pratt, Carol
Sent: Wednesday, December 07, 2016 8:40 AM
To: Graham, Sherri; Onesto, Jesus
Cc: Asprec, Lemuel
Subject: FW: Expense Reports through 6/19/16

Sherri and Jesus,

Will Kettler called me this morning to let us know that they will be absorbing the overage for the Riverbend project so we will not collect the overage owed from Riverbend Sand and Gravel for Development Services's charges. He did say that Roads can charge Development Services for the amount still owed to Roads.

Jesus, please bill Org 43600200, Account 7295, Memo 130 (Riverbend Sand & Gravel EIR #6606) for the amount still owed to Roads for project number Z6606C.

Sherri, you may just file the most recent letter and memo in the Riverbend file (do not send to the applicant) and place with the other closed EIR files.

Thank you.

Carol Pratt

From: Kettler, William
Sent: Tuesday, November 29, 2016 5:19 PM
To: Pratt, Carol
Cc: Motta, Chris
Subject: RE: Expense Reports through 6/19/16

Let me look into this. No one should really be changing to this project anymore. I'm OK with reimbursing Roads but I need to check into the issue of collecting from the applicant.

Will Kettler
Division Manager,
Development Services Division
Fresno County Department of Public Works and Planning
(559) 600-4233 (office)
(559) 600-4200 (fax)

From: Pratt, Carol
Sent: Tuesday, November 29, 2016 3:01 PM

To: Kettler, William
Cc: Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Subject: RE: Expense Reports through 6/19/16

Good Afternoon Will,

I am following up on the email I had sent a couple of months ago. I could not find a response (I apologize if you had sent one).

Attached is the updated memo and letter prepared by Sherri for the Riverbend Sand & Gravel EIR 6606 project. As no additional charges have been incurred for this project, the numbers remain the same.

Before the memo and letter is finalized and sent out, do you anticipate collecting the $3,423.79 shortfall from the applicant or will this be funded by the general fund allocation in your budget?

A portion of the shortfall represents charges from Roads in the amount of $480.80. As the Road Fund needs to be reimbursed for their charges, can we bill 43600200 for this charge?

Please advise.

Thank you.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Pratt, Carol
Sent: Thursday, September 01, 2016 10:07 AM
To: Kettler, William
Cc: Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel; Alimi, Mohammad; Ishii, Randy
Subject: FW: Expence Reports through 6/19/16

Good Morning Will,

A portion of the $3,423.79 shortfall for staff charges for the Riverbend Sand & Gravel project (EIR #6606) represents Design Division's charges and Road Maintenance Division's charges from December 2015 in the amount of ~~$240.40~~. s/b $480.80

As the Road fund should have been reimbursed last fiscal year, may we go ahead and bill your budget 43600200 now for their charges? Assuming that Riverbend reimburses the County for this overage, the reimbursement check will be deposited into your budget to cover your division's charges as well as Design's and Maintenance's portion.

Please confirm if the above can be processed.

Please let us know if you have any questions.

Thank you for your assistance.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Graham, Sherri
Sent: Thursday, September 01, 2016 9:07 AM
To: Kettler, William; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Cc: Asprec, Lemuel; Pratt, Carol
Subject: Expence Reports through 6/19/16

Attached are the finalized signed letters that were sent out this morning 9/1/16

If you have any questions or concerns please let us know. We can make adjustments to the next letters that go out.

Thank you,

SHERRI GRAHAM-GOLDSMITH
County of Fresno Public Works and Planning
Program Technician
PH 559-600-4285
FX 559-455-4606
sgraham@co.fresno.ca.us

"WHEN THE POWER OF LOVE OVERCOMES THE LOVE OF POWER, THE WORLD WILL KNOW PEACE"

EXHIBIT 97

SCOPE OF WORK

- PROVIDE & INSTALL ELECTRICAL PRIMARY POWER SERVICE FROM EXISTING PG&E 12KV UTILITY DISTRIBUTION FACILITIES. INSTALL (N) MEDIUM VOLTAGE OVERHEAD DISTRIBUTION SYSTEM INDICATED ON PLANS. UTILITY METERING WILL BE ACCOMPLISHED USING POLE MOUNTED CURRENT TRANSFORMERS AND METER EQUIPMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COORDINATION WITH THE UTILITY TO INSURE UTILITY STANDARDS ARE MAINTAINED. UTILITY RESPONSIBILITY END AT THE METER POLE & FROM THAT POINT TO UTILIZATION EQUIPMENT WILL BE AN OWNER MAINTAINED FACILITIES.

PROJECT DATA

APPLICABLE CODES:

- CALIFORNIA G.O. 95-RULES FOR OVERHEAD ELECTRICAL LINE CONSTRUCTION.
- CALIFORNIA G.O. 128-CONSTRUCTION OF UNDER GROUND ELECTRIC SUPPLY & COMMUNICATION SYSTEMS.
- 2013 CALIFORNIA ELECTRICAL CODE.
- 2013 CBC.
- 2013 CALIFORNIA ENERGY CODE.
- 2013 CMC
- 2013 CPC

APPLICABLE STANDARDS:

- PG&E INTERCONNECTION HANDBOOK.
- PG&E CONSTRUCTION MANUAL ELECTRIC OVERHEAD.
- PG&E CONSTRUCTION MANUAL ELECTRIC UNDER GROUND.

SPECIAL INSPECTIONS

- SPECIAL INSPECTIONS FOR MEDIUM VOLTAGE ELECTRICAL INSTALLATIONS (OVER 600 VOLTS) PER THE PLANS AND SPECIFICATION AND THE PROJECT DATA APPLICABLE CODES.
- A WRITTEN RECORD OF ALL INSPECTIONS SHALL BE SUBMITTED TO THE COUNTY OF FRESNO, DEPARTMENT OF PUBLIC WORKS AND PLANNING.
  1. PROVIDE INSPECTION REPORT ON THE FOLLOWING:
  2. MOCK UP OF POLES AND ASSOCIATED ATTACHMENTS.
  3. MOCKUP OF CONDUCTOR TIES TO INSULATORS.
  4. INSTALLATION AND TESTING OF RE-CLOSER AND ASSOCIATED EQUIPMENT IN CONJUNCTION WITH PG&E TESTING.
  5. UTILITY INTERFACE EQUIPMENT, BE AVAILABLE TO MEET WITH THE UTILITY REPRESENTATIVE DURING COMMISSIONING OF THE SYSTEM.
  6. BE AVAILABLE TO ADDRESS COUNTY CONCERNS.
- PROJECT INCLUDES COSTS FOR SPECIAL INSPECTIONS AS PERFORMED BY THE FOLLOWING THIRD PARTY TESTING AGENCY:
  ELECTRICAL POWER SYSTEMS, INC.
  4049 N FRESNO ST
  FRESNO, CA 93726
  CONTACT JOE PREVENDAR

SHEET INDEX:

E1.0-SYMBOLS & ABBREVIATIONS, LOCATION MAP
E1.1-ELECTRICAL SPECIFICATION
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1 **LOCATION MAP**
NO SCALE

SYMBOLS AND ABBREVIATIONS

9 OCT. 08

SYMBOLS & ABBREVIATIONS SHOWN ARE FOR GENERAL USE DISREGARD THOSE WHICH DO NOT APPEAR ON THE PLANS

LIGHT FIXTURES

- INCAND. OR HID - WALL MOUNT
- SITE LIGHT - ARM MOUNTED ON POLE
- SITE LIGHT - GROUND, POST OR POLE MOUNTED
- EXIT LIGHT - ANY MOUNT SEE PLANS FOR MTG.
- EMERGENCY LIGHTING SET

SWITCHES

ALL SWITCHES 20A - 120/277V - U.O.N.
SWITCH MOUNTING = +48" U.O.N.

- $ S.P.S.T.
- $S SINGLE LOAD MOTION SENSOR SWITCH
- $D DOUBLE LOAD MOTION SENSOR SWITCH
- $M MOTOR RATED SWITCH
- EMERGENCY DISCONNECT PUSHBUTTON

OUTLETS

ALL RECEPTACLE OUTLETS 20A - 125V. - U.O.N.
OUTLET MOUNTING = +18" U.O.N.

- SINGLE RECEPTACLE - WALL MOUNT
- DUPLEX RECEPTACLE - WALL MOUNT
- 4-PLEX RECEPTACLE - WALL MOUNT
- DUPLEX RECEPTACLE-MOUNTED ABOVE COUNTER (VERIFY HEIGHT)
- SINGLE ISO. GND. RECEPT. - WALL MOUNT
- DUPLEX ISO. GND. RECEPT. - WALL MOUNT
- DUPLEX RECEPTACLE - WITH GROUND FAULT INTERRUPTER
- POWER OUTLET - SEE DWGS FOR THIS TYPES

CONDUIT/WIRING

- CONCEALED IN WALLS OR CEILING; OR EXPOSED WHEN SPECIFICALLY NOTED
- UNDER FLOOR SLABS OR UNDERGROUND
- HOMERUN TO PANEL, TERMINAL OR EQUIPMENT INDICATED
- CONDUIT STUB-OUT
- CONDUIT UP OR DOWN-AS NOTED
- —C— COMMON U.G. TRENCH
- —TV— TELEVISION SYSTEM
- —FA— FIRE ALARM SYSTEM
- —EM— EMERGENCY SYSTEM
- —G— GROUND SYSTEM
- —C— COMPUTER SYSTEM
- EXISTING CONDUIT/WIRING
- INDICATES (E) TO BE REMOVED

MISCELLANEOUS

- MOTOR CONNECTION
- FUSED DISCONNECT SWITCH-FUSED WITH DUAL-ELEMENT TIME DELAY FUSES, SIZED PER EQUIP. MFGR'S NAME PLATE DATA
- DISCONNECT SWITCH-NONFUSED U.O.N.
- MAGNETIC MOTOR STARTER
- COMBINATION MAG STARTER & FUSED DISCONNECT SWITCH
- GROUND ROD-DIRECT BURIED
- GROUND ROD-WITH ACCESSIBLE BOX
- FEEDER TAG
- EQUIP. ID TAG-SEE SHEET NOTES ON SAME SHEET WHERE SYMBOL APPEARS U.O.N.
- SHEET NOTE TAG
- TRANSFORMER PAD MOUNT OR DRY TYPE
- SWITCHGEAR OR MCC
- PANELBOARD - FLUSH MOUNTED
- PANELBOARD - SURFACE MOUNTED
- SPECIAL PURPOSE EQUIP., DEVICE, PANEL OR TERMINAL CABINET (F.A., LIGHTING CONTROL, ETC.) EQUIPMENT PARAMETERS INDICATED ON PLANS
- CONCRETE PULLBOX SIZE INDICATED ON PLANS
- +48" INDICATES MOUNTING HEIGHT TO CENTER OF DEVICE OR EQUIP. ABOVE FINISHED FLOOR.
- $b SUBSCRIPT LETTER INDICATES CONTROL
- 3 2 FIGURE INDICATES BRANCH CIRCUIT NUMBER

ABBREVIATIONS

A.F.G.	ABOVE FINISHED GRADE	(N)	NEW
ARCH.	ARCHITECT	NIC	NOT IN CONTRACT
B.C.	BARE COPPER	NL	NIGHT LIGHT
C.	CONDUIT	OFCI	OWNER FURNISHED CONTRACTOR INSTALLED EQUIPMENT
CEC	CALIFORNIA ELECTRICAL CODE	PH.	PHASE
CKT	CIRCUIT	P.O.C.	POINT OF CONNECTION
C.O.	CONDUIT ONLY	P/O	PART OF
CONC.	CONCRETE	SW	SWITCH
CONTR.	CONTRACTOR	SWBD	SWITCHBOARD
DISC.	DISCONNECT	T., TELE.	TELEPHONE
(E)	EXISTING	TERM.	TERMINAL
ELEC.	ELECTRICAL	TSP	TWISTED SHIELDED PAIR
EM	EMERGENCY	TV	TELEVISION
(F)	FUTURE	UG	UNDERGROUND
F.A.	FIRE ALARM	U.O.N.	UNLESS OTHERWISE NOTED
G, GND.	GROUND (ELEC)	WP	WEATHERPROOF
GFI	GROUND FAULT INTERRUPT	XFMR	TRANSFORMER
ISO GND.	ISOLATED GND.		
MECH.	MECHANICAL		
MCP	MOTOR CIRCUIT PROTECTOR		

PROJECT MANAGER:
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APPROVED
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(PHASE 1)

Revisions:

⚠ PLAN CHECK COMMENTS FEB. 13, 2017

Project Title:

POLE LINE & SUBSTATION

Project No:. Date: 12/12/16

Sheet Title:

SYMBOLS & ABBREVIATIONS, LOCATION MAP

Scale: AS NOTED

Sheet No:

E1.0

of Sheets

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ELECTRICAL SPECIFICATIONS

1. ALL WORK AND MATERIALS SHALL BE IN COMPLETE ACCORDANCE WITH THE 2013 CALIFORNIA ELECTRICAL CODE (C.E.C.) THE LATEST EDITION OF CAL/OSHA, AND ALL APPLICABLE LOCAL RULES AND REGULATIONS. OVERHEAD LINE WORK SHALL BE IN ACCORDANCE WITH CALIFORNIA GENERAL ORDER 95 (G.O. 95) AS A MINIMUM.

1.1 FURNISH LABOR AND MATERIAL AND INSTALL ELECTRICAL WORK COMPLETE AS SHOWN ON THE DRAWINGS. WORK SHALL INCLUDE ALL MATERIALS ON THE PLANS AND THAT WHICH IS NECESSARY TO MAKE A COMPLETE WORKING INSTALLATION OF THE ELECTRICAL SYSTEMS SHOWN OR DESCRIBED HEREIN.

1.2 DO ALL CUTTING, PATCHING, REPAIRING NECESSARY FOR THE PROPER INSTALLATION OF WORK AND REPAIR ANY DAMAGE DONE, COORDINATING THIS WORK WITH THAT OF OTHER CRAFTS.

CONTRACTOR SHALL BE HELD TO HAVE EXAMINED THE SITE AND COMPARED IT WITH THE SPECIFICATIONS AND PLANS AND TO HAVE SATISFIED HIMSELF AS TO THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED. HE SHALL BE HELD RESPONSIBLE FOR KNOWLEDGE OF ALL EXISTING CONDITIONS WHETHER OR NOT ACCURATELY DESCRIBED. NO SUBSEQUENT ALLOWANCE SHALL BE MADE FOR ANY EXTRA EXPENSE DUE TO FAILURE TO MAKE SUCH EXAMINATION.

1.4 CONTRACTOR SHALL MEET WITH THE OWNER IN THE FIELD TO LAY OUT EXACT LOCATIONS OF (N) ELECTRICAL INSTALLATION PRIOR TO START OF PROJECT. CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR SAID MEETING AND PROVIDE WRITTEN MEETING NOTES OF DISCUSSION FOR RECORD.

2. ALL EQUIPMENT AND MATERIALS SHALL BE INSTALLED IN A NEAT AND WORKMANLIKE MANNER. ALL MATERIALS SHALL BE NEW AND U.L. LISTED.

3. ELECTRICAL CONTRACTOR SHALL PROVIDE ALL NECESSARY FACILITIES FOR TEMPORARY CONSTRUCTION POWER. ENERGY COSTS SHALL BE PAID BY THE CONTRACTOR.

4. CONTRACTOR SHALL APPLY FOR AND PROCURE ALL LICENSES AND PERMITS NECESSARY FOR THE PROSECUTION AND COMPLETION OF ELECTRICAL WORK. THE OWNER SHALL PAY ALL FEES ASSOCIATED WITH LICENSES AND PERMITS. CONTRACTOR SHALL COORDINATE WITH OWNER TO PAY SAID FEES.

5. ELECTRICAL CONTRACTOR SHALL GUARANTEE ALL WORK AND MATERIALS INSTALLED UNDER THIS CONTRACT FOR A PERIOD OF ONE (1) YEAR FROM DATE OF ACCEPTANCE BY OWNER.

6. VERIFY EXISTING CONDITIONS IN FIELD AND MAKE ADJUSTMENTS AS REQUIRED TO SUIT SUCH CONDITIONS.

7. ALL WORK REQUIRING INTERRUPTION OF EXISTING CIRCUITS, USE OF OWNER'S FACILITIES, OR DISRUPTION OR INTERRUPTION OF ONGOING OWNER ACTIVITIES SHALL BE COORDINATED WITH THE OWNER. AT LEAST 7 DAYS PRIOR TO PLANNED INTERRUPTION.

8. AS-BUILTS: SUBMIT TO THE OWNER ONE (1) MARKED UP PRINT OF "AS-BUILT" CONDITIONS OF ALL WORK UNDER THIS SECTION. CONTRACTOR SHALL COORDINATE WITH ENGINEER OF RECORD TO PRODUCE CORRECTED ELECTRONIC COPY OF AS-BUILT CONDITIONS.

9. SAFETY PRECAUTIONS: PROVIDE AND MAINTAIN THROUGHOUT THE WORK ADEQUATE SAFEGUARDS INCLUDING BARRIERS, WARNING SIGNS, ENCLOSURES AND LIGHTS, TO PREVENT ACCIDENTAL INJURY TO PERSON OR DAMAGE TO PROPERTY.

10. PROTECTION: PROTECT ALL WORK, MATERIALS AND EQUIPMENT FROM DAMAGE FROM ANY CAUSE WHATSOEVER AND PROVIDE ADEQUATE AND PROPER STORAGE FACILITIES DURING THE PROGRESS OF THE WORK. PROVIDE FOR THE SAFETY AND GOOD CONDITION OF ALL WORK UNTIL FINAL ACCEPTANCE OF WORK BY THE OWNER, AND REPLACE ALL DAMAGED OR DEFECTIVE WORK, MATERIALS, AND EQUIPMENT BEFORE REQUESTING FINAL ACCEPTANCE.

11. DRAWINGS: THE GENERAL ARRANGEMENT OF EQUIPMENT AND MATERIALS, AS SHOWN ON THE PLANS, IS DIAGRAMMATIC AND APPROXIMATELY CORRECT, WHERE MINOR CHANGES ARE REQUIRED BECAUSE OF FIELD CONDITIONS OR FOR THE CONVENIENCE OF THE OWNER SUCH CHANGES SHALL BE MADE WITHOUT ADDITIONAL EXPENSE TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURATE AND PROPER INSTALLATION OF ALL EQUIPMENT, MATERIALS, ETC., NO EXTRAS WILL BE ALLOWED ON ACCOUNT OF MINOR ADJUSTMENTS TO THE WORK TO ACCOMMODATE PROPER MEANS & METHODS OF CONSTRUCTION.

12. SUBMITTALS: CONTRACTOR SHALL SUBMIT A COMPLETE LIST OF ALL PROPOSED MATERIALS AND EQUIPMENT WITHIN 15 DAYS OF AWARD OF CONTRACT. CONTRACTOR SHALL MAKE NO SUBSTITUTIONS OF MATERIALS OR EQUIPMENT WITHOUT WRITTEN APPROVAL OF THE OWNER. ALL DIMENSIONAL OR ELECTRICAL CHANGES, OR CHANGES TO OTHER WORK WHICH ARE REQUIRED BY, OR ARE A RESULT OF, AN ACCEPTABLE ELECTRICAL SUBSTITUTION SHALL BE THE SOLE AND COMPLETE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR AND SHALL BE MADE AT NO ADDITIONAL COST TO THE OWNER.

13. INSPECTION: ALL WORK AND MATERIALS COVERED BY THIS SPECIFICATION SHALL BE SUBJECT TO INSPECTION AT ANY AND ALL TIMES BY REPRESENTATIVES OF THE OWNER. WORK SHALL NOT BE CLOSED IN OR COVERED BEFORE INSPECTION AND APPROVAL BY THE OWNER OR HIS REPRESENTATIVE. ANY MATERIAL FOUND NOT CONFORMING WITH THESE SPECIFICATIONS SHALL, WITHIN 3 DAYS AFTER BEING NOTIFIED BY THE OWNER, BE REMOVED FROM PREMISES; IF SAID MATERIAL HAS BEEN INSTALLED, ENTIRE EXPENSE OF REMOVING AND REPLACING SAME, INCLUDING ANY CUTTING AND PATCHING THAT MAY BE NECESSARY, SHALL BE BORNE BY THIS CONTRACTOR.

14. TESTS: UPON COMPLETION OF WORK AND ADJUSTMENT OF ALL EQUIPMENT, ALL SYSTEMS SHALL BE TESTED UNDER THE DIRECTION OF THE OWNER TO DEMONSTRATE THAT ALL EQUIPMENT FUNCTIONS ELECTRICALLY IN THE MANNER REQUIRED. ALL SYSTEMS SHALL TEST FREE FROM SHORT CIRCUITS AND GROUNDS AND SHALL BE FREE FROM MECHANICAL AND ELECTRICAL DEFECTS. ALL CIRCUITS SHALL BE TESTED FOR PROPER NEUTRAL CONNECTIONS. CONTRACTOR SHALL REMOVE AND REPLACE ALL DEFECTIVE WORKMANSHIP AND/OR MATERIALS AT NO EXPENSE TO OWNER.

15. CLEANUP: AT COMPLETION OF WORK, THIS CONTRACTOR SHALL CLEAN UP AND REMOVE ALL DEBRIS AND MATERIALS NOT INSTALLED IN WORK, LEAVING PREMISES CLEAN.

16. CONDUCTORS; (LOW VOLTAGE)

16.1 CONDUCTORS SHALL BE INSULATED COPPER, NO. 12 AWG MINIMUM SIZE, THHN/THWN, SOLID OR STRANDED (EXCEPT FOR LOW VOLTAGE WIRING AND WHERE SPECIFICALLY NOTED OTHERWISE ON THE PLAN)

ALL CONDUCTORS NO. 8 AND LARGER SHALL BE STRANDED.

16.2 WIRE COLOR CODE SHALL BE AS FOLLOWS:

	120/240V
A PHASE -	BLACK
B PHASE -	RED
C PHASE -	-
NEUTRAL -	WHITE
GROUND -	GREEN

16.3 FOR CONDUCTORS NO. 6 AND LARGER, INSULATION COLOR MAY BE BLACK WITH TAPE BANDS (COLORED PER ABOVE) LOCATED AT EACH END OF THE CONDUCTOR RUN AND AT ALL OTHER LOCATIONS REQUIRED BY THE C.E.C.

16.4 ALL CONDUCTORS SHALL BE RUN IN APPROVED RACEWAY U.O.N.

17. CONDUIT AND WIREWAYS:

17.1 ALL CONDUITS SHALL BE U.L. LISTED AND BEAR THE LABEL OF THE NATIONAL BOARD OF FIRE UNDERWRITERS. PROVIDE LONG RADIUS SWEEPS (36" RADIUS MINIMUM) FOR ALL CONDUITS 2" OR GREATER IN DIAMETER. NO CONDUIT RUN SHALL EXCEED 360° IN BENDS; WHERE MORE THAN 360° IN BENDS MAY BE EXCEEDED PROVIDE & INSTALL A CODE COMPLIANT PULLBOX.

17.2 RIGID NONMETALLIC CONDUIT: SCHEDULE 40 PVC PLASTIC FOR UNDERGROUND OR UNDER SLAB INSTALLATIONS OR WHERE CALLED FOR ON THE PLANS RATED 90 DEGREES C. WITH GLUE-ON PVC COUPLINGS AND FACTORY MADE ELBOWS AND SWEEPS; CARLON "PLUS 40".

RIGID STEEL CONDUIT (GRS): HOT-DIPPED GALVANIZED WITH THREADED ONE-PIECE COUPLINGS AND FACTORY MADE ELBOWS. NIPPLES THROUGH 12" IN LENGTH SHALL BE FACTORY MADE. CONNECTORS THREADED TYPE WITH BONDING LOCKNUT, INSULATED THROAT AND NEOPRENE O-RING. PROVIDE GRS FOR OUTDOOR INSTALLATIONS EXPOSED TO WEATHER OR WHERE CALLED FOR ON THE PLANS.

17.4 NO ELECTRICAL CONDUITS SHALL BE COVERED BEFORE INSPECTION AND APPROVAL BY THE OWNER. CONTRACTOR SHALL NOTIFY OWNER THAT CONDUITS ARE READY FOR INSPECTION PRIOR TO INSTALLATION OF CONDUCTORS.

17.5 CONDUITS SHALL BE INSTALLED IN A RIGID AND SATISFACTORY MANNER WITH SUPPORT SPACED NOT MORE THAN 8 FEET APART FOR STEEL CONDUITS. CONDUITS SHALL BE INSTALLED TO BOXES WITH LOCKNUTS AND BY BUSHING OR OTHER APPROVED DEVICES. CONDUITS SHALL BE JOINED BY APPROVED CONDUIT COUPLINGS AND SHALL HAVE ENDS BUTTED IN ALL CASES WHERE COUPLINGS ARE USED. CONDUITS SHALL BE TIGHTLY CORKED AND OTHERWISE WELL PROTECTED DURING CONSTRUCTION AND BLOWN OUT AND SWABBED BEFORE WIRES ARE PULLED. REAM ALL CONDUITS ENDS AFTER CUTTING. BENDS SHALL BE MADE WITH STANDARD CONDUIT ELBOWS OR CONDUIT BENT TO NOT LESS THAN SAME RADIUS. ALL BENDS SHALL BE FREE FROM DENTS OR FLATTENING.

17.6 PVC CONDUITS: MAKE COUPLINGS AND CONNECTORS WATERTIGHT IN ALL RUNS. UTILIZE SOLVENT CEMENT OF TYPE APPROVED BY CONDUIT MANUFACTURER. PROVIDE ADAPTERS AND LOCKNUTS WHERE CONDUIT IS ATTACHED TO METAL BOXES AND PANELS.

17.7 RACEWAY RUNS SHOWN ON DRAWINGS ARE DIAGRAMMATIC UNLESS SPECIFICALLY DIMENSIONED. DETERMINE EXACT LOCATIONS OF ALL UNDIMENSIONED RACEWAY RUNS IN FIELD.

18. GROUNDING: ALL DEVICES, FIXTURES, RACEWAY, EQUIPMENT ETC. SHALL BE GROUNDED VIA A GROUNDING CONDUCTOR RUN THROUGH THE RACEWAY OR CABLE. WIRING DEVICES SHALL BE GROUNDED THROUGH A COPPER WIRE, SIZED TO COMPLY WITH CODES. A GROUNDING CONDUCTOR SIZED TO COMPLY WITH CODES SHALL BE INSTALLED IN ALL CONDUITS AND CABLES.

18.1 U.O.N. GROUND RODS SHALL BE COPPER OR COPPER-CLAD STEEL; 3/4" DIAMETER (MIN.); PROVIDE MINIMUM 8 FOOT LONG RODS WHERE DIRECT BURIED (NON-ACCESSIBLE) AND MINIMUM 10 FOOT LONG RODS WHERE INSTALLED IN GROUND WELLS OR OTHER ACCESSIBLE LOCATIONS.

19. MEDIUM VOLTAGE SYSTEM

GENERAL REQUIREMENTS FOR WORK RELATED TO THE PROVISION AND INSTALLATION OF MEDIUM VOLTAGE DISTRIBUTION EQUIPMENT AND CABLING.

SPECIAL REQUIREMENTS:

A. THE MEDIUM VOLTAGE SYSTEM SHALL BE 15KV RATED MINIMUM THRUOUGHOUT.

B. ALL MEDIUM VOLTAGE WORK SHALL BE PERFORMED BY QUALIFIED PERSONS WITH A MINIMUM OF FIVE YEARS EXPERINCE IN INSTALLING, WORKING ON AND REPAIRING ELECTRICAL SYSTEMS OPERATING AT VOLTAGES OF UP TO 25,000 VOLTS.

C. MEDIUM VOLTAGE CABLE TERMINATIONS AND SPLICES SHALL BE MADE ONLY BY QUALIFIED CABLE SPLICERS WITH A MINIMUM OF FIVE YEARS EXPERIENCE IN PREFORMING TERMINATIONS AND SPLICES OF THE TYPES USED ON THIS PROJECT.

20. MEDIUM VOLTAGE OVERHEAD CONDUCTORS

ACSR BARE ALUMINUM CONDUCTOR MEETS THE FOLLOWING ASTM SPECIFICATIONS:
- B230 ALUMINUM 1350-H19 WIRE FOR ELECTRICAL PURPOSES.
- B232 CONCENTRIC-LAY-STRANDED ALUMINUM CONDUCTORS, COATED-STEEL REINFORCED (ACSR).
- B498 ZINC-COATED (GALVANIZED) STEEL CORE WIRE FOR USE IN OVERHEAD ELECTRICAL CONDUCTORS.
- B500 METALLIC COATED STRANDED STEEL CORE FOR USE IN OVERHEAD ELECTRICAL CONDUCTORS.

CONDUCTOR CONSTRUCTION:
- ALUMINUM 1350-H19 WIRES, CONCENTRICALLY STRANDED ABOUT A STEEL CORE. STANDARD CORE WIRE IS CLASS A GALVANIZED.
- CLASS A CORE STRANDING IS ALSO AVAILABLE IN ZINC-5% ALUMINUM-MISCHMETAL ALLOY COATING.
- SOUTHWIRE ACSR OR APPROVED EQUAL. PROVIDE PRODUCT SUBMITTAL.

21. POLES:

A. POLE CLASS AND DIMENSIONS AS NOTED ON THE CONSTRUCTION DRAWINGS. ALL POLES SHALL BE GRADE "A" OR BETTER.

B. POLES SHALL BE DOUGLAS FIR FULL TREATED PENTACHLOROPHENOL OR APPROVED EQUAL.

C. U.O.N. AVERAGE SPAN BETWEEN POLES APPROXIMATELY 190'; PLACEMENT OF POLES BETWEEN 150' TO 220' IS PERMISSIBLE DO TO FIELD CONDITIONS.

D. GUYING; POWER INSTALLED SCREW ANCHOR 10" DIAMETER MINIMUM; 3/8" DIAMETER GALVANIZED STEEL CABLE, UTILITY GRADE.

E. POLE SHALL BE LOCATED AS INDICATED ON THE PLANS. MAINTAIN MINIMUM 10' FROM ROADWAYS; COORDINATE EXACT LOCATION WITH OWNER.

F. PRIOR TO POLE INSTALLATION LAYOUT AND MARK EXACT POLE LOCATION ON THE PLAN & IN THE FIELD; THE OWNER SHALL PROVIDE WRITTEN ACCEPTANCE OF THE POLE LAYOUT PRIOR TO BEGINNING POLE INSTALLATION.

22. RECLOSER:

RECLOSER WITH POLE MOUNTING BRACKET; COOPER KYLE TYPE NOVA, 3Ø ELECTRONICALLY CONTROLLED; VACUUM INTERRUPTING AUTOMATIC CIRCUIT RECLOSER; 15KV, WITH FORM 6 MICROPROCESSOR-BASE RECLOSER CONTROL MOUNTED TO POLE; FORM 6 CONTROLLER WITH A 13 AMP-HOUR 24 VDC LEAD ACID BACK-UP BATTERY AND INTERNAL BATTERY CHARGER; PROVIDE RECLOSER WITH RECLOSER FRAME MOUNTED POTENTIAL TRANSFORMER 12KV PRIMARY - 120V SECONDARY; 1KVA; OIL INSULATED; 2 PRIMARY BUSHINGS; 2 SECONDARY EYEBOLT BUSHINGS. 125KV BIL; 12.5 KILO AMPS SHORT CIRCUIT SYMMETRICAL.

23. SUBMITTALS:

A. PROVIDE MANUFACTURE SUBMITTALS FOR EQUIPMENT AS FOLLOWS:

1. CONDUCTORS.
2. POLES.
3. GUYING HARDWARE (CABLING, ANCHORS. ETC)
4. SWITCHES.
5. CUT-OUTS.
6. INSULATORS (INCLUDING PINS AND FIBERGLASS EXTENSIONS).
7. CABLE SPLICING HARDWARE.
8. POLE CROSS ARMS.
9. GROUND RODS.
10. CONDUITS.
11. METERING EQUIPMENT THAT IS PROVIDED BY THE CONTRACTOR WITH PG&E APPROVED LAYOUT DRAWINGS.

24. OFCI EQUIPMENT SHALL BE AVAILABLE ON SITE TO THE CONTRACTOR; PRIOR TO BEGINNING OFCI EQUIPMENT INSTALLATION THE CONTRACTOR SHALL INSPECT EQUIPMENT FOR DAMAGE & PROVIDE WRITTEN ACCEPTANCE OR REJECTION OF EQUIPMENT, IF REJECTED THEN OWNER SHALL CORRECT ANY DISCREPANCIES TO INSURE EQUIPMENT IS LIKE NEW; ONCE OFCI EQUIPMENT IS ACCEPTED THEN THE CONTRACTOR IS RESPONSIBLE FOR SAID EQUIPMENT. CONTRACTOR SHALL MOVE EQUIPMENT FROM THE ONSITE STORAGE LOCATION TO THE POINT OF INSTALLATION AND INSTALL PER THE CONTRACT DOCUMENTS; OFCI EQUIPMENT IS SPECIFIED AS REFERENCE FOR THE CONTRACTOR RELATIVE TO INSPECTION AND ACCEPTANCE AS WELL AS AN INSTALLATION AID; SEE PLANS FOR OFCI EQUIPMENT.

25. THIRD PARTY TESTING:
PROVIDE INDEPENDENT THIRD PARTY TESTING OF THE INSTALLED POWER SYSTEM. TESTING SHALL BE DONE TO CONFIRM THAT INTERFACE WITH THE UTILITY OPERATES PER THE PLANS AND SPECIFICATIONS AND IS COMPATIBLE WITH PG&E REQUIREMENTS. THE OUTCOME OF THE TESTING WILL BE A WRITTEN REPORT OF THE TEST PROCEDURE AND THE TEST RESULTS. COMPLETE ANY PG&E DOCUMENTATION OF TEST RESULTS AND COORDINATE WITH PG&E FOR THEIR INSPECTION AND CONFIRMATION TESTING. ALLOW A MINIMUM OF 10 WORKING DAYS FOR PG&E INSPECTION AND CONFIRMATION TESTING. SUBMIT A COMPLETE TEST PROCEDURE FOR APPROVAL PRIOR TO BEGINNING THE CONSTRUCTION OF THIS PROJECT.

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(PHASE 1)

Revisions:

1 PLAN CHECK COMMENTS FEB. 13, 2017

Project Title:

POLE LINE & SUBSTATION

Project No:. Date: 12/12/16

Sheet Title:

ELECTRICAL SPECIFICATION

Scale: AS NOTED

Sheet No:

E1.1

of Sheets

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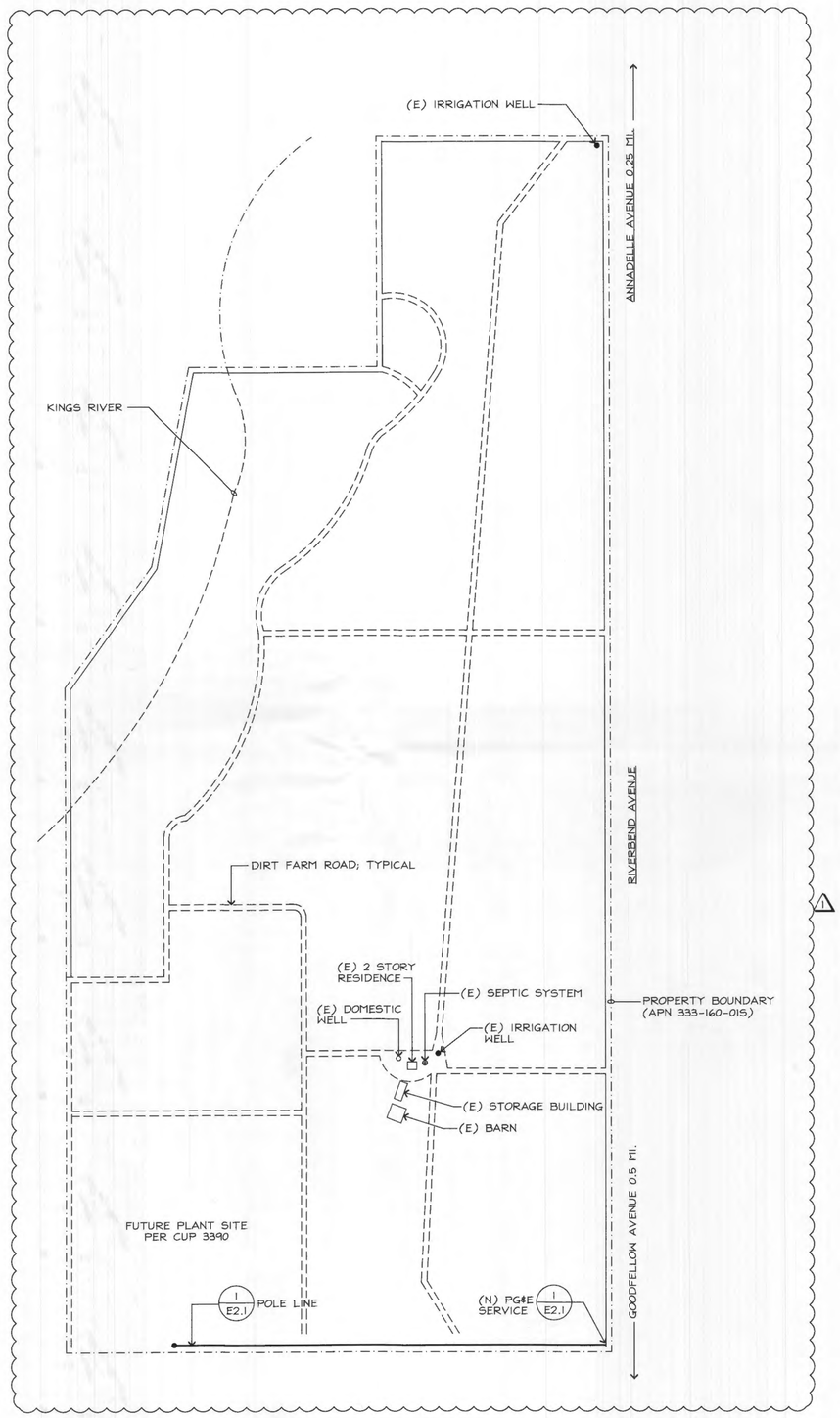

1 **SITE PLAN**
1"=400'-0"

THIS SITE PLAN CONFORMS TO MINIMUM FRESNO COUNTY ZONING STANDARDS AND SETBACKS. ANY DEVIATION FROM THIS PLAN WILL REQUIRE SUBMISSION OF A NEW SITE PLAN FOR REVIEW AND APPROVAL.
BY: DATE: 3/13/17

APPROVED
FOR PERMIT
BY: DATE: 3/13/17

APPROVED
MAR 13 2017
DEVELOPMENT SERVICES

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RIVERBEND SAND & GRAVEL
3677 SOUTH RIVERBEND
SANGER, CA 93657

(PHASE 1)

Revisions:
1 PLAN CHECK COMMENTS FEB. 13, 2017

Project Title:

POLE LINE & SUBSTATION

Project No:. Date: 12/12/16
Sheet Title:

SITE PLAN

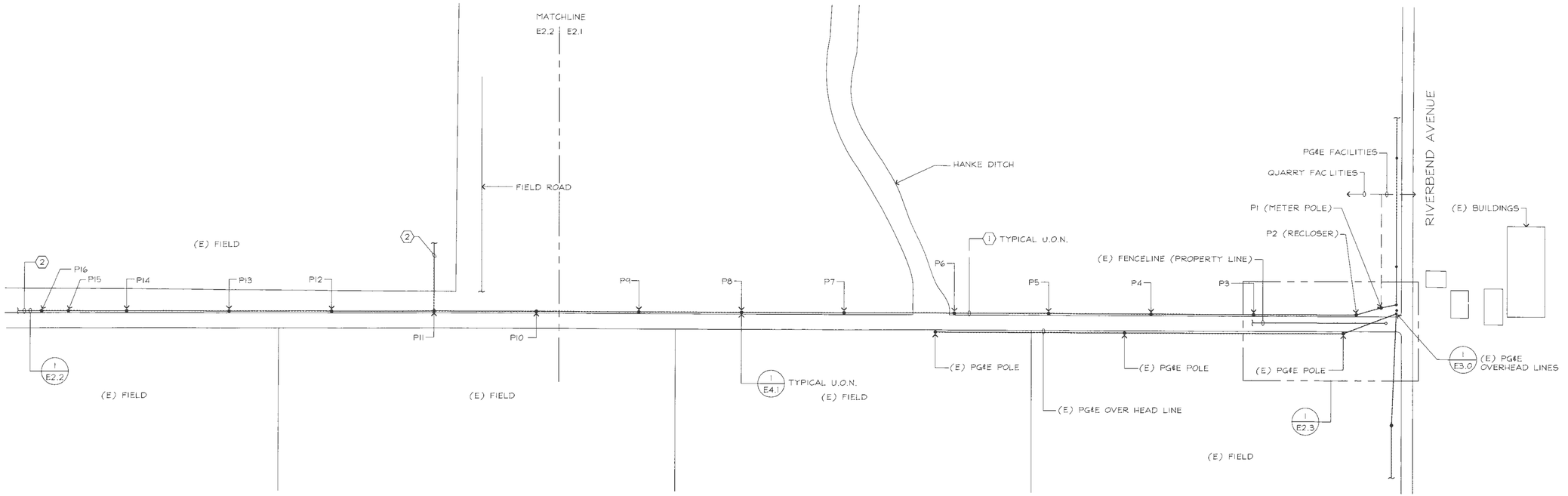
Scale: AS NOTED
Sheet No:

E2.0

of ' Sheets '

SHEET NOTES

1. SEE SINGLE LINE DIAGRAM 1/E3.0 FOR CONDUCTOR REQUIREMENTS.
2. (F) OVERHEAD LINE EXTENSION.



1 **PARTIAL SITE PLAN**
1"=100'-0"

100' 50' 0 100' 200'
1"=100'-0"

NORTH

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Fe Project No. 15002.00

REGISTERED PROFESSIONAL ENGINEER
THOMAS E. PINKERTON
No. 014906
EXP. 30 JUNE 17
ELECTRICAL
STATE OF CALIFORNIA

Facility:

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& GRAVEL
3677 SOUTH RIVERBEND
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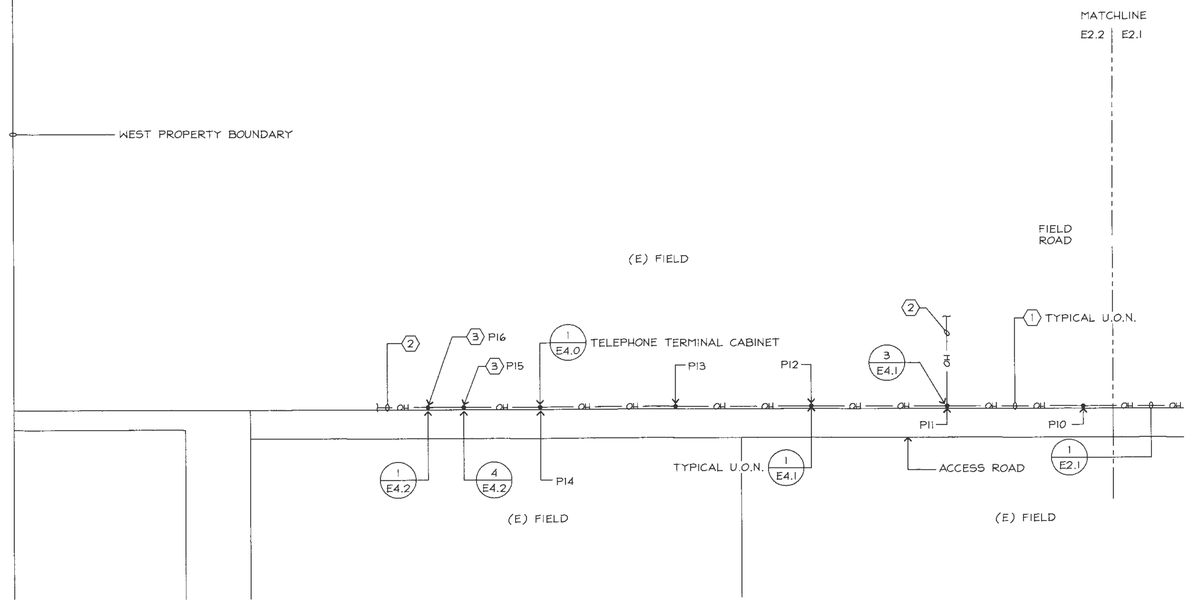
SHEET NOTES

1. SEE SINGLE LINE DIAGRAM FOR CONDUCTOR REQUIREMENTS.
2. (F) OVERHEAD LINE EXTENSION.
3. (F) SUBSTATION RISER LOCATION.

FUTURE PLANT SITE
PER CUP 3390



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1"=100'-0"

100' 50' 0 100' 200'
1"=100'-0"

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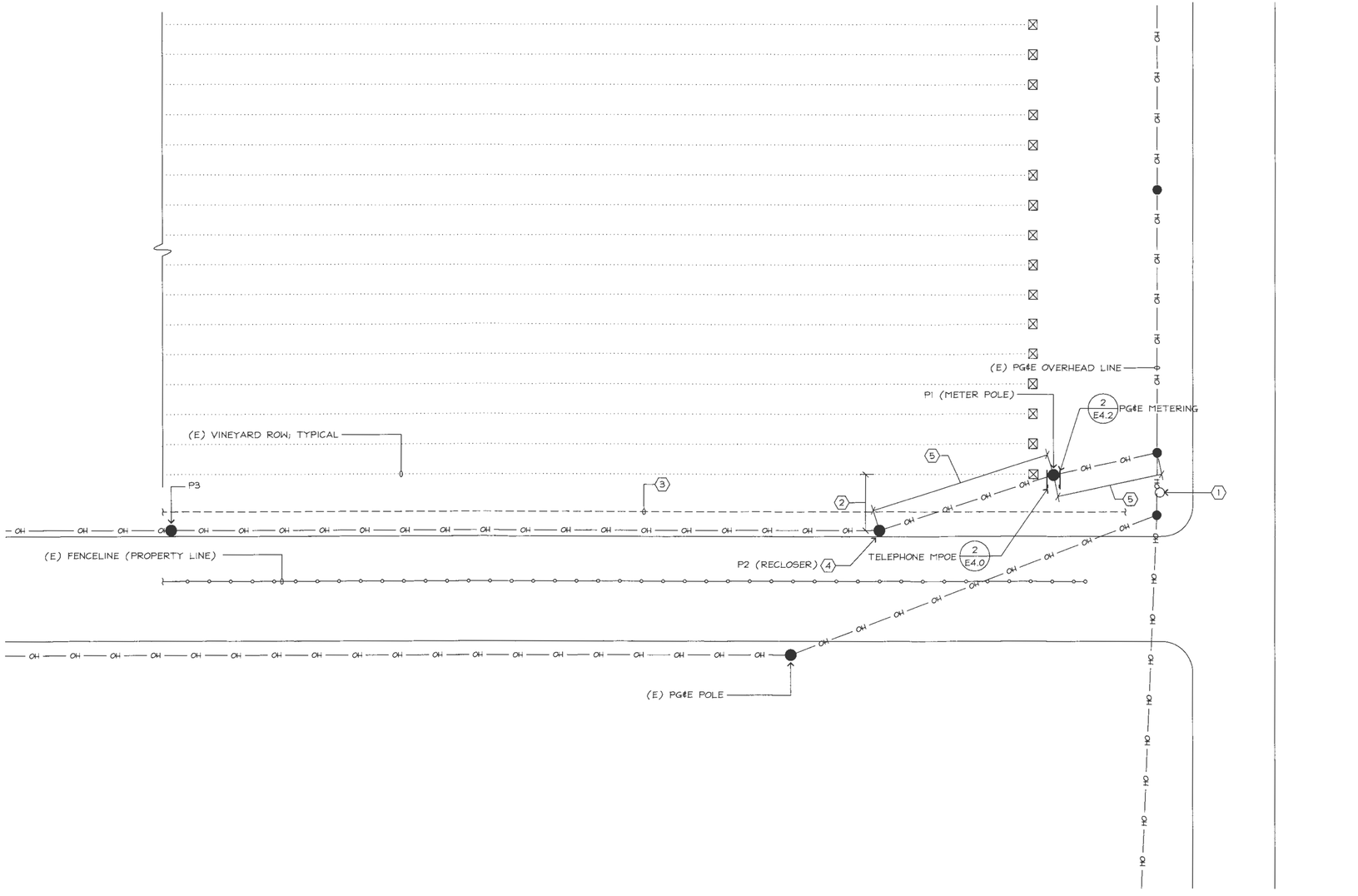
SHEET NOTES

1. (E) TELEPHONE POLE NOT PART OF PG&E OVERHEAD LINES.
2. MAINTAIN MINIMUM OF 8' FROM FACE OF POLE TO VINEYARD ROW.
3. (E) 18" UNDERGROUND WATER LINE; BURIED APPROXIMATELY 24".
4. U.O.N. PROVIDE & INSTALL RECLOSER PER DETAIL 2/E4.1; CONTRACTOR IS RESPONSIBLE FOR A COMPLETE INSTALLATION PER THE DETAIL AND SHALL COORDINATE WITH THE OWNER FOR OFCI AS DETAILED.
5. MAINTAIN MAXIMUM 50' BETWEEN POLES; COORDINATE WITH UTILITY.



1 **PARTIAL SITE PLAN**
1/16"=1'-0"

16' 8' 0 16' 32'
1/16"=1'-0"
NORTH

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GENERAL SINGLE LINE NOTES

A. ALL ELECTRICAL SHOWN IS NEW, U.O.N.

B. ALL CIRCUIT BREAKERS ARE 3-POLE, U.O.N.

C. VOLTAGE DESIGNATIONS: (U.O.N.)
240-1 = 240/120V-1PH-3WIRE
480-1 = 480V-1PH-2WIRE
208Y = 208/120V-3PH-4 WIRE
480Y = 480/277V-3PH-4 WIRE
480Δ = 480V-3PH-3 WIRE
4160Y = 2400/4160V-3PH-4 WIRE
12KVΔ= 12.KV-3PH-3 WIRE

D. "KA" AT CIRCUIT BREAKERS DENOTES MINIMUM REQUIRED INTERRUPTING CAPACITY IN AMPS (x 1000).

E. SPD AT BREAKER DENOTES: PROVIDE MOUNTING SPACE & HARDWARE FOR FUTURE 3-POLE BREAKER OF RATINGS INDICATED.

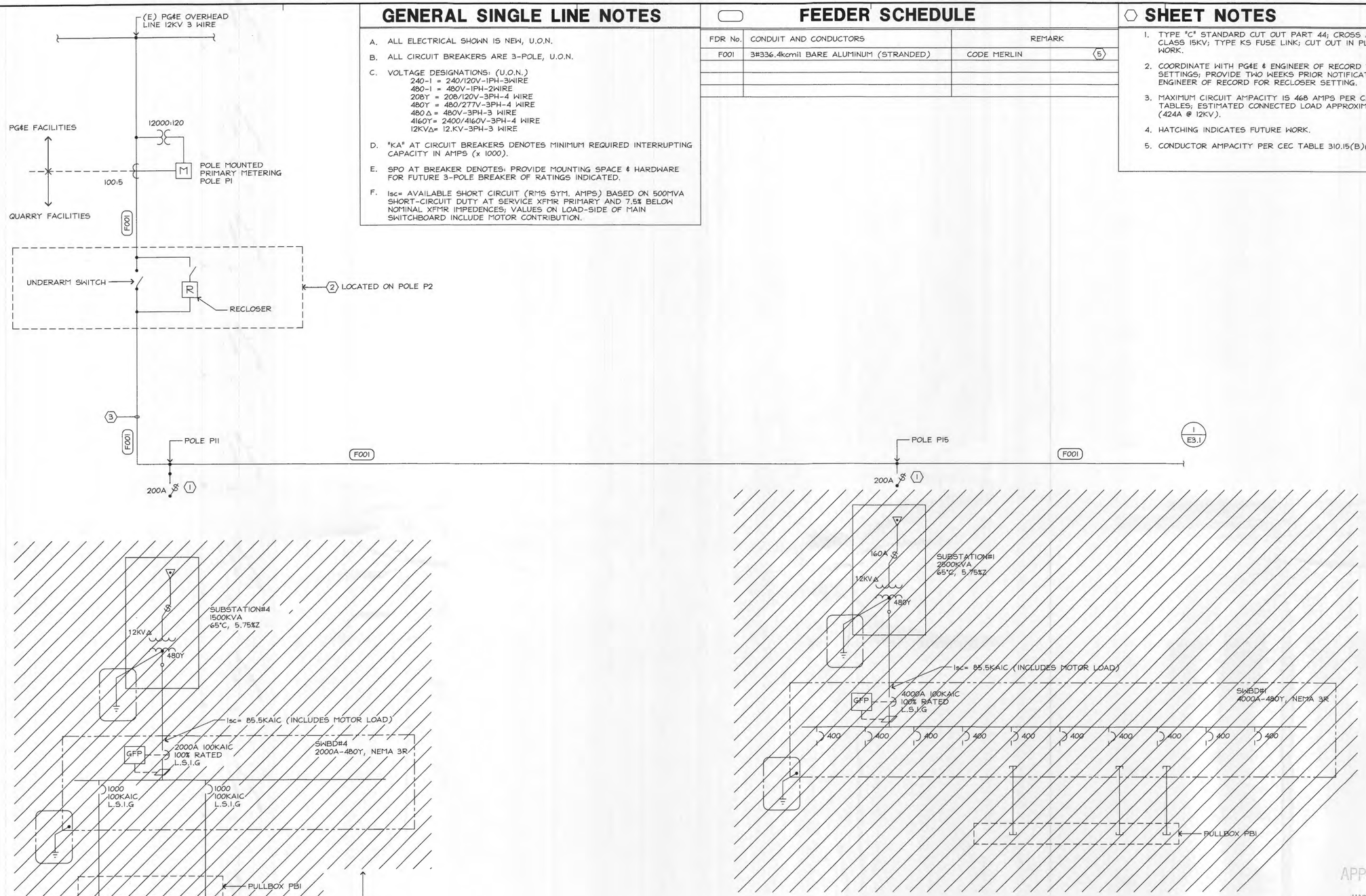
F. Isc= AVAILABLE SHORT CIRCUIT (RMS SYM. AMPS) BASED ON 500MVA SHORT-CIRCUIT DUTY AT SERVICE XFMR PRIMARY AND 7.5% BELOW NOMINAL XFMR IMPEDENCES; VALUES ON LOAD-SIDE OF MAIN SWITCHBOARD INCLUDE MOTOR CONTRIBUTION.

FEEDER SCHEDULE

FDR No.	CONDUIT AND CONDUCTORS	REMARK
F001	3#336.4kcmil BARE ALUMINUM (STRANDED)	CODE MERLIN (5)

SHEET NOTES

1. TYPE "C" STANDARD CUT OUT PART 44; CROSS ARM MOUNTED, 200A CLASS 15KV; TYPE K5 FUSE LINK; CUT OUT IN PLACE FOR FUTURE WORK.
2. COORDINATE WITH PG&E & ENGINEER OF RECORD TO SET RECLOSER SETTINGS; PROVIDE TWO WEEKS PRIOR NOTIFICATION TO PG&E & ENGINEER OF RECORD FOR RECLOSER SETTING.
3. MAXIMUM CIRCUIT AMPACITY IS 468 AMPS PER CEC AMPACITY TABLES; ESTIMATED CONNECTED LOAD APPROXIMATELY 8796 KVA (424A @ 12KV).
4. HATCHING INDICATES FUTURE WORK.
5. CONDUCTOR AMPACITY PER CEC TABLE 310.15(B)(21).



1 **SINGLE LINE DIAGRAM**
NO SCALE

APPROVED
MAR 13 2017
DEVELOPMENT SERVICES

APPROVED
FOR PERMIT

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Consulting Electrical Engineers

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SHEET NOTES

1. TYPE "C" STANDARD CUT OUT PART 44; CROSS ARM MOUNTED, 200A CLASS 15KV; TYPE KS FUSE LINK; CUT OUT IN PLACE FOR FUTURE WORK.
2. (F) OVERHEAD LINE EXTENSION.
3. HATCHING INDICATES FUTURE WORK.

1 **SINGLE LINE DIAGRAM**
NO SCALE

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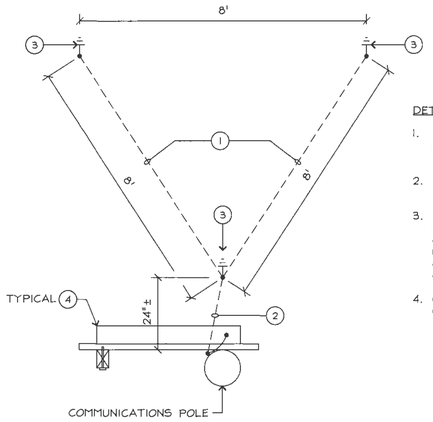


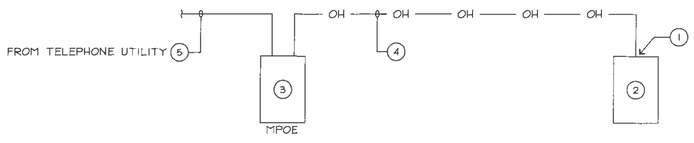
DETAIL NOTES:

1. AWG #6 SOLID COPPER WIRE BURIED MINIMUM 12" BELOW FINISHED GRADE.
2. AWG #6 TO GROUND TELEPHONE MPOE; COORDINATE WITH UTILITY.
3. GROUND ROD; DIRECT BURY DRIVEN TO 12" BELOW FINISHED GRADE; PROVIDE WITH PHONE UTILITY APPROVED GROUND CONNECTOR CONTRACTOR SHALL COORDINATE.
4. CONCEPTUAL DRAWING; COORDINATE EXACT REQUIREMENTS WITH UTILITY PRIOR TO INSTALLATION.

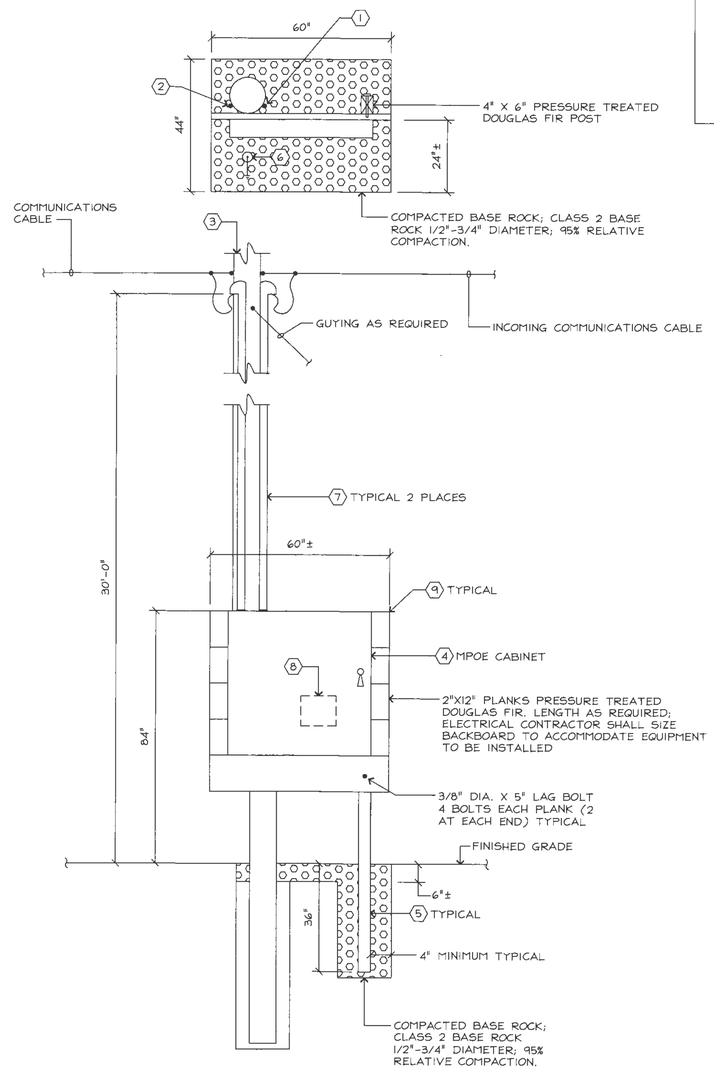
3 TELEPHONE GROUNDING
NO SCALE

DETAIL NOTES:

1. OVERHEAD TRANSITION; ROUTE CABLE DOWN POLE IN ADEQUATELY SIZED PVC-MOLD RISER.
2. TELEPHONE TERMINAL CABINET; STAINLESS STEEL EQUIPMENT CABINET; WITH LOCKING CABINET DOOR HANDLE; NEMA 4X; APPROXIMATELY 36" WIDE X 48" TALL X 12" DEEP; PROVIDE & INSTALL 25 PAIR PUNCH DOWN BLOCK AND TERMINATE CABLE; OWNER'S COMMUNICATION VENDOR SHALL INSTALL PREMISE WIRING.
3. MPOE CABINET; SEE DETAIL 2/E4.0.
4. OVERHEAD/UNDERGROUND CABLE; 25 TWISTED PAIRS; SOLID ANNEALED COPPER AWG #22; JELLY FILLED CABLE (80°C ETPR COMPOUND); OVERALL ALUMINUM SHIELD; EXTRA HIGH STRENGTH GALVANIZED STEEL MESSENGER; SUPERIOR ESSEX CABLE "SEALPIC-FSF-84".
5. TELEPHONE SERVICE APPLICATION BY OWNER; COORDINATE EXACT SERVICE REQUIREMENTS WITH TELEPHONE COMPANY PRIOR TO BEGINNING INSTALLATION. SEE DETAIL 2/E4.0.



1 TELEPHONE SYSTEM RISER DIAGRAM
NO SCALE



2 COMMUNICATIONS POLE AND TELEPHONE MPOE
NO SCALE

SHEET NOTES

1. INCOMING TELEPHONE UTILITY RISER; SEE DETAIL 1/E4.0.
2. OUTGOING TELEPHONE RISER; SEE DETAIL 1/E4.0.
3. PG&E METER POLE; SEE DETAIL 2/E4.2.
4. STAINLESS STEEL EQUIPMENT CABINET; WITH LOCKING CABINET DOOR HANDLE; NEMA 4X; APPROXIMATELY 48" WIDE X 48" TALL X 12" DEEP; PROVIDE WITH 48" X 48" X 3/4"± PLYWOOD BACKBOARD; COORDINATE EXACT REQUIREMENTS WITH PHONE COMPANY PRIOR TO PURCHASE; TELEPHONE MPOE.
5. PRESSURE TREATED WOOD SHALL USE A CALIFORNIA ACCEPTED ENVIRONMENTALLY SAFE WOOD PRESERVATIVE (COPPER NAPHTHENATE OR EQUAL).
6. GROUND BED PER TELEPHONE UTILITY REQUIREMENTS; COORDINATE WITH UTILITY; SEE DETAIL 3/E4.0.
7. COMMUNICATIONS RISER WITH WEATHERHEAD; 4" PVC; COORDINATE WITH UTILITY FOR SERVICE REQUIREMENTS.
8. TELEPHONE TERMINATION PROVIDED & INSTALLED BY TELEPHONE UTILITY.
9. CONCEPTUAL DRAWING; COORDINATE EXACT REQUIREMENTS WITH UTILITY PRIOR TO INSTALLATION.

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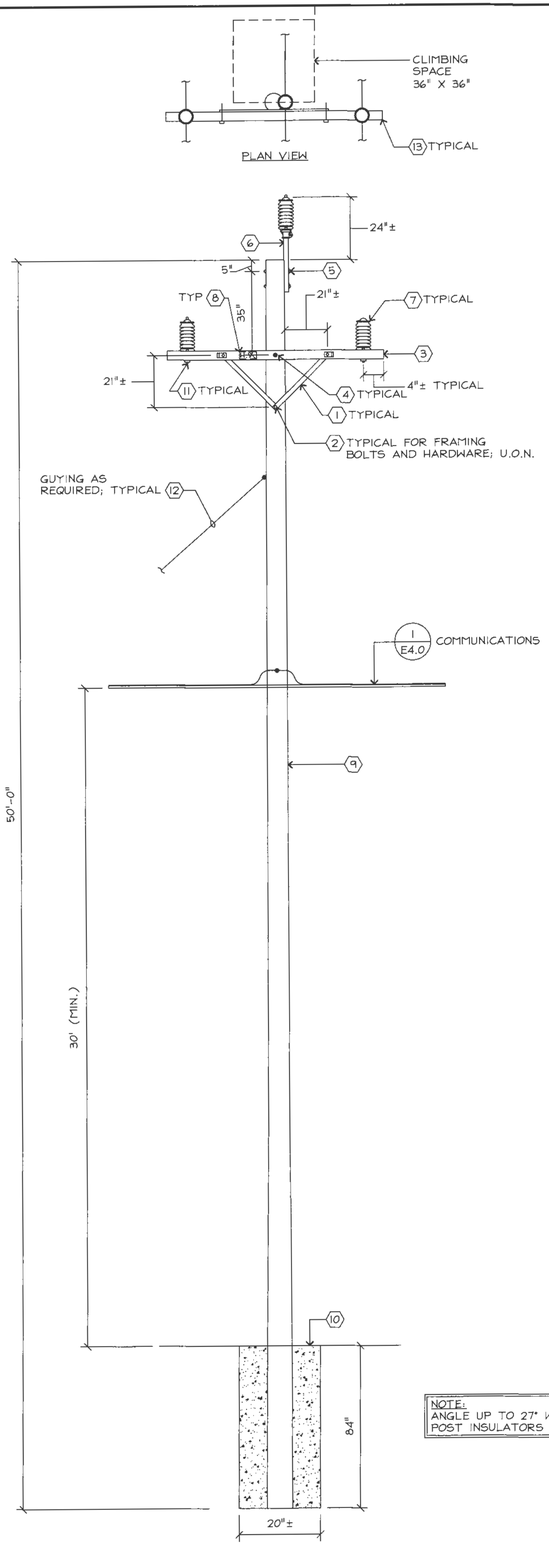
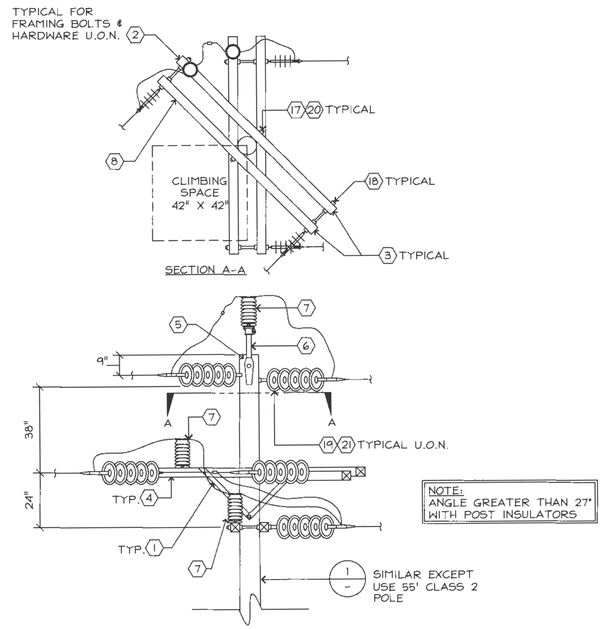
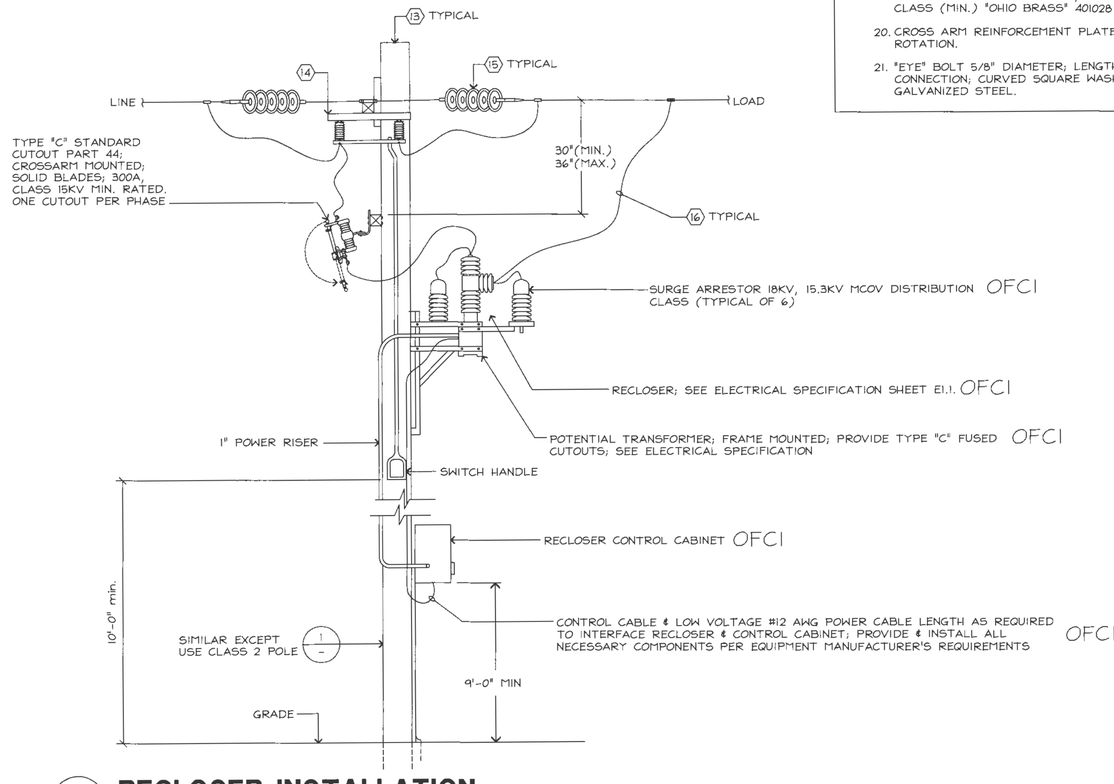


1 TANGENT AND LIGHT ANGLE CONSTRUCTION
NO SCALE



3 HEAVY ANGLE CONSTRUCTION
NO SCALE



2 RECLOSER INSTALLATION
NO SCALE

SHEET NOTES

1. FLAT GALVANIZED STEEL BRACE; MINIMUM, 3/16" X 1" X LENGTH AS REQUIRED; "CHANCE" 7020 OR APPROVED EQUAL.
2. MACHINE BOLT; GALVANIZED STEEL; 1/2" DIAMETER X LENGTH AS REQUIRED; FLAT WASHER BOTH SIDES OF POLE 1 3/8" O.D. (MIN.) AND LOCK WASHER AND NUT, ALL GALVANIZED STEEL.
3. WOOD CROSS ARM ASSEMBLY; 4" X 4" (APPROX.) X 96" CENTERED ON POLE.
4. MACHINE BOLT; GALVANIZED STEEL; 5/8" DIAMETER X LENGTH AS REQUIRED; CROSS ARM REINFORCING PLATE "CHANCE" 4045 OR APPROVED EQUAL AND LOCK WASHER AND NUT, ALL GALVANIZED STEEL.
5. ANTI SPLIT BOLT; GALVANIZED STEEL; 5/8" DIAMETER X LENGTH AS REQUIRED; FLAT WASHER OR EQUAL BOTH SIDES OF POLE 1 3/4" O.D. (MIN.) AND LOCK WASHER AND NUT, ALL GALVANIZED STEEL.
6. POLE TOP POST INSULATOR BRACKET; FIBERGLASS; "JOSLYN" 7581-CT SERIES OR APPROVED EQUAL.
7. LINE POLE INSULATOR; SOLID-CORE PORCELAIN; 15KV CLASS (MIN.); 3/4" THREADS (MIN.); NGK INSULATORS "DA" SERIES OR APPROVED EQUAL.
8. "HIGH VOLTAGE" SIGN.
9. CLASS 3 POLE; TREATED DOUGLAS FIR OR EQUAL.
10. SET POLE IN NATIVE SOIL; COMPACT BACKFILL IN 6"± LIFTS AS REQUIRED; DEPTH SHALL BE MINIMUM 10% OF POLE HEIGHT PLUS 24".
11. WOOD CROSSARM MOUNTING HARDWARE 3/4" THREADS; 3" SQUARE LIP WASHER; 2"O.D. FLAT WASHER; LOCK WASHER; NUT; "KORTICK" K8365 OR APPROVED EQUAL.
12. POSITION OF GUY CONNECTION; PROVIDE ANCHOR AND GUYING TO OFFSET POLE LOAD.
13. POLE INSTALLATION PER G.O. 95 MINIMUM.
14. OFCI UNDERARM HEAVY DUTY SIDE-BREAK SWITCH ASSEMBLY; 15KV RATED; 400A MINIMUM; MANUAL OPERATION; INERTIA ENGINEERING "L" SERIES OR APPROVED EQUAL.
15. COMPOSITE INSULATOR; DEAD END TYPE WITH DEAD END ATTACHMENT TO "EYE" BOLT, COORDINATE PARTS AND PIECES; 15KV CLASS (MIN) "OHIO BRASS" 401028 SERIES OR APPROVED EQUAL.
16. MINIMUM RADIAL SEPARATION BETWEEN CONDUCTORS PER G.O. 95 RULE 38, TABLE 2. AND CEC TABLE 490.24 AS APPLICABLE; WHERE SEPARATION VALUES BETWEEN APPLICABLE TABLES DIFFER USE THE GREATER SEPARATION VALUE.
17. DOUBLE ARM BOLT; 5/8" DIAMETER LENGTH AS REQUIRED; WITH "EYE" NUT FOR INSULATOR CONNECTION.
18. NUT, LOCKWASHER AND FLAT WASHER 1 3/4" O.D.; ALL GALVANIZED STEEL.
19. COMPOSITE INSULATOR; DEAD END TYPE WITH DEAD END ATTACHMENT TO "EYE" BOLT, COORDINATE PARTS AND PIECES; 25KV CLASS (MIN.) "OHIO BRASS" 401028 SERIES OR APPROVED EQUAL.
20. CROSS ARM REINFORCEMENT PLATE TO PREVENT CROSSARM ROTATION.
21. "EYE" BOLT 5/8" DIAMETER; LENGTH AS REQUIRED FOR INSULATOR CONNECTION; CURVED SQUARE WASHER; LOCK WASHER AND BOLT; ALL GALVANIZED STEEL.

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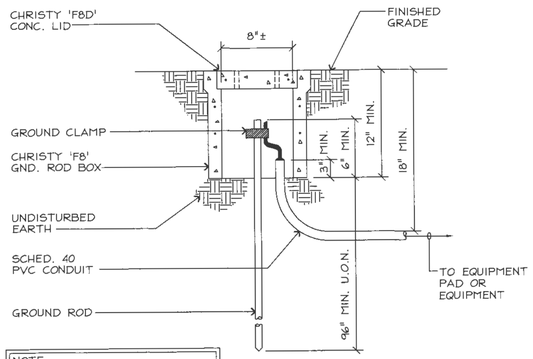
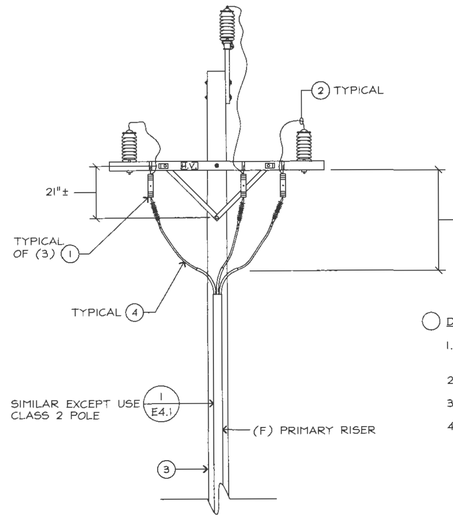


NOTE:
WHERE METAL CONDUIT USED IN LIEU OF PVC, PROVIDE GROUND BUSHINGS & BONDS PER CODE

3 GROUND ROD & WELL

NO SCALE

D203C

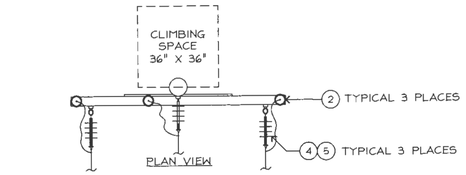


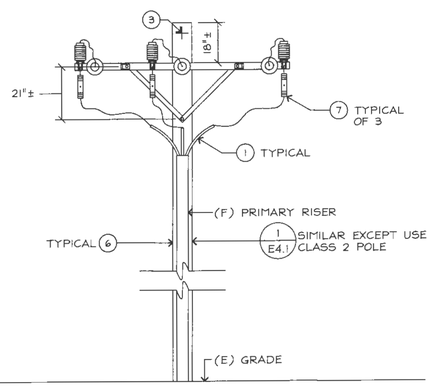
◯ DETAIL NOTES:

1. TYPE "C" FUSED CUTOUT CROSS ARM MOUNTED; SEE SINGLE LINE DIAGRAM.
2. INSULATE JUMPERS.
3. POLE INSTALLATION PER G.O.95.
4. RISER AND RISER CONDUCTORS SHOWN FOR CLARITY NIC.

4 PRIMARY RISER

NO SCALE



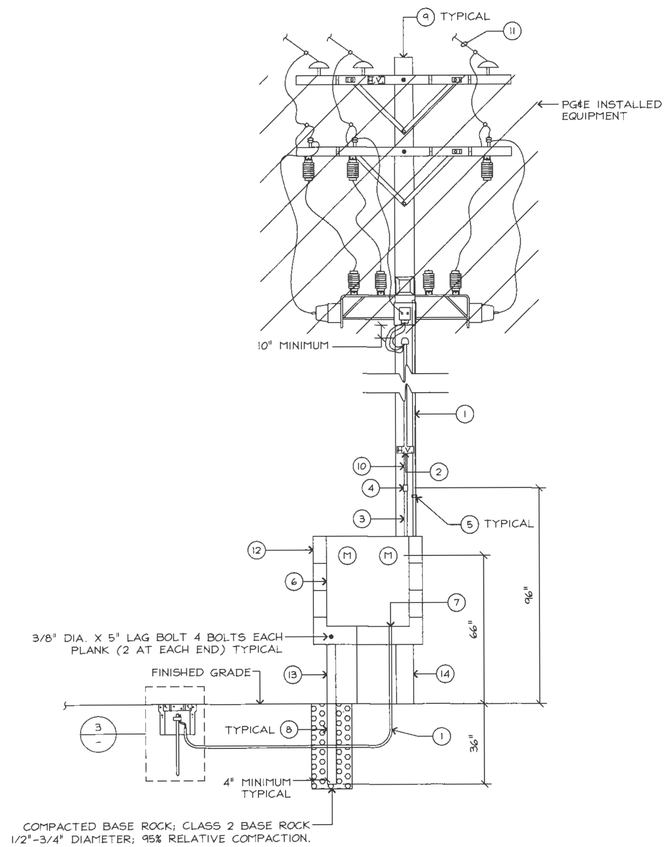


◯ DETAIL NOTES:

1. RISER & RISER CONDUCTORS SHOWN FOR CLARITY NIC.
2. LINE POLE INSULATOR; SOLID-CORE PORCELAIN; 15KV CLASS (MIN.); 3/4" THREADS (MIN.); NGK INSULATORS "DA" SERIES OR APPROVED EQUAL.
3. POSITION OF GUY CONNECTION; PROVIDE ANCHOR AND GUYING TO OFFSET POLE LOAD.
4. COMPOSITE INSULATOR; DEAD END TYPE WITH DEAD END ATTACHMENT TO "EYE" BOLT, COORDINATE PARTS AND PIECES; 15KV CLASS (MIN.) "OHIO BRASS" 401028 SERIES OR APPROVED EQUAL.
5. "EYE" BOLT 5/8" DIAMETER; LENGTH AS REQUIRED FOR INSULATOR CONNECTION; CURVED SQUARE WASHER; LOCK WASHER AND BOLT; ALL GALVANIZED STEEL.
6. POLE INSTALLATION PER G.O.95.
7. TYPE "C" FUSED CUTOUT CROSS ARM MOUNTED; SEE SINGLE LINE DIAGRAM.

1 DEAD END RISER SWITCH CONSTRUCTION

NO SCALE



DETAIL NOTES:

1. GROUNDING ASSEMBLY; 1" PVC SCHEDULE 40 CONDUIT BY CONTRACTOR; POTENTIAL TRANSFORMER GND. BY UTILITY.
2. PROVIDE SIGNAGE PER PG&E REQUIREMENTS.
3. 1 1/4" GALVANIZED RIGID STEEL CONDUIT FOR METER WIRING.
4. 1 1/4"" PVC ADAPTER; THREAD TO SLIP FIT; SLOANE OR EQUAL.
5. PIPE STRAP; GALVANIZED TWO-HOLE MAXIMUM 48" O.C.
6. METER PANEL WITH OUTDOOR RATED ENCLOSURE; APPROXIMATELY 40" X 40" X 18"D.; NEMA 3R STAINLESS STEEL; HINGED LOCKABLE DOOR; METER PANEL AND ENCLOSURE PER PG&E REQUIREMENTS; COORDINATE WITH PG&E; PROVIDE DETAILED SUBMITTAL OF PLANNED INSTALLATION TO PG&E AND ENGINEER OF RECORD FOR APPROVAL PRIOR TO PURCHASE; INDUSTRIAL ELECTRIC MANUFACTURING (IEM) OR APPROVED EQUAL.
7. CONDUIT FITTING THREADED.
8. PRESSURE TREATED WOOD SHALL USE A CALIFORNIA ACCEPTED ENVIRONMENTALLY SAFE WOOD PRESERVATIVE (COPPER NAPHTHENATE OR EQUAL).
9. CONCEPTUAL DRAWING; SEE DETAIL 1/E4.1 SIMILAR; COORDINATE WITH PG&E FOR EXACT REQUIREMENTS PRIOR TO BEGINNING INSTALLATION.
10. 1 1/4"C. PVC SCHEDULE 80 GRAY WITH WEATHERHEAD.
11. INSULATORS AND CONDUCTORS TO RECLOSER BY ELECTRICAL CONTRACTOR; SEE DETAIL 1/E3.0.
12. 2"X12" PLANKS PRESSURE TREATED DOUGLAS FIR. LENGTH AS REQUIRED MINIMUM 60"; ELECTRICAL CONTRACTOR SHALL SIZE BACKBOARD TO ACCOMMODATE EQUIPMENT TO BE INSTALLED; BACKBOARD SHALL BE PER PG&E REQUIREMENTS; COORDINATE WITH PG&E. THE OPPOSITE SIDE OF THE BACKBOARD SHALL BE THE TELEPHONE MPOE; SEE DETAIL 2/E4.0.
13. 4" X 6" X LENGTH AS REQUIRED; PRESSURE TREATED DOUGLAS FIR.
14. PROVIDE POLE DEPTH VERIFICATION; CONDUIT PER PG&E REQUIREMENTS.

2 12KV METERING

NO SCALE

Fehr Engineering Company, Inc.
Consulting Electrical Engineers

9057 SOQUEL DRIVE,
BLDG. B, SUITE G
Aptos, California, 95003
Phone: (831) 786-0373
Fax: (831) 786-8523
Email: Tpinkerton@fehrengineering.com

Fe Project No. 15002.00

REGISTERED PROFESSIONAL ENGINEER
THOMAS E. PINKERTON
No. 014906
EXP. 30 JUNE 17
ELECTRICAL
STATE OF CALIFORNIA

Facility:

RIVERBEND SAND & GRAVEL
3677 SOUTH RIVERBEND
SANGER, CA 93657

(PHASE 1)

Revisions:

⚠ PLAN CHECK COMMENTS FEB. 13, 2017

Project Title:

POLE LINE & SUBSTATION

Project No:. Date: 12/12/16

Sheet Title:

ELECTRICAL DETAILS

Scale: AS NOTED

Sheet No:

E4.2

of Sheets

G:\2015 JOBS\15002\15002E4.2.dwg 3-08-17 FEHR ENGINEERING 12:58:18 PM chris

EXHIBIT 98

From: Pratt, Carol
To: Kettler, William
Cc: Motta, Chris; Asprec, Lemuel; Vang, Kay; Clemente, Aileen; Kephart, Sherri
Subject: RE: Expense Reports through 6/19/16
Date: Tuesday, December 13, 2016 11:24:51 AM

Good Morning Will,
During the process of closing out the Riverbend Sand and Gravel EIR 6606 project, our records show a remaining encumbered balance of $12,994 with the consultant on this project (SESPE Consulting Inc). Does your records also show this remaining balance with the consultant? Can we release this encumbrance and close out this contract?
Please advise.
Thank you.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Kettler, William
Sent: Tuesday, November 29, 2016 5:19 PM
To: Pratt, Carol
Cc: Motta, Chris
Subject: RE: Expense Reports through 6/19/16

Let me look into this. No one should really be changing to this project anymore. I'm OK with reimbursing Roads but I need to check into the issue of collecting from the applicant.

Will Kettler
Division Manager,
Development Services Division
Fresno County Department of Public Works and Planning
(559) 600-4233 (office)
(559) 600-4200 (fax)

From: Pratt, Carol
Sent: Tuesday, November 29, 2016 3:01 PM
To: Kettler, William
Cc: Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Subject: RE: Expense Reports through 6/19/16

Good Afternoon Will,
I am following up on the email I had sent a couple of months ago. I could not find a response (I apologize if you had sent one).
Attached is the updated memo and letter prepared by Sherri for the Riverbend Sand & Gravel EIR 6606 project. As no additional charges have been incurred for this project, the numbers remain the same.
Before the memo and letter is finalized and sent out, do you anticipate collecting the $3,423.79 shortfall from the applicant or will this be funded by the general fund allocation in your budget?
A portion of the shortfall represents charges from Roads in the amount of $480.80. As the Road Fund needs to be reimbursed for their charges, can we bill 43600200 for this charge?
Please advise.
Thank you.

Carol Pratt

Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Pratt, Carol
Sent: Thursday, September 01, 2016 10:07 AM
To: Kettler, William
Cc: Asprec, Lemuel; Onesto, Jesus; Graham, Sherri; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel; Alimi, Mohammad; Ishii, Randy
Subject: FW: Expence Reports through 6/19/16

Good Morning Will,

A portion of the $3,423.79 shortfall for staff charges for the Riverbend Sand & Gravel project (EIR #6606) represents Design Division's charges and Road Maintenance Division's charges from December 2015 in the amount of ~~$240.40~~. s/b $480.80

As the Road fund should have been reimbursed last fiscal year, may we go ahead and bill your budget 43600200 now for their charges? Assuming that Riverbend reimburses the County for this overage, the reimbursement check will be deposited into your budget to cover your division's charges as well as Design's and Maintenance's portion.

Please confirm if the above can be processed.

Please let us know if you have any questions.

Thank you for your assistance.

Carol Pratt
Assistant Business Manager
County of Fresno-Dept of Public Works and Planning
(559) 600-4280

From: Graham, Sherri
Sent: Thursday, September 01, 2016 9:07 AM
To: Kettler, William; Adams, John; Jimenez, Roy; Motta, Chris; Khorsand, Mohammad; Sopp, Steven; Brannick, Daniel
Cc: Asprec, Lemuel; Pratt, Carol
Subject: Expence Reports through 6/19/16

Attached are the finalized signed letters that were sent out this morning 9/1/16

If you have any questions or concerns please let us know. We can make adjustments to the next letters that go out.

Thank you,

SHERRI GRAHAM-GOLDSMITH
County of Fresno Public Works and Planning
Program Technician
PH 559-600-4285
FX 559-455-4606
sgraham@co.fresno.ca.us

"WHEN THE POWER OF LOVE OVERCOMES THE LOVE OF POWER, THE WORLD WILL KNOW PEACE"

EXHIBIT 99

From: Luna, Hector
To: Ramirez, Augustine
Subject: Riverbend Sand & Gravel Mine - SPR 7946
Date: Monday, December 19, 2016 12:57:00 PM

G:\4360Devs&Pln\BLD_SFTY\Zoning\S.P.R\7900-7999\7946 Riverbend

SPR completed in 2015, no conditions signed-off to date

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 100

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-16	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Augustine C. Ramirez		(559) 600-4022
Title	**Organization**	
Senior Engineer	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
auramirez@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑ Yes ☐ No **Year of Most Recent Filed Annual Report:** 2015

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	☐ Yes	☑ No
California Mining Claim Number (CAMC#):	**Latitude/Longitude at Mine Entrance (Decimal Degrees):**	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	**Status of Plan of Operations (Current/Expired/In Process):**	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-16	CA MINE ID#: 91- 10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

WE HAVE NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # **91-** 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
a) Permitted Mineral Product(s)			
b) Approved Production Amount (Annual/Gross)			
c) End Date of Operations Per RP			
d) Permit end date			
e) End Use			
2) Boundaries	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			
3) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
a) Fill Slopes – Note Condition of:			
i) Slopes – Working (max/current)			
ii) Slopes – Reclaimed			
iii) Compaction			
b) Cut Slopes – Note Condition of:			
i) Slopes – Working (max./current)			
ii) Slopes – Reclaimed			
4) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
a) BMPs			
b) Grading			
c) Vegetation			
5) Ponds	No settling ponds are proposed	N/A	☐
a) Design – Function			
b) Capacity (area/depth/volume)			
c) Maintenance			
6) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
a) Buffers (distance to channel)			
b) Berms (distance/length/height)			
c) Best Management Practices			
d) Drainage			
e) Grading & Slopes			
f) Stockpiles			
g) Stream Diversions			
7) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐
a) List Species			
b) Protection Measures			

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # **91-** 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☐ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-16

Weather Code(s):
CR

Duration of Inspection: .5

Start Time: 11:30

End Time: 12:00

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspectors Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed:	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 101

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 1

CA MINE ID# 91-10-0031
MINE NAME Riverbend Sand and Gravel
SMARA Lead Agency Fresno County
☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	559-875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N Arcade	
John Buada	Email Address jcbuada@buada.com	
City	Zip Code	Telephone
Fresno	93704	559-432-4902 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.

(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☑ N.C.

3. Owner of Mining Operation		Telephone Ext.
Mailing Address	Email Address	
City	State/ZIP Code	Country (If other than U.S.A.)
Was this operation purchased by you during the 2016 reporting year? ☐ Yes. Date of purchase: _____ ☐ No.	Was this operation sold by you during the 2016 reporting year? ☐ Yes. Date of sale: _____ ☐ No.	

☑ N.C.

4. Landowner	Assessor's Parcel No.(s)
Mailing Address	Telephone Ext.
City/State/ZIP Code	Country (If other than U.S.A.)

5. Status of Mining Operation DURING THE 2016 REPORTING YEAR (See form instructions for definitions) **CHECK 1 ONLY**

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____

  If idle, complete the following:
  - ☐ Copy of approved Interim Management Plan is attached.
  - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE 2016 REPORTING YEAR **CHECK 1 ONLY**

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.

  Date reclamation was certified complete: _____

  Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 2

CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/22/2016

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):
Date Requested: 12/22/2017

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: _____

☐ Yes. Approval date of the reclamation plan: _____

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the 2016 reporting year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE 2016 REPORTING YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the reporting 2016 year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the 2016 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the 2016 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☑ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 3

CA MINE ID# 91- 10-0031

☑ N.C.

11. Code type(s) of mining operation: _____ SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0 Approximate disturbed acreage on January 1, 2016. (This figure should match the figure from item 12, line 5 on your 2015 Annual Report. If it does not match, explain on page 4.)
2. 0 Approximate acreage disturbed **during** 2016.
3. 0 **(ADD LINE 1 TO LINE 2)**
4. 0 Approximate disturbed acreage **reclaimed** during 2016.
5. 0 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate disturbed acreage **remaining** on December 31, 2016.

☑ N.C.

13. **CHECK ALL THAT APPLY**

☐ Acres permitted: _____

☐ Acres vested (acres disturbed prior to January 1, 1976): _____

☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 9,274,521

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) PRODUCED MINERALS	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** SAND AND GRAVEL	1	0	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ $ 134.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

State of California
DEPARTMENT OF CONSERVATION
2016 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. GOLD FEE (_____ Ounce(s) of gold) X ($5.00 per ounce) = $ _____

D. SILVER FEE (_____ Ounce(s) of silver) X ($0.10 per ounce) = $ _____

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ _____ (Attach one check for total)

---

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc.

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93704 Telephone Number: 559-432-4902

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6-29-17

TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

9a. Not yet in operation
9b. Not yet in operation

THIS REPORT MUST BE SENT TO: Department of Conservation (original) Lead Agency (copy)

EXHIBIT 102

From:	Motta, Chris
To:	Patrick Mitchell
Subject:	RE: Riverbend Sand and Gravel CUP 3390
Date:	Friday, February 24, 2017 4:12:00 PM
Attachments:	2017.02.23 Letter re. Riverbend Sand and Gravel - CUP 3390 (signed) (00029207xD62CE).pdf

Pat,

I apologize for not being able to get back to you earlier, but I've been on an interview panel that has taken up some time. I would like to discuss the attached letter and a possible meeting with Counsel over the phone when you have some time (possibly Monday if you're available). In speaking with our County Counsel representative, he doesn't have a lot of availability next week for an in-person meeting (and neither do I unfortunately), but we might be able to accommodate a conference call.

Regarding the substantial development determination, I do want to discuss the attached letter with you. Our process for a formal determination of substantial development is outlined in the Fresno County Zoning Ordinance Section 873.J and reads:

> *J. APPEAL OF DIRECTOR'S DECISION AND BOARD PUBLIC HEARING AND DECISION*
> *(Added by Ord. T-241 adopted 7-28-80)*
>
> *1. Where a determination is caused to be made by the Director of Public Works & Development Services that there either has or has not been substantial development within two years after the approval of said Conditional Use Permit, a notice of such determination shall be mailed to the applicant and to owners of property adjacent the external boundaries of the property described in the application. The applicant or an adjacent property owner may appeal this decision to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after the mailing of notice of such decision. Such appeal shall set forth the reasons therefore.*
>
> *2. The Clerk of the Board upon receipt of such appeal shall set the hearing date for not less than fifteen (15) days nor more than forty (40) days after the filing of an appeal.*
>
> *3. The Board shall not less than ten (10) days after the legal notice of a public hearing on an appeal, hold said public hearing.*
>
> *4. The Board may approve, approve with stated conditions, or deny the appeal by resolution. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.*
>
> *5. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.*

As indicated above, the substantial development process does involve notification. Another option would have been to file a time extension, but as you are aware, based on the approval of the use permit, the latest we could accommodate receipt would likely be Monday.

I'll be out of the office the remainder of this afternoon but if we could talk early next week, that would be great.

Sincerely,

Chris Motta, Principal Planner
Development Services Division

From: Patrick Mitchell [mailto:PMitchell@mitchellchadwick.com]
Sent: Thursday, February 23, 2017 4:48 PM
To: Motta, Chris
Cc: John Wheat
Subject: RE: Riverbend Sand and Gravel CUP 3390

Chris,

If any questions give me a call. No need from my perspective for a response.

Thanks,
Pat

From: John Wheat
Sent: Thursday, February 23, 2017 3:42 PM
To: cmotta@co.fresno.ca.us
Cc: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel CUP 3390

Good afternoon Chris:

Attached is a letter regarding the status of Riverbend Sand and Gravel's implementation of CUP 3390. A hardcopy with attachments is following via mail. Please let us know if you have any questions or comments regarding Riverbend's project.

Best regards,

John Wheat
MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8874
Fax: 916.788.0290
jwheat@mitchellchadwick.com
www.mitchellchadwick.com

CONFIDENTIALITY NOTICE: This communication and any accompanying

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EXHIBIT 103

From: Patrick Mitchell
To: Wille, Arthur; Motta, Chris
Cc: Herb Lang (Iblang@yahoo.com); John Buada
Subject: Riverbend Traffic Mitigation Agreement with County
Date: Thursday, February 23, 2017 2:34:14 PM
Attachments: Riverbend Traffic Mitigation Agreement 2017 (County) (00029019-2xD62CE).docx

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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Please check the senders email address carefully.
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Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Art/Chris,

Here is a proposed draft traffic mitigation agreement for the Riverbend site. We are proposing to resolve the prior discussion with Public Works related to actual costs estimating by the proposed bonding concept. Please review and advise.

I will be in Madera for a meeting one week from tomorrow in the morning. If it would help to have a meeting to nail this down I could meet in Fresno the afternoon of March 2 or March 3.

Thanks
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
www.mitchellchadwick.com

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in error, please contact us by telephone at (916) 462-8888.

EXHIBIT 104

From: Lee, Anthony
To: Khorsand, Mohammad
Subject: Agenda & Minutes 5/24/17
Date: Monday, March 13, 2017 9:49:06 AM
Attachments: Agenda 5-24-16.pdf
Minutes 5-24-16.pdf

Mohammad,

Attached is the Agenda and Minutes from the May 24, 2016 Board Hearing.

Anthony Lee, Planner
Development Services Division
Phone: (559) 600-9613

EXHIBIT 105

CONSTRUCTION PERMIT

COUNTY OF FRESNO
DEVELOPMENT SERVICES DIVISION
MAILING ADDRESS: 2220 TULARE STREET, 6th FLOOR FRESNO, CA 93721
OFFICE LOCATION: SOUTHWEST CORNER OF TULARE & 'M' STREETS, SUITE A

ACTIVE PERMITS YES NO

PHONE NUMBERS
24-HR REQUEST LINE 600-4131
LOCAL: 600-4560
TOLL FREE: 800-742-1011
FAX: 600-4201

Ref #:16-1153

3677 S RIVERBEND SANGER CA 93657

Project Address	Cross Street	Project Description
3677 S RIVERBEND SANGER CA 93657	ANNADALE	12KV OVERHEAD DISTRIBUTION WITH PG&E METER

Permit #: **17-100917-FC** Issued on: APN: **33316001S**

Owner:	Applicant:	Contractor:
RUNNING LUCK RANCH LLC	A-C ELECTRIC COMPANY *TY BARBER*	A-C ELECTRIC COMPANY *TY BARBER*
Address: 14962 E FANTZ PARLIER CA 93648	Address: P O BOX 6060 FRESNO CA 93703	Address: P O BOX 6060 FRESNO CA 93703
Phone: : (559)-875-9199	Phone: Work: (559)-233-2208 : (559)-233-6849	Phone: Work: (559)-233-2208 : (559)-233-6849
	License #: 99849	License #: 99849

Approvals	Approved By	Date
Application Requirements	Carsey, Rod	February 13, 2017
Plan Review	Carsey, Rod	March 13, 2017

Zoning District	Required Setbacks:	Front		Side		Rear
		Min	Max	Interior	Street	Min
AL20						

PROJECT INFORMATION

Contractor License Class: **C-10, D42, C12, A**

Roof Classification: **Class C or better**

Soil Bearing Capacity(psf): **1000**

WMP Occupancy Pending: **NO**

MECHANICAL

ELECTRICAL

PLUMBING

LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 8 of the Business and Professions Code, and my license is in full force and effect.Lic.

Number 99849 Class C-10, D42, C12, A Contractor A-C ELECTRIC COMPANY

FOR OWNER BUILDER SEE FORM F174 ATTACHE

WORKER'S COMPENSATION DECLARATION

I hereby affirm under penalty of perjury on of the following declarations:

☑ I have and will maintain a certificate on consent to self-insure for workers' compensation as provided for by Section 3700 of the Labor code, for the performance of the work for which this permit is issued.

☐ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code for the performance of the work for which this permit is issued.

My workers' compensation insurance carrier and policy number :

Carrier_____ Policy #'_____ (This section does not need to be completed if the permit is for one hundred dollars ($100) or less.)

☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California and agree that if I should become subject to the workers compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Applicant A-C ELECTRIC COMPANY

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Div. C).

Lenders Name_____ Address_____

City_____ State_____

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes.

Applicant Or Agent_____

Date 3/13/17

THIS PERMIT SHALL EXPIRE BY LIMITATION AND BECOME NULL AND VOID IF THE WORK IS NOT COMMENCED OR IF NO INSPECTIONS ARE COMPLETED WITHIN 180 DAYS.

POST THIS CARD IN A CONSPICUOUS PLACE
DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Suite A, Fresno, CA 93721
Office: (559) 600-4560 or 1 (800) 742-1011 **FAX:** (559) 600-4201

24 HOUR INSPECTION REQUEST
(559) 600-4131
Before 2:30 p.m. for next-day inspection
This is your record of field inspection

JOB ADDRESS: 3677 RIVERBEND PERMIT NUMBER: 17-100917

BUILDING			CORRECTIONS		REMARKS
TYPE OF INSPECTION	APPROVED BY	DATE	INSPECTOR	DATE	No Active Permits @ this time AA 3/13/17
Flood Prone-Elevation					
Foundation: Forms & Setback					
Foundation / Patio Piers					
Floor Girders & Joists					
Shear Panel Nailing					
Pre-Roof					
Roof Sheathing					
Roof Batten/Felt					
Roof Covering					
Exterior Lath/Siding					
Fireplace Damper					
Fireplace: Roof					
Frame					
Insulation					CASH DEPOSIT / Temporary Power / Occupancy — AMOUNT
Shower Wall Over Tub					
Shower Pan & Walls					APPROVED TO POST BY: — DATE
Bond Beam & Steel					
					APPROVED FOR REFUND BY: — DATE
Pool Steel, Bonding & Setback					
Pre-Deck					REFUNDED BY: — DATE
Pool Fencing & Gates					
FINAL INSPECTION					
CERTIFICATE OF OCCUPANCY					

ELECTRICAL			CORRECTIONS		
TYPE OF INSPECTION	APPROVED BY	DATE	INSPECTOR	DATE	
Conduit: PVC/Galv. Interior					
Conduit: PVC/Galv. Exterior					
Rough Elec. Wiring / Main Panel ____ Amps		7.13.17			
~~Temporary~~ Meter Reconnect		7.13.17			
Temporary Power Pole					
Ufer Location/Driven Ground (2)		7.13.17			
Water Pipe Bond Location					
Wiring To Well					
Pool Equipment Bonding					
FINAL INSPECTION		7-13-17			

PLUMBING			CORRECTIONS		
TYPE OF INSPECTION	APPROVED BY	DATE	INSPECTOR	DATE	
Ground Plumbing: Soil					
Water Pipe – Under Floor					
Water Pipe – Above Floor					
Vents & Top Out					
Gas Pipe – Interior					
Gas Test – Interior					
Gas Test – Exterior					
Second Floor Tub Test					
Septic System					
House Sewer					
Water Service PVC/Galv.					
Well Seal Pad					
FINAL INSPECTION					

MECHANICAL			CORRECTIONS		
TYPE OF INSPECTION	APPROVED BY	DATE	INSPECTOR	DATE	
Ducts Underfloor					
Ducts Overhead					
Wood Burning Appliance					
Refrigeration Unit/Furnace					
Evaporative Cooler					
Gas Pipe					
Gas Test					
FINAL INSPECTION					

MOBILE HOME		
TYPE OF INSPECTION	APPROVED BY	DATE
Perm Foundation/Tie-down		
Flood Prone-Elevation		
Forms & Setbacks		
Piers/Anchors		
Steps/Landings		
Elec. Service ____ Amps		
Grounding Electrode		
Wiring To Well		
Continuity Test		
Conduit/Feeders		
Gas Test – Exterior		
Gas Test Monometer		
Sewer		
Waste Piping		
Septic System		
Interior Water Pipe		
Water Service		
Well Seal Pad		
FINAL INSPECTION		
Certificate of Occupancy		

OTHER DEPARTMENT CONDITIONS	
GRADING	FINAL
G.V. #	
G.P. #	
FIRE DEPARTMENT	
ENVIRONMENTAL HEALTH	
ROADS	
C.U.P. #	
S.P.R. #	
ALL CONDITIONS MET FOR PROJECT (BUILDING INSPECTOR INITIAL)	

PLEASE USE BLACK INK

THIS FORM IS TO BE MICROFILMED
COUNTY OF FRESNO
DEVELOPMENT SERVICES

DEVELOPMENT SERVICES DIVISION
2220 TULARE ST., SIXTH FLOOR
FRESNO, CA 93721
LOCATION
SOUTHWEST CORNER OF TULARE &
"M" STREET – STREET LEVEL

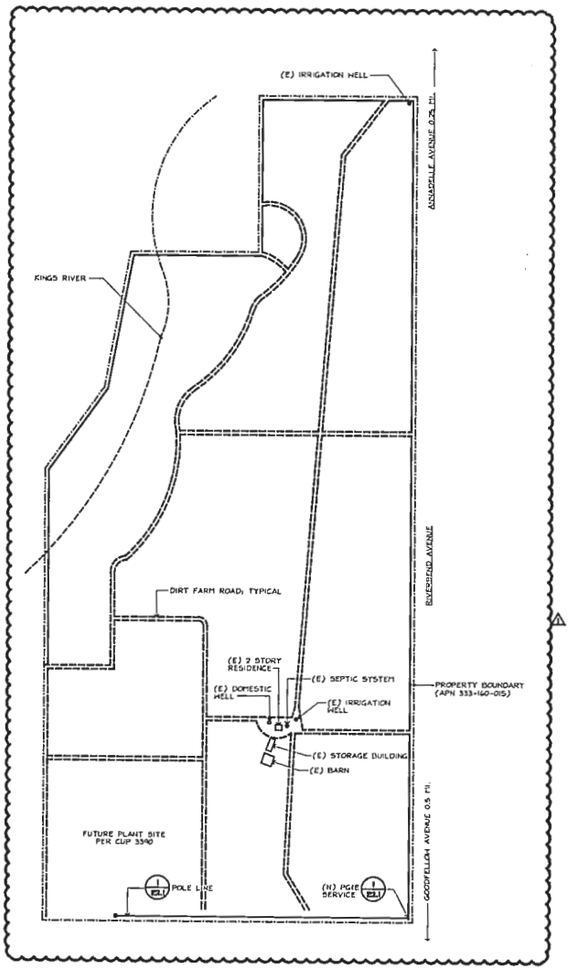
PLOT PLAN

24 HOUR INSPECTION REQUEST
ANSWERING SERVICE
(559) 262-4131

TOLL FREE: 1 (800) 742-1011

PC #16-1153 | ADDRESS: 3677 S. Riverbend

NOTE: Please show the entire parcel of land with all existing and proposed structures.



1 **SITE PLAN**
1"=400'-0"

400' 200' 0 400' 800'
1"=400'-0"
NORTH

NOTE: All setbacks are measured from the property lines unless otherwise indicated.

APN: 333-160-015

Approved By:	Date:	Bldg. Permit #

PROJECT ADDRESS: 3677 S. Riverbend
OWNER: Running Buck Ranch LLC MAIL ADDRESS: 14962 E. Fantz
CITY: Parlier STATE: CA ZIP: 93648 TEL NO: _____

SEWAGE DISPOSAL SPECIFICATIONS: ( ) Community Sewer ( ) Engineered System ( ) Septic
TYPE OF USE TO BE SERVED _____ NO. BEDROOMS _____ OR NO. FIXTURE UNITES _____
MIN. SEPTIC TANK _____ GAL LEACHING FACTOR _____ SQ FT. /100 GAL NO. TEST HOLES INSPECTED _____

WATER WELL SPECIFICATIONS
WELL LOG NO. _____
DATE: _____
GPM: _____

COMMENTS:
_____
_____
_____
ON SITE INSPECTION BY: _____ DATE: _____

This plot plan accurately shows all existing and proposed structures buildings and mobile units on the property and their relationship to property lines and each other. I hereby state that the information above is correct. I understand that a permit must be obtained before any construction is started and that an inspection of all work is required, including underground work prior to backfilling.

Signature _____ Date 3/13/17

County of Fresno

REG-RECEIPT: 7387-92194
CASHIER ID: JSA0815 Mar 13, 2017
Date Printed: Mar 13, 2017 2:02 PM

17100917 FC	$2,328.16
SubTotal	$2,328.16
GST	$0.00
PST	$0.00
TOTAL DUE	$2,328.16

RECEIVED FROM:
A-C ELECTRIC COMPANY (TY BARBER)

CHECK	$2,328.16
TOTAL TENDERED	$2,328.16
CHANGE DUE	$0.00

Invoice

County of Fresno
Department of Public Works & Planning
Mailing Address: 2220 Tulare Street, 6th Floor Fresno, CA 93721
24-HR REQUEST LINE: 600-4131 LOCAL: 600-4560
TOLL FREE: 800742-1011 FAX: 600-4201

INVOICE TO: A-C ELECTRIC COMPANY

INVOICE NO: 95430
INVOICE DATE: March 13, 2017
PERMIT #: Folder 17 100917 000 00 FC
REFERENCE #: 16-1153
PROJECT LOCATION:3677 RIVERBEND SANGER CA

PROJECT DESCRIPTION: 12KV OVERHEAD DISTRIBUTION WITH PG&E METER

FEE DESCRIPTION	AMOUNT	COMMENT
Building Construction Permit	$1,337.25	$140000 Valuation
CA Bldg Standards Comm. Fee (SB-1473)	$6.00	
Workers Comp.	$7.50	
SMI	$39.20	
Microfilm/Copies	$69.00	11 sheets
Electrical Plan Check	$869.21	
TOTAL	**$2.328.16**	

SUMMARY

PLAN CHECK	$869.21
BUILDING PERMIT	$1.337.25
OTHER	$121.70
TOTAL	**$2,328.16**
Total Billed:	$2,328.16
Payment Recieved:	$0.00
Balance Due:	**$2,328.16**

Permit Application Checklist

PLAN CHECK NO. 16-1153 PERMIT NO. _____
JOB ADDRESS: 3677 S. River Road
PROJECT: Electrical installation

1) Is there a jacket for this address?
(✓) Yes ; ( ) No ( ) Notified Cashier

2) Are there existing septic records?
( ) No (✓) Yes
If yes, do they need to be attached?
(✓) Yes; ( ) No

3) Is a Grading Permit required? NO Grading Needed Per Leigh
( ) No ( ) Yes ; ( ) Unknown
Has one been issued? ( ) Yes ( ) No

4) Rural Streams (✓) Yes ( ) No

5) Does the permit form include:
A. (✓) Address
B. (✓) Nearest town
C. (✓) Cross street
D. (✓) Owner's name/address/phone
E. (✓) Contractor's name/address/phone
F. (✓) Designer's name/address/phone
G. (✓) Exact project
H. (✓) Legal description
I. (✓) APN (Assessor's Parcel Number)
J. (✓) Zone District AL20, O
K. (✓) Minimum & maximum setbacks
L. (✓) Flood map & zone
M. (✓) Building height
(1) Stories: _____
(2) Plate: _____
(3) Ridge: _____
N. (✓) School district
O. (✓) Grading Permit
P. (✓) Land Use Permit
Q. (✓) SRA requirements & fee

6) Must an Owner/Bldr. Verification be mailed?
(✓) No, why? ( ) Completed (✓) Contractor
( ) Yes/Unknown - Date mailed Upon sub. form

7) Is a Certificate of Insurance required?
( ) No ( ) Yes, Is it on file? ( ) Yes ( ) No ( )
Expiration date: _____

8) Does the permit form include:
A. (✓) Owner-Bldr/Cont. declaration
B. (✓) Contractor's license class
C. (✓) Worker's Comp. declaration
D. (✓) Lender's name/address
E. (✓) Certification signature

9) Is this a legal lot?
Mapping: (✓) Yes ( ) Unknown
Zoning: (✓) Yes ( ) Unknown
Merger: ( ) Yes (✓) No

10) Is the proposed use allowed? In file
( ) Yes (✓) Need Operational Statement

11) Has a special zoning clearance been submitted to allow this use? CUP 3390 allowed mining operation.
( ) No ( ) Yes #_____

12) Are Development Fees due?
A. Drainage
(✓) No - Why? ( ) Outside ( ) Exempt
( ) Possibly - Date sent_____
B. Sewer: ( ) Yes (✓) No
C. Water: ( ) Yes (✓) No
D. School District: ( ) Yes (✓) No
E. Other: _____

13) Is a Well Log required?
( ) Yes (✓) No

14) Does this require a septic review?
(✓) No ( ) Yes, date logged:_____
Why? ( ) Test hole ( ) Small lot
( ) Engr. Report ( ) Other_____

15) Does the Site Plan include:
A. (✓) All property lines
B. (✓) Adjacent streets & closest cross-street
C. (✓) Parcel size
D. (✓) Easements
E. (✓) North arrow
F. (✓) Accurate property dimensions
G. (✓) Existing & proposed buildings – Google Earth
H. (✓) Well & septic location
I. (✓) Driveway location
J. (✓) Proposed setbacks
K. (✓) Width of road
L. (✓) O.P.S.H. (if applicable)
M. (✓) Turn-around area
N. (✓) Overhangs into required yards
O. (✓) LPG tank / water tank
P. ( ) Reduced Site Plan Included

16) Does the Plot Plan form include:
A. (✓) A vicinity (location) map
B. (✓) APN (Assessor's Parcel Number)
C. (✓) Address
D. (✓) Owner's name and address
E. (✓) Septic size
F. (✓) Leaching factor
G. (✓) Dry-well limitations
H. (✓) Water well information
I. ( ) Signature on 8½x11 plot plan

17) Special requirements:
A. (✓) Lot Coverage, _____% allowed
B. (✓) Setbacks for major streets (RA District)
C. (✓) Street sides for garages
D. (✓) Accessory bldg. in req. yards
E. (✓) Space between buildings
F. (✓) CNEL for FAT
g. (✓) Westland's Water District
h. (✓) Alta Irrigation District
I. (✓) Water filtration H.D. clearance
J. (✓) Full Land Use/SPR envelope
K. (✓) WWD/CSA

18) (✓) ALCC clearance

19) Zoning, Plot Plan & Plan Check letter signed?
( ) Yes (✓) No Other _____

20) Resubmittal Required ( ) Yes (✓) No

21) Other _____

Processed by: RN Date: 2-8-18

NOTE: The following items must be cleared before permits are issued:

A	2	3	4
5	6	7	10
11	15P	16i	19

RUNNING LUCK RANCH, LLC
14962 E. Fantz Ave.
Parlier, CA 93648
559-875-9199

October 3, 2012

Fresno County
Department of Public Works and Planning
220 Tulare Street, Sixth Fl
Fresno, CA 93721

RE: Agreement to Obtain Permits

The real property described on Exhibit "A" attached (the property) is owned by Running Luck Ranch, LLC (owners).

The owners have granted Riverbend Sand and Gravel, LLC the exclusive right to operate a sand and gravel mining operation, and related activities, on the property, including sand and gravel processing facilities, ready-mix concrete facilities, asphalt batching facilities, and concrete and asphalt recycling facilities, and to obtain a permit and other entitlements collectively ("Permits") required to conduct such operations.

By: _____ Date: 10/3/12
Vern Olsen

Title: GM

RUNNING LUCK RANCH, LLC
14962 E. Fantz Ave.
Parlier, CA 93648
559-875-8579

March 9, 2017

Rod Carsey
Plan Check Unit
Fresno County
Department of Public Works and Planning
2220 Tulare Street, Sixth Fl
Fresno, CA 93721

RE: Plan Check 16-1153

The real property at 3677 S. Riverbend, Sanger, which is the subject of Plan Check 16-1153, is owned by Running Luck Ranch, LLC. The owners have granted Riverbend Sand and Gravel, LLC exclusive rights to obtain permits to operate a sand and gravel mining operation, and related activities on the property, including sand and gravel processing facilities, ready-mix concrete facilities and asphalt batching facilities and to obtain a permit and other entitlements collectively ("Permits") required to conduct such operations (see attached Agreement to Obtain Permits).

The proposed electrical installation is intended to provide power to the future plant site permitted under Conditional Use Permit (CUP) 3390 as approved February 19, 2015. The uses approved for the future plant site under CUP 3390 include an aggregate (sand and gravel) processing plant, a hot-mix asphalt plant and a ready-mix concrete plant. Building permit applications will be filed as necessary for construction of the plants.

By: _____ Date: 3-9-17
Vern Olsen

Title: GM
General Manager

EXHIBIT 106

From: Motta, Chris
To: Novak, Suzie
Subject: Herb Lang
Date: Tuesday, March 21, 2017 1:59:00 PM
Attachments: SCAN3235_000 First Deposit.pdf

The attached letter has the last known address for Herb Lang. You can send to the letter there.

Thanks.

EXHIBIT 107

From: Novak, Suzie
To: Motta, Chris
Subject: Letter Patrick Mitchell
Date: Tuesday, March 21, 2017 1:59:53 PM
Attachments: CUP 3390 - Riverbend Sand & Gravel - Substantial Development Response.pdf

---

Attached.

Suzie Novak, Planning Commission Clerk
Development Services Division
Department of Public Works and Planning

EXHIBIT 108

From: Motta, Chris
To: Patrick Mitchell
Cc: Wille, Arthur
Subject: RE: Riverbend Sand and Gravel CUP 3390
Date: Tuesday, March 21, 2017 3:15:00 PM
Attachments: CUP 3390 - Riverbend Sand Gravel - Substantial Development Response.pdf

---

Pat,

I wanted to provide the following response to your letter just to clarify the County's process and give your client options to consider. I apologize for the length of time this has taken due to many other items we have been working on.

Chris

From: Patrick Mitchell [mailto:PMitchell@mitchellchadwick.com]
Sent: Monday, February 27, 2017 11:35 AM
To: Motta, Chris
Cc: Wille, Arthur
Subject: Riverbend Sand and Gravel CUP 3390

Chris,

In response to your email on Friday, we would like to clarify the purpose of our letter to the County on behalf of Riverbend. As indicated in our letter, Riverbend has already spent over $294,000 to implement CUP 3390. The purpose of the letter was to inform the County of this substantial development and provide details of Riverbend's development for the record. Riverbend is not asking the County for a formal determination.

Since substantial development under CUP 3390 has commenced, there is no need for Riverbend to file an extension pursuant to County Zoning Ordinance section 873.I, as that provision is not applicable to Riverbend's circumstances. Section 873.I indicates an extension may be requested where "circumstances beyond the control of the applicant cause delays which do not permit compliance within the time limitation." In this case, Riverbend has commenced substantial development within two years, the timeframe specified in section 873.I.1. Thus, there is no need for Riverbend to seek an extension.

Also, as noted in our letter, we believe that the the Planning Commission approval date was not the trigger for the two year time limit. That is because the project opponents appealed the Planning Commission determination to the Supervisors, during which time the CUP could not be acted upon. Riverbend was informed that the BOS appeal was withdrawn on May 19, 2015. While the BOS appeal was pending, Riverbend was prohibited from commencing with construction on the Project. Thus, the two year time limit to commence construction in our view would commence on May 19, 2015. As discussed above and in our letter, Riverbend commenced construction within that two year timeframe.

Thanks,
Pat

EXHIBIT 109

From: Motta, Chris
To: Kooner, Harpreet; Daniele, Frank
Subject: FW: Riverbend Traffic Mitigation Agreement with County
Date: Wednesday, March 22, 2017 3:24:00 PM
Attachments: Riverbend Traffic Mitigation Agreement 2017 (County) (00029019-2xD62CE).docx

Sorry to bother both of you, but we were sent a Traffic Mitigation Agreement for the Riverbend project by Pat Mitchell last month. Do you know who should receive this comment for review? Counsel has started to look at it for some of the matters on their end.

From: Patrick Mitchell [mailto:PMitchell@mitchellchadwick.com]
Sent: Thursday, February 23, 2017 2:34 PM
To: Wille, Arthur; Motta, Chris
Cc: Herb Lang (Iblang@yahoo.com); John Buada
Subject: Riverbend Traffic Mitigation Agreement with County

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!

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Art/Chris,

Here is a proposed draft traffic mitigation agreement for the Riverbend site. We are proposing to resolve the prior discussion with Public Works related to actual costs estimating by the proposed bonding concept. Please review and advise.

I will be in Madera for a meeting one week from tomorrow in the morning. If it would help to have a meeting to nail this down I could meet in Fresno the afternoon of March 2 or March 3.

Thanks
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
www.mitchellchadwick.com

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EXHIBIT 110

From: Alimi, Mohammad
To: Daniele, Frank; Motta, Chris; Kooner, Harpreet
Cc: Xiong, Tong (PWP); Siemer, Dale; Ishii, Randy
Subject: RE: Riverbend Traffic Mitigation Agreement with County
Date: Wednesday, May 17, 2017 10:08:31 AM
Attachments: image002.png

Frank and Chris,

Since the utility relocation on McCall has been done under franchise once before in the past ten years, I don't think PG&E will relocate it again. The developer will have to pay the relocation costs, as well as any right of way costs that may be needed, if PG&E does not agree to relocate their facilities.

Mohammad

Mohammad H. Alimi, Ph.D., PE
Design Division Manager
Department of Public Works and Planning
Tel: (559) 600-4505
Fax: (559) 600-4548
malimi@co.fresno.ca.us

Please consider the environment before printing this e-mail

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From: Daniele, Frank
Sent: Wednesday, May 17, 2017 8:45 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Kooner, Harpreet <HKooner@co.fresno.ca.us>
Cc: Xiong, Tong (PWP) <tonxiong@co.fresno.ca.us>; Siemer, Dale <DSiemer@co.fresno.ca.us>; Ishii, Randy <rishii@co.fresno.ca.us>; Alimi, Mohammad <malimi@co.fresno.ca.us>
Subject: RE: Riverbend Traffic Mitigation Agreement with County

I took a quick look at the Agreement and noticed the following concerns:

1. Riverbend intends to put up a bond for their pro-rata share, with actual payment to be made prior to construction by the County. I think this is new.
2. They want to call the work on McCall a County project so that costs to relocate PG&E towers would be a PG&E expense through exercise of the County's franchise agreement.
3. They have included some estimates of cost for the various improvements, but those will

likely have to be modified according to cost estimates generated by the County. Their estimates should include some backup data demonstrating how their estimates were generated rather than just providing a lump sum amount. These estimates will also have to include costs for design and construction engineering as well as contingencies.

4. The agreement also indicated that Riverbend's final share of costs would be determined based upon actual costs of the Improvements. I think this is new.
5. I believe some of the Improvements were a condition for opening day. We argued unsuccessfully that these opening day improvements should be constructed by the applicant. The question will become what are the impacts to an actual opening day if it is contingent upon County completion of the required Improvements. The Agreement indicates that the applicant will deposit some money with the County in order to open, even if the Improvements are not constructed by opening day.
6. These Improvements will also become a net County cost for facilities that are not currently programmed in our RIP. Will the County be modifying the RIP to consider project Improvements that are specifically related to a development?
7. From a legal standpoint, I have concerns over the language that limits the County's ability to make a claim on the bonds, given that the bonds are directly related to the satisfaction of the mitigation measures.
8. The agreement states that all improvements have to be complete by 2037 or the applicant's obligation goes away. This would further commit County resources to be spent by a specific time for improvements related to a development. Who would be in default if the improvements weren't constructed, the applicant or the County?
9. The Agreement speaks to the return of unexpended funds to Riverbend, but it doesn't discuss additional deposits by Riverbend should project change order costs increase their pro-rata share.

Doesn't the County have several of these types of Agreements on file for other projects? Why does it appear that the applicant is developing a new (their own) format and content for the agreement?

Frank L. Daniele, PE
Supervising Engineer
Maintenance & Operations Division
Fresno County Dept. of Public Works & Planning
Telephone: (559) 600-4268

Your input is important. Please fill out the attached survey so that we can improve our service to you.
https://www.surveymonkey.com/s/PWP_SuperShort5

From: Motta, Chris
Sent: Monday, May 08, 2017 7:30 AM
To: Kooner, Harpreet <HKooner@co.fresno.ca.us>
Cc: Xiong, Tong (PWP) <tonxiong@co.fresno.ca.us>; Daniele, Frank <FDaniele@co.fresno.ca.us>; Siemer, Dale <DSiemer@co.fresno.ca.us>
Subject: RE: Riverbend Traffic Mitigation Agreement with County

Harpreet,

I don't have any information for you. I will ask Counsel if they have looked at it. Has anybody from Design or RM&O reviewed or provided comments?

Chris

From: Kooner, Harpreet
Sent: Friday, May 05, 2017 1:20 PM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Daniele, Frank <FDaniele@co.fresno.ca.us>; Siemer, Dale <DSiemer@co.fresno.ca.us>
Cc: Xiong, Tong (PWP) <tonxiong@co.fresno.ca.us>
Subject: RE: Riverbend Traffic Mitigation Agreement with County

Chris,
What is status of this agreement? I know these one other agreement of this type was put on hold pending County Counsel's opinion.

Harpreet Kooner

From: Motta, Chris
Sent: Wednesday, March 22, 2017 3:25 PM
To: Kooner, Harpreet <HKooner@co.fresno.ca.us>; Daniele, Frank <FDaniele@co.fresno.ca.us>
Subject: FW: Riverbend Traffic Mitigation Agreement with County
Importance: High

Sorry to bother both of you, but we were sent a Traffic Mitigation Agreement for the Riverbend project by Pat Mitchell last month. Do you know who should receive this comment for review? Counsel has started to look at it for some of the matters on their end.

From: Patrick Mitchell [mailto:PMitchell@mitchellchadwick.com]
Sent: Thursday, February 23, 2017 2:34 PM
To: Wille, Arthur; Motta, Chris
Cc: Herb Lang (Iblang@yahoo.com); John Buada
Subject: Riverbend Traffic Mitigation Agreement with County

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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I will be in Madera for a meeting one week from tomorrow in the morning. If it would help to have a meeting to nail this down I could meet in Fresno the afternoon of March 2 or March 3.

Thanks
Pat

MITCHELL CHADWICK
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EXHIBIT 111

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269-1376
e-mail: jcbuada@buada.com

June 28, 2017

Jennifer Parks
Fresno County Development Services
2220 Tulare, Sixth Fl
Fresno, CA 97322

RE: 2017 Mining Operation Annual Reports, Riverbend Sand and Gravel

Enclosed is the following Mining Annual Report for the following facility:

Mine Name	Mine ID#	2017 Status
Riverbend Sand and Gravel	91-10-0031	Not Yet In Operation

Sincerely,

John C. Buada
Designated Agent

CC: Herb Lang

EXHIBIT 112

TRAFFIC MITIGATION AGREEMENT (COUNTY FAIR SHARE) FOR RIVERBEND MINE AND RECLAMATION PLAN

THIS AGREEMENT is entered into ~~in 2016~~on September __, 2017 on the last date signed below ("Effective Date") between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel LLC ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. WHEREAS, Riverbend proposes to construct, operate, and reclaim an aggregate mine, and related processing, asphalt, ready mix concrete, hot mix asphalt plant, and portable asphalt and concrete recycling plant on 619 acres of land located in Fresno County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will be located on certain real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. WHEREAS, on February 26, 2015, pursuant to County Resolution, subject to the conditions listed therein, the Fresno County Planning Commission ~~("Planning Commission")~~ certified an Environmental Impact Report ("EIR") for the Project (State Clearinghouse No. 2013071097), approved Unclassified Conditional Use Permit ~~("CUP")~~ No. 3390, and adopted the CEQA findings, the mitigation measures, the Mitigation Monitoring and Reporting Program and the statement of overriding considerations.

C. WHEREAS, on May 19, 2015, the Board of Supervisors hearing on appeal from the Planning Commission was taken off calendar because the appellant withdrew his appeal.

D. WHEREAS, as part of the EIR for the Project, a Traffic Impact Study ("TIS") was prepared by VRPA Technologies, Inc. in March 2014 and revised in July 2014 and included in the EIR as Appendix K, which describes the potential traffic and circulation impacts associated with the Project.

~~D~~E. WHEREAS, the TIS and ~~Impacts of~~ the EIR ~~determined~~indicated that the Project would increase vehicle trips on public roads and could contribute to unacceptable levels of service on Fresno County roadways segments and at intersections ("Impacts"), which Impacts were considered potentially significant.

~~E~~F. WHEREAS, ~~the TIS and~~ Mitigation Measure TRANS-1 of the EIR and the Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share ("Pro Rata Share") of the total anticipated costs to the County for level of service ("LOS") improvements related to capacity required at the following intersections and road segment ("LOS Improvements") ~~in the following Pro Rata Shares~~as follows:

i. McCall Avenue / Jensen Avenue ~~Installation of~~Add Eastbound Left Turn Lane and Right Turn Lane, Westbound Right Turn Lane, Northbound Left Turn Lane, Through Lane and Right Turn Lane,

and Southbound Left Turn Lane, Through Lane and Right Turn Lane – 8.5%

ii. McCall Avenue / North Avenue Signalization – 18.6%

iii. Academy Avenue / Central Avenue Signalization – 17.8%

iv. McCall Avenue / Central Avenue Signalization – 23.0%

v. McCall Avenue / SR 180 Add Northbound Through Lane and Right Turn Lane, and Southbound Through Lane and Right Turn Lane – 10.0%

vi. McCall Avenue / SR 180 Add Northbound Left Turn Lane – 100% ~~(Total cost: $)~~

vii. McCall Avenue from SR 180 to Jensen Avenue add Northbound Travel Lane and Southbound Travel Lane – 16.3%

viii. ~~Jensen~~McCall Avenue from Jensen Avenue to North Avenue Northbound Travel Lane – 37.7%

~~F~~G. WHEREAS, the TIS and Mitigation Measure TRANS-3 of the EIR and Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Traffic Index ~~("TI")~~ Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share to the County for improvements related to the structural section of the impacted street segments ("Structural Improvements"):

i. Central Avenue Segments
   a. McCall Avenue ~~and~~to Bethel Avenue – 46.0%
   b. Bethel Avenue ~~and~~to Academy Avenue – 42.4%
   c. Academy Avenue ~~and~~to Newmark Avenue – 39.1%

ii. Goodfellow Avenue Segments
   a. Newmark Avenue ~~and~~to Bridge – 40.3%
   b. Bridge to Riverbend Avenue – 40.3%

iii. McCall Avenue Segments
   a. SR 180 (Kings Canyon) ~~and~~to Jensen Avenue – 61.4%
   b. Jensen Avenue ~~and~~to North Avenue – 66.7%
   c. North Avenue ~~and~~to Central Avenue – 73.8%

Riverbend's Pro Rata Share payment amounts ("Funds") for each LOS Improvement and Structural Improvement (collectively, "Improvements") to be determined based on the ~~estimated~~actual total cost of each Improvement multiplied by Riverbend's Pro Rata Share at a time proximate to the commencement of construction.

~~G. WHEREAS, Riverbend shall be fully responsible for building the entrance to the Project; and~~ H. WHEREAS, except for those amounts specified to be paid in cash or equivalent, Riverbend shall obtain bonds for the estimate of the Funds, and will remit to the County the actual cost of Riverbend's Pro Rata Share of the Improvements approximately twelve months before the actual construction of each particular Improvement.

~~H~~I. WHEREAS, the intersection at McCall Avenue and SR 180 shall be considered a County proposed project, thus PG&E should not charge for the necessary ~~movement~~relocation of the existing utilities, including PG&E ~~pole; and~~poles or towers.

J. WHEREAS, in accordance with Mitigation Measure TRANS-3 of the EIR and Monitoring Plan, Riverbend shall be 100% responsible for building the entrance to the Project.

~~I~~K. WHEREAS, Mitigation Measures TRANS-1 and TRANS-3, as conditions of Project approval, require Riverbend to enter into a traffic mitigation agreement with the County~~;~~.

~~**AGREEMENT**~~

NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

AGREEMENT

1. **PAYMENT ~~DUE DATES~~**. ~~Riverbend agrees to pay Funds in full, totaling $, to County prior to the first day of sale of material~~. Prior to any sold material being shipped from the Project, Riverbend shall provide the County with:

1.1 A surety bond for $1,709,000 in full satisfaction of its Pro Rata Share for the McCall Avenue / SR 180 Northbound Left Turn Lane Improvement~~, as set forth above in Recital E.~~

1.2 Payment of $217,588 in full satisfaction of its fair share contributions to the addition of northbound and southbound through lanes at McCall Avenue and Jensen Avenue, the addition of a southbound right turn lane at McCall Avenue at SR 180, the addition of a westbound right turn lane at McCall Avenue at Jensen Avenue, and the installation of a traffic signal at Academy Avenue at Central Avenue.

1.3 For all other Improvements, Riverbend shall obtain and provide to the County one or more surety bonds in the amounts set forth in **Exhibit B** ("Bonds"). Riverbend shall provide the Bonds to the County on or before the dates set forth in Exhibit B. The Bonds shall be in an industry-standard format.

1.4 ~~Riverbend further agrees to provide the remainder Funds, as follows.~~The County ~~will~~shall provide written ~~notification~~notice to Riverbend twelve (12) months prior to construction of the particular Improvement(s)~~.~~, and Riverbend ~~will then provide to the County payment for that Improvement in the Fair Share amount, as set forth above in Recital E,~~shall pay its actual Pro Rata Share for the noticed Improvement within sixty (60) days of ~~the written request by the County~~receiving said notice. Within ten (10) days of receiving Riverbend's payment, the County shall release the applicable Bond amount.

2. **SATISFACTION**. The County hereby acknowledges that upon ~~payment in full of the Funds by Riverbend~~the execution of this Agreement, Riverbend's submission of the payments described under Section 1.2, the Bonds, and later actual payments for the Improvements, Riverbend will have satisfied its mitigation obligations to the County for Project Impacts as required by Mitigation Measures TRANS-1 and TRANS-3.

3. ~~TRUST ACCOUNT~~**ALLOWABLE USE OF BONDS**. The County shall not submit a claim on a Bond, or otherwise indirectly or directly cause the Bond to be released or remitted to the County, until all of the following occur:

3.1 Riverbend has not paid the actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving the County's written request for payment as described in Section 1.4; and

3.2. The County has provided Riverbend a reasonable opportunity to cure the defect not to exceed thirty (30) days.

4. **ALLOWABLE USE OF FUNDS**. Funds provided by Riverbend to the County shall remain in a trust account until such time as the County has secured the balance of other funds necessary to implement the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3. ~~4. ALLOWABLE USE OF FUNDS.~~ The County agrees that the Funds paid by Riverbend pursuant to the terms of this Agreement shall be used only for the purposes of instituting the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3.

5. **RETURN OF FUNDS**. In the event that the Funds are not fully expended on the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3, by the County on or before January 1, ~~2036,~~2037, the County shall return to Riverbend, within sixty (60) days of receipt of Riverbend's written request, all of the then-unexpended Funds.

6. **COUNTY OBLIGATIONS**. All obligations of the County under the terms of this Agreement are subject to the appropriation and allocation of resources by the County Board of Supervisors.

7. **BINDING EFFECT AND ASSIGNMENT**. This Agreement shall be construed as a covenant running with the land and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors in interest. Riverbend shall have the right to assign this agreement to a third-party.

8. **EXPIRATION OF AGREEMENT**. This Agreement shall expire when the County has expended all of the Funds; the Funds are returned to Riverbend, in whole or in part pursuant to Section 5 of this Agreement; or on January 1, ~~2036,~~2037, whichever occurs first in time.

9. ~~ATTORNEYS~~**ATTORNEY'S FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

10. **WAIVERS**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

11. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement.

12. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation and neither Party is to be deemed the Party which prepared this Agreement ~~for the purposes of California Civil Code Section 1654~~.

13. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein. This Agreement may be amended only by a written document signed by both Parties.

14. **RECORDATION.** Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office.

15. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

16. **NOTICES**. Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

To the County:

Will Kettler, Division Manager
Fresno County, Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

~~With a copy to:~~

~~Patrick Mitchell~~
~~Mitchell Chadwick LLP~~
~~3001 Lava Ridge Court, Suite 120~~
~~Roseville, CA 95661~~

17. **COUNTERPARTS**. This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed the Agreement, or any counterpart thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:

_____ Date: _____
Herb Lang

For THE COUNTY:

_____ Date: _____

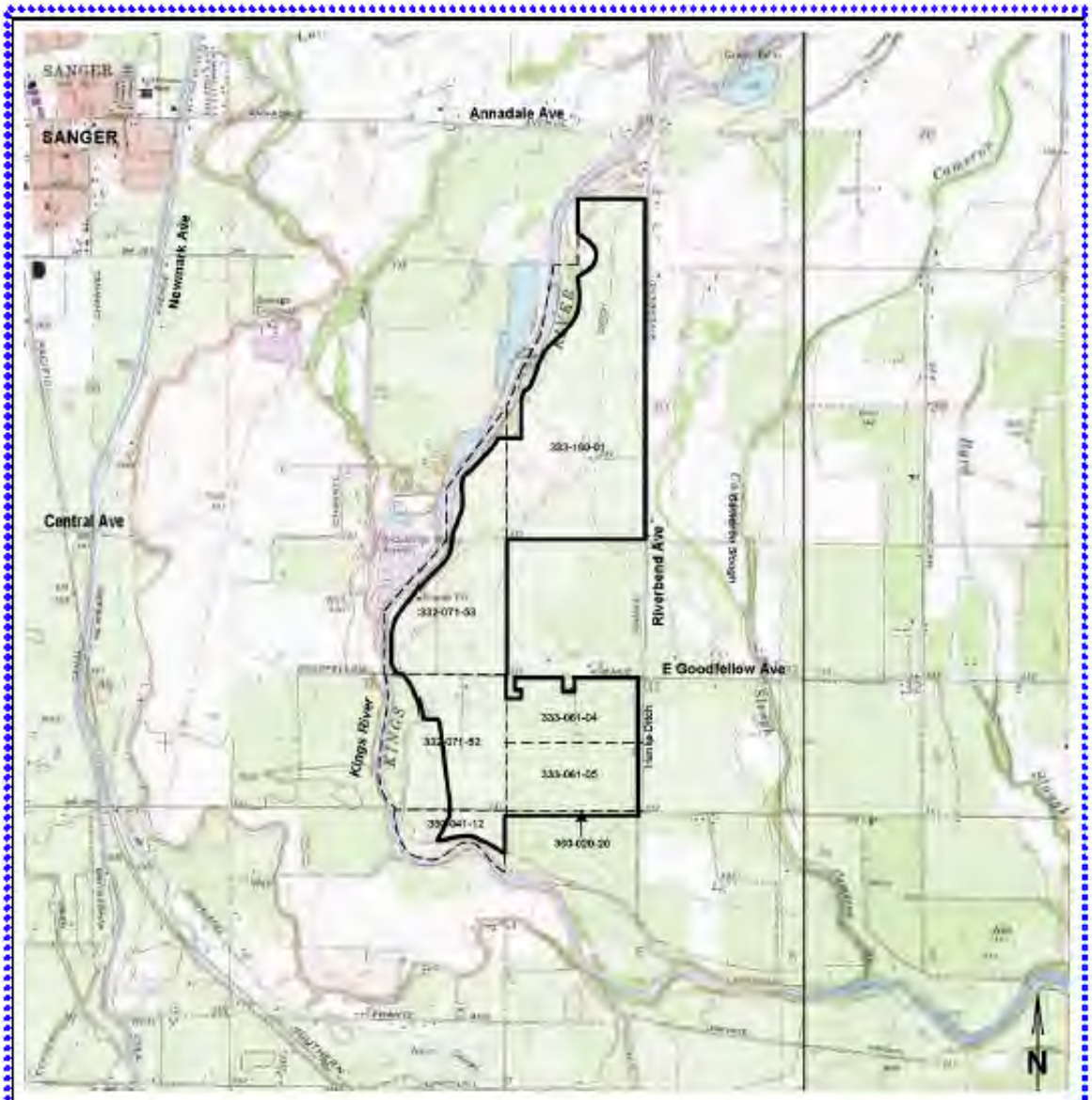
Approved as to form:

_____ Date: _____
Daniel C. Cederborg, County Counsel

Attest:

_____ Date: _____
Brandi L. Orth, County Clerk

Exhibit A – Project Location



Source: Buada Associates, 2014; USGS 7.5' Series – Sanger Quad

Figure 2-2 Site Location Map

Exhibit B – Bond Amounts

	Improvement	Pro Rata Share	Bonded Amount	Bond Submittal Due Date
1.	McCall Avenue / Jensen Avenue • Eastbound add left and right turn lane; Northbound add left and right turn lane; Southbound and left and right turn lane	**8.5%**	**$120,913**	January 31, 2033
2.	McCall Avenue / North Avenue Signalization	**18.6%**	**$58,125**	January 31, 2033
3.	McCall Avenue / Central Avenue Signalization	**23.0%**	**$71,875**	January 31, 2033
4.	McCall Avenue / SR 180: • Northbound add through lane and right turn lane; southbound add through lane and right turn lane	**10.0%**	**$115,250**	January 31, 2033
5.	McCall Avenue / SR 180 Northbound Left Turn Lane	**100%**	**1,709,000**	Prior to first day of shipment of sold material
6.	SR 180 to Jensen Avenue Northbound Travel Lane and Southbound Travel Lane	**16.3%**	**$1,010,274**	January 31, 2033
7.	Jensen Avenue to North Avenue Northbound Travel Lane	**37.7%**	**$685,763**	January 31, 2033
8.	Central Avenue Segment: McCall Avenue and Bethel Avenue	**46.0%**	**$287,500**	January 31, 2033
9.	Central Avenue Segment: Bethel Avenue and Academy Avenue	**42.4%**	**$132,500**	January 31, 2033
10.	Central Avenue Segment: Academy Avenue and Newmark Avenue	**39.1%**	**$51,380**	January 31, 2033
11.	Goodfellow Segment: Newmark Avenue to Bridge	**40.3%**	**$285,630**	January 31, 2033
12.	Goodfellow Segment: Bridge to Riverbend Avenue	**40.3%**	**$226,750**	January 31, 2033
13.	McCall Avenue Segment: SR 180 (Kings Canyon) and Jensen Avenue	**61.4%**	**$191,880**	January 31, 2033

	Improvement	Pro Rata Share	Bonded Amount	Bond Submittal Due Date
14.	McCall Avenue Segment: Jensen Avenue and North Avenue	66.7%	$208,500	January 31, 2033
15.	McCall Avenue Segment: North Avenue and Central Avenue	73.8%	$230,630	January 31, 2033

Exhibit B-1 – Non-bond Amounts to be Paid in Cash

	Improvement	Pro Rata Share	Payment Amount	Payment Date
1.	McCall Avenue / SR 180: • Southbound add right turn lane	10%	$21,500	Prior to first day of shipment of sold material
2.	McCall Avenue / Jensen Avenue • Northbound add through lane; Southbound add through lane • Westbound add right turn lane	8.5%	$124,525 $15,938	Prior to first day of shipment of sold material
3.	Academy Avenue / Central Avenue Signalization	17.8%	$55,625	Prior to first day of shipment of sold material

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

EXHIBIT 113

From: Monfette, Christina
To: Motta, Chris
Subject: FW: Documents for Review and Request for Comments—uCUP 3390
Date: Tuesday, November 14, 2017 3:33:27 PM

It looks like Riverbend was routed several months after the DEIR and well before the FEIR.

From: Morrison, Janet
Sent: Friday, October 17, 2014 9:01 AM
To: Weaver, Alan; Jimenez, Bernard; Gibbs, Daniel; Kettler, William; Motta, Chris; Sholars, Briza; Khorsand, Mohammad; Ramirez, Augustine; Navarro, Thomas; Janes, Jeff; Thompson, John R.; Palacios, Robert; Daniele, Frank; Alimi, Mohammad; Gibbs, Gigi; Gardner, Janet; Allen, Glenn; Tsuda, Kevin; Wright, Les; scmueller@ucanr.edu; Gularte, Greg; Dictos, Paul; Prysiazny, Laurel C.; rkachadourian@ci.sanger.ca.us; bhaddix@ci.sanger.ca.us; nicole.zieba@reedley.ca.gov; russ.robertson@reedley.ca.gov; kevin.fabino@reedley.ca.gov; jmulligan@ci.sanger.ca.us; samescobar@cityoforangecove.com; commdev@parlier.ca.us; bbeltran@dinuba.ca.gov; bnunes@dinuba.ca.gov; duota@dinuba.ca.gov; ilara@parlier.ca.us; spatlan@parlier.ca.us; scisneros@parlier.ca.us; robert.lafrentz@usace.army.mil; william.h.guthrie@usace.army.mil; csiek@usbr.gov; david.durham@ca.usda.gov; thomas_leeman@fws.gov; leon-guerrero.ephraim@epa.gov; dharvey@waterboards.ca.gov; dave_padilla@dot.ca.gov; pedro_ramirez@dot.ca.gov; kelly_hobbs@dot.ca.gov; Betsy.Lichti@waterboards.ca.gov; dplain@dtsc.ca.gov; lenmarino@water.ca.gov; colin.connor@slc.ca.gov; ssjvic@csub.edu; Faulkenberry, Kevin@DWR (Kevin.Faulkenberry@water.ca.gov); chris.wills@conservation.ca.gov; beth.hendrickson@conservation.ca.gov; mdebie@ciwmb.ca.gov; rparsons@parks.ca.gov; lwoodward@parks.ca.gov; Katy.Sanchez@nahc.ca.gov; karen.scarborough@resources.ca.gov; sheila.brown@opr.ca.gov; dlrp@conservation.ca.gov; OMR@conservation.ca.gov; cgshq@consrv.ca.gov; ecederquist@fowlerusd.org; garza-j@kcusd.com; gerardo.alvarez@parlierunified.org; richard_sepulveda@sanger.k12.ca.us; tboren@fresnocog.org; rhoelzel@krcd.org; ceqa@valleyair.org; Kapheim, Chris; Alta Irrigation District (cmk@altaid.org); pdesatoff@cidwater.com; fmocid@sbcglobal.net; sandrits@netptc.net; smulligan@mosquitobuzz.net; mark@mosquitobuzz.net; jmfs@live.com; Eric.Watkins@fire.ca.gov; andy.cosentino@fire.ca.gov; rhuerta@chp.ca.gov; ryan@fcfb.org; johnst@csufresno.edu; dwo4@pge.com
Cc: VonBerg, Eric
Subject: Documents for Review and Request for Comments—uCUP 3390

Documents for Review and Request for Comments—uCUP 3390

The Department of Public Works and Planning, Development Services Division, is reviewing the subject aggregate mining project submitted by Buada Associates, Inc. on behalf of Riverbend Sand and Gravel, LLC proposing to allow the establishment of an Unclassified Conditional Use Permit (UCUP) and a Reclamation Plan to develop and reclaim an aggregate mine and related processing plant, concrete and asphalt plants, and a recycling plant on 619 acres of a 833-acre site adjacent to the Kings River to be operated by Riverbend Sand and Gravel, LLC ("Operator"). The remaining 214 acres, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. Reclamation of the Project site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. Anticipated annual processing of material would be 1.6 million tons/year with annual sales at approximately 1.25 million tons/year.

The site is located approximately 1.5 miles southwest of the City of Sanger between the Kings River and Riverbend Avenue. East Goodfellow Avenue bisects the Project site, which is composed of seven parcels. The Project site is located in Township 14 South, Range 22 East, Sections 25 and 36; Township 14 South, Range 23 East, Sections 19, 30 and 31; and Township 15 South, Range 22 East, Section 1 (Mt. Diablo Baseline and Meridian) on the Sanger and Wahtoke 7.5 minute U.S. Geological Survey (USGS) topographic quadrangles.

NOTE: THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR - ENVIRONMENTAL IMPACT REPORT NO. 6606 – STATE CLEARINGHOUSE NO. 2013071097) WAS RELEASED ON JULY 17, 2014 AND MUCH OF THE PROJECT INFORMATION WAS MADE AVAILABLE WITH THAT DOCUMENT WHICH WAS PREVIOUSLY MADE AVAILABLE TO YOUR AGENCY FOR REVIEW UNDER THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE PURPOSE OF THIS ROUTING IS TO SOLICIT ADDITIONAL COMMENTS FROM YOUR AGENCY/ORGANIZATION SPECIFIC TO UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3390.

The Project's Environmental Impact Report - State Clearinghouse No. 2013071097 may also be reviewed for reference purposes at:

http://www.co.fresno.ca.us/departmentpage.aspx?id=54051

The Project's proposed Reclamation Plan may be reviewed for reference purposes at:

http://www.co.fresno.ca.us/ViewDocument.aspx?id=61406

Based upon this review, in conjunction with comments received from the associated Environmental Impact Report, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **November 3, 2014**. Any comments received after this date may not be used.

NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "no comment" response to our office by the above deadline (e-mail is also acceptable, see email address below).

Please address any correspondence, questions or issues related to Unclassified Conditional Use Permit No. 3390 to me, Eric VonBerg, Senior Planner, Current Planning Unit, Development Services Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4569, or email evonberg@co.fresno.ca.us.

Eric VonBerg, Senior Planner
Fresno County Department of Public Works and Planning
Development Services Division
(559) 600-4569

IMPORTANT NOTICE: The Department of Public Works and Planning, Development Services Division will be closed every Friday from 12:30 p.m. - 5:00 p.m.

EXHIBIT 114

From: Herb Lang
To: Allen, Glenn
Subject: Re: Riverbend Sand and Gravel Inspection Report
Date: Monday, March 19, 2018 5:09:08 PM

Glenn ,
Thank you

Herb

On Monday, March 19, 2018, 4:39:12 PM PDT, Allen, Glenn wrote:

Good afternoon,

Please find attached the annual inspection report for Riverbend Sand and Gravel. Please feel free to contact me if you have any questions or comments.

Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672

Customer Service Survey- Tell us how we're doing.

From: Allen, Glenn
To: "iblang@yahoo.com"; "jcbuada@yahoo.com"
Cc: Guzman, Christina; Jimenez, Roy
Subject: Riverbend Sand and Gravel Inspection Report
Date: Monday, March 19, 2018 4:38:59 PM
Attachments: Surface Mining Inspection Report.pdf

Good afternoon,

Please find attached the annual inspection report for Riverbend Sand and Gravel. Please feel free to contact me if you have any questions or comments.

Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672

Customer Service Survey- Tell us how we're doing.

From:	Allen, Glenn
To:	"Byrnes, Kirsten@DOC"
Cc:	Guzman, Christina; Jimenez, Roy
Subject:	Riverbend Sand and Gravel Inspection Report (91-10-0031)
Date:	Monday, March 19, 2018 4:34:49 PM
Attachments:	Surface Mining Inspection Report and Cover.pdf

Good afternoon,

Please find attached the annual inspection report for Riverbend Sand and Gravel.

Thank you,

Glenn Allen, REHS, M.S.

Water & Natural Resources Manager

Fresno County Public Works & Planning

(559) 600-9672

Customer Service Survey- Tell us how we're doing.

County of Fresno

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

March 19, 2018

Kirsten Byrnes
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: December 22, 2017
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is attached.

Sincerely,

Glenn Allen, REHS, M.S.
Division Manager
Water/Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2017\Surface Mining Inspection Report Cover.doc

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-17	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Glenn Allen		(559) 600-9672
Title	**Organization**	
Division Manager	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
glallen@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2016

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below: ☐Yes ☑No	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-17	CA MINE ID#: 91- 10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No	☐Yes ☐No	☐Yes ☐No
Date of Change:	If not, describe status of new operators Financial Assurance Mechanism:	

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
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OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
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SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-17

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks & Glenn Allen (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed: 3-19-18	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 115

From: Byrnes, Kirsten@DOC
To: Allen, Glenn
Subject: RE: Riverbend Sand and Gravel Inspection Report (91-10-0031)
Date: Wednesday, March 21, 2018 11:56:15 AM

Hi Glenn,

Thank you for submitting the SMARA Inspection Report for Riverbend Sand and Gravel (CA Mine ID #91-10-0031). It has been received and will be reviewed.

Thanks,

Kirsten

Kirsten Byrnes
Reporting Analyst
Division of Mine Reclamation | Department of Conservation
801 K Street, MS 09-06
Sacramento, CA 95814
916-324-4026

From: Allen, Glenn [mailto:glallen@co.fresno.ca.us]
Sent: Monday, March 19, 2018 4:35 PM
To: Byrnes, Kirsten@DOC
Cc: Guzman, Christina ; Jimenez, Roy
Subject: Riverbend Sand and Gravel Inspection Report (91-10-0031)

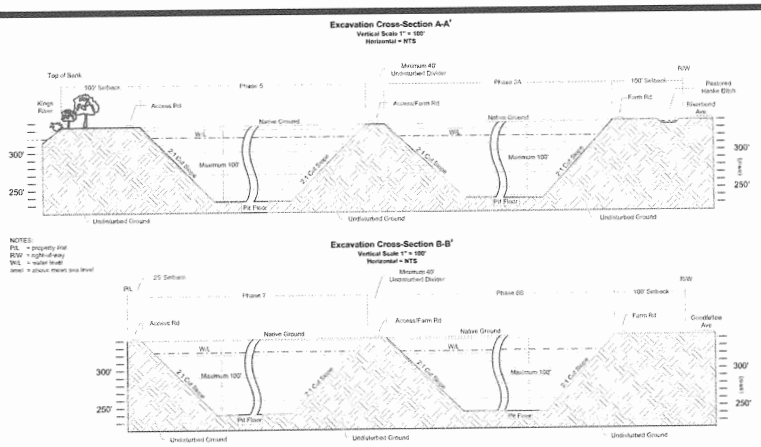
Good afternoon,

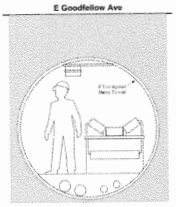
Please find attached the annual inspection report for Riverbend Sand and Gravel.

Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

EXHIBIT 116

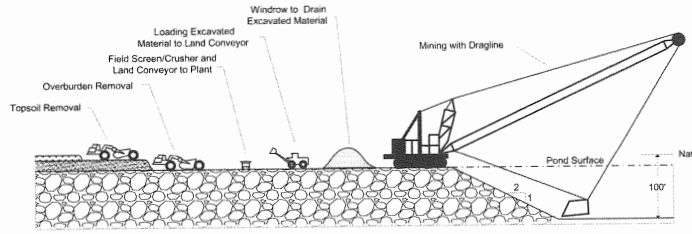




Detail B - Conveyor Tunnel Under Goodfellow Ave
NTS

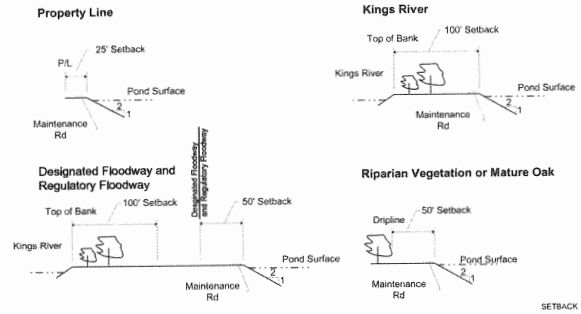
ILLUSTRATION OF MINING WITH DRAGLINE

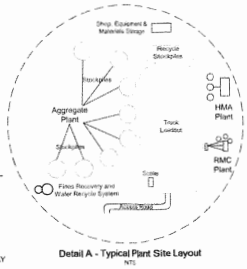
Not to Scale



TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale





Detail A - Typical Plant Site Layout
NTS

Estimated Phasing and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	619			

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

GRAPHIC SCALE

500 0 250 500 1,000

ORIGINAL 1 INCH = 500 FEET

GENERAL NOTES:

1. AGGREGATE TO BE EXCAVATED BY ELECTRIC DRAGLINE AND TRANSPORTED TO PROCESSING PLANT BY LAND CONVEYOR.
2. TECHNOLOGICAL IMPROVEMENTS AND CHANGES ENCOUNTERED IN MINING CONDITIONS MAY DICTATE CHANGES IN MINING METHODS.
3. SLOPES WILL BE MINED AT 2:1 (H:V).
4. EXCAVATION DEPTHS ARE BASED ON THE ESTIMATED DEPTH OF THE AGGREGATE RESOURCE.
5. NO EXCAVATION WITHIN:
   - 25 FT OF ANY PROPERTY LINE
   - 100 FT OF ANY PUBLIC RIGHT-OF-WAY
   - 100 FEET FROM THE TOP OF THE KINGS RIVER BANK, OR 50 FEET FROM THE DESIGNATED FLOODWAY OR THE DRIPLINE OF RIPARIAN VEGETATION OR MATURE OAK TREE
   - WHICHEVER IS GREATER;
6. NO STOCKPILES OF SOIL OR OVERBURDEN WILL BE PLACED CLOSER THAN 25 FT OF ANY PROPERTY LINE EXPCEPT FOR THE VISUAL/SOUND BERMS.
7. LOCATION OF TOPSOIL STOCKPILES IS TYPICAL. SINCE RECLAMATION WILL PROCEED CONCURRENT WITH MINING, TOPSOIL STOCKPILES WILL ROTATE WITH EACH AREA MINED.

LEGEND

- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- VISUAL/SOUND BERM (HEIGHT PER PLAN)
- ORCHARD-LIKE VISUAL SCREEN

RIVERBEND SAND AND GRAVEL	EXHIBIT E	BEARD ASSOCIATES 1072 N. Akers Ave Fresno, CA 93704 559-432-1062 Fax 559-432-1067 jbeard@bearddev.com
14692 E. Fontz Ave. Parlier, CA 93648 559-875-5565	MINE PLAN	
	RIVERBEND SAND AND GRAVEL	

	Date	Revision
D		
C		
B	11/17/14	ADD X-SECS, REV. TUNNEL DETAIL/SETBACKS
A	1/29/14	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

Table 2

Estimated Mining and Reclamation Schedule[1]

Phase	Acres[2] (Approx)	Commence Excavation	Reclamation Type[3]	Complete Reclamation
1A	23	2015	Farmland	2028
1B	18	2019	Farmland	2032
2A	27	2025	Farmland[4]	2043/2090
2B	27	2022	Riparian & Open Water Habitat	2026
3A	67	2028	Farmland	2054
3B	68	2034	Farmland	2090
4A	38	2040	Riparian & Open Water Habitat	2050
4B	29	2045	Riparian & Open Water Habitat	2053
5	37	2050	Riparian & Open Water Habitat	2090
6A	34	2054	Farmland	2069
6B	31	2058	Farmland	2083
7	80	2062	Riparian & Open Water Habitat	2072
8A	44	2068	Riparian & Open Water Habitat	2077
8B	44	2075	Riparian & Open Water Habitat	2083
9	52	2081	Riparian & Open Water Habitat	2090
Total	**619**			

Note the late anticipated commencement dates for these phases.

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.

[2] Gross acres, includes farm roads.

[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[4] To be used for portable plant during mining of plant site (Phase 9)

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant at approximately 1.25 million tons. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tons/year) located on-site or sold to outside customers. The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported) into Crushed Miscellaneous Base (CMB) (100,000 tons/year) and Recycled Asphalt Product (RAP) (25,000 tons/year). RAP will facilitate use of recycled asphalt in HMA mix designs. Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 with sales of 1.25 million tons. Total production from the Project Site is estimated to be 90 million tons with total sales estimated to be 70 million tons. Operations are expected be on-going for at least 75 years. A Mine and Reclamation Plan Summary is shown on Table 3.

The plant site will be mined last. Material from plant site will be processed by a portable plant located on Phase 2B, which will have been filled with overburden and processing fines. The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

Table 3
Mine and Reclamation Plan Summary

Item/Activity	Description[1]
Mining Acres	Approximately 619 acres
Mining Method	Topsoil and overburden removal by scrapers. Wet mining of aggregate by electric dragline. Blasting will not be used.
Mining Depth	Approximately 100 feet below natural ground surface level
Processing	Aggregate processing plant, hot-mix asphalt plant, ready-mix concrete plant, portable plant to recycle concrete and asphalt debris (including imported)
Estimate Aggregate Volume	90 million tons
Estimated Total Sales	70 million tons
Annual Processed Volume	1.6 million tons
Annual Sales Volume	1.25 million tons
Estimated Annual Sales Per Plant[2]	
Aggregate	765,000 Tons
Hot Mix Asphalt	250,000 Tons
Ready-Mix Concrete	150,000 Cubic Yards
Concrete and Asphalt Recycling	125,000 Tons
Depth to Groundwater	15-20 feet below natural ground surface level
Reclamation End uses	
Reclaimed Farmland[3]	Approximately 268 acres
Open Space, Riparian and Open Water Habitat[3]	Approximately 351 acres
Project Life	Approximately 75 years

1. All values are approximate

2. Typical mix of products. Actual sales mix will vary based on demand. Total annual sales of aggregate will not exceed 1.25 million tons

3. Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill occurring on site.

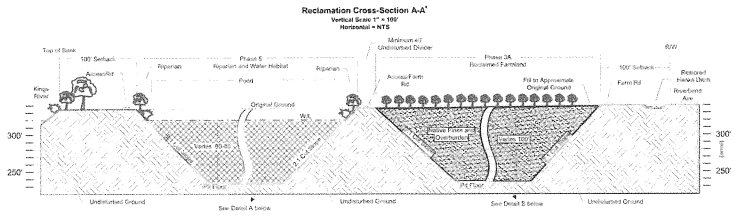
As previously described an aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A, 6B and 7, currently operates under Fresno County CUP 3052. In the future operators of CUP 3052 may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CUP 3052 plant. If such an agreement were made, and if CUP 3052 were amended to import material from the Riverbend site, the aggregate in the Riverbend proposed Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CUP 3052 plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

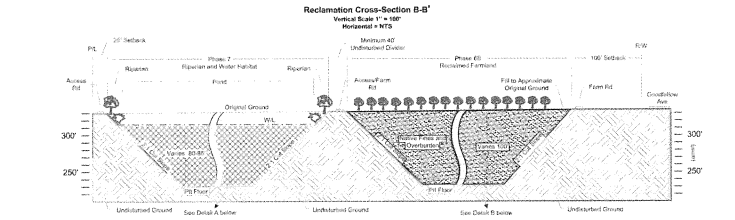
Riverbend's own Operational Statement discusses amending UCUP 3052.

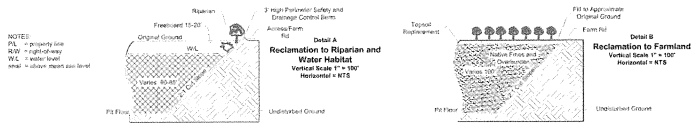
B. Reclamation Plan

The reclamation plan (Exhibit F) is designed to return as much land as possible back to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with three feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner. The reclaimed lands would be reclaimed to farmland of equal or better quality of that currently existing on the site.

Prime agricultural land on the Project site, as classified by US Natural Resources Conservation Service, includes Grangeville fine sandy loam and Hanford fine sandy loam (Hm). For such prime land, where distinct soil horizons are present, topsoil will be salvaged and stockpiled by defined A, B, and C soil





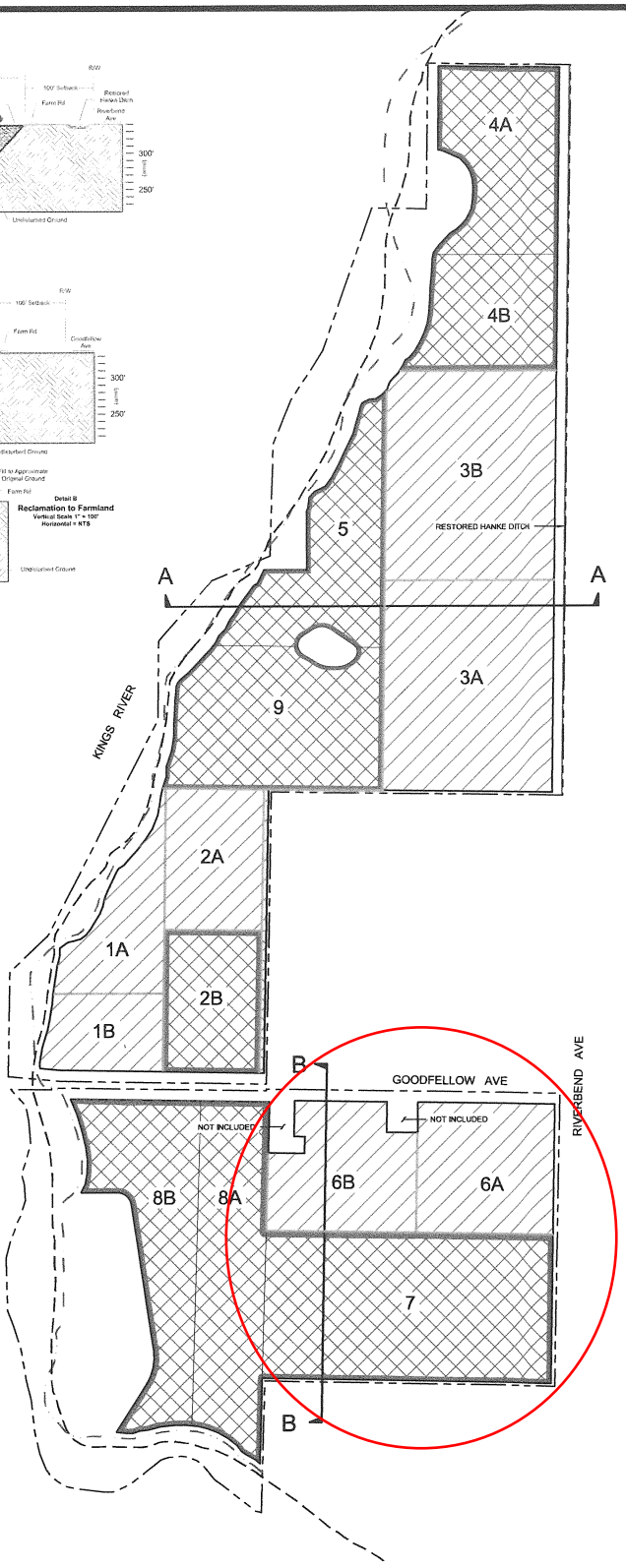


Reclamation End Uses and Estimated Schedule[1]

Phase	Acres[2,3] Pre-Mining	Farmland	Open Water	Riparian	Complete Reclamation
1A	23	23			2028
1B	18	18			2032
2A[4]	27	27			2043/2090
2B	27		23	4	2026
3A	67	67			2054
3B	68	68			2090
4A	38		34	4	2050
4B	29		26	3	2053
5	37		33	4	2090
6A	34	34			2069
6B	31	31			2083
7	80		73	7	2072
8A	44		41	3	2077
8B	44		39	5	2083
9	52		49	3	2090
Totals	**619**	**268**	**318**	**33**	

[1] Dates are estimates only. Actual excavation and reclamation dates will vary with permit approval date, market demand and actual depth and volume of marketable material.
[2] Gross acres, includes farm roads.
[3] Actual final reclamation and areal extent of each end use will depend on the volume and availability of overburden and process fines suitable for use as fill
[4] To be used for portable plant during mining of plant site (Phase 9)

Some of these phases may still be subject to a Williamson Act Contract; so timing of non-renewal is critical for the operator.





GRAPHIC SCALE
500 0 250 500 1,000
ORIGINAL 1 INCH = 500 FEET

LEGEND
- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- UNDISTURBED DIVIDER
- RECLAIMED FARMLAND
- OPEN WATER WILDLIFE HABITAT
- RIPARIAN EDGE

GENERAL NOTES:
1. CONFIGURATION AND AREAL EXTENT OF RECLAIMED AREAS ARE REPRESENTATIONAL AND WILL VARY ACCORDING TO ACTUAL DEPTH OF AGGREGATE MATERIALS, VOLUME OF OVERBURDEN AND PROCESS FINES SUITABLE FOR FILL AND OTHER CONDITIONS FOUND AT THE TIME OF MINING.

RIVERBEND SAND AND GRAVEL
14692 E. Fontz Ave.
Parlier, CA 93648
559-875-6565

EXHIBIT F
RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL

	Date	Revision
D		
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

EXHIBIT 117

From:	Allen, Glenn
To:	Motta, Chris
Subject:	RE: Request for meeting to discuss CUPs 3052 and 3390
Date:	Monday, April 9, 2018 11:12:39 AM

Will do, thanks

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Motta, Chris
Sent: Monday, April 9, 2018 11:10 AM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Yes please include her.

From: Allen, Glenn
Sent: Monday, April 09, 2018 11:08 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Yep, perfect. I will send out an invite shortly. To include Marianne??

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Motta, Chris
Sent: Monday, April 9, 2018 11:05 AM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

I reserved Conference Room A downstairs from 3:30p to 4:30p tomorrow if that's ok.

From: Allen, Glenn
Sent: Monday, April 09, 2018 10:59 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Can you reserve one of your conference rooms downstairs or would you prefer to discuss in your office? I can send an invite for 3:30 once we confirm a location.

Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Motta, Chris
Sent: Monday, April 9, 2018 10:07 AM
To: Monfette, Christina <cmonfette@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Mollring, Marianne <mmollring@co.fresno.ca.us>; Allen, Glenn <glallen@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Thanks!

From: Monfette, Christina
Sent: Monday, April 09, 2018 10:04 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Allen, Glenn <glallen@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Mollring, Marianne <mmollring@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

The meeting tomorrow is actually the South Lake Solar Kickoff meeting. I expect I'll be free by 3:30.

> **From:** Motta, Chris
> **Sent:** Monday, April 09, 2018 9:57 AM
> **To:** Allen, Glenn <glallen@co.fresno.ca.us>
> **Cc:** Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>; Mollring, Marianne <mmollring@co.fresno.ca.us>
> **Subject:** RE: Request for meeting to discuss CUPs 3052 and 3390
>
> I'm free but Chrissy has a standing call-in meeting at 2:00pm. Could probably have it after. Go ahead and check outlook.

> **From:** Allen, Glenn
> **Sent:** Monday, April 09, 2018 9:55 AM
> **To:** Motta, Chris <CMotta@co.fresno.ca.us>
> **Cc:** Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>; Mollring, Marianne <mmollring@co.fresno.ca.us>

Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

How does tomorrow afternoon work for everyone for our internal discussion?

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Motta, Chris
Sent: Monday, April 2, 2018 2:25 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>; Mollring, Marianne <mmollring@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Glenn,

See attached which are excerpts from Riverbend's Operational Statement approved in 2015. The following are some potential issues:

- Language in the statement indicates UCUP 3052 would need to be amended to accommodate this request.
- The timing for mining these proposed phases wasn't anticipated to start for over 30 years.
- The operator of UCUP 3052 would inherit many of the requirements for UCUP 3390 including berming, landscaping, mitigation monitoring agreements with retention of a 3rd party, etc.
- While it doesn't appear the parcels associated with Phases 6A, 6B and 7 are subject to a Williamson Act Contract, we should still confirm the locations and APNs with proposed operator.

I think it would be a good idea to have an internal meeting before we discuss with CMI representatives.

Chris

From: Allen, Glenn
Sent: Monday, April 02, 2018 9:30 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>

Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>
Subject: FW: Request for meeting to discuss CUPs 3052 and 3390

Good morning,

Terry Marshall contacted me last week to inquire regarding the information below and would like to schedule a meeting to discuss. Can you look into the request on the CUP side of things and them maybe we could discuss internally before scheduling the requested meeting? I got the feeling they were on a tight time line and would like to meet sooner than later.

Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Thursday, March 29, 2018 2:53 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: Request for meeting to discuss CUPs 3052 and 3390

Hello Glenn, thanks for taking a few minutes with me this morning to briefly discuss CUPs 3390 and 3052. As I mentioned CMI (CUP 3052) is in discussions with Riverbend Sand and Gravel (CUP 3390) to mine several phases south of Goodfellow Avenue; possibly all phases depending on negotiations. The EIR for CUP 3390 included the option for Calaveras Materials Inc. to mine several phases south of Goodfellow Avenue.

The purpose of a meeting is to discuss with the County any steps that may be necessary to ensure we are all covered should CMI proceed with mining material from 3390 then transporting it to the adjacent CMI processing plant covered under 3052. We can discuss the details when we meet but in general, here are the basics:

1) At this time, we are not proposing to increase throughput or production beyond that of the limits of CMI's permit. Should the future market be favorable, we would increase it to the limits of Riverbend's permit limit of 1.25mt.
2) Riverbend would not construct a plant; therefore, potential environmental impacts would be less than half of what was contemplated by both EIRs.
3) There would be no new environmental conditions created by the proposal; i.e., no new impacts above and beyond analyzed in either CUP EIR's.

Thank you and please let me know when you may be available for a meeting.

Terry A. Marshall
Land Manager – Region West
Lehigh Hanson
7675 North Ingram Avenue, Suite 104
Fresno, Ca 93711
Phone (559) 277-7060 x1202
Cell (559) 994-9088

***Important Note**: Please be aware that my email address has changed to Terry.Marshall@lehighhanson.com.*

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From: Marshall, Terry A (Fresno) USA
To: Allen, Glenn
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390
Date: Monday, April 9, 2018 11:35:09 AM

That's great Glenn, thank you very much for the update. Look forward to discussing the project.
Terry

From: Allen, Glenn [mailto:glallen@co.fresno.ca.us]
Sent: Monday, April 09, 2018 11:18 AM
To: Marshall, Terry A (Fresno) USA
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Hi Terry,
Yes, we are meeting with the Planning staff for an internal meeting tomorrow afternoon, following which I will contact you to schedule the group meeting.
Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Monday, April 9, 2018 11:11 AM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Good morning Glenn, hope you had a good weekend.
Just checking in to see if Planning staff has responded to the request for a meeting.
Thanks for your time.

Terry A. Marshall
Land Manager – Region West
Lehigh Hanson
7675 North Ingram Avenue, Suite 104
Fresno, Ca 93711
Phone (559) 277-7060 x1202
Cell (559) 994-9088

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From: Allen, Glenn [mailto:glallen@co.fresno.ca.us]
Sent: Monday, April 02, 2018 9:34 AM
To: Marshall, Terry A (Fresno) USA
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Good morning Terry,
I have forwarded the information you provided and the request for a meeting to our Planning staff for review. Once completed, I will be contacting you to set up a meeting time and date.
Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager

Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Thursday, March 29, 2018 2:53 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: Request for meeting to discuss CUPs 3052 and 3390

Hello Glenn, thanks for taking a few minutes with me this morning to briefly discuss CUPs 3390 and 3052. As I mentioned CMI (CUP 3052) is in discussions with Riverbend Sand and Gravel (CUP 3390) to mine several phases south of Goodfellow Avenue; possibly all phases depending on negotiations. The EIR for CUP 3390 included the option for Calaveras Materials Inc. to mine several phases south of Goodfellow Avenue.

The purpose of a meeting is to discuss with the County any steps that may be necessary to ensure we are all covered should CMI proceed with mining material from 3390 then transporting it to the adjacent CMI processing plant covered under 3052. We can discuss the details when we meet but in general, here are the basics:

1) At this time, we are not proposing to increase throughput or production beyond that of the limits of CMI's permit. Should the future market be favorable, we would increase it to the limits of Riverbend's permit limit of 1.25mt.
2) Riverbend would not construct a plant; therefore, potential environmental impacts would be less than half of what was contemplated by both EIRs.
3) There would be no new environmental conditions created by the proposal; i.e., no new impacts above and beyond analyzed in either CUP EIR's.

Thank you and please let me know when you may be available for a meeting.

Terry A. Marshall
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From: Motta, Chris
To: Allen, Glenn
Cc: Jimenez, Roy; Monfette, Christina; Mollring, Marianne
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390
Date: Monday, April 2, 2018 2:25:32 PM
Attachments: Pages from Riverbend Staff Report Final.pdf

Glenn,

See attached which are excerpts from Riverbend's Operational Statement approved in 2015. The following are some potential issues:

- Language in the statement indicates UCUP 3052 would need to be amended to accommodate this request.
- The timing for mining these proposed phases wasn't anticipated to start for over 30 years.
- The operator of UCUP 3052 would inherit many of the requirements for UCUP 3390 including berming, landscaping, mitigation monitoring agreements with retention of a 3rd party, etc.
- While it doesn't appear the parcels associated with Phases 6A, 6B and 7 are subject to a Williamson Act Contract, we should still confirm the locations and APNs with proposed operator.

I think it would be a good idea to have an internal meeting before we discuss with CMI representatives.

Chris

From: Allen, Glenn
Sent: Monday, April 02, 2018 9:30 AM
To: Motta, Chris ; Monfette, Christina
Cc: Jimenez, Roy
Subject: FW: Request for meeting to discuss CUPs 3052 and 3390

Good morning,

Terry Marshall contacted me last week to inquire regarding the information below and would like to schedule a meeting to discuss. Can you look into the request on the CUP side of things and them maybe we could discuss internally before scheduling the requested meeting? I got the feeling they were on a tight time line and would like to meet sooner than later.

Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Thursday, March 29, 2018 2:53 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: Request for meeting to discuss CUPs 3052 and 3390

Hello Glenn, thanks for taking a few minutes with me this morning to briefly discuss CUPs 3390 and 3052. As I mentioned CMI (CUP 3052) is in discussions with Riverbend Sand and Gravel (CUP 3390) to mine several phases south of Goodfellow Avenue; possibly all phases depending on negotiations. The EIR for CUP 3390 included the option for Calaveras Materials Inc. to mine several phases south of Goodfellow Avenue.

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1) At this time, we are not proposing to increase throughput or production beyond that of the limits of CMI's permit. Should the future market be favorable, we would increase it to the limits of Riverbend's permit limit of 1.25mt.
2) Riverbend would not construct a plant; therefore, potential environmental impacts would be less than half of what was contemplated by both EIRs.
3) There would be no new environmental conditions created by the proposal; i.e., no new impacts above and beyond analyzed in either CUP EIR's.

Thank you and please let me know when you may be available for a meeting.

Terry A. Marshall
Land Manager – Region West
Lehigh Hanson
7675 North Ingram Avenue, Suite 104
Fresno, Ca 93711
Phone (559) 277-7060 x1202
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From:	Motta, Chris
To:	Allen, Glenn
Subject:	RE: Request for meeting to discuss CUPs 3052 and 3390
Date:	Monday, April 2, 2018 1:21:00 PM

Would you have time for a quick 5 minute (or less) call on this today?

From: Allen, Glenn
Sent: Monday, April 02, 2018 9:30 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>
Subject: FW: Request for meeting to discuss CUPs 3052 and 3390

Good morning,

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Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
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From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Thursday, March 29, 2018 2:53 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: Request for meeting to discuss CUPs 3052 and 3390

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Thank you and please let me know when you may be available for a meeting.

Terry A. Marshall
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From: Allen, Glenn
To: Motta, Chris
Cc: Jimenez, Roy; Monfette, Christina
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390
Date: Monday, April 2, 2018 11:14:27 AM

Next week our mornings are open, with the exception of Monday and Thursday. Let me know when you are ready to meet and we nail down a time.

Thanks

From: Motta, Chris
Sent: Monday, April 2, 2018 11:09 AM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Glenn,

We'll start pulling files this week. An internal meeting is probably advisable. Let me know what are good days to do so.

Chris

From: Allen, Glenn
Sent: Monday, April 02, 2018 9:30 AM
To: Motta, Chris <CMotta@co.fresno.ca.us>; Monfette, Christina <cmonfette@co.fresno.ca.us>
Cc: Jimenez, Roy <RJJimenez@co.fresno.ca.us>
Subject: FW: Request for meeting to discuss CUPs 3052 and 3390

Good morning,

Terry Marshall contacted me last week to inquire regarding the information below and would like to schedule a meeting to discuss. Can you look into the request on the CUP side of things and them maybe we could discuss internally before scheduling the requested meeting? I got the feeling they were on a tight time line and would like to meet sooner than later.

Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Thursday, March 29, 2018 2:53 PM
To: Allen, Glenn <glallen@co.fresno.ca.us>
Subject: Request for meeting to discuss CUPs 3052 and 3390

Hello Glenn, thanks for taking a few minutes with me this morning to briefly discuss CUPs 3390 and 3052. As I mentioned CMI (CUP 3052) is in discussions with Riverbend Sand and Gravel (CUP 3390) to mine several phases south of Goodfellow Avenue; possibly all phases depending on negotiations. The EIR for CUP 3390 included the option for Calaveras Materials Inc. to mine several phases south of Goodfellow Avenue.

The purpose of a meeting is to discuss with the County any steps that may be necessary to ensure we are all covered should CMI proceed with mining material from 3390 then transporting it to the adjacent CMI processing plant covered under 3052. We can discuss the details when we meet but in general, here are the basics:

1) At this time, we are not proposing to increase throughput or production beyond that of the limits of CMI's permit. Should the future market be favorable, we would increase it to the limits of Riverbend's permit limit of 1.25mt.
2) Riverbend would not construct a plant; therefore, potential environmental impacts would be less than half of what was contemplated by both EIRs.
3) There would be no new environmental conditions created by the proposal; i.e., no new impacts above and beyond analyzed in either CUP EIR's.

Thank you and please let me know when you may be available for a meeting.

Terry A. Marshall
Land Manager – Region West
Lehigh Hanson
7675 North Ingram Avenue, Suite 104
Fresno, Ca 93711
Phone (559) 277-7060 x1202
Cell (559) 994-9088

***Important Note**: Please be aware that my email address has changed to Terry.Marshall@lehighhanson.com.*

This e-mail may contain confidential and/or legally privileged information. If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and delete this e-mail. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.

From: Marshall, Terry A (Fresno) USA
To: Allen, Glenn
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390
Date: Monday, April 2, 2018 10:22:50 AM

Great Glenn, thank you very much for the update. Look forward to discussing the project with you.
Terry

From: Allen, Glenn [mailto:glallen@co.fresno.ca.us]
Sent: Monday, April 02, 2018 9:34 AM
To: Marshall, Terry A (Fresno) USA
Subject: RE: Request for meeting to discuss CUPs 3052 and 3390

Good morning Terry,
I have forwarded the information you provided and the request for a meeting to our Planning staff for review. Once completed, I will be contacting you to set up a meeting time and date.
Thank you,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
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EXHIBIT 118

From:	Ritschel, Dana R.
To:	Vongsa, Soutchai; Daniele, Frank; Hernandez, Richard
Cc:	Ishii, Randy
Subject:	RE: TI
Date:	Wednesday, April 4, 2018 8:34:37 AM

The TI was in connection with grading plans for Poonia Retail Center, CUP 3349 & SPR 8002. Plans were routed to Roads M&O on March 23.
Thank you

Dana R Ritschel, Grading Engineer III
Fresno County Department of Public Works & Planning
Development Services Division, Development Engineering
2220 Tulare Street, Suite B
Fresno, CA 93721
(559) 600-4212
dritschel@co.fresno.ca.us

From: Vongsa, Soutchai
Sent: Wednesday, April 04, 2018 8:30 AM
To: Daniele, Frank <FDaniele@co.fresno.ca.us>; Hernandez, Richard <RAHernandez@co.fresno.ca.us>
Cc: Ishii, Randy <rishii@co.fresno.ca.us>; Ritschel, Dana R. <dritschel@co.fresno.ca.us>
Subject: RE: TI

Frank, attached is the 10 and 20-yr TI that were given to Dana a couple days of ago. Dana can answer your question whether the request is related to CUP 3390 or not.

From: Daniele, Frank
Sent: Tuesday, April 03, 2018 2:29 PM
To: Vongsa, Soutchai <SVongsa@co.fresno.ca.us>; Hernandez, Richard <RAHernandez@co.fresno.ca.us>
Cc: Ishii, Randy <rishii@co.fresno.ca.us>; Ritschel, Dana R. <dritschel@co.fresno.ca.us>
Subject: RE: TI

FYI
Riverbend Sand & Gravel is supposed to widen NB McCall as part of their opening day requirements. They managed to transfer the design responsibility to the County. No schedule yet for this design, but this mitigation measure was finalized by the Planning Commission in February 2015.

Is this request related to the approval of that CUP 3390?

Frank L. Daniele, PE
Supervising Engineer
Maintenance & Operations Division
Fresno County Dept. of Public Works & Planning
Telephone: (559) 600-4268

Your input is important. Please fill out the attached survey so that we can improve our service to you.
https://www.surveymonkey.com/s/PWP_SuperShort5

From: Vongsa, Soutchai
Sent: Wednesday, March 28, 2018 2:34 PM
To: Hernandez, Richard <RAHernandez@co.fresno.ca.us>
Cc: Daniele, Frank <FDaniele@co.fresno.ca.us>; Ishii, Randy <rishii@co.fresno.ca.us>
Subject: FW: TI

Richard,

Please see below.

Thanks,

Soutchai "Chai" Vongsa, Senior Engineer
Fresno County Public Works and Planning
Road Maintenance and Operations, Traffic
559-600-4264

From: Ritschel, Dana R.
Sent: Tuesday, March 27, 2018 3:05 PM
To: Vongsa, Soutchai <SVongsa@co.fresno.ca.us>
Subject: TI

Good sir,

Do you have a current TI for NB McCall just s/o Hwy 180? Flora provided a 2011 TI of 9.0.

Thank you

Dana R Ritschel, Grading Engineer III
Fresno County Department of Public Works & Planning
Development Services Division, Development Engineering
2220 Tulare Street, Suite B
Fresno, CA 93721
(559) 600-4212
dritschel@co.fresno.ca.us

From:	Vongsa, Soutchai
To:	Daniele, Frank; Hernandez, Richard
Cc:	Ishii, Randy; Ritschel, Dana R.
Subject:	RE: TI
Date:	Wednesday, April 4, 2018 8:29:00 AM
Attachments:	Mc Call N-O Jensen (10yr).xlsx Mc Call N-O Jensen (20yr).xlsx

---

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To: Vongsa, Soutchai <SVongsa@co.fresno.ca.us>; Hernandez, Richard <RAHernandez@co.fresno.ca.us>
Cc: Ishii, Randy <rishii@co.fresno.ca.us>; Ritschel, Dana R. <dritschel@co.fresno.ca.us>
Subject: RE: TI

FYI
Riverbend Sand & Gravel is supposed to widen NB McCall as part of their opening day requirements. They managed to transfer the design responsibility to the County. No schedule yet for this design, but this mitigation measure was finalized by the Planning Commission in February 2015.

Is this request related to the approval of that CUP 3390?

Frank L. Daniele, PE
Supervising Engineer
Maintenance & Operations Division
Fresno County Dept. of Public Works & Planning
Telephone: (559) 600-4268

Your input is important. Please fill out the attached survey so that we can improve our service to you.
https://www.surveymonkey.com/s/PWP_SuperShort5

From: Vongsa, Soutchai
Sent: Wednesday, March 28, 2018 2:34 PM
To: Hernandez, Richard <RAHernandez@co.fresno.ca.us>
Cc: Daniele, Frank <FDaniele@co.fresno.ca.us>; Ishii, Randy <rishii@co.fresno.ca.us>
Subject: FW: TI

Richard,

Please see below.

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Soutchai “Chai” Vongsa, Senior Engineer
Fresno County Public Works and Planning
Road Maintenance and Operations, Traffic
559-600-4264

From: Ritschel, Dana R.
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To: Vongsa, Soutchai <SVongsa@co.fresno.ca.us>
Subject: TI

Good sir,

Do you have a current TI for NB McCall just s/o Hwy 180? Flora provided a 2011 TI of 9.0.

Thank you

Dana R Ritschel, Grading Engineer III
Fresno County Department of Public Works & Planning
Development Services Division, Development Engineering
2220 Tulare Street, Suite B
Fresno, CA 93721
(559) 600-4212
dritschel@co.fresno.ca.us

EXHIBIT 119

BUADA ASSOCIATES, INC

4872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269/1376
e-mail: jcbuada@buada.com

June 28, 2018

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

RE: 2017 Mining Operation Annual Report, Riverbend Sand and Gravel, CA ID#91-10-0031

Enclosed is the following Mining Annual Report for the following facility:

Mine Name	Mine ID#	2017 Status	Enclosed Fee
Riverbend Sand and Gravel	91-10-0031	Not Yet In Operation	$138.00

Sincerely,

John C. Buada
Designated Agent

CC: Herb Lang

Enclosures:

- Mining Operation Annual Report CA ID#91-10-0031
  - Check for Filing Fee
  - 2017 Mining Operation Annual Report

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

9894

6/28/2018

PAY TO THE ORDER OF Department of Conservation/DMR | $ **138.00

One Hundred Thirty-Eight and 00/100********** DOLLARS

Department of Conservation/DMR

MEMO

Mine ID# 91-10-0031

AUTHORIZED SIGNATURE

⑈009894⑈ ⑆321171184⑆ 20561492 8⑈

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 1

CA MINE ID# 91-10-0031
MINE NAME Riverbend Sand & Gravel
SMARA Lead Agency Fresno County
☐ City ☑ County ☐ Other

1. Company Operating	Mailing Address/P.O. Box No.	Telephone
Riverbend Sand and Gravel, LLC	14962 E Fantz	559-875-6565 Ext.
Site Contact Person	**City/State/ZIP Code**	**Email Address**
Herb Lang	Parlier, CA 93648-9734	iblang@yahoo.com

2. Designated Agent's Name (individual must reside in CA)	Mailing Address 4872 N Arcade	
John Buada	Email Address jcbuada@buada.com	
City	Zip Code	Telephone
Fresno	93704	559-269-1376 Ext.

SOME ITEMS BELOW ARE PRECEDED BY A BOX LABELED "N.C." THIS BOX MAY BE CHECKED ONLY IF THERE ARE NO CHANGES IN THE INFORMATION FROM THE LAST REPORTING YEAR.
(NOTE: IF THIS IS THE FIRST TIME YOU HAVE FILED A REPORT, ALL SECTIONS MUST BE COMPLETED.)

☑ N.C.

3. Owner of Mining Operation		Telephone Ext.
Mailing Address	Email Address	
City	State/ZIP Code	Country (If other than U.S.A.)
Was this operation purchased by you during the 2017 reporting year? ☐ Yes. Date of purchase: _____ ☐ No.	Was this operation sold by you during the 2017 reporting year? ☐ Yes. Date of sale: _____ ☐ No.	

☑ N.C.

4. Landowner	Assessor's Parcel No.(s)
Mailing Address	Telephone Ext.
City/State/ZIP Code	Country (If other than U.S.A.)

5. Status of Mining Operation DURING THE 2017 REPORTING YEAR (See form instructions for definitions) CHECK 1 ONLY

- ☑ Newly permitted; date permitted: 2/26/2015
- ☐ Active.
- ☐ Idle; date operation became idle: _____
  - If idle, complete the following:
    - ☐ Copy of approved Interim Management Plan is attached.
    - ☐ Interim Management Plan is pending with the Lead Agency; date submitted: _____
- ☐ Closed with no intent to resume; date mining ceased: _____
- ☐ Closed - reclamation certified complete by the Lead Agency; date of certification: _____

6. Status of Reclamation Activities DURING THE 2017 REPORTING YEAR CHECK 1 ONLY

- ☑ Reclamation not started.
- ☐ Reclamation in progress.
- ☐ Reclamation certified complete by the Lead Agency.
  - Date reclamation was certified complete: _____
  - Date financial assurances were released: _____

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 2

CA MINE ID# 91- 10-0031

7. Inspections

(a) Date of the most recent inspection: 12/22/2017

(b) Did you receive a copy of the most recent inspection report form (as noted in 7(a) above)? ☑ Yes ☐ No;
If Yes, attach a copy as required by Public Resources Code 2207(a)(8). If No, explain on page 4.

(c) Requested date for the next Annual Inspection by the Lead Agency (must be within 12 months of the most recently conducted Annual Inspection):

Date Requested: _____

8(a). Does this site have an approved reclamation plan?

- IF THIS IS THE FIRST ANNUAL REPORT FILED FOR THIS OPERATION, ATTACH APPROVED RECLAMATION PLAN.

Number of acres subject to the reclamation plan: _____

☐ Yes: Approval date of the reclamation plan: _____

☐ No: Please explain by checking one of the two boxes below, as applies. Otherwise, explain on page 4.

☐ Approval pending. Date submitted to the Lead Agency: _____

☐ Lead Agency action on initial or amended reclamation plan on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

8(b). Were there any amendments to the reclamation plan during the 2017 reporting year?

- IF ANY AMENDMENTS TO THE RECLAMATION PLAN WERE APPROVED DURING THE 2017 REPORTING YEAR, ATTACH A COPY.

☐ Yes: Amendment(s) to the reclamation plan were approved during the reporting 2017 year. Date approved: _____

☑ No.

9(a). Was a financial assurance cost estimate approved by the Lead Agency during the 2017 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval of financial assurance cost estimate pending with the Lead Agency. Date submitted: _____

☑ No. Explain on page 4.

9(b). Was a new or updated financial assurance mechanism(s) approved by the Lead Agency and the Department of Conservation during the 2017 reporting year?

☐ Yes. Date of approval: _____

☐ No. Approval pending financial assurance mechanism(s). Date submitted to the Lead Agency: _____

☐ No. Lead Agency action on financial assurance mechanism(s) is on appeal with the State Mining and Geology Board.
Date appeal submitted: _____

☑ No. Other, explain on page 4.

9(c). Complete information below for financial assurance mechanism(s):

Type (Bond, CD, etc.)	Amount	Date Posted	Date of Annual Review by the Lead Agency	Expiration Date or Renewal Date (if applicable)

☑ N.C.

10. ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' OR 15' QUAD—SHOWING BOUNDARIES OF MINING OPERATION.

Latitude (Decimal Degree)	Longitude (Decimal Degree)	Section—Township—Range—Base Meridian	Quad Name	County

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 3

CA MINE ID# 91- 10-0031

☑ N.C.

11. Code type(s) of mining operation: _____ SEE EXHIBIT A FOR CODE TYPE(S)

12. DISTURBED ACREAGE **COMPLETE ENTIRE SECTION**

1. 0 Approximate disturbed acreage on January 1, 2017. (This figure should match the figure from item 12, line 5 on your 2016 Annual Report. If it does not match, explain on page 4.)
2. 0 Approximate acreage disturbed **during** 2017.
3. 0 **(ADD LINE 1 TO LINE 2)**
4. 0 Approximate disturbed acreage **reclaimed** during 2017.
5. 0 **(SUBTRACT LINE 4 FROM LINE 3)** Approximate disturbed acreage **remaining** on December 31, 2017.

☑ N.C.

13. **CHECK ALL THAT APPLY**

☐ Acres permitted: _____

☐ Acres vested (acres disturbed prior to January 1, 1976): _____

☐ Acres on federal lands: _____

☐ N.C.

14. Current total assessed value of mining operation as established by County Assessor's Office: $ 8,925,876

15. COMMODITIES AND PRODUCTION* **SEE EXHIBIT B**

PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL PURSUANT TO PUBLIC RESOURCE CODE SECTION 2207(g)

List All Commodities (from Exhibit B) **PRODUCED MINERALS**	Category Number (from Exhibit B)	TOTAL PRODUCTION Amount of Production	CHECK ONE Short Tons	Troy Ounces	Pounds
A. **PRIMARY COMMODITY** SAND AND GRAVEL	B	0	☑	☐	☐
B. **ALL OTHER COMMODITIES** (include gold and silver produced if not primary commodity)			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

16. FEE SCHEDULE **SEE EXHIBIT C**

USING **BOTH** YOUR CATEGORY NUMBER **AND** TOTAL PRODUCTION FROM 15(A) ABOVE, REFER TO EXHIBIT C TO FIND YOUR CORRESPONDING PRODUCTION RANGE. ENTER YOUR CORRESPONDING PRODUCTION CODE IN 16(A) AND FEE IN 16(B) BELOW.

A. PRODUCTION CODE ..... A

B. REPORTING FEE ..... $ $ 138.00

(fees calculation continued on next page)

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
2017 MINING OPERATION ANNUAL REPORT
MRRC-2 Page 4

CA MINE ID# 91- 10-0031

GOLD AND SILVER FEE:

IF GOLD OR SILVER PRODUCTION IS REPORTED IN SECTION 15(A) OR 15(B), CONTINUE ON TO COMPLETE 16(C) AND (D), BELOW.

C. **GOLD FEE** (_____ **Ounce(s) of gold) X ($5.00 per ounce) =** $ _____

D. **SILVER FEE** (_____ **Ounce(s) of silver) X ($0.10 per ounce) =** $ _____

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ _____ **(Attach one check for total)**

---

17. **SUBMITTED BY**

Name (Please print): John C. Buada, Buada Associates, Inc.

Mailing Address: 4872 N Arcade Ave

City/State/ZIP Code: Fresno, CA 93704 Telephone Number: 559-269-1376

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER John C. Buada **DATE** 6/28/2018

TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee payment, gold and silver fee payment, and required attachments to:

ATTN: Reporting Unit
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Please use the space provided to complete any questions that required further explanation. Additional sheets may be attached if more space is needed.

9(a): Not yet in operation
9(b): Not yet in operation

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	12-22-17	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno		
Inspector		**Telephone**
Glenn Allen		(559) 600-9672
Title	**Organization**	
Division Manager	County of Fresno	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
glallen@co.fresno.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2016

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below: ☐Yes ☑No	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 12-22-17	CA MINE ID#: 91- 10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No	☐Yes ☐No	☐Yes ☐No
Date of Change:	If not, describe status of new operators Financial Assurance Mechanism:	

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196.901.00
☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 4 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
12-22-17

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
Jennifer Parks & Glenn Allen (County of Fresno)
Herb Lange (Running Luck Ranch)

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Date Signed: 3-19-18	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 120

From: Allen, Glenn
To: Jimenez, Roy
Subject: FW: Riverbend Sand & Gravel SMARA Annual Rept 2017
Date: Friday, June 29, 2018 11:55:43 AM
Attachments: SMARA Annual 2017 Transmittal Fres Co 6-18.pdf
Riverbend S&G ID91-10-0031 2017 Annual Report pkg 6-18.pdf

Please review and add to the file and let John know that you and I will be the program contacts going forward.

Thanks,

Glenn Allen, REHS, M.S.
Water & Natural Resources Manager
Fresno County Public Works & Planning
(559) 600-9672
Customer Service Survey- Tell us how we're doing.

From: Parks, Jennifer
Sent: Friday, June 29, 2018 11:33 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Allen, Glenn <glallen@fresnocountyca.gov>
Subject: FW: Riverbend Sand & Gravel SMARA Annual Rept 2017

Jennifer Parks
Senior Engineering Technician
Construction Divison
Phone: 559-600-4546
Cell: 559-519-6349

Please let us know how we are doing by completeing this short survey about our customer services.

https://www.surveymonkey.com/r/customersurveypwp

From: John Buada <jcbuada@buada.com>
Sent: Thursday, June 28, 2018 3:20 PM
To: Parks, Jennifer <jparks@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: Riverbend Sand & Gravel SMARA Annual Rept 2017

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!
This email has been flagged as containing one or more attachments from an outside source.
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If you were not expecting to receive an email with attachments, please DO NOT open the file.
Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Jennifer,

Attached is the Riverbend Sand & Gravel SMARA Annual Rept 2017 as mailed today to the Dept of Conservation, Div of Mine Reclamation.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Parks, Jennifer
To: Jimenez, Roy
Cc: Allen, Glenn
Subject: FW: Riverbend Sand & Gravel SMARA Annual Rept 2017
Date: Friday, June 29, 2018 11:33:14 AM
Attachments: SMARA Annual 2017 Transmittal Fres Co 6-18.pdf
Riverbend S&G ID91-10-0031 2017 Annual Report pkg 6-18.pdf

Jennifer Parks
Senior Engineering Technician
Construction Divison
Phone: 559-600-4546
Cell: 559-519-6349

Please let us know how we are doing by completeing this short survey about our customer services.

https://www.surveymonkey.com/r/customersurveypwp

From: John Buada <jcbuada@buada.com>
Sent: Thursday, June 28, 2018 3:20 PM
To: Parks, Jennifer <jparks@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: Riverbend Sand & Gravel SMARA Annual Rept 2017

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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Jennifer,

Attached is the Riverbend Sand & Gravel SMARA Annual Rept 2017 as mailed today to the Dept of Conservation, Div of Mine Reclamation.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704

Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From:	John Buada
To:	Parks, Jennifer
Cc:	iblang@yahoo.com
Subject:	Riverbend Sand & Gravel SMARA Annual Rept 2017
Date:	Friday, June 29, 2018 10:59:03 AM
Attachments:	SMARA Annual 2017 Transmittal Fres Co 6-18.pdf Riverbend S&G ID91-10-0031 2017 Annual Report pkg 6-18.pdf

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!

This email has been flagged as containing one or more attachments from an outside source.
Please check the senders email address carefully.
If you were not expecting to receive an email with attachments, please DO NOT open the file.
Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Jennifer,

Attached is the Riverbend Sand & Gravel SMARA Annual Rept 2017 as mailed today to the Dept of Conservation, Div of Mine Reclamation.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

EXHIBIT 121

From: Syed Malek
To: Mollring, Marianne
Subject: Re: CUP 3390
Date: Wednesday, July 25, 2018 11:45:15 AM

Marianne,

Aug 2nd, Thursday at 4pm sounds great.
Thanks for your quick response and support.

Cheers,
Syed

Get Outlook for Android

From: Mollring, Marianne <mmollring@fresnocountyca.gov>
Sent: Wednesday, July 25, 2018 6:45:34 AM
To: 'Syed Malek'
Subject: RE: CUP 3390

Good Morning Mr. Malek,
I have time open in the late afternoon on July 30, 31, and August 2 next week (4 p.m.). Please let me know which date works for your schedule.
Sincerely,

Marianne Mollring, AICP, GISP
Senior Planner
Department of Public Works and Planning
2220 Tulare Street, Suite A
Fresno, CA 93721
(559) 600-4569

From: Syed Malek <syed_malek@hotmail.com>
Sent: Tuesday, July 24, 2018 7:35 PM
To: Mollring, Marianne <mmollring@fresnocountyca.gov>
Subject: Re: CUP 3390

Marianne,
Would you please find me a 10 minute slot on your calender?

Cheers,
Syed

Get Outlook for Android

From: Syed Malek <syed_malek@hotmail.com>
Sent: Friday, July 20, 2018 12:22:20 PM
To: Mollring, Marianne
Subject: CUP 3390

Marianne,

Per your request, I'm emailing you to setup an appointment with you. Please let me know your availability. I prefer later part of the week (wed/Thurs or Friday), since I'll be coming from bay area. Thanks in advance for your consideration and support.

Cheers,
Syed

Get Outlook for Android

EXHIBIT 122

From: Patrick Mitchell
To: Roberson, Kyle
Cc: Wille, Arthur; Anne Badasci
Subject: RE: Riverbend Traffic Mitigation Agreement
Date: Wednesday, August 22, 2018 12:45:03 PM

Kyle,

It is the Riverbend Sand and Gravel Mine out by the Kings River. The site is south of 180, a few miles west of Reed Avenue, and east of the river. The project was approved by Fresno County in the past few years and project development has been ongoing. The Traffic Mitigation Agreement with the county is one of the mitigation requirements for the project.

I have been involved since the beginning so if you need any additional info I'd be glad to provide it to you.

Thanks
Pat

From: Anne Badasci
Sent: Wednesday, August 22, 2018 11:51 AM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Cc: Wille, Arthur <awille@fresnocountyca.gov>; Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Traffic Mitigation Agreement

Hi Kyle,

Following up on this, please find attached the Traffic Mitigation Agreement. If possible, can you let me know if you have an idea when we can expect your revisions or comments? Within the next couple of weeks would be great, so that Riverbend can move forward with the project as expeditiously as possible.

Thank you,

Anne Badasci

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8575
Fax: 916.788.0290
abadasci@mitchellchadwick.com
www.mitchellchadwick.com

From: Roberson, Kyle <kroberson@fresnocountyca.gov>
Sent: Thursday, August 16, 2018 8:18 AM

To: Anne Badasci <abadasci@mitchellchadwick.com>
Cc: Wille, Arthur <awille@fresnocountyca.gov>
Subject: RE: Riverbend Traffic Mitigation Agreement

Good morning Anne,

Yes. I have taken over the land use assignment from Art. At this stage, it is not necessary to CC anyone else with the County. I would like to review your proposed agreement and I will forward it to staff as necessary.

If I may ask, what project is this agreement related? Is there an open application submitted by your client for discretionary approvals from the County?

Respectfully,

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Anne Badasci <abadasci@mitchellchadwick.com>
Sent: Wednesday, August 15, 2018 1:51 PM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Subject: Riverbend Traffic Mitigation Agreement

Good afternoon Kyle,

I'm working with Pat Mitchell, who represents Riverbend Sand and Gravel. We have a finalized copy of the traffic mitigation agreement (an earlier copy was sent in early 2017, so this one has revisions incorporated). Art Wille shared your contact info with me; if you could let me know if 1) you are the

appropriate person to send the agreement on to, and 2) if there are any other parties who should be CC'd on that submission, that would be super helpful!

Thanks so much, and don't hesitate to call with any questions,

Anne Badasci

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8575
Fax: 916.788.0290
abadasci@mitchellchadwick.com
www.mitchellchadwick.com

EXHIBIT 123

From: Motta, Chris
To: Mollring, Marianne
Subject: NOA County-Memo
Date: Friday, August 31, 2018 11:20:00 AM
Attachments: NOA County-Memo.doc

Here's an example.

EXHIBIT 124

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	10/02/2018	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade Avenue		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno, Department of Public Works and Planning		
Inspector		**Telephone**
Roy Jimenez Jr.		(559) 600-4251
Title	**Organization**	
Planner	Water and Natural Resources Division	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
rjjimenez@fresnocountyca.gov		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2017

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	☐Yes ☑No
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 10/02/2018	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196,901.00
■ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: 12/17/2018, $259,309.00 Pending Review
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # **91-** 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
10/02/2018

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
County Staff: Roy Jimenez and Glenn Allen

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Roy Jimenez Date Signed: 2/27/2019	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 125

From: Anne Badasci
To: Roberson, Kyle
Cc: Wille, Arthur; Patrick Mitchell
Subject: RE: Riverbend Traffic Mitigation Agreement
Date: Monday, October 15, 2018 3:53:32 PM

Hi Kyle,

Just wanted to check in on the status of your review of the Traffic Mitigation Agreement. We'd appreciate your comments as soon as possible so we can continue moving on the project.

Thanks,

Anne Badasci

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8575
Fax: 916.788.0290
abadasci@mitchellchadwick.com
www.mitchellchadwick.com

From: Roberson, Kyle <kroberson@fresnocountyca.gov>
Sent: Sunday, August 26, 2018 3:44 PM
To: Anne Badasci <abadasci@mitchellchadwick.com>
Cc: Wille, Arthur <awille@fresnocountyca.gov>; Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Traffic Mitigation Agreement

Good afternoon Anne,

I receive your draft agreement. I except to provide you with my comments within the next 3 weeks.

Respectfully,

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Anne Badasci <abadasci@mitchellchadwick.com>
Sent: Wednesday, August 22, 2018 11:51 AM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Cc: Wille, Arthur <awille@fresnocountyca.gov>; Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Traffic Mitigation Agreement

Hi Kyle,

Following up on this, please find attached the Traffic Mitigation Agreement. If possible, can you let me know if you have an idea when we can expect your revisions or comments? Within the next couple of weeks would be great, so that Riverbend can move forward with the project as expeditiously as possible.

Thank you,

Anne Badasci

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8575
Fax: 916.788.0290
abadasci@mitchellchadwick.com
www.mitchellchadwick.com

From: Roberson, Kyle <kroberson@fresnocountyca.gov>
Sent: Thursday, August 16, 2018 8:18 AM
To: Anne Badasci <abadasci@mitchellchadwick.com>
Cc: Wille, Arthur <awille@fresnocountyca.gov>
Subject: RE: Riverbend Traffic Mitigation Agreement

Good morning Anne,

Yes. I have taken over the land use assignment from Art. At this stage, it is not necessary to CC anyone else with the County. I would like to review your proposed agreement and I will forward it to staff as necessary.

If I may ask, what project is this agreement related? Is there an open application submitted by your client for discretionary approvals from the County?

Respectfully,

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Anne Badasci <abadasci@mitchellchadwick.com>
Sent: Wednesday, August 15, 2018 1:51 PM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Subject: Riverbend Traffic Mitigation Agreement

Good afternoon Kyle,

I'm working with Pat Mitchell, who represents Riverbend Sand and Gravel. We have a finalized copy of the traffic mitigation agreement (an earlier copy was sent in early 2017, so this one has revisions incorporated). Art Wille shared your contact info with me; if you could let me know if 1) you are the appropriate person to send the agreement on to, and 2) if there are any other parties who should be CC'd on that submission, that would be super helpful!

Thanks so much, and don't hesitate to call with any questions,

Anne Badasci
MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8575
Fax: 916.788.0290
abadasci@mitchellchadwick.com
www.mitchellchadwick.com

EXHIBIT 126

From: Roberson, Kyle
To: Patrick Mitchell
Subject: Riverbend Traffic Mitigation Agreement
Date: Friday, November 2, 2018 4:38:00 PM
Attachments: Riverbend Traffic Mitigation Agreement 2018 (KRR revisions 11.2.18).docx
Exhibit B Mitigation Measures.pdf

Pat,

Attached is the traffic mitigation agreement with my revisions and comments. We are close. However, the point of concern from the County is tethering the payment of bonds to prior to the first day of sale of material from the Project. This would be difficult for the County to confirm. I suggest the threshold to be prior to the submittal of Site Plan Review. I also have concerns regarding the timing for the bonds in your Exhibit B-3 to be prior to August 1, 2033. This date is too far into the future. I suggest we breakdown issuance of the these bonds to sequential project milestones.

I have also attached the Mitigation Measures Trans-1, Trans-2 and Trans-3 as the example of the new Exhibit B I propose to include the agreement.

Respectfully,

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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EXHIBIT 127

TRAFFIC MITIGATION AGREEMENT (COUNTY FAIR SHARE) FOR RIVERBEND MINE AND RECLAMATION PLAN

THIS AGREEMENT is entered into on [Month] __, 2018 on the last date signed below ("Effective Date") between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel LLC ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. WHEREAS, Riverbend proposes to construct, operate, and reclaim an aggregate mine, and related processing, asphalt, ready mix concrete, hot mix asphalt plant, and portable asphalt and concrete recycling plant on 619 acres of land located in Fresno County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will be located on certain real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. WHEREAS, on February 26, 2015, pursuant to County Resolution, subject to the conditions listed therein, the Fresno County Planning Commission certified an Environmental Impact Report ("EIR") for the Project (State Clearinghouse No. 2013071097), approved Unclassified Conditional Use Permit No. 3390, and adopted the CEQA findings, the mitigation measures, the Mitigation Monitoring and Reporting Program and the statement of overriding considerations.

C. WHEREAS, on May 19, 2015, the Board of Supervisors hearing on appeal from the Planning Commission was taken off calendar because the appellant withdrew his appeal.

D. WHEREAS, as part of the EIR for the Project, a Traffic Impact Study ("TIS") was prepared by VRPA Technologies, Inc. in March 2014 and revised in July 2014 and included in the EIR as Appendix K, which describes the potential traffic and circulation impacts associated with the Project.

E. WHEREAS, the TIS and the EIR indicated that the Project would increase vehicle trips on public roads and could contribute to unacceptable levels of service on Fresno County roadways segments and at intersections ("Impacts"), which Impacts were considered potentially significant.

F. WHEREAS, Mitigation Measure TRANS-1 of the EIR and the Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share ("Pro Rata Share") of the total anticipated costs to the County for level of service ("LOS") improvements related to capacity required at the following intersections and road segment ("LOS Improvements") as follows:

i. McCall Avenue / Jensen Avenue Add Eastbound Left Turn Lane and Right Turn Lane, Westbound Right Turn Lane, Northbound Left Turn Lane, Through Lane and Right Turn Lane, and

Southbound Left Turn Lane, Through Lane and Right Turn Lane – 8.5%

ii. McCall Avenue / North Avenue Signalization – 18.6%
iii. Academy Avenue / Central Avenue Signalization – 17.8%
iv. McCall Avenue / Central Avenue Signalization – 23.0%
v. McCall Avenue / SR 180 Add Northbound Through Lane and Right Turn Lane, and Southbound Through Lane and Right Turn Lane – 10.0%
vi. McCall Avenue / SR 180 Add Northbound Left Turn Lane – 100%
vii. McCall Avenue from SR 180 to Jensen Avenue add Northbound Travel Lane and Southbound Travel Lane – 16.3%
viii. McCall Avenue from Jensen Avenue to North Avenue Northbound Travel Lane – 37.7%

G. WHEREAS, the TIS and Mitigation Measure TRANS-3 of the EIR and Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Traffic Index Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share to the County for improvements related to the structural section of the impacted street segments ("Structural Improvements"):

i. Central Avenue Segments
    a. McCall Avenue to Bethel Avenue – 46.0%
    b. Bethel Avenue to Academy Avenue – 42.4%
    c. Academy Avenue to Newmark Avenue – 39.1%
ii. Goodfellow Avenue Segments
    a. Newmark Avenue to Bridge – 40.3%
    b. Bridge to Riverbend Avenue – 40.3%
iii. McCall Avenue Segments
    a. SR 180 (Kings Canyon) to Jensen Avenue – 61.4%
    b. Jensen Avenue to North Avenue – 66.7%
    c. North Avenue to Central Avenue – 73.8%

As set forth herein, Riverbend's Pro Rata Share payment amounts ("Funds") for each LOS Improvement and Structural Improvement (collectively, "Improvements") were determined based on the actual total cost of each Improvement multiplied by Riverbend's Pro Rata Share.

H. WHEREAS, except for those amounts specified to be paid in cash or equivalent, Riverbend shall obtain bonds for the estimate of the Funds, and will remit to the County the actual cost of Riverbend's Pro Rata Share of the Improvements approximately twelve months before the actual construction of each particular Improvement.

I. WHEREAS, the intersection at McCall Avenue and SR 180 shall be considered a County proposed project, thus PG&E should not charge for the necessary relocation of the existing utilities, including PG&E poles or towers.

J. WHEREAS, in accordance with Mitigation Measure TRANS-2 of the EIR and Monitoring Plan, Riverbend shall be 100% responsible for building the entrance to the Project.

K. WHEREAS, Mitigation Measures TRANS-1 and TRANS-3, as conditions of Project approval, require Riverbend to enter into a traffic mitigation agreement with the County as adopted as EIR, each of which is set forth in Exhibit "B," which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

AGREEMENT

1. **PAYMENT**. Riverbend shall provide the County with payment or surety bonds as set forth in **Exhibit C** and described below:

1.1 Prior to submittal of a Site Plan Review for the Project payment of $217,588 in full satisfaction of Riverbend's fair share contributions to the addition of northbound and southbound through lanes at McCall Avenue and Jensen Avenue, the addition of a southbound right turn lane at McCall Avenue at SR 180, the addition of a westbound right turn lane at McCall Avenue at Jensen Avenue, and the installation of a traffic signal at Academy Avenue at Central Avenue as set forth in **Exhibit C-1**, attached hereto and incorporated by this reference.

1.2 Prior to submittal of a Site Plan Review for the Project, a surety bond issued to County on behalf of Riverbend by a surety authorized to transact business and issue surety bonds in the State of California for $1,709,000 in full satisfaction of its Pro Rata Share for the McCall Avenue / SR 180 Northbound Left Turn Lane Improvement as set forth in **ExhibitC-2**, attached hereto and incorporated by this reference

1.3 For all other Improvements, Riverbend shall obtain and provide to the County one or more surety bonds issued to the County on behalf of Riverbend by a surety authorized to transact business and issue surety bonds in the State of California in the amounts set forth in **ExhibitC-3**, attached hereto and incorporated by this reference. The surety bonds identified in subsections 1.2 and 1.3 are referred to collectively referred to as "Bonds." Riverbend shall provide the Bonds to the County on or before August 1, 2033. The Bonds shall be in an industry-standard format.

1.4 The County shall provide written notice to Riverbend twelve (12) months prior to construction of the particular Improvement(s), and Riverbend shall pay its actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving said notice. Within ten (10) days of receiving Riverbend's payment, the County shall release the applicable Bond amount.

2. **SATISFACTION**. The County hereby acknowledges that upon the execution of this Agreement, Riverbend's submission of the payments described under Section 1.2, the Bonds, and later actual payments for the Improvements, Riverbend will have satisfied its mitigation obligations to the County for Project Impacts as required by Mitigation Measures TRANS-1 and TRANS-3.

3. **ALLOWABLE USE OF BONDS**. The County shall not submit a claim on a Bond, or otherwise indirectly or directly cause a Bond to be released or remitted to the County, until all of the following occur:

3.1 Riverbend has not paid the actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving the County's written request for payment as described in Section 1.4; and

3.2. The County has provided Riverbend a reasonable opportunity to cure the defect not to exceed thirty (30) days after the sixty (60) day period to remit payment of the actual Pro Rata Share

4. **ALLOWABLE USE OF FUNDS**. Funds provided by Riverbend to the County shall remain in a trust account until such time as the County has secured the balance of other funds necessary to implement the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3. The County agrees that the Funds paid by Riverbend pursuant to the terms of this Agreement shall be used only for the purposes of instituting the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3.

5. **RETURN OF FUNDS**. In the event that the Funds are not fully expended on the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3, by the County on or before August 1, 2037, the County shall return to Riverbend, within sixty (60) days of receipt of Riverbend's written request, all of the then-unexpended Funds.

6. **COUNTY OBLIGATIONS**. All obligations of the County under the terms of this Agreement are subject to the appropriation and allocation of resources by the County Board of Supervisors.

7. **BINDING EFFECT AND ASSIGNMENT**. This Agreement shall be construed as a covenant running with the land and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors in interest. Riverbend shall have the right to assign this agreement to a third-party.

8. **EXPIRATION OF AGREEMENT**. This Agreement shall expire when the County has expended all of the Funds; the Funds are returned to Riverbend, in whole or in part pursuant to Section 5 of this Agreement; or on August 1, 2037, whichever occurs first in time.

9. **ATTORNEY'S FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

10. **WAIVERS**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

11. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement.

12. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation and neither Party is to be deemed the Party which prepared this Agreement.

13. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein. This Agreement may be amended only by a written document signed by both Parties.

14. **RECORDATION.** Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office.

15. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

16. **NOTICES**. Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

To the County:

Will Kettler, Division Manager
Fresno County, Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

17. **COUNTERPARTS**. This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed the Agreement, or any counterpart thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:



_____ Date: _____
Herb Lang

For THE COUNTY:

_____ Date: _____

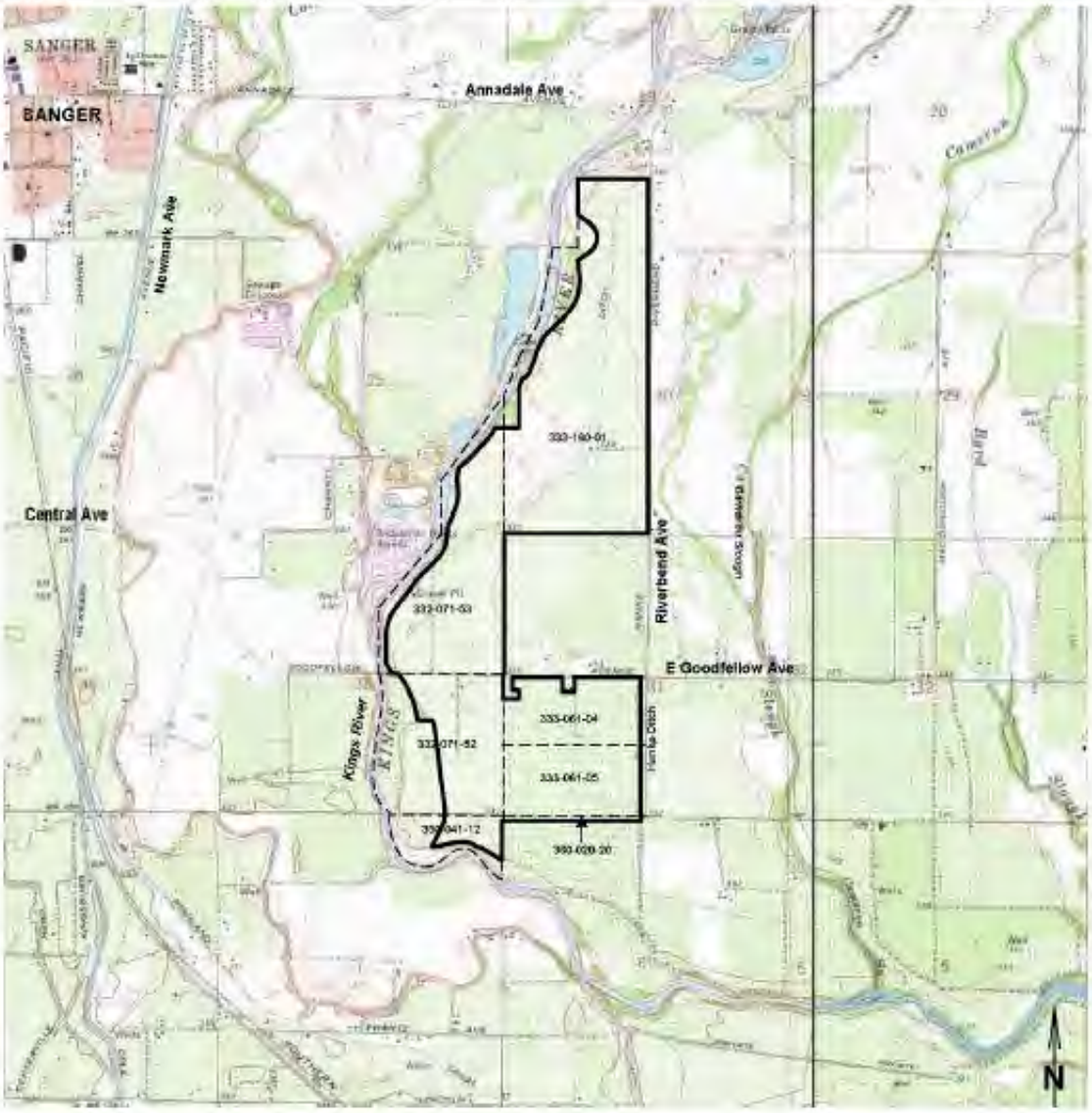
Approved as to form:

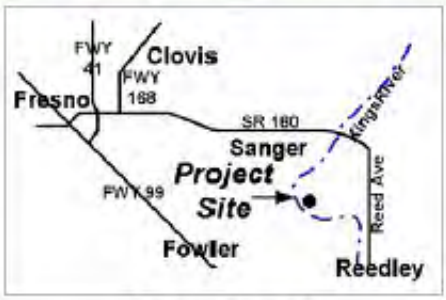
_____ Date: _____
Daniel C. Cederborg, County Counsel

Attest:

_____ Date: _____
Brandi L. Orth, County Clerk

Exhibit A – Project Location





Regional Location

Legend
Parcel Lines
Project Boundary
Assessors Parcel No.

Source: Buada Associates, 2014; USGS 7.5' Series – Sanger Quad

Figure 2-2 Site Location Map

EXHIBIT C-1
Non-bond amounts to be paid in cash – Due prior to submittal of a Site Plan Reivew for the Project

	Improvement	Pro Rata Share	Payment Amount
1.	McCall Avenue / SR 180: • Southbound add right turn lane	10%	 $21,500
2.	McCall Avenue / Jensen Avenue • Northbound add through lane; Southbound add through lane • Westbound add right turn lane	8.5%	 $124,525 $15,938
3.	Academy Avenue / Central • Avenue Signalization	17.8%	 $55,625
	Total non-bond amounts to be paid in cash – Due prior tosubmittal of a Site Plan Reivew for the Project		**$217,588**

EXHIBIT C-2
Bond amount – due prior to submittal of a Site Plan Reivew for the Project

	Improvement	Pro Rata Share	Bonded Amount
	McCall Avenue / SR 180 • Northbound Left Turn Lane	100%	$1,709,000

Total bond amount due prior tosubmittal of a Site Plan Review for the Project $1,709,000

EXHIBIT C-3
Bond Amount – Due August 1, 2033

	Improvement	Pro Rata Share	Bonded Amount
1	McCall Avenue / Jensen Avenue • Eastbound add left and right turn lane; Northbound add left and right turn lane; Southbound and left and right turn lane	8.5%	$120,913
2	McCall Avenue / North Avenue • Signalization	18.6%	$58,125
3	McCall Avenue / Central Avenue • Signalization	23.0%	$71,875
4	McCall Avenue / SR 180: • Northbound add through lane and right turn lane; southbound add through lane and right turn lane	10.0%	$115,250
5	SR 180 to Jensen Avenue • Northbound Travel Lane and Southbound Travel Lane	16.3%	$1,010,274
6	Jensen Avenue to North Avenue • Northbound Travel Lane	37.7%	$685,763
7	Central Avenue Segment: • McCall Avenue and Bethel Avenue	46.0%	$287,500
8	Central Avenue Segment: Bethel Avenue and Academy Avenue	42.4%	$132,500
9	Central Avenue Segment: Academy Avenue and Newmark Avenue	39.1%	$51,380
10	Goodfellow Segment: Newmark Avenue to Bridge	40.3%	$285,630
11	Goodfellow Segment: Bridge to Riverbend Avenue	40.3%	$226,750
12	McCall Avenue Segment: SR 180 (Kings Canyon) and Jensen Avenue	61.4%	$191,880
13	McCall Avenue Segment: Jensen Avenue and North Avenue	66.7%	$208,500
14	McCall Avenue Segment: North Avenue and Central Avenue	73.8%	$230,630
	Total bond amount due August 1, 2033		**$3,676,973**

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

EXHIBIT 128

From: Marshall, Terry A (Fresno) USA
To: Jimenez, Roy
Subject: RE: FACE for Riverbend Site
Date: Wednesday, November 28, 2018 4:42:15 PM
Attachments: image003.png
image004.png

No problem Roy. I am not sure if John is still involved with them or not. I would guess he is though. If you need any contact information for Riverbend just let me know.

Terry

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:35 PM
To: Marshall, Terry A (Fresno) USA
Subject: RE: FACE for Riverbend Site

Im sorry Terry. I wasn't sure if you were involved or not. Do you know if John Buada still the contact for herbs site?

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: Marshall, Terry A (Fresno) USA <Terry.Marshall@lehighhanson.com>
Sent: Wednesday, November 28, 2018 4:32 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: FACE for Riverbend Site

Hello Roy, was this meant for Herb Lang? I think we submitted ours after the inspection.

Terry A. Marshall
Land and Environmental Manager – Region West
Lehigh Hanson
7675 North Ingram Avenue, Suite 104
Fresno, Ca 93711
Phone (559) 277-7060 x1202
Cell (559) 994-9088

***Important Note**: Please be aware that my email address has changed to Terry.Marshall@lehighhanson.com.*

This e-mail may contain confidential and/or legally privileged information. If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and delete this e-mail. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 3:34 PM
To: Marshall, Terry A (Fresno) USA
Subject: FACE for Riverbend Site

Hello Terry,

Just following up on the FACE for the Riverbend Sand and Gravel site. Staff conducted its annual inspection on October 2, 2018. If you have any questions, please feel free to contact me.

Thank you,

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 129

From: ~~Luna, Hector~~
To: ~~Ramirez, Augustine~~
Subject: FW: Riverbend Sand and Gravel SPR 7946 SPR Approval
Date: Thursday, November 29, 2018 11:32:43 AM
Attachments: ~~image001.png~~

Approved Reclamation Plan requested

Regards,

Hector E. Luna | **Senior Staff Analyst**
Department of Public Works and Planning |
Development Services & Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 | Direct: (559) 600-4216
Email: hluna@FresnoCountyCa.gov
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Thursday, November 29, 2018 7:24 AM
To: Luna, Hector <HLuna@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

As I recently indicated to you previously, I just noticed that the SPR 7946 approval files you previously emailed me did not include the approved reclamation plan. Could you please email me a copy of the approved plan?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, November 13, 2018 7:11 AM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

I just noticed that the SPR 7946 approval files you emailed me did not include the approved reclamation plan. Could you please email me a copy of the approved plan?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave

Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, September 14, 2015 11:49 AM
To: jcbuada@buada.com
Subject: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

This SPR project has been reviewed and approved, attached are PDF copies of approval letter and approved plans for your files. An SPR package is available in our office for pick-up or may be mailed to you upon request, your incite and feedback during the review process was appreciated.

A PDF copy of the MMRP depicting reference to the SPR approval letter is attached as well for cross referencing the approval letter.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 130

From: Jimenez, Roy
To: John Buada
Subject: RE: FACE for Riverbend
Date: Thursday, December 6, 2018 7:50:00 AM
Attachments: Surface Mining Inspection Report and Cover.pdf
image001.png
image002.png

Good Morning John,

The current annual inspection report has not been completed however attached is a copy of last years. If you need additional information or have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, December 05, 2018 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: RE: FACE for Riverbend

Roy,

I am working on the FACE update for Riverbend. Could you please email us copy of the October 2, 2018 Annual Inspection Report?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:57 PM
To: John Buada
Subject: RE: FACE for Riverbend

OK great. Staff conducted its annual site visit on October 2, 2018 while out on another visit. Can you please update the FACE accordingly and submit to me. We will review and send over to OMR.

If you have any questions, please do not hesitate to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**

Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, November 28, 2018 4:54 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: FACE for Riverbend

Roy,

Yes

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:48 PM
To: jcbuada@buada.com
Subject: FACE for Riverbend

Hi John,

Are you still the contact person for Riverbend Sand and Gravel site??

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 131

From: Patrick Mitchell
To: Roberson, Kyle
Cc: Sarah Taylor
Subject: Riverbend Traffic Mitigation Agreement
Date: Thursday, December 6, 2018 2:03:20 PM
Attachments: Riverbend Traffic Mitigation Agreement (PGM Edits 12.6) - CLEAN (00036731xD62CE).docx
Riverbend Traffic Mitigation Agreement (PGM Edits 12.6) (00036729xD62CE).docx

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County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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Kyle,

In response to your email to me dated November 2, 2018 please be advised as follows.

1. The site plan was already approved by Fresno County on September 14, 2015 so we cannot use the future site plan approval as a reference date.
2. Instead we have pegged the early dates to the final building permit review signoff.
3. In addition, we believe that the annual county SMARA inspection will indicate to the county once sales have commenced. In any event, we have added interim dates to Exhibit C-3 as you requested in your email and in your comment in the document.

I enclose a redline and clean of the document.

Please review and advise.

Thanks,
Pat

EXHIBIT 132

From: Patrick Mitchell
To: Roberson, Kyle
Cc: Sarah Taylor
Subject: Riverbend Traffic Mitigation Agreement
Date: Thursday, December 6, 2018 2:03:20 PM
Attachments: Riverbend Traffic Mitigation Agreement (PGM Edits 12.6) - CLEAN (00036731xD62CE).docx
Riverbend Traffic Mitigation Agreement (PGM Edits 12.6) (00036729xD62CE).docx

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County of Fresno

Internal Services Department (ISD) - IT Services

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Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Kyle,

In response to your email to me dated November 2, 2018 please be advised as follows.

1. The site plan was already approved by Fresno County on September 14, 2015 so we cannot use the future site plan approval as a reference date.
2. Instead we have pegged the early dates to the final building permit review signoff.
3. In addition, we believe that the annual county SMARA inspection will indicate to the county once sales have commenced. In any event, we have added interim dates to Exhibit C-3 as you requested in your email and in your comment in the document.

I enclose a redline and clean of the document.

Please review and advise.

Thanks,
Pat

EXHIBIT 133

From: John Buada
To: Luna, Hector
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval
Date: Monday, December 10, 2018 8:40:31 AM
Attachments: image001.png

Hector,

I found the copy of the approved Reclamation Plan.
Thank you.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@fresnocountyca.gov]
Sent: Thursday, November 29, 2018 11:35 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

John,

I asked Augie Ramirez to assist me with your request, I'll provide the requested information as soon as possible.

Regards,

Hector E. Luna | **Senior Staff Analyst**
Department of Public Works and Planning |
Development Services & Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 | Direct: (559) 600-4216
Email: hluna@FresnoCountyCa.gov
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Thursday, November 29, 2018 7:33 AM
To: Luna, Hector <HLuna@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

Thank you

John C. Buada

Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@fresnocountyca.gov]
Sent: Thursday, November 29, 2018 7:30 AM
To: John Buada
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

I apologize for the delay, I'll review the file and get back to you this morning.

Regards,

Hector E. Luna | **Senior Staff Analyst**
Department of Public Works and Planning |
Development Services & Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 | Direct: (559) 600-4216
Email: hluna@FresnoCountyCa.gov
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Thursday, November 29, 2018 7:24 AM
To: Luna, Hector <HLuna@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

As I recently indicated to you previously, I just noticed that the SPR 7946 approval files you previously emailed me did not include the approved reclamation plan. Could you please email me a copy of the approved plan?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: John Buada [mailto:jcbuada@buada.com]
Sent: Tuesday, November 13, 2018 7:11 AM
To: 'Luna, Hector'
Subject: RE: Riverbend Sand and Gravel SPR 7946 SPR Approval

Hector,

I just noticed that the SPR 7946 approval files you emailed me did not include the approved reclamation plan. Could you please email me a copy of the approved plan?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Luna, Hector [mailto:HLuna@co.fresno.ca.us]
Sent: Monday, September 14, 2015 11:49 AM
To: jcbuada@buada.com
Subject: Riverbend Sand and Gravel SPR 7946 SPR Approval

Good morning John,

This SPR project has been reviewed and approved, attached are PDF copies of approval letter and approved plans for your files. An SPR package is available in our office for pick-up or may be mailed to you upon request, your incite and feedback during the review process was appreciated.

A PDF copy of the MMRP depicting reference to the SPR approval letter is attached as well for cross referencing the approval letter.

Feel free to contact me should you have any questions.

Regards,

Hector E. Luna
Staff Analyst III
Development Services Division
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, Ca. 93721
Ph: 559.600.4216
Fx: 559.600.4201

EXHIBIT 134

From: Allen, Glenn
To: Jimenez, Roy
Subject: RE: Message from 5598756565
Date: Wednesday, December 12, 2018 4:40:06 PM

Perfect, thank you!

Glenn O. Allen, REHS, M.S. | **Division Manager**
Department of Public Works and Planning | **Water and Natural Resources** |**Community Development**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-9672

Your input matters! Customer Service Survey

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, December 12, 2018 4:18 PM
To: Allen, Glenn <glallen@fresnocountyca.gov>
Subject: RE: Message from 5598756565

Taken care of. I will work with Karla first thing in the morning.

From: Allen, Glenn <glallen@fresnocountyca.gov>
Sent: Wednesday, December 12, 2018 8:46 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: FW: Message from 5598756565

Roy,

Did you speak with the billing Clerk regarding Riverbend Sand and Gravel? Herb called and said he is still receiving invoices from the County. Can you please look into this ASAP?

Thank you,

<< File: VoiceMessage.wav >> **Glenn O. Allen, REHS, M.S.** | **Division Manager**

Department of Public Works and Planning | **Water and Natural Resources** |**Community Development**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-9672

Your input matters! Customer Service Survey

From: Cisco Unity Connection Messaging System <unityconnection@co.fresno.ca.us>
Sent: Tuesday, December 11, 2018 2:23 PM
To: Allen, Glenn <glallen@fresnocountyca.gov>
Subject: Message from 5598756565

<< OLE Object: Picture (Device Independent Bitmap) >>

EXHIBIT 135

From: John Buada
To: Jimenez, Roy
Cc: iblang@yahoo.com
Subject: FACE for Riverbend Mine ID# 91-10-0031
Date: Monday, December 17, 2018 10:38:14 AM
Attachments: image003.png
image004.png
Riverbend S&G FACE 2018.pdf
Riverbend S&G FACE Transmittal 12-18.pdf

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

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Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Roy,

Attached is the 2018 Financial Assurance Cost Estimate for Riverbend Sand and Gravel, Mine ID# 91-10-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Thursday, December 06, 2018 7:50 AM
To: John Buada
Subject: RE: FACE for Riverbend

Good Morning John,

The current annual inspection report has not been completed however attached is a copy of last years. If you need additional information or have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, December 05, 2018 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: RE: FACE for Riverbend

Roy,

I am working on the FACE update for Riverbend. Could you please email us copy of the October 2, 2018 Annual Inspection Report?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:57 PM
To: John Buada
Subject: RE: FACE for Riverbend

OK great. Staff conducted its annual site visit on October 2, 2018 while out on another visit. Can you please update the FACE accordingly and submit to me. We will review and send over to OMR.

If you have any questions, please do not hesitate to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, November 28, 2018 4:54 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: FACE for Riverbend

Roy,

Yes

John C. Buada
Buada Associates, Inc.

4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:48 PM
To: jcbuada@buada.com
Subject: FACE for Riverbend

Hi John,

Are you still the contact person for Riverbend Sand and Gravel site??

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 136

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3309 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: December 17, 2018	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): October 17, 2018 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 2015

Amount: $ 196,901

Amount of existing Financial Assurance Mechanism(s)

Date:

Amount: $

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2019.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2019, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2019. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to be $ 259,309. The previous reclamation cost estimate was $196,901

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2019 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

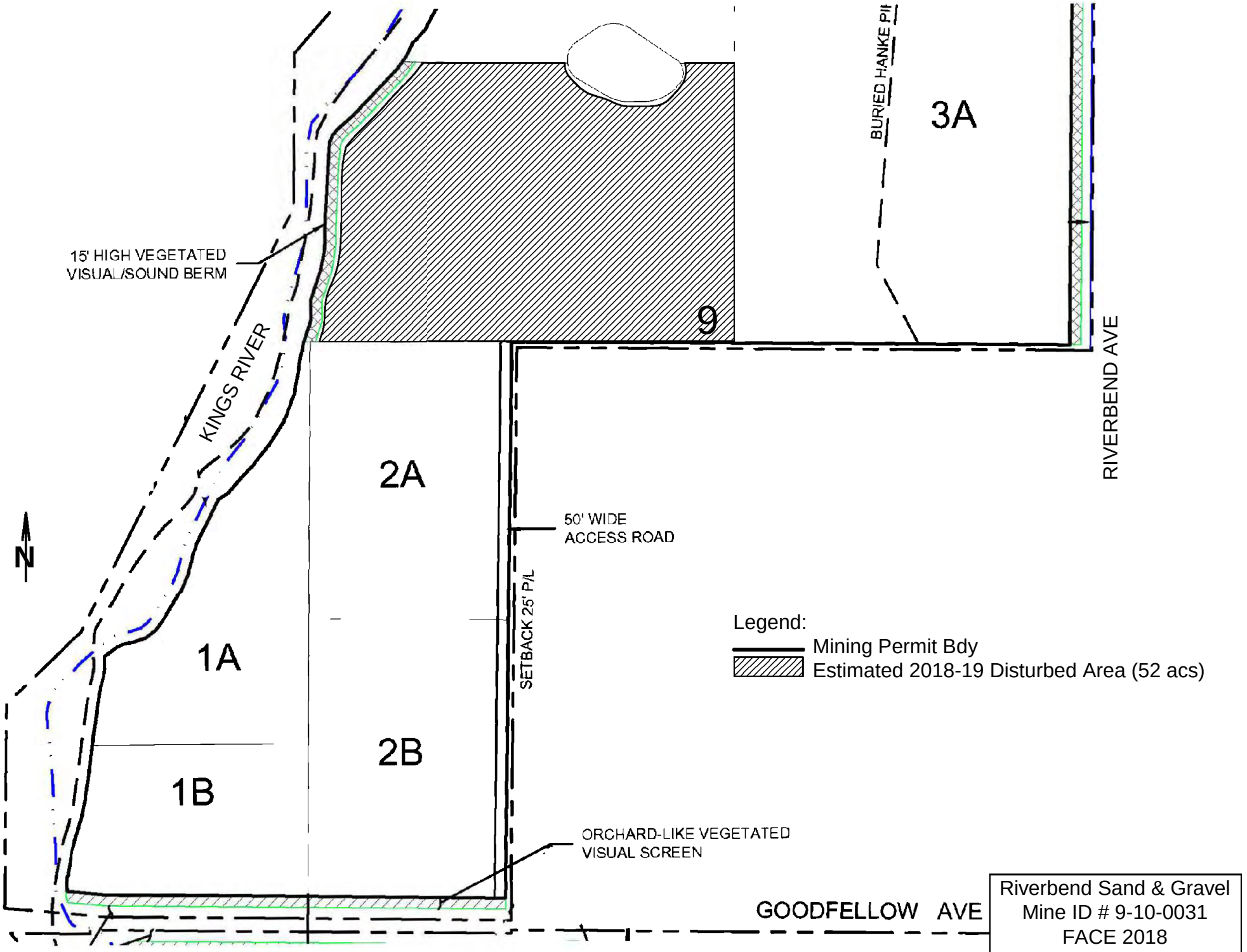
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

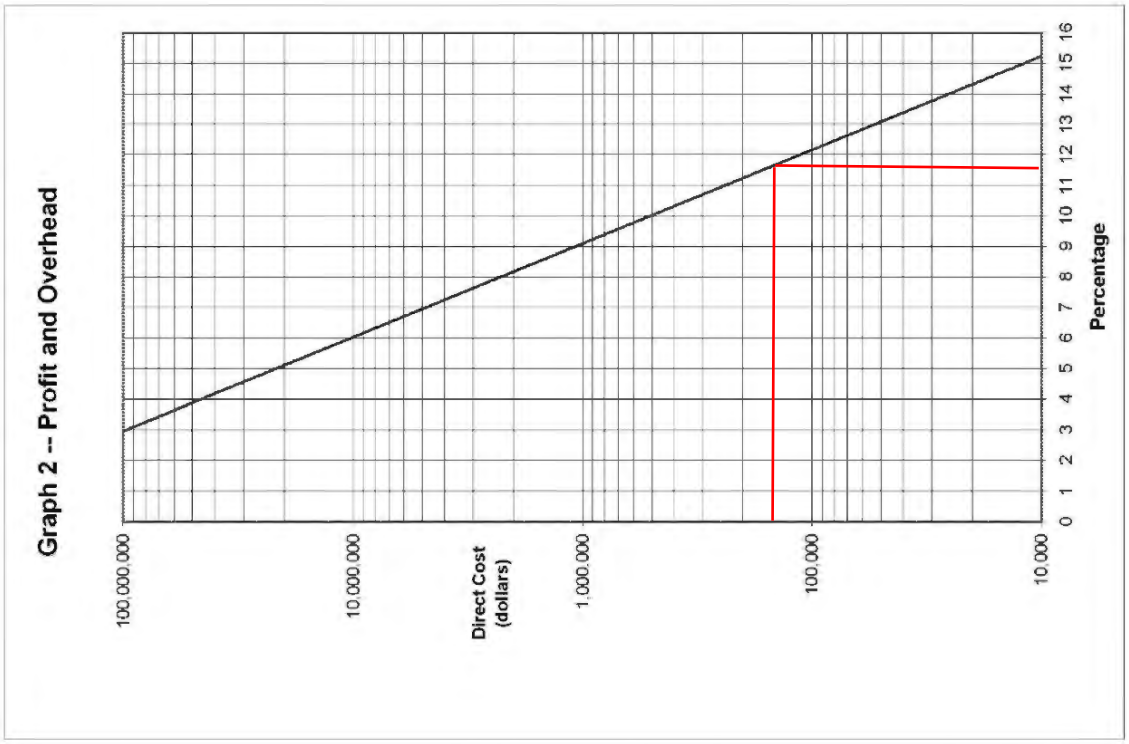
Appendix A

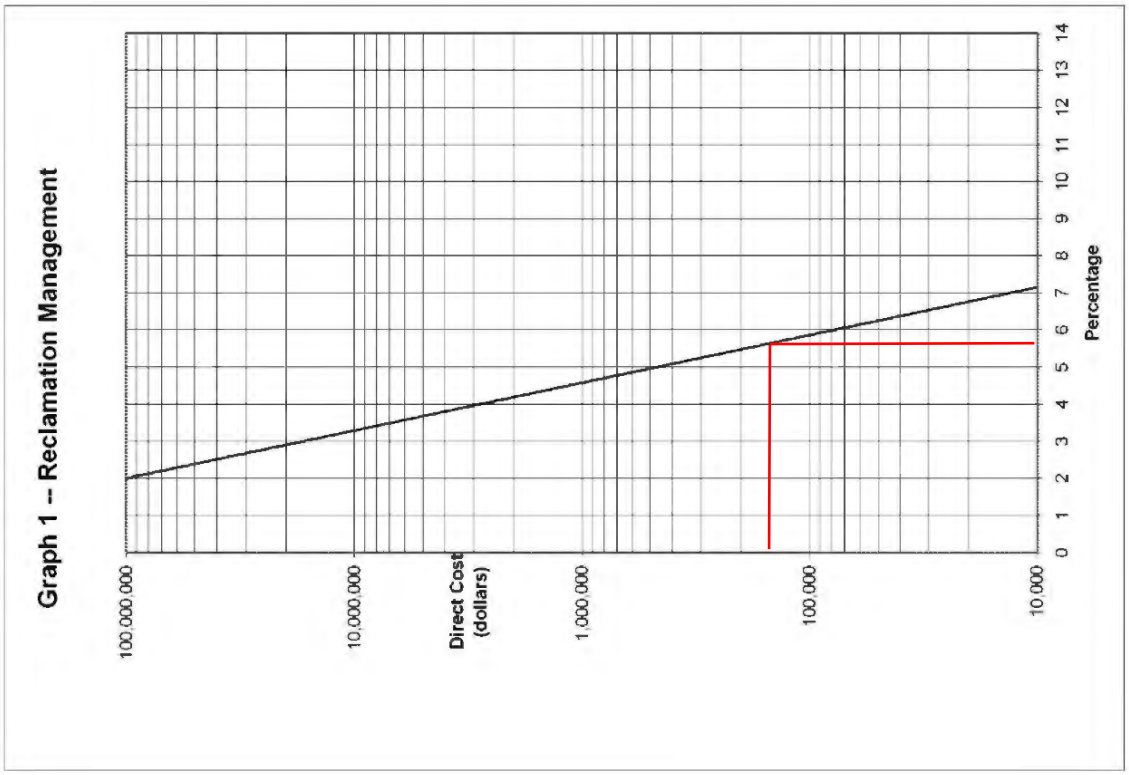
Site Plan


BURIED HANKE PIL
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
N
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2018
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 137

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269-1376
e-mail: jcbuada@buada.com

December 17, 2018

Roy Jimenez
Fresno County Development Services
2220 Tulare Ave
Fresno, CA 93720

RE: Riverbend Sand and Gravel Mine ID# 91-10-0031
2018 Financial Assurance Cost Estimate

Attached is the 2018 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel

CC: Herb Lang

EXHIBIT 138

From: Jimenez, Roy
To: John Buada
Cc: iblang@yahoo.com
Subject: RE: FACE for Riverbend Mine ID# 91-10-0031
Date: Tuesday, December 18, 2018 7:59:00 AM
Attachments: image001.png
image002.png

Thank you John.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Monday, December 17, 2018 10:37 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: FACE for Riverbend Mine ID# 91-10-0031

County of Fresno

Internal Services Department (ISD) - IT Services
Service Desk 600-5900 (Help Desk)

CAUTION!!!
This email has been flagged as containing one or more attachments from an outside source.
Please check the senders email address carefully.
If you were not expecting to receive an email with attachments, please DO NOT open the file.
Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Roy,

Attached is the 2018 Financial Assurance Cost Estimate for Riverbend Sand and Gravel, Mine ID# 91-10-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Thursday, December 06, 2018 7:50 AM
To: John Buada
Subject: RE: FACE for Riverbend

Good Morning John,

The current annual inspection report has not been completed however attached is a copy of last years. If you need additional information or have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, December 05, 2018 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: RE: FACE for Riverbend

Roy,

I am working on the FACE update for Riverbend. Could you please email us copy of the October 2, 2018 Annual Inspection Report?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:57 PM
To: John Buada
Subject: RE: FACE for Riverbend

OK great. Staff conducted its annual site visit on October 2, 2018 while out on another visit. Can you please update the FACE accordingly and submit to me. We will review and send over to OMR.

If you have any questions, please do not hesitate to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**

2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, November 28, 2018 4:54 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: FACE for Riverbend

Roy,

Yes

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Wednesday, November 28, 2018 4:48 PM
To: jcbuada@buada.com
Subject: FACE for Riverbend

Hi John,

Are you still the contact person for Riverbend Sand and Gravel site??

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 139

From: Jimenez, Roy
To: Law, Rhonda@DOC
Subject: Annual Inspection Report and FACE Review (Riverbend Sand and Gravel)
Date: Wednesday, February 27, 2019 9:55:00 AM
Attachments: Surface Mining Inspection Report 2-27-19.pdf
2018 FACE Letter to OMR 2-27-19.pdf
image001.png

Hello Rhonda,

Please find attached Annual Surface Mining Inspection Report for Riverbend Sand and Gravel site as well as the 45-day Financial Assurance Cost Estimate Director Review. If you have any questions or need additional information, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 140

County of Fresno

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

February 27, 2019

Rhonda Law, Reporting Unit, Analyst
Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

Dear Ms. Law:

SUBJECT: Riverbend Sand and Gravel Site (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

Attached for your review and comment is the Riverbend Sand and Gravel site (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr., Planner
Water and Natural Resources Division

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Enclosure: Financial Assurance Estimate

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3309 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: December 17, 2018	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): October 17, 2018 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 2015

Amount: $ 196,901

Amount of existing Financial Assurance Mechanism(s)

Date:

Amount: $

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2019.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2019, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2019. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to be $ 259,309. The previous reclamation cost estimate was $196,901

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2019 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

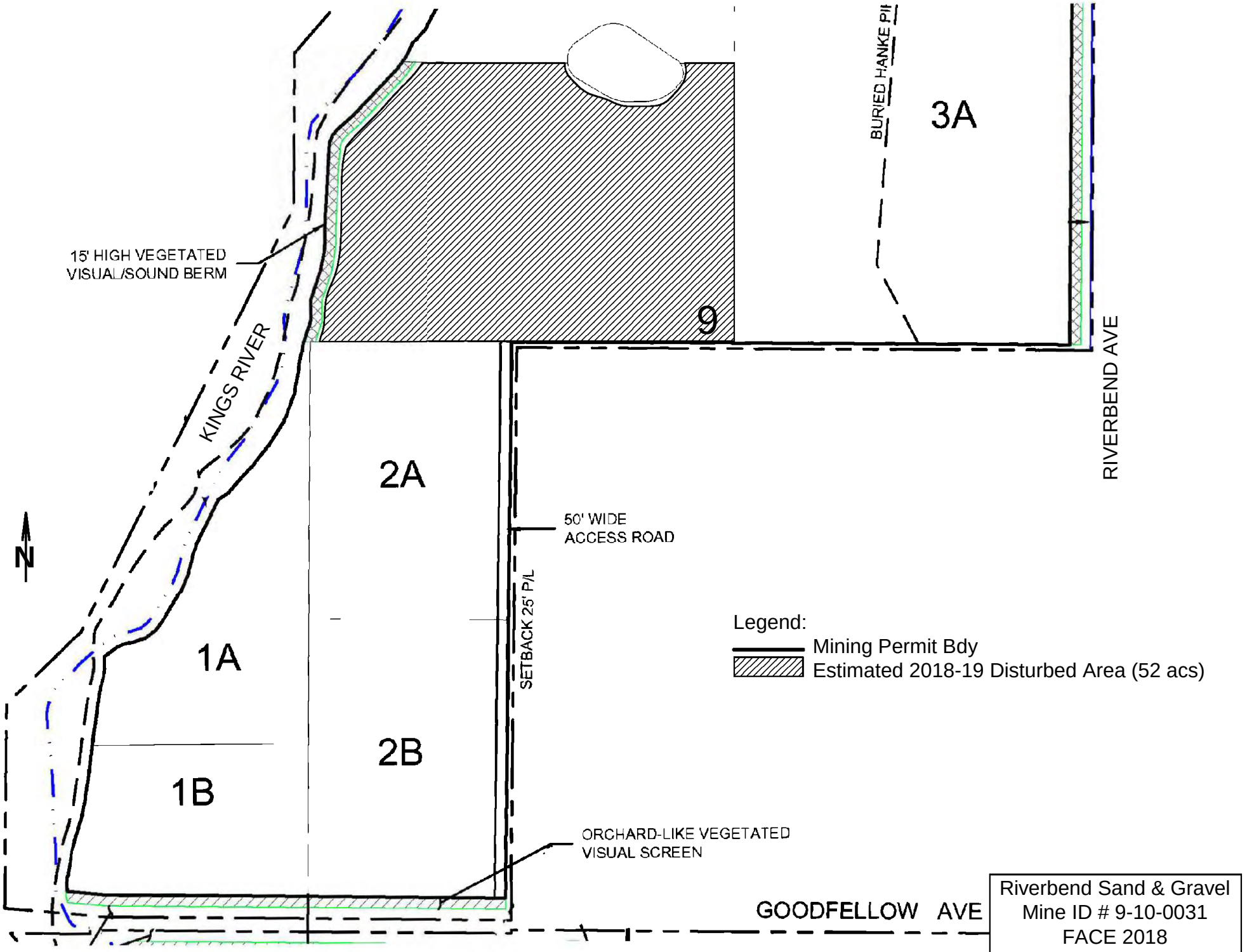
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

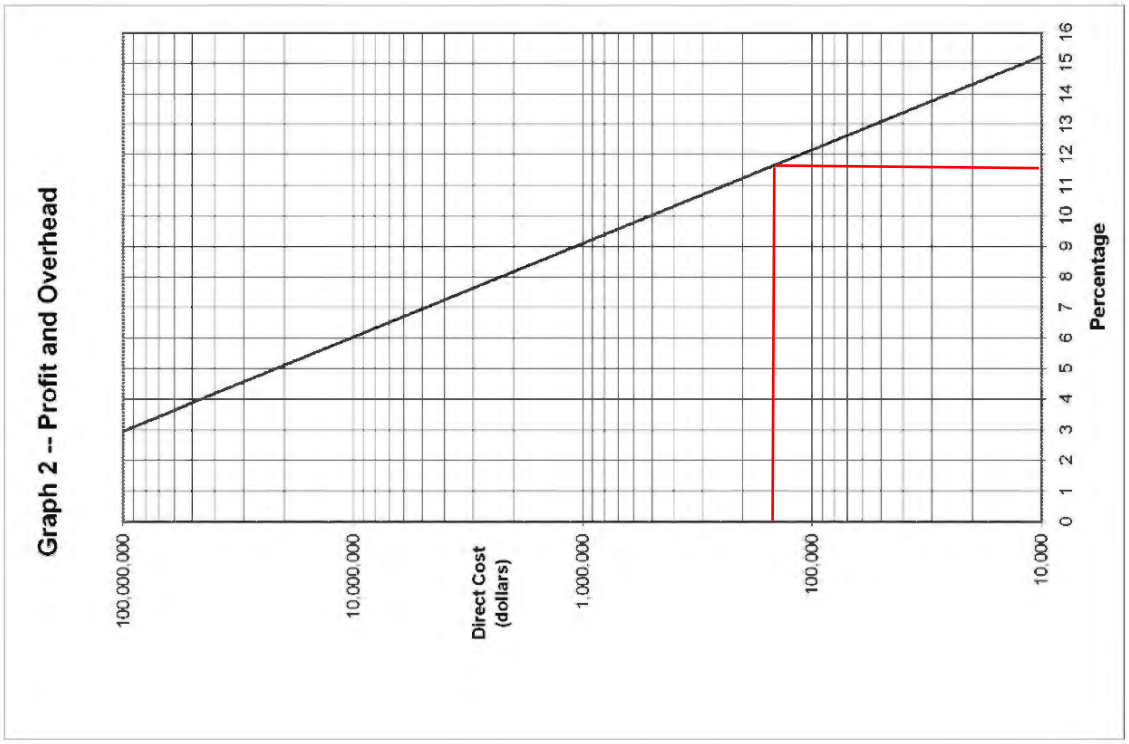
Appendix A

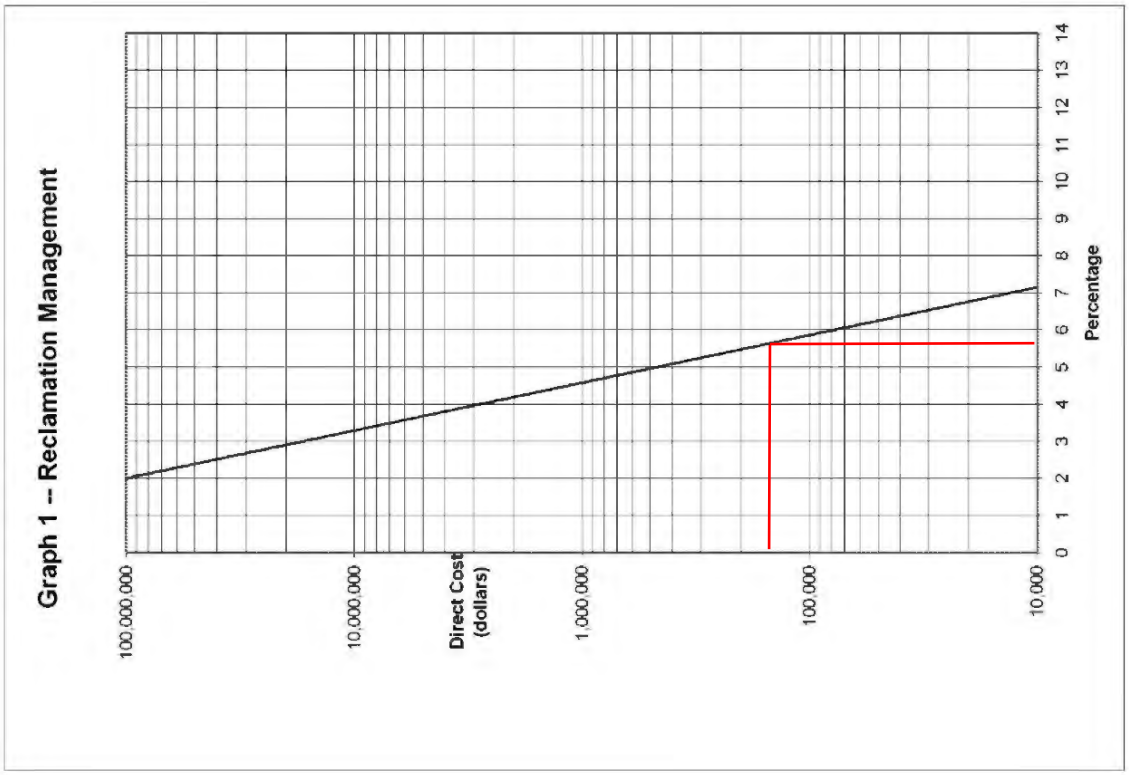
Site Plan


BURIED HANKE PIL
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
N
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2018
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 141

County of Fresno

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

February 27, 2019

Rhonda Law, Reporting Unit Analyst
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

Dear Mrs. Law:

SUBJECT: Lead Agency Inspection Notice Pursuant to PRC 2774(b)
Date: October 2, 2018
Mine ID: 91-10-0031

I certify that the surface mining operation is in compliance with SMARA (mining operation is permitted costs, and no violations were cited on the MRRC-1 inspection form*) and does not have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section (2770), or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770. The completed MRRC-1 inspection form and any supporting documentation, including, but not limited to any inspection report prepared by the licensed geologist, civil engineer, landscape architect or forester, who conducted the inspection is enclosed.

Sincerely,

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2018\Surface Mining Inspection Report Cover.docx

Enclosures

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID#
Riverbend Sand and Gravel	10/02/2018	91- 10-0031

II. Mine Operator		Telephone
Riverbend Sand and Gravel		(559) 875-6565
Onsite Contact Person		**Telephone**
Herb Lange		(559) 875-6565
Mailing Address		
14962 E. Fantz Avenue		
City	**State**	**ZIP Code**
Parlier	CA	93648
E-mail Address (optional)		
iblang@yahoo.com		

III. Designated Agent		Telephone
John Buada		(559) 432-4902
Mailing Address		
4872 N Arcade Avenue		
City	**State**	**ZIP Code**
Fresno	CA	93704
E-mail Address (optional)		
jcbuada@yahoo.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
County of Fresno, Department of Public Works and Planning		
Inspector		**Telephone**
Roy Jimenez Jr.		(559) 600-4251
Title	**Organization**	
Planner	Water and Natural Resources Division	
Mailing Address		
2220 Tulare Street, 6th floor		
City	**State**	**ZIP Code**
Fresno	CA	93721
E-mail Address (optional)		
rjjimenez@fresnocountyca.gov		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	☐	☐	☐	Permit # - Start and Expiration Dates: CUP 3390 2-26-15 to 2-26-2090
Vested Right to Mine	☐	☒	☑	Year of Lead Agency determination: 2015
A Reclamation Plan	☐	☒	☐	RP# CUP 3390 Date Approved 2-26-15
Reclamation Plan Amendment	☐	☒	☑	RP Amendment # (as applies) Date Approved or Status of Amendment

Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: ☑Yes ☐No Year of Most Recent Filed Annual Report: 2017

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:	☐Yes	☑No
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 10/02/2018	CA MINE ID#: 91-10-0031	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
	Total Amount of Mechanism(s)			

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

NO CURRENT FAM ON FILE

Has there been a change of operator since last inspection? If yes provide the date of notice.	If yes, has the new operator posted a Financial Assurance Mechanism?	Does new operator's Notice of Change include a statement of responsibility for reclamation?
☐Yes ☑No Date of Change:	☐Yes ☐No If not, describe status of new operators Financial Assurance Mechanism:	☐Yes ☐No

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: 6/15/16 Amount: $196,901.00
■ Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: 12/17/2018, $259,309.00 Pending Review
☐ Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
☐ Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information a) Permitted Mineral Product(s) b) Approved Production Amount (Annual/Gross) c) End Date of Operations Per RP d) Permit end date e) End Use	a)rock, sand and gravel b)1.6 million tons c)2-26-2015 d)2-26-2090 e)Farmland	Not in Operation Yet	☐
2) Boundaries a) Property Boundary b) Permit Boundary c) Rec. Plan Boundary (RPB) d) Setbacks	a, b, c & d) 3.0, 3.1.3	Not in Operation Yet	☐
3) Slopes – Grading a) Fill Slopes – Note Condition of: i) Slopes – Working (max/current) ii) Slopes – Reclaimed iii) Compaction b) Cut Slopes – Note Condition of: i) Slopes – Working (max./current) ii) Slopes – Reclaimed	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Not in Operation Yet	☐
4) Erosion Control a) BMPs b) Grading c) Vegetation	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Not in Operation Yet	☐
5) Ponds a) Design – Function b) Capacity (area/depth/volume) c) Maintenance	No settling ponds are proposed	N/A	☐
6) Stream & Wetland Protection a) Buffers (distance to channel) b) Berms (distance/length/height) c) Best Management Practices d) Drainage e) Grading & Slopes f) Stockpiles g) Stream Diversions	a) Section 3.4.18, 4.3.1b & 4.2.2	Not in Operation Yet	☐
7) Sensitive Wildlife & Plant Protection a) List Species b) Protection Measures	(a &b)- Section 4.1.9 a & c	Not in Operation Yet	☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. **[Use separate sheet(s) where necessary. Refer to item numbers below]**		CA MINE ID # 91- 10-0031	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Not in Operation Yet	☐
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	a-h) 4.1.9 c 1-7	Not in Operation Yet	☐
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
11) Equipment	Sections 4.1.8t.3 & 4.4	Not in Operation Yet	☐
12) Closure of Adits	None		☐
13) Other Reclamation Plan Requirements			☐

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
MRRC-1 (4/97) Page 5 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form.
(Add additional sheets as necessary)



Additional sheets/documents attached: ☐ Yes ☑ No

CA MINE ID #
91- 10-0031

Inspection Date:
10/02/2018

Weather Code(s):
CR

Duration of Inspection: 1.0

Start Time: 10:00 AM

End Time: 11:00 AM

Status of Mine Code(s):
NP

Status of Reclamation Code(s):
RN

Approximate Acreage Under Reclamation:
619

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0

Approximate Total Disturbed Acreage:
0

Approximate Pre-SMARA Disturbed Acreage:
0

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
0

Previous Inspection Date (and Number of Violations then Noted):
First inspection took place this year.

Violations Corrected? (explain in block to left)
0

Inspection Attendees and Affiliations:
County Staff: Roy Jimenez and Glenn Allen

X. Number of Current Violations:	Inspector's Signature:	If inspector is a contractor for the lead agency give license type and number:
0	Roy Jimenez Date Signed: 2/27/2019	

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

EXHIBIT 142

From: ~~Patrick Mitchell~~
To: ~~Roberson, Kyle~~
Cc: ~~Andrea Abergel~~
Subject: Riverbend - Traffic Mitigation Agreement Compared
Date: Tuesday, March 12, 2019 11:07:00 AM
Attachments: ~~Traffic Mitigation Agreement 2017 and 2016 compared (00038209xD62CF).PDF~~

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!

This email has been flagged as containing one or more attachments from an outside source.
Please check the senders email address carefully.
If you were not expecting to receive an email with attachments, please DO NOT open the file.
Forward the email to SPAM "SPAM@fresnocountyca.gov" and delete it.

Kyle,

Here is a redline of the traffic mitigation agreement comparing the 2017 version to the 2016 version. As you can see, the primary changes related to the bonding issue.

My client would really like to get this agreement final and signed by both Riverbend and Fresno County.

Please let me know when you think we can make that happen.

Thanks
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
www.mitchellchadwick.com

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please contact us by telephone at (916) 462-8888.

EXHIBIT 143

RIVERBEND SAND AND GRAVEL PROJECT
TRAFFIC MITIGATION FEES

Improvements	Quantity	Units	Construction Unit Cost	Fair Share %	Project's Share of Construction Cost	Preliminary Engineering, 10%	Construction Engineering, 15%	Total Right-of-Way Cost	Project's Share of Right-of-Way Cost	Right-of-Way Engineering, 10%	Total
Intersection Improvements											
McCall Ave / Jensen Ave											
Traffic Signal Installations	1	ls	$ 250,000	8.5%	$ 21,250	$ 2,125	$ 3,188				$ 26,563
EB: Add Left Turn Lane & Right Turn Lane	1	ls	$ 350,000	8.5%	$ 29,750	$ 2,975	$ 4,463				$ 37,188
WB: Add Right Turn Lane	1	ls	$ 150,000	8.5%	$ 12,750	$ 1,275	$ 1,913				$ 15,938
NB: Add Left Turn Lane, through lane & right turn lane	1	ls	$ 650,000	8.5%	$ 55,250	$ 5,525	$ 8,288				$ 69,063
SB: Add left turn lane, through lane & right turn lane	1	ls	$ 650,000	8.5%	$ 55,250	$ 5,525	$ 8,288				$ 69,063
Right of Way Acquisition including acquiring store & house	1	ls		8.5%				$ 850,000	$ 72,250	$ 7,225	$ 79,475
McCall Ave / North Ave											
Traffic Signal Installations	1	ls	$ 250,000	18.6%	$ 46,500	$ 4,650	$ 6,975				$ 58,125
Academy Ave / Central Ave											
Traffic Signal Installations	1	ls	$ 250,000	17.8%	$ 44,500	$ 4,450	$ 6,675				$ 55,625
McCall Ave / Central Ave											
Traffic Signal Installations	1	ls	$ 250,000	23.0%	$ 57,500	$ 5,750	$ 8,625				$ 71,875
McCall Ave / SR 180											
NB: Add through lane & right turn lane	1	ls	$ 450,000	10.0%	$ 45,000	$ 4,500	$ 6,750				$ 56,250
SB: Add through lane & right turn lane	1	ls	$ 450,000	10.0%	$ 45,000	$ 4,500	$ 6,750				$ 56,250
Right of Way Acquisition	1	ls		10.0%				$ 50,000	$ 5,000	$ 500	$ 5,500
McCall Ave / SR 180											
NB: Add Left Turn Lane	1	ls	$ 875,200	100.0%	$ 875,200	$ 315,800	$ 268,000	$ 250,000	$ 250,000	*	$ 1,709,000**
						$87,520	$131,280				$1,594,000
* Right-of-Way Eng. Cost is included in Preliminary Eng. Cost.										**SUBTOTAL**	**$ 2,309,915**
** Total Cost for this Mitigation does not include any cost associated with Utilities Relocation											$2,194,915
Roadway Improvements (Widening)											
McCall Ave From SR 180 to Jensen											
NB: Add Travel Lane	2	miles	$ 1,200,000	16.3%	$ 391,200	$ 39,120	$ 58,680				$ 489,000
SB: Add Travel Lane	2	miles	$ 1,200,000	16.3%	$ 391,200	$ 39,120	$ 58,680				$ 489,000
Right of Way Acquisition	1	ls		16.3%				$ 180,000	$ 29,340	$ 2,934	$ 32,274
McCall Ave From Jensen to North											
NB: Add Travel Lane	1	miles	$ 1,200,000	37.7%	$ 452,400	$ 45,240	$ 67,860				$ 565,500
Right of Way Acquisition including acquiring house	1	ls		37.7%				$ 290,000	$ 109,330	$ 10,933	$ 120,263
										SUBTOTAL	**$ 1,696,037**

RIVERBEND SAND AND GRAVEL PROJECT
TRAFFIC MITIGATION FEES

Improvements	Quantity	Units	Construction Unit Cost	Fair Share %	Project's Share of Construction Cost	Preliminary Engineering, 10%	Construction Engineering, 15%	Total Right-of-Way Cost	Project's Share of Right-of-Way Cost	Right-of-Way Engineering, 10%	Total
Traffic Index Impacts (Overlay)											
Central Ave From											
McCall to Bethel	2	miles	$ 250,000	46.0%	$ 230,000	$ 23,000	$ 34,500				$ 287,500
Bethel to Academy	1	miles	$ 250,000	42.4%	$ 106,000	$ 10,600	$ 15,900				$ 132,500
Academy to Newmark	0.42	miles	$ 250,000	39.1%	$ 41,100	$ 4,110	$ 6,170				$ 51,380
Goodfellow Ave From											
Newmark to Bridge	1.26	miles	$ 450,000	40.3%	$ 228,500	$ 22,850	$ 34,280				$ 285,630
Bridge to Riverbend	1	miles	$ 450,000	40.3%	$ 181,400	$ 18,140	$ 27,210				$ 226,750
McCall Ave From											
SR 180 (Kings Canyon) and Jensen	1	miles	$ 250,000	61.4%	$ 153,500	$ 15,350	$ 23,030				$ 191,880
Jensen to North	1	miles	$ 250,000	66.7%	$ 166,800	$ 16,680	$ 25,020				$ 208,500
North to Central	1	miles	$ 250,000	73.8%	$ 184,500	$ 18,450	$ 27,680				$ 230,630
										SUBTOTAL	**$ 1,614,770**
										TOTAL	**$ 5,620,722**

5/15/2015

$5,505,722

EXHIBIT 144

From: Mollring, Marianne
To: Monfette, Christina
Subject: RE: Third Party Monitoring Processes
Date: Wednesday, March 20, 2019 12:27:00 PM
Attachments: image001.png

Thanks Chrissy,
Chris says we should try alternative EIR/Consultant List process.
Thanks,
mm

From: Monfette, Christina <cmonfette@fresnocountyca.gov>
Sent: Wednesday, March 20, 2019 10:24 AM
To: Mollring, Marianne <mmollring@fresnocountyca.gov>
Subject: Third Party Monitoring Processes

Hi Marianne,

I took a look through a couple of the more recent EIR projects that we've processed and in every case an exemption from the RFP process was used. I couldn't find any justification for EIR 6174 Carmelita, but Riverbend and Tranquillity refer back to the Agenda Item which authorized the alternate EIR process.

Here are my notes from that research:

> **Unclassified Conditional Use Permit (UCUP) No. 3390 and Environmental Impact Report (EIR) No. 6606 Riverbend Sand and Gravel:** Exempted from RFP process by administrative policy 36 based on a determination that the best interest of the County would not be served by security competitive bids because "AN RFP was done for the original proposal. The project has since been approved and one of their conditions of approval in the Mitigation Monitoring and Reporting Program is to pay for a 3rd party administrator so that County staff doesn't have to do the monitoring." They further reference the Alternative EIR process (BOS item #24 at the 2/24/14 Hearing "item #24") as justification for selecting someone off the consultant list.
>
> > *Side note: Item #24 authorizes applicants to select an EIR consultant of their choice from our Consultant List in lieu of RFP. The wording isn't explicit about whether or not the alternative process would extend to additional contracts required by the EIR (such as these), but that seems to have been the interpretation thus far.*
>
> **Unclassified Conditional Use Permit (UCUP) No. 3287 and Environmental Impact Report (EIR) No. 6174 Carmelita Resources-Gerawan Farms:** the AI had this to say: "Colony Land shall be solely responsible for selection of the Administrator and by February 1st of each year starting in 2015, submit to the County proof that Colony Land has paid for the Administrators services for the preceding year as contemplated by the Agreement." The suspension of competition indicates that "the intent of the condition of approval for the 3rd party administrator is that they would be chosen by the applicant"
>
> **Unclassified Conditional Use Permit (UCUP) No. 3451 and Environmental Impact Report (EIR) No. 6730 Tranquillity 1:** RFP was done for the original proposal, reference Item #24 to allow

applicants to select the consultant of their choice. For Tranquillity 8, the RFP was exempted because the applicant proposed to hire the same monitor as Tranquillity 1.

Let me know if you have any questions,

Chrissy Monfette | **Planner**
Department of Public Works and Planning | **Development Services and Capital Projects Division**
2220 Tulare St. Suite A, Fresno, CA 93721
Main Office: (559) 600-4230 Direct: (559) 600-4245
Your input matters! Customer Service Survey

To:	Mollring, Marianne
Subject:	RE: Third Party Monitoring Processes EIR 7225
Date:	Wednesday, March 20, 2019 11:08:49 AM
Attachments:	image001.png

I don't have a prefernce

From: Mollring, Marianne <mmollring@fresnocountyca.gov>
Sent: Wednesday, March 20, 2019 10:27 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: FW: Third Party Monitoring Processes EIR 7225

Hi Chris,
Which method do you prefer for the Little Bear monitoring consultant selection?
mm

From: Monfette, Christina <cmonfette@fresnocountyca.gov>
Sent: Wednesday, March 20, 2019 10:24 AM
To: Mollring, Marianne <mmollring@fresnocountyca.gov>
Subject: Third Party Monitoring Processes

Hi Marianne,

I took a look through a couple of the more recent EIR projects that we've processed and in every case an exemption from the RFP process was used. I couldn't find any justification for EIR 6174 Carmelita, but Riverbend and Tranquillity refer back to the Agenda Item which authorized the alternate EIR process.

Here are my notes from that research:

> **Unclassified Conditional Use Permit (UCUP) No. 3390 and Environmental Impact Report (EIR) No. 6606 Riverbend Sand and Gravel:** Exempted from RFP process by administrative policy 36 based on a determination that the best interest of the County would not be served by security competitive bids because "AN RFP was done for the original proposal. The project has since been approved and one of their conditions of approval in the Mitigation Monitoring and Reporting Program is to pay for a 3rd party administrator so that County staff doesn't have to do the monitoring." They further reference the Alternative EIR process (BOS item #24 at the 2/24/14 Hearing "item #24") as justification for selecting someone off the consultant list.
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"the intent of the condition of approval for the 3rd party administrator is that they would be chosen by the applicant"

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Let me know if you have any questions,

Chrissy Monfette | **Planner**
Department of Public Works and Planning | **Development Services and Capital Projects Division**
2220 Tulare St. Suite A, Fresno, CA 93721
Main Office: (559) 600-4230 Direct: (559) 600-4245
Your input matters! Customer Service Survey

EXHIBIT 145

From:	Patrick Mitchell
To:	Roberson, Kyle
Cc:	Andrea Abergel
Subject:	RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement
Date:	Friday, April 12, 2019 3:22:28 PM

Thanks

From: Roberson, Kyle <kroberson@fresnocountyca.gov>
Sent: Friday, April 12, 2019 3:20 PM
To: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Cc: Andrea Abergel <aabergel@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good afternoon Patrick,

Attached is the revised Traffic Mitigation Agreement. Fresno County Public Works and Planning, Design Division staff reviewed the traffic mitigation obligations listed the agreement against the County's identified mitigation obligations for this project. As part of this review, staff recalculated Riverbend's total traffic mitigation obligation to be $5,505,722, which is lower than the current total of $5,603,558 listed in the agreement. Attached along with the revised agreement is County staff's table for the breaking down Riverbend's various improvement obligations with staff's recalculations in red.

Please contact me if you would like to discuss any of the revisions or comments listed in the attached draft agreement.

Respectfully,

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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DO NOT PLACE IN PUBLIC FILE.
NOTICE: THIS E-MAIL, INCLUDING ANY ATTACHMENTS HERETO, HAS BEEN TRANSMITTED BY AN ATTORNEY AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. THIS E-MAIL IS SOLELY FOR THE USE OF ITS ORIGINAL INTENDED RECIPIENT. IF THIS E-MAIL HAS BEEN FORWARDED TO YOU, OR IF THIS E-MAIL HAS BEEN SENT OR DELIVERED TO YOU IN ERROR, PLEASE BE ADVISED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS E-MAIL, OR ANY ATTACHMENTS HERETO, IS STRICTLY PROHIBITED. IF YOU ARE NOT THE ORIGINAL INTENDED RECIPIENT OF THIS EMAIL, PLEASE NOTIFY THE ORIGINAL SENDER IMMEDIATELY BY RETURN E-MAIL. THEREAFTER, PLEASE DELETE THIS MESSAGE, INCLUDING ANY ATTACHMENTS HERETO, FROM YOUR SYSTEM; PLEASE ALSO DESTROY ALL PRINTOUTS THAT MAY HAVE BEEN MADE OF THIS EMAIL OR ANY ATTACHMENTS HERETO. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

EXHIBIT 146

From: Andrea Abergel
To: Roberson, Kyle
Cc: Patrick Mitchell
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement
Date: Monday, May 6, 2019 4:23:19 PM
Attachments: Riverbend Sand and Gravel Project Traffic Mitigaiton Fees Table.pdf
Riverbend Traffic Mitigation Agreement_MC 5-6-19 Revisions (00039021xD62CE).DOCX
Riverbend Traffic Mitigation Agreement_MC 5-6-19 CLEAN (00039022xD62CE).DOCX

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Kyle,

We have accepted the County's proposed changes and revised the agreement per the County's Mitigation Fees Table and County suggestions. We also propose to attach the Mitigation Fees Table as Exhibit C-4. Please find attached a redline and clean copy of the agreement. Riverbend is ready to execute the revised agreement.

Please let us know if you have any questions.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120

Roseville, CA 95661

Office: 916.462.8888

Direct: 916.462.8875

Fax: 916.788.0290

aabergel@mitchellchadwick.com

www.mitchellchadwick.com

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communication or otherwise. If you have received this communication

in error, please contact us by telephone at (916) 462-8888.

From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Friday, April 12, 2019 3:20 PM
To: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Cc: Andrea Abergel <aabergel@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good afternoon Patrick,

Attached is the revised Traffic Mitigation Agreement. Fresno County Public Works and Planning, Design Division staff reviewed the traffic mitigation obligations listed the agreement against the County's identified mitigation obligations for this project. As part of this review, staff recalculated Riverbend's total traffic mitigation obligation to be $5,505,722, which is lower than the current total of $5,603,558 listed in the agreement. Attached along with the revised agreement is County staff's table for the breaking down Riverbend's various improvement obligations with staff's recalculations in red.

Please contact me if you would like to discuss any of the revisions or comments listed in the attached draft agreement.

Respectfully,

Kyle R. Roberson

Deputy County Counsel

Office of the Fresno County Counsel

2220 Tulare Street, Suite 500

Fresno, CA 93721

Tel: 559-600-3479

Fax: 559-600-3480

New Email: kroberson@FresnoCountyCA.gov

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EXHIBIT 147

F Daniele - List of Outstanding Items - Rev 06-06-19	
Road Maintenance Agreements	
Central USD	For water line on McKinley between high school and elementary school (Dickenson to Jameson). Dealing with QK Inc as engineer (Initially Fred Lusk, then Leonard Brum). Had a "final" agreement as reviewed by Jane Smith in County Counsel. Upon her departure, a new direction was taken for these road repair agreements with Brian Melikian. Likely need to change project info on sample agreement for Double L and forward or route to Central USD. Project construction has already been completed under permit. See 4510RdMaint folder under FDaniele/Agenda Items/Agreements/Central Unified SD.
Washington USD	For water line on Lincoln between high school and elementary school. Also Fig/Lincoln improvements that include some street lights in the County right of way. Believe they might be maintained by Easton CSD. County has an existing Agreement with Washington USD for initial improvements (Phase 1). Phase 2 - more street work. Need to amend or develop new agm't for the water line (Phase 3) and street light improvements for stadium paving (Phase 4). Alan Mok Engineering for Phase 4 still in plan review. Similar scenario for agm't as Central USD. See 4510RdMaint/FDaniele/Agenda Items/Agreements/Washington Unified SD. See permit file for engineer and contractor info.
City of Fresno	Admin and County Counsel supposed to be working on master agreement for encroachments.
	Directors to be given authority to add projects to exhibit. Believe draft rests with County Counsel. Should recapture and replace any existing agreements on road maintenance for various city projects, e.g. Belmont raw water line, recycled water, etc.
Westlands Water District	For construction of irrigation line in road right of way for Washoe Avenue (Malaga alignment to Central alignment plus tie-in at Washoe/North intersection). This portion of Washoe is a dirt road. WWD reviewing draft agm't based upon Double L agm't. They are supposed to submit proposal for suggested revisions to agm't. Contact at Westlands WD is Antonio Solorio (asolorio@westlandswater.org). See 4510RdMaint folder for Referrals\Westlands Water District\Lateral Interconnect on Washoe.
Fresno Irrigation District	FID\Dry Creek Canal Pipeline.
	Pipeline is part of Fresno County Stream Group maintenance agreement. County share in cost for replacement?? See two hard copy files about FID stream group. Nadia also has a whole box of files on the Stream Group. See 4510RdMaint directory for Referrals - FID\Dry Creek Canal Pipeline. Proposal is to relocate pipelines in the vicinity of North and Del Norte Avenues.
Fresno Irrigation District	FID wants ditch relocation for Temperance R-O-W north of Belmont. Temporary relocation for sub'd improvements.
	Waiting to hear back from FID re: fee title of ditch area and invalidation of previous irrevocable road easement offer. This work is associated with City of Fresno subdivision (Tract 5434). See 4510RdMaint\Referrals - City of Fresno\2012-2018\TT5434 - NEC Temperance-McKinley.
Land Use Application Reviews	
Little Bear Solar Project	Transportation Management Plan submitted to Dev Services for review. Should be routed through RMO also.
	Proponent is supposed to overlay 1-mile of California Avenue (Derrick to Ohio) and maintain 2-mile frontage on
	California Avenue (includes Ohio to San Benadino) throughout project construction period. These mitigations
	should be set forth in an Agreement (by Dev Svcs), but status of agreement is unknown. Engineer for Little Bear Solar recently submitted a construction plan for the overlay of California Avenue, which is the traffic mitigation for the project.
Riverbend Sand & Gravel	Traffic mitigation agreement to be reviewed. Re: CUP 3390. Agreement is different than others in that it commits the County to construct improvements with the applicant only providing their fair share of the cost. Other agencies would typically require the applicant to construct the improvemnts if they were an opening day mitigation and then enter into a reimbursement agreement with the agency. This decision was by Dev Svcs and County Counsel over the objection of Transportation Planning and Road Maintenance. Applicant is also proposing to put up the bond for the work the day before they open, leaving the responsibility for the timing of the design and construction for the mitigation up to the County. PG&E Transmission pole likely not eligible for relocation under franchise provisions.
Derrel's Mini Storage (Shaw-McCall)	Re: CUP 3618. Revised traffic impact study (5-31-19) submitted by applicant (6-7-19) for review by Transportation Planning and Road Maintenance.
Plan Check Reviews	Plan check reviews are coordinated through the permit engineer. A database is available to review status of plan checks. The projects are tracked on the basis of who the design engineer is. Current plan checks for FLD review will be completed before departure.
City of Fresno/Clovis USD	Shields/Locan traffic signal and paving plan. Shields/DeWolf TS and paving plan.
City of Fresno/Willdan Engr	Traffic signal at Clinton/Valentine (labeled as 100% submittal) is in need of a lot of work.
Fresno Humane Society	Received 4th submittal on 6-6-19. Engineer is Hal Lore (Lore Engineering).
Agenda Items	
Right-of-Way	No outstanding agenda items. Process is being transferred to Design Division. Right of way items are in blue folders on FLD desk and/or brown box adjacent thereto.
Tract 5587 - Brawley & McKinley	Have a legal description and proposed deed from Yamabe & Horn, but no fee and no letter from City of Fresno.
Washinton USD - Lincoln & Fig	Have a legal description and proposed deed from Alan Mok. Deed County road to County. No action needed from Board, other than acceptance by Director after road easement is signed by Washington USD.
Road Closure SOP	Apparently this item has been dropped from the Master Fee Schedule update and will instead be handled through the permitting process and specific project agreements.
Traffic Control Plan Reviews	
SR 180 Phase 3 Extension	Road closures for Oliver, Trimmer Springs, Rio Vista, Piedra, Reed and Frankwood. Phased approach.
	Rio Vista is currently closed. Trimmer Springs is closed permanently.
Speed Ordinance Studies	FLD has signed speed studies that have been prepared and are set to go to Board on 6-18-19 for first reading. 2nd reading is 8-6-19.
Existing Permit Issues	
Kings River Pipeline	Garney not performing punch list items. Road crews provided $112k estimate to complete repairs.
	City has not decided on use of County forces. If approved, City to withhold funds from final payment to Garney
	Drainage issue for R Flake still outstanding. Water percolating out of embankment due to trench cut in Trimmer.
	Belmont Ave monumentation; Also monumentation concerns/trench patch for RTM on Temperance.
Traffic Signal Maintenance	Blanket purchase orders for Sebestian and A-C Electric set to expire on 6-30-19. Still need new RFQ. Plan to extend blanket PO to 9-30-19.
	Ryan continuously working on updates to maintenance list of traffic signals. Updated lists sent to John T. and cities.
	Reedley not interested in maintaining County signals near city limits.
	Plan to amend TS maintenance agm't with City of Fresno/Caltrans/Clovis. Fresno amendment in draft form.
	Draft RFQ for signal maintenance currently under review. Ryan providing updates. Signal list to include:
	Jayne Ave at State Prison (by Coalinga) and Mountain View/Golden State (includes battery backup with RR signal). List of signals along Manning and Mountain View to be on list of locations likely to be transferred to County maintenance in near future.
	Also include safety lighting in former Caltrans ROW for Elm Avenue. Other misc safety lighting.
Road/TS Maintenance Agreements	
All other cities in county.	Traffic signal cost sharing agreement. Needed with Clovis, Reedley, Parlier and Kingsburg.
	Also 50-50 road maintenance on boundary streets.
	Need joint project agreement with City of Fresno (similar to City of Clovis agm't).
Road Vacations	Coordinate with Wendy and Design. Process being reassigned to Design Div.
Sky Harbour	For TMR. Al for approval in works. Retained by RMO for final action.
Cole Avenue	For Dry Creek Preserve area in Clovis sphere
Lac Jac	Dead end road serving multiple parcels
Kings River Road	By Area 10 yard - Dead end road maybe located outside of street right of way
Wilson Avenue	In Old Fig area adjacent to canal. 2nd hearing scheduled for May 7.
Dunlap Road	Retained by RMO for final action. Adjacent properties may be impacted differently by vacation.
Calwa Alley	
County Capital Projects	
Sanger joint project agreement	Overlay/reconstruction of Central Avenue from Academy to Newmark. On the 19-20 overlay list??
Chip/Slurry Lists	Chip seals bid and awarded. About to start construction. Slurry seals budgeted ($700k) but no project specs to date.
Overlays	SB-1 list and AB 720 list went to Board on 4-23-19. By Design Division. Overlays currently at 60% design review.
Lincoln CIR	Currently at 30% design review.
Biola Sidewalks	Currently under construction.
American Ave CMAQ by AADS	Currently at 60% design review.
	Copies of these plans are in FLD inbox.
TMR Millerton Rd Design	AECOM has submitted 90% plans to County for review. County may reject 90% plan because it is not complete.
	Augie Ramirez and Sebastian Artal are point people for County on this project.
	Some background material on Millerton Road design by TMR 10 years ago in FLD inbox.
High Speed Rail	
Administration	Traffic management plan approval; assessment of permit fees; haul route mitigations re: PCI; street closure policy
	Transporation Planning tasked with developing fee program or road imp requirements for HSR hauling impacts
Right of Way Agreement for CP-02,03	Approved by Board on 1-8-19. Seems to have some conflicts with HSR operations to maintain roads.
CP-02,03 Utility Easement	For PG&E facilities outside of road right of way; options for construction? Lease expiration => stay in franchise
Imp Permit for South Ave	For overpass construction and road closure - to be issued to DFJV - effective May 2019???
	TCP split into 3 phases - Cedar to Maple closure; Cedar/South closure; Maple/South closure.
	CID ditch relocation and culvert reconstruction - Impacts on haul routes
	Utility relocations by separate permit.
CP-01	American Ave overpass - Utility relocation plan is impacting road plans by change in slope from 4:1 to 3:1 to provide room in existing acquired R-O-W for utilities. Permit extensions approved by Director with No LD's.
	Also working with TPZP on haul routes and PCI investigations and mitigations
Cul-de-sac Plans	And associated road vacations. See ROW agmt for exhibit showing areas to be vacated. Draft plans (8-8-18) in FLD inbox.
Davis Ave Overpass	Connects to 17' wide County road - 3 miles in length (Fowler to Highland (SR 43)). Consider CIP for road widening.
Elkhorn Ave Overpass	100% submittal currently in review.

EXHIBIT 148

From: Daniele, Frank
To: Thompson, John R.; Nakagawa, Wendy
Subject: Emailing: F Daniele List - Rev 06-06-19.xlsx
Date: Tuesday, June 11, 2019 8:28:13 AM
Attachments: F Daniele List - Rev 06-06-19.xlsx

John, Wendy,

Here is the latest version of things to do/consider when I'm gone.

Frank Daniele

Your message is ready to be sent with the following file or link attachments:

F Daniele List - Rev 06-06-19.xlsx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

EXHIBIT 149

From: John Buada
To: Jimenez, Roy
Cc: Allen, Glenn; iblang@yahoo.com
Subject: RE: Riverbend Sand & Gravel 2018 Annual Inspection Report, Mine ID# 91-10-0031
Date: Thursday, June 27, 2019 2:50:03 PM
Attachments: image002.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Thank you!

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Thursday, June 27, 2019 9:23 AM
To: John Buada
Cc: Allen, Glenn; iblang@yahoo.com
Subject: RE: Riverbend Sand & Gravel 2018 Annual Inspection Report, Mine ID# 91-10-0031

Here you go Sir.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, June 26, 2019 6:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Allen, Glenn <glallen@fresnocountyca.gov>; iblang@yahoo.com
Subject: Riverbend Sand & Gravel 2018 Annual Inspection Report, Mine ID# 91-10-0031

Roy,

Could you please email me a copy of the 2018 Annual Inspection Report for Riverbend Sand & Gravel, Mine ID# 91-10-0031?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902

Cell: 559-269-1376
Email: jcbuada@buada.com

EXHIBIT 150

From: Mollring, Marianne
To: Novak, Suzie
Cc: Ahmad, Ejaz; Monfette, Christina; Crider, Danielle; Kobayashi, Thomas; Shaw, Jeremy
Subject: Zoning Ordinance Binder Updates
Date: Wednesday, July 3, 2019 10:10:40 AM
Attachments: 803DEFI_6-18_final.pdf
813R-C_8-16_final.pdf
814TPZ_8-16_final.pdf
816AE_6-18_final.pdf
817AL_6-18_final.pdf
820R-R_6-18_final.pdf
836C-4_12-15_final.pdf
842C-M_12-15_final.pdf
843M-2-14_final.pdf
855STAND_6-18_final.pdf
867CMRCL_7-16_final.pdf
872DRA_9-13_final.pdf
873CUP_8-16 final.pdf
877VA_8-16 final.pdf
COVERSHT.pdf
image002.png

Hi Suzie,
Please print sets of the attached revisions to sections of the Zoning Ordinance and help all the planners make sure their binder is current.
Thanks,
mm

Marianne Mollring, MA/MS, AICP, GISP | **Senior Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4569
Your input matters! Customer Service Survey

EXHIBIT 151

EXCEPT AS EXPRESSLY STATED HEREIN, THE ORIGINAL OF THIS LETTER OF CREDIT AND ALL SUBSEQUENT AMENDMENTS OR CORRESPONDENCE WILL BE DELIVERED TO BENEFICIARY #1 STATED ABOVE.

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: _____

Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association,** Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)

RESOURCES CODE SECTION 2773.1(B) AND (D). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE DEPARTMENT OF CONSERVATION, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE COUNTY OF FRESNO CALIFORNIA.

CALIFORNIA STATE DEPARTMENT OF CONSERVATION

BY: _____

NAME: _____

TITLE: _____"

THIS LETTER OF CREDIT SHALL BE IN FULL FORCE AND EFFECT UNTIL THE EARLIER TO OCCUR OF OUR RECEIPT OF A WRITTEN STATEMENT BY A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA OR THE DEPARTMENT OF CONSERVATION THAT ALL OF THE OBLIGATIONS SECURED HEREBY HAVE BEEN PERFORMED OR UNTIL PAYMENT OF DRAWINGS TOTALING THE FULL AMOUNT AVAILABLE HEREUNDER PURSUANT TO THE PRECEDING PARAGRAPHS OR UNTIL THE EXPIRATION DATE HEREUNDER.

THE LETTER OF CREDIT SHALL EXPIRE 07/05/2020 AT THE COUNTERS OF WELLS FARGO BANK, N. A., 794 DAVIS STREET, 2ND FLOOR, SAN LEANDRO, CA 94577-6922, ATTN: STANDBY LETTER OF CREDIT DEPT., OR ANY EXTENDED DATE AS HEREINAFTER PROVIDED. IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE AUTOMATICALLY EXTENDED FOR ADDITIONAL PERIODS, EACH OF ONE YEAR, UNLESS AT LEAST ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE THEN RELEVANT EXPIRATION DATE WELLS FARGO BANK, N. A., HAS ADVISED THE COUNTY OF FRESNO CALIFORNIA AND THE DEPARTMENT OF CONSERVATION BY REGISTERED OR CERTIFIED MAIL OR EXPRESS COURIER AT THEIR ABOVE ADDRESSES THAT WELLS FARGO BANK, N. A., ELECTS NOT TO EXTEND. IN THAT EVENT, THE COUNTY OF FRESNO CALIFONRIA AND/OR THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER ON OR PRIOR TO THE THEN RELEVANT EXPIRATION DATE, UP TO THE FULL AMOUNT AVAILABLE HEREUNDER, AGAINST THE SIGHT DRAFT(S) ON WELLS FARGO BANK, N. A., BEARING THE NUMBER OF THIS LETTER OF CREDIT WITHOUT IT BEING NECESSARY THAT SUCH SIGHT DRAFT(S) BE ACCOMPANIED BY THE SIGNED AND DATED STATEMENT(S) QUOTED ABOVE OR THE ORIGINAL OF THIS LETTER OF CREDIT.

WE ARE FURTHER INFORMED THAT THE AMOUNT OF THIS LETTER OF CREDIT MAY BE REDUCED IN ACCORDANCE TO CONDITIONS SET FORTH IN THE ABOVE REFERENCED MINING/RECLAMATION PLAN NUMBER **91-10-0031,** PROVIDED THAT ANY SUCH REDUCTION SHALL BE MADE ONLY WITH THE WRITTEN APPROVAL OF A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA AND/OR THE DEPARTMENT OF CONSERVATION.

THIS LETTER OF CREDIT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA. AS TO MATTERS NOT COVERED BY THE LAWS OF THE STATE OF CALIFORNIA, THIS CREDIT SHALL BE SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 600 NOTWITHSTANDING ARTICLE 36 OF SAID PUBLICATION. IF THIS LETTER OF CREDIT EXPIRES DURING AN INTERRUPTION OF BUSINESS AS DESCRIBED IN ARTICLE 19, WELLS FARGO BANK, N. A., IS HEREBY SPECIFICALLY AUTHORIZED AND AGREE TO EFFECT PAYMENT IF THE LETTER IS DRAWN WITHIN THIRTY (30) DAYS AFTER THE RESUMPTION OF BUSINESS.

WE HEREBY ENGAGE WITH THE BENEFICIARIES THAT ALL DRAWINGS PRESENTED UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED.

LADIES AND GENTLEMEN:

WE HAVE BEEN INFORMED BY RIVERBEND SAND AND GRAVEL LLC, BUT DO NOT INDEPENDENTLY VERIFY THAT THIS LETTER OF CREDIT IS ISSUED TO MEET THE OBLIGATIONS OF RIVERBEND SAND AND GRAVEL LLC TO ESTABLISH AND PERFORM A RECLAMATION PLAN AND MITIGATION MEASURES PURSUANT TO MINING/ RECLAMATION PLAN NUMBER **91-10-0031** APPROVED BY COUNTY OF FRESNO CALIFORNIA ON (*****PLEASE PROVIDE PRIOR TO ISSUANCE*****). THE PRECEDING SENTENCE IS INSERTED IN THIS LETTER OF CREDIT FOR INFORMATIONAL PURPOSES ONLY AND WILL NOT AFFECT, OR BECOME A PART OF, THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT.

AT THE REQUEST AND FOR THE ACCOUNT OF RIVERBEND SAND AND GRAVEL LLC, 14962 E FANTZ AVE, PARLIER, CALIFORNIA 93648, WE HEREBY ESTABLISH OUR IRREVOCABLE LETTER OF CREDIT NO. IS000088901U IN FAVOR OF THE ABOVE NAMED BENEFICIARIES IN THE AMOUNT OF TWO HUNDRED FIFTY NINE THOUSAND THREE HUNDRED NINE AND 00/100 UNITED STATES DOLLARS (USD 259,309.00) AVAILABLE WITH US AT OUR ABOVE OFFICE BY SIGHT PAYMENT AS FOLLOWS:

(1) THE COUNTY OF FRESO CALIFORNIA MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT AND THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED:

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $ _____ REPRESENTS A SUM DUE TO THE COUNTY OF FRESNO CALIFORNIA PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND RIVERBEND SAND AND GRAVEL LLC HAS BEEN PROVIDED WITH NOTICE AND OPPORTUNITY TO CURE (WHICH CURE PERIOD HAS EXPIRED), ALL IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC RESOURCES CODE SECTION 2773.1(B). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE COUNTY OF FRESNO CALIFORNIA, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE DEPARTMENT OF CONSERVATION.

COUNTY OF FRESNO CALIFORNIA

BY: _____

NAME: _____

TITLE: _____"

(2) THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED (THE ORIGINAL LETTER OF CREDIT NEED NOT ACCOMPANY THE DRAFT(S):

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $_____ IS DUE TO THE DEPARTMENT OF CONSERVATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE STATE MINING AND GEOLOGY BOARD, OR THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND NOTICE AND OPPORTUNITY TO CURE HAVE BEEN GIVEN (WITH THE CURE PERIOD HAVING EXPIRED), ALL IN ACCORDANCE WITH PUBLIC

Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922
Phone: 1(800) 776-3862 Option 2
E-Mail: sblc-new@wellsfargo.com

THIS SAMPLE WORDING IS PRESENTED WITHOUT ANY RESPONSIBILITY ON OUR PART. THIS PROFORMA IS PROVIDED TO YOU AT YOUR REQUEST ONLY AS SUGGESTED WORDING FOR THE LETTER OF CREDIT. PLEASE NOTE THAT THE LETTER OF CREDIT IS IN DRAFT FORM ONLY AND REMAINS UNISSUED AND IS NOT AN ENFORCEABLE INSTRUMENT.

APPLICANT(S) HEREBY AGREE WITH THE FORM AND WORDING OF THE FOLLOWING PROFORMA LETTER OF CREDIT, AND REQUEST THAT WELLS FARGO BANK, N.A. ISSUE THE LETTER OF CREDIT WITH SUCH FORM AND WORDING. IF THERE ARE MULTIPLE APPLICANTS FOR THE LETTER OF CREDIT, THE SIGNATURE OF ONE APPLICANT DENOTES APPROVAL BY ALL APPLICANTS AND BINDS ALL APPLICANTS.

BY: _____
NAME AND TITLE:

THIS PROFORMA LETTER OF CREDIT IS AN INTEGRAL PART OF THE APPLICATION AND AGREEMENT FOR THE ISSUANCE OF THE LETTER OF CREDIT. THE LETTER OF CREDIT CANNOT BE ISSUED UNTIL THE PROFORMA LETTER OF CREDIT IS RETURNED TO US WITH THE APPLICANT'S SIGNATURE ABOVE.

Irrevocable Standby Letter Of Credit

Number : IS000088901U
Issue Date : July 5, 2019

Proforma

BENEFICIARY

COUNTY OF FRESNO CALIFORNIA
2220 TULARE, 6TH FL
FRESNO , CALIFORNIA 93721

And

BENEFICIARY

DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
801 K ST, MS 09-06
SACRAMENTO, CALIFORNIA 95814

APPLICANT

RIVERBEND SAND AND GRAVEL LLC
14962 E FANTZ AVE
PARLIER, CALIFORNIA 93648

LETTER OF CREDIT ISSUE AMOUNT USD 259,309.00 EXPIRY DATE JULY 5, 2020

EXHIBIT 152

From: Jimenez, Roy
To: Allen, Glenn
Subject: FW: Annual Inspection Report and FACE Review (Riverbend Sand and Gravel)
Date: Wednesday, July 10, 2019 9:01:00 AM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png
image001.png
image007.png

FYI. This is why they are working on a Letter of Credit.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: Law, Rhonda@DOC <Rhonda.Law@conservation.ca.gov>
Sent: Friday, March 01, 2019 12:09 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Luksic, Michael@DOC <Michael.Luksic@conservation.ca.gov>
Subject: RE: Annual Inspection Report and FACE Review (Riverbend Sand and Gravel)

Dear Roy:

Thank you for submitting the financial assurance cost estimate (FACE) for Riverbend Sand and Gravel, LLC Mine, Mine ID# 91-10-0031. It has been received and will be submitted for processing. If you do not receive a response from us by 4/13/2019, please continue with your agency's approval process.

Our records indicate that currently there is not a financial assurance mechanism (FAM) in place for this operation. Once the proposed FACE is approved, an appropriate financial assurance mechanism will need to be submitted to DMR for review.

Also, as a reminder, there are new Financial Assurance Mechanism (FAM) forms that has been adopted by the State Geology Mining Board (SGMB). Below are some links to where you can find the new forms and information on how to submit them:

https://www.conservation.ca.gov/smgb/Pages/Forms.aspx

https://www.conservation.ca.gov/smgb/Pages/Rulemaking/Approved-Package-10.aspx

Please let me know if you have any questions, and thank you for your assistance.

Sincerely,

Rhonda Law
Reporting Unit, Analyst | Division of Mine Reclamation

California Department of Conservation
801 K Street, MS 09-06, Sacramento, CA 95814
T: (916) 324-0465
E: rhonda.law@conservation.ca.gov

"True leadership only exists if people follow when they have the freedom not to."

Welcome To DMR

SMGB Website

CGS Website

CONFIDENTIALITY NOTICE This e-Mail transmission (and/or the documents accompanying it) is for the sole use of the intended recipient(s) and may contain information protected by the attorney-client privilege, the attorney-work-product doctrine or other applicable privileges or confidentiality laws or regulations. If you are not an intended recipient, you may not review, use, copy, disclose or distribute this message or any of the information contained in this message to anyone. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this message and any attachments

---

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, February 27, 2019 9:56 AM
To: Law, Rhonda@DOC <Rhonda.Law@conservation.ca.gov>
Subject: Annual Inspection Report and FACE Review (Riverbend Sand and Gravel)

Hello Rhonda,

Please find attached Annual Surface Mining Inspection Report for Riverbend Sand and Gravel site as well as the 45-day Financial Assurance Cost Estimate Director Review. If you have any questions or need additional information, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 153

To: Herb Lang
Subject: RE: draft loc
Date: Thursday, July 11, 2019 1:59:21 PM
Attachments: image001.png
image002.png

Good afternoon Herb,

Fresno County staff has reviewed the attached draft Letter of Credit.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: Herb Lang <iblang@yahoo.com>
Sent: Monday, July 08, 2019 11:53 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Fw: draft loc

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Please review and sign the appropriate page and forward to the state people if you would please.

Thank you Herb

----- Forwarded Message -----
From: David Keys <david.keys@ewminvestments.com>
To: Kathy Lang <kathy.runningluck@yahoo.com>; Herb Lang <iblang@yahoo.com>
Sent: Monday, July 8, 2019, 09:10:27 AM PDT
Subject: draft loc

Here is a draft of the LOC. Wells wanted the county and state to have a chance to review it before it was issued to make sure everything is okay. Can you please get it to the appropriate folks and then let me know when they give the okay. We can then issue it. Thanks
David

From: Jimenez, Roy
To: Allen, Glenn
Subject: FW: draft loc
Date: Wednesday, July 10, 2019 8:48:00 AM
Attachments: 2019_07_08_09_07_19.pdf
image001.png

Please review and sign on behalf of the County. Thanks.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: Herb Lang <iblang@yahoo.com>
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To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Fw: draft loc

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Please review and sign the appropriate page and forward to the state people if you would please.

Thank you Herb

----- Forwarded Message -----
From: David Keys <david.keys@ewminvestments.com>
To: Kathy Lang <kathy.runningluck@yahoo.com>; Herb Lang <iblang@yahoo.com>
Sent: Monday, July 8, 2019, 09:10:27 AM PDT
Subject: draft loc

Here is a draft of the LOC. Wells wanted the county and state to have a chance to review it before it was issued to make sure everything is okay. Can you please get it to the appropriate folks and then let me know when they give the okay. We can then issue it. Thanks
David

EXHIBIT 154

Wells Fargo Bank, N.A.
U.S. Trade Services
Standby Letters of Credit
794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922
Phone: 1(800) 776-3862 Option 2
E-Mail: sblc-new@wellsfargo.com

Irrevocable Standby Letter Of Credit

Number: IS000088901U
Issue Date: July 17, 2019

BENEFICIARY:
COUNTY OF FRESNO CALIFORNIA
2220 TULARE, 6TH FL
FRESNO , CALIFORNIA 93721

AND/OR

BENEFICIARY:
STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
801 K ST, MS 09-06
SACRAMENTO, CALIFORNIA 95814

APPLICANT:
RIVERBEND SAND AND GRAVEL LLC
14962 E FANTZ AVE
PARLIER, CALIFORNIA 93648

LETTER OF CREDIT AMOUNT: USD 259309.00

EXPIRY DATE: 07/17/2020

LADIES AND GENTLEMEN:

WE HAVE BEEN INFORMED BY RIVERBEND SAND AND GRAVEL LLC, BUT DO NOT INDEPENDENTLY VERIFY THAT THIS LETTER OF CREDIT IS ISSUED TO MEET THE OBLIGATIONS OF RIVERBEND SAND AND GRAVEL LLC TO ESTABLISH AND PERFORM A RECLAMATION PLAN AND MITIGATION MEASURES PURSUANT TO MINING/RECLAMATION PLAN NUMBER 91-10-0031 APPROVED BY COUNTY OF FRESNO CALIFORNIA ON JULY 11, 2019. THE PRECEDING SENTENCE IS INSERTED IN THIS LETTER OF CREDIT FOR INFORMATIONAL PURPOSES ONLY AND WILL NOT AFFECT, OR BECOME A PART OF, THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT.

AT THE REQUEST AND FOR THE ACCOUNT OF RIVERBEND SAND AND GRAVEL LLC, 14962 E FANTZ AVE, PARLIER, CALIFORNIA 93648, WE HEREBY ESTABLISH OUR IRREVOCABLE LETTER OF CREDIT NO. IS000088901U IN FAVOR OF THE ABOVE NAMED BENEFICIARIES IN THE AMOUNT OF TWO HUNDRED FIFTY NINE THOUSAND THREE HUNDRED NINE AND 00/100 UNITED STATES DOLLARS (USD 259,309.00). THE LETTER OF CREDIT IS AVAILABLE WITH US AT OUR ABOVE OFFICE BY YOUR SIGHT DRAFT AND EITHER OF THE FOLLOWING DOCUMENTS:

(1) THE COUNTY OF FRESO CALIFORNIA MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING

WELLS FARGO

THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT AND THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED:

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $ _____ REPRESENTS A SUM DUE TO THE COUNTY OF FRESNO CALIFORNIA PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND RIVERBEND SAND AND GRAVEL LLC HAS BEEN PROVIDED WITH NOTICE AND OPPORTUNITY TO CURE (WHICH CURE PERIOD HAS EXPIRED), ALL IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC RESOURCES CODE SECTION 2773.1(B). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE COUNTY OF FRESNO CALIFORNIA, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE DEPARTMENT OF CONSERVATION.

COUNTY OF FRESNO CALIFORNIA

BY: _____

NAME: _____

TITLE: _____."

OR

(2) THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER BY MEANS OF ITS DRAFT(S), BEARING THE NUMBER OF THIS LETTER OF CREDIT ACCOMPANIED BY THE FOLLOWING SIGNED AND DATED STATEMENT, APPROPRIATELY COMPLETED (THE ORIGINAL LETTER OF CREDIT NEED NOT ACCOMPANY THE DRAFT(S):

"THE AMOUNT OF OUR ACCOMPANYING DRAFT $_____ IS DUE TO THE DEPARTMENT OF CONSERVATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 2773.1(B). THE STATE MINING AND GEOLOGY BOARD, OR THE COUNTY OF FRESNO CALIFORNIA HAS DETERMINED, FOLLOWING A PUBLIC HEARING, THAT RIVERBEND SAND AND GRAVEL LLC IS FINANCIALLY INCAPABLE OF PERFORMING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN, OR HAS ABANDONED ITS SURFACE MINING OPERATION WITHOUT COMMENCING RECLAMATION, AND NOTICE AND OPPORTUNITY TO CURE HAVE BEEN GIVEN (WITH THE CURE PERIOD HAVING EXPIRED), ALL IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 2773.1(B) AND (D). THE INDIVIDUAL SIGNING BELOW CERTIFIES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT AND THAT THE SIGNATORY IS AUTHORIZED TO SIGN AND DELIVER THIS STATEMENT ON BEHALF OF THE DEPARTMENT OF CONSERVATION, AND THAT A COPY OF THIS STATEMENT HAS BEEN FORWARDED BY CERTIFIED MAIL OR COURIER SERVICE TO THE COUNTY OF FRESNO CALIFORNIA.

DEPARTMENT OF CONSERVATION DIVISION OF MINE RECLAMATION

BY: _____

NAME: _____

TITLE: _____"

THIS LETTER OF CREDIT SHALL BE IN FULL FORCE AND EFFECT UNTIL THE EARLIER TO OCCUR OF OUR

WELLS FARGO

RECEIPT OF A WRITTEN STATEMENT BY A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA AND THE DEPARTMENT OF CONSERVATION THAT ALL OF THE OBLIGATIONS SECURED HEREBY HAVE BEEN PERFORMED OR UNTIL PAYMENT OF DRAWINGS TOTALING THE FULL AMOUNT AVAILABLE HEREUNDER PURSUANT TO THE PRECEDING PARAGRAPHS OR UNTIL THE EXPIRATION DATE HEREUNDER.

DRAWINGS MADE UNDER THIS LETTER OF CREDIT BY ANY OF THE ABOVE-NAMED BENEFICIARIES WILL BE HONORED BY US IN THE ORDER THEY ARE RECEIVED BY US AT THE PRESENTATION OFFICE SPECIFIED ABOVE. ANY DRAWING MADE BY A BENEFICIARY SHALL BE BINDING ON ALL OTHER BENEFICIARIES. IN NO EVENT WILL WE HONOR DRAWINGS WHICH EXCEED THE MAXIMUM STATED AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT AT THE TIME SUCH DRAWING IS PRESENTED TO US. DRAWINGS HEREUNDER MUST BE ACCOMPANIED BY THE ORIGINAL OF THIS LETTER OF CREDIT FOR ENDORSEMENT ON THE REVERSE HEREOF OF THE AMOUNTS OF SUCH DRAWINGS. THE ORIGINAL OF THIS LETTER OF CREDIT WILL BE RETURNED TO THE BENEFICIARY WHO PRESENTED THE DRAWING.

THE LETTER OF CREDIT SHALL EXPIRE 07/17/2020 AT THE COUNTERS OF WELLS FARGO BANK, N. A., 794 DAVIS STREET, 2ND FLOOR, SAN LEANDRO, CA 94577-6922, ATTN: STANDBY LETTER OF CREDIT DEPT., OR ANY EXTENDED DATE AS HEREINAFTER PROVIDED. IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE AUTOMATICALLY EXTENDED FOR ADDITIONAL PERIODS, EACH OF ONE YEAR, UNLESS AT LEAST ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE THEN RELEVANT EXPIRATION DATE WELLS FARGO BANK, N. A., HAS ADVISED THE COUNTY OF FRESNO CALIFORNIA AND THE DEPARTMENT OF CONSERVATION BY REGISTERED OR CERTIFIED MAIL OR EXPRESS COURIER AT THEIR ABOVE ADDRESSES THAT WELLS FARGO BANK, N. A., ELECTS NOT TO EXTEND. IN THAT EVENT, THE COUNTY OF FRESNO CALIFONRIA AND/OR THE DEPARTMENT OF CONSERVATION MAY DRAW HEREUNDER ON OR PRIOR TO THE THEN RELEVANT EXPIRATION DATE, UP TO THE FULL AMOUNT AVAILABLE HEREUNDER, AGAINST THE SIGHT DRAFT(S) ON WELLS FARGO BANK, N. A., BEARING THE NUMBER OF THIS LETTER OF CREDIT WITHOUT IT BEING NECESSARY THAT SUCH SIGHT DRAFT(S) BE ACCOMPANIED BY THE SIGNED AND DATED STATEMENT(S) QUOTED ABOVE OR THE ORIGINAL OF THIS LETTER OF CREDIT.

WE ARE FURTHER INFORMED THAT THE AMOUNT OF THIS LETTER OF CREDIT MAY BE REDUCED IN ACCORDANCE TO CONDITIONS SET FORTH IN THE ABOVE REFERENCED MINING/RECLAMATION PLAN NUMBER 91-10-0031, PROVIDED THAT ANY SUCH REDUCTION SHALL BE MADE ONLY WITH THE WRITTEN APPROVAL OF A DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY OF FRESNO CALIFORNIA AND/OR THE DEPARTMENT OF CONSERVATION TO THE ISSUING BANK.

THIS LETTER OF CREDIT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA. AS TO MATTERS NOT COVERED BY THE LAWS OF THE STATE OF CALIFORNIA, THIS CREDIT SHALL BE SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 600 NOTWITHSTANDING ARTICLE 36 OF SAID PUBLICATION. IF THIS LETTER OF CREDIT EXPIRES DURING AN INTERRUPTION OF BUSINESS AS DESCRIBED IN ARTICLE 36, WELLS FARGO BANK, N. A., IS HEREBY SPECIFICALLY AUTHORIZED AND AGREE TO EFFECT PAYMENT IF THE LETTER IS DRAWN WITHIN THIRTY (30) DAYS AFTER THE RESUMPTION OF BUSINESS.

WE HEREBY ENGAGE WITH THE BENEFICIARIES THAT ALL DRAWINGS PRESENTED UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED.

EXCEPT AS EXPRESSLY STATED HEREIN, THE ORIGINAL OF THIS LETTER OF CREDIT AND ALL SUBSEQUENT AMENDMENTS OR CORRESPONDENCE WILL BE DELIVERED TO BENEFICIARY #1 STATED ABOVE.

THE ORIGINAL LETTER OF CREDIT AND ALL FUTURE CORRESPONDENCE WILL BE SENT TO COUNTY OF FRESNO CALIFORNIA.

WELLS FARGO

Very Truly Yours,

WELLS FARGO BANK, N.A.

By: _____
Authorized Signature

The original of the Letter of Credit contains an embossed seal over the Authorized Signature.

Please direct any written correspondence or inquiries regarding this Letter of Credit, always quoting our reference number, to **Wells Fargo Bank, National Association,** Attn: U.S. Standby Trade Services

at either 794 Davis Street, 2nd Floor
MAC A0283-023,
San Leandro, CA 94577-6922

or 401 N. Research Pkwy, 1st Floor
MAC D4004-017,
WINSTON-SALEM, NC 27101-4157

Phone inquiries regarding this credit should be directed to our Standby Customer Connection Professionals

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. PT to 5:00 p.m. PT)

1-800-776-3862 Option 2
(Hours of Operation: 8:00 a.m. EST to 5:00 p.m. EST)



EXHIBIT 155

To: Ramirez, Augustine; Motta, Chris
Cc: Asprec, Lemuel; Allen, Glenn
Subject: RE: Scan
Date: Wednesday, July 24, 2019 11:09:00 AM
Attachments: image001.png
image004.png
image005.png
image006.png

It is a new one. They never had one on file.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Sent: Wednesday, July 24, 2019 10:58 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>; Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Asprec, Lemuel <lasprec@fresnocountyca.gov>; Allen, Glenn <glallen@fresnocountyca.gov>
Subject: RE: Scan

Chris,

I understand Roy has been working with Herb on a new LOC so I've included him on this email so he can provide some input.

Augustine C. Ramirez | **Senior Engineer**
Department of Public Works and Planning
Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4266
How are we doing?

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, July 24, 2019 9:42 AM
To: Allen, Glenn <glallen@fresnocountyca.gov>; Ramirez, Augustine <auramirez@fresnocountyca.gov>
Cc: Asprec, Lemuel <lasprec@fresnocountyca.gov>
Subject: FW: Scan

Gents,

Could you have staff and determine if we requested a reviewed LOC for Riverbend Sand and Gravel or if this is a new submittal? We may not have received one before from the operator, but in my brief review, it appears to be tied to the project's reclamation plan.

Thanks for your help!

Chris W. Motta, MURP | **Principal Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Asprec, Lemuel <lasprec@fresnocountyca.gov>
Sent: Wednesday, July 24, 2019 9:01 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: FW: Scan

Good morning Chris,
We recently received the attached LOC. Is this a replacement LOC or a new one?

Thanks.

LEMUEL ASPREC | **PWP BUSINESS MANAGER**
Public Works and Planning | **Financial Services Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Direct: 559.600.4298 FAX: 559.455.4606
Your input matters! Customer Service Survey

From: ~~Motta, Chris~~
To: ~~Ramirez, Augustine~~
Subject: RE: Scan
Date: Wednesday, July 24, 2019 11:07:00 AM
Attachments: ~~image001.png~~
~~image002.png~~
~~image003.png~~

Thank you!

Chris W. Motta, MURP | **Principal Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

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Sent: Wednesday, July 24, 2019 10:58 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>; Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Asprec, Lemuel <lasprec@fresnocountyca.gov>; Allen, Glenn <glallen@fresnocountyca.gov>
Subject: RE: Scan

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Augustine C. Ramirez | **Senior Engineer**
Department of Public Works and Planning
Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
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Chris W. Motta, MURP | **Principal Planner**
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Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
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Public Works and Planning | **Financial Services Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Direct: 559.600.4298 FAX: 559.455.4606
Your input matters! Customer Service Survey

From: ~~Asprec, Lemuel~~
To: ~~Motta, Chris~~
Subject: RE: Scan
Date: Wednesday, July 24, 2019 9:44:48 AM
Attachments: ~~image001.png~~
~~image002.png~~
~~image003.png~~

Thanks Chris for letting me know.

LEMUEL ASPREC | PWP BUSINESS MANAGER
Public Works and Planning | Financial Services Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Direct: 559.600.4298 FAX: 559.455.4606
~~Your input matters! Customer Service Survey~~

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, July 24, 2019 09:43
To: Asprec, Lemuel <lasprec@fresnocountyca.gov>
Subject: RE: Scan

Lemuel,

Because this is a surface mining project (not a solar farm) reclamation plans should be handled through Glen Allen's Division. That's why I forwarded because they keep those files. Just an FYI.

Chris W. Motta, MURP | Principal Planner
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

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Sent: Wednesday, July 24, 2019 9:42 AM
To: Allen, Glenn <glallen@fresnocountyca.gov>; Ramirez, Augustine <auramirez@fresnocountyca.gov>
Cc: Asprec, Lemuel <lasprec@fresnocountyca.gov>
Subject: FW: Scan

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Thanks for your help!

Chris W. Motta, MURP | Principal Planner

Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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2220 Tulare St. 6th Floor Fresno, CA 93721
Direct: 559.600.4298 FAX: 559.455.4606
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EXHIBIT 156

From:	Herb Lang
To:	Jimenez, Roy; Ramirez, Augustine; rhonda.law@conservation.ca.gov; april.balestreri@conservation.ca.gov; Allen, Glenn
Subject:	SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - -FEDEX 775738878569-$259,309.00
Date:	Wednesday, July 24, 2019 8:03:40 AM

Please read the following email and reply:

Herb,

Please forward the email below to your contacts at County of Fresno and State of California Dept of Conservation, and let me know they acknowledge the changes below before we proceed with the amendment on the letter of credit.

Thank you,

Joseph Giustino

Vice President

Wealth Management Private Banker

NMLSR ID: 418798

Wells Fargo Private Bank I 3800 Howard Hughes Parkway, 2nd Floor I Las Vegas, NV 89169

MAC: s4733-022

Tel 702.791.6481 I Cell 702.275.2644 I Fax 702.791.6163

joseph.giustino@wellsfargo.com

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From: Skidmore-North, Terah H. <terah.skidmore-north@wellsfargo.com>
Sent: Thursday, July 18, 2019 7:39 AM
To: Giustino, Joseph <Joseph.Giustino@wellsfargo.com>
Subject: RE: SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - - FEDEX 775738878569-$259,309.00

Joseph,

We can process an amendment to update that but please note if we do that there are additional changes in the language that will need to be changed as well.

1. Both Beneficiaries would need to provide a statement in order to draw so the below paragraph would be amendment to read per the below with the highlighted removed:

AT THE REQUEST AND FOR THE ACCOUNT OF RIVERBEND SAND AND GRAVEL LLC, 14962 E FANTZ AVE, PARLIER, CALIFORNIA 93648, WE HEREBY ESTABLISH OUR IRREVOCABLE LETTER OF CREDIT NO. IS000088901U IN FAVOR OF THE ABOVE NAMED BENEFICIARIES IN THE AMOUNT OF TWO HUNDRED FIFTY NINE THOUSAND THREE HUNDRED NINE AND 00/100 UNITED STATES DOLLARS (USD 259,309.00). THE LETTER OF CREDIT IS AVAILABLE WITH US AT OUR ABOVE OFFICE BY YOUR SIGHT DRAFT AND EITHER OF THE FOLLOWING DOCUMENTS:

2. The multiple Beneficiary language would need to be removed which is below:

DRAWINGS MADE UNDER THIS LETTER OF CREDIT BY ANY OF THE ABOVE-NAMED BENEFICIARIES WILL BE HONORED BY US IN THE ORDER THEY ARE RECEIVED BY US AT THE PRESENTATION OFFICE SPECIFIED ABOVE. ANY DRAWING MADE BY A BENEFICIARY SHALL BE BINDING ON ALL OTHER BENEFICIARIES. IN NO EVENT WILL WE HONOR DRAWINGS WHICH EXCEED THE MAXIMUM STATED AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT AT THE TIME SUCH DRAWING IS PRESENTED TO US. DRAWINGS HEREUNDER MUST BE ACCOMPANIED BY THE ORIGINAL OF THIS LETTER OF CREDIT FOR ENDORSEMENT ON THE REVERSE HEREOF OF THE AMOUNTS OF SUCH DRAWINGS. THE ORIGINAL OF THIS LETTER OF CREDIT WILL BE RETURNED TO THE BENEFICIARY WHO PRESENTED THE DRAWING.

Please review and if the Beneficiary is accepting the above then please have the applicant fill out the amendment application.

Regards,

Terah Skidmore-North

Trade Services Representative

Standby Letters of Credit

U.S. Trade Services I 401 N Research Pkwy, 1st Floor I Winston-Salem, NC 27101

MAC D4004-017

Tel 336-735-3243

terah.skidmore-north@wellsfargo.com

Customer Care Contact: 800-776-3862, option 2 | Email: StandbyCustomerCare@wellsfargo.com

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From: Giustino, Joseph <Joseph.Giustino@wellsfargo.com>
Sent: Wednesday, July 17, 2019 7:50 PM
To: StandbyLC-SF <StandbyLC-SF@wellsfargo.com>
Subject: RE: SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - ACTREF7547578-FEDEX 775738878569-$259,309.00

We were just informed by the County of Fresno this letter of credit will need to be amended to say AND not AND/OR

Sent with BlackBerry Work
(www.blackberry.com)

From: StandbyLC-SF@wellsfargo.com <StandbyLC-SF@wellsfargo.com>

Date: Wednesday, Jul 17, 2019, 1:42 PM

To: ERNIE@ERNIEMOODY.COM <ERNIE@ERNIEMOODY.COM>, Giustino, Joseph <Joseph.Giustino@wellsfargo.com>, Olesinski, George <George.Olesinski@wellsfargo.com>

Subject: SBLC ISSUANCE FOR EWM INVESTMENTS, LLC - IS000088901U - ACTREF7547578-FEDEX 775738878569-$259,309.00

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EXHIBIT 157

TRAFFIC MITIGATION AGREEMENT (COUNTY FAIR SHARE) FOR RIVERBEND MINE AND RECLAMATION PLAN

THIS AGREEMENT is entered into in _____2019 on the last date signed below ("Effective Date") between the County of Fresno, a political subdivision of the State of California, acting through its Department of Public Works & Planning, Development Services Division ("County"), and Riverbend Sand and Gravel LLC ("Riverbend"), upon the following facts and circumstances:

RECITALS

A. WHEREAS, Riverbend proposes to construct, operate, and reclaim an aggregate mine, and related processing, asphalt, ready mix concrete, hot mix asphalt plant, and portable asphalt and concrete recycling plant on 619 acres of land located in Fresno County, more commonly known as the Riverbend Sand and Gravel Project ("Project"), which will be located on certain real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

B. WHEREAS, on February 26, 2015, pursuant to County Resolution, subject to the conditions listed therein, the Fresno County Planning Commission certified an Environmental Impact Report ("EIR") for the Project (State Clearinghouse No. 2013071097), approved Unclassified Conditional Use Permit No. 3390, and adopted the CEQA findings, the mitigation measures, the Mitigation Monitoring and Reporting Program and the statement of overriding considerations.

C. WHEREAS, on May 19, 2015, the Board of Supervisors hearing on appeal from the Planning Commission was taken off calendar because the appellant withdrew his appeal.

D. WHEREAS, as part of the EIR for the Project, a Traffic Impact Study ("TIS") was prepared by VRPA Technologies, Inc. in March 2014 and revised in July 2014 and included in the EIR as Appendix K, which describes the potential traffic and circulation impacts associated with the Project.

E. WHEREAS, the TIS and the EIR indicated that the Project would increase vehicle trips on public roads and could contribute to unacceptable levels of service on Fresno County roadways segments and at intersections ("Impacts"), which Impacts were considered potentially significant.

F. WHEREAS, Mitigation Measure TRANS-1 of the EIR and the Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share ("Pro Rata Share") of the total anticipated costs to the County for level of service ("LOS") improvements related to capacity required at the following intersections and road segment ("LOS Improvements") as follows:

i. McCall Avenue / Jensen Avenue Signalization; Add Eastbound Left Turn Lane and Right Turn Lane, Westbound Right Turn Lane, Northbound Left Turn Lane, Through Lane and Right Turn Lane,

Southbound Left Turn Lane, Through Lane and Right Turn Lane, and Right of Way Acquisition – 8.5%

ii. McCall Avenue / North Avenue Signalization – 18.6%
iii. Academy Avenue / Central Avenue Signalization – 17.8%
iv. McCall Avenue / Central Avenue Signalization – 23.0%
v. McCall Avenue / SR 180 Add Northbound Through Lane and Right Turn Lane, and Southbound Through Lane and Right Turn Lane – 10.0%
vi. McCall Avenue / SR 180 Add Northbound Left Turn Lane – 100%
vii. McCall Avenue from SR 180 to Jensen Avenue add Northbound Travel Lane and Southbound Travel Lane – 16.3%
viii. McCall Avenue from Jensen Avenue to North Avenue Northbound Travel Lane – 37.7%

G. WHEREAS, the TIS and Mitigation Measure TRANS-3 of the EIR and Monitoring Plan also identified specific mitigation measures to mitigate for the Project's Traffic Index Impacts, specifically that Riverbend would contribute Riverbend's Pro Rata Share to the County for improvements related to the structural section of the impacted street segments ("Structural Improvements"):

i. Central Avenue Segments
   a. McCall Avenue to Bethel Avenue – 46.0%
   b. Bethel Avenue to Academy Avenue – 42.4%
   c. Academy Avenue to Newmark Avenue – 39.1%
ii. Goodfellow Avenue Segments
   a. Newmark Avenue to Bridge – 40.3%
   b. Bridge to Riverbend Avenue – 40.3%
iii. McCall Avenue Segments
   a. SR 180 (Kings Canyon) to Jensen Avenue – 61.4%
   b. Jensen Avenue to North Avenue – 66.7%
   c. North Avenue to Central Avenue – 73.8%

As set forth herein, Riverbend's Pro Rata Share payment amounts ("Funds") for each LOS Improvement and Structural Improvement (collectively, "Improvements") were determined based on the actual total cost of each Improvement multiplied by Riverbend's Pro Rata Share.

H. WHEREAS, except for those amounts specified to be paid in cash or equivalent, Riverbend shall obtain bonds for the estimate of the Funds, and will remit to the County the actual cost of Riverbend's Pro Rata Share of the Improvements approximately twelve months before the actual construction of each particular Improvement.

I. WHEREAS, the intersection at McCall Avenue and SR 180 shall be considered a County proposed project, thus PG&E should not charge for the necessary relocation of the existing utilities, including PG&E poles or towers.

J. WHEREAS, in accordance with Mitigation Measure TRANS-2 of the EIR and Monitoring Plan, Riverbend shall be 100% responsible for building the entrance to the Project.

K. WHEREAS, Mitigation Measures TRANS-1 and TRANS-3, as conditions of Project approval, require Riverbend to enter into a traffic mitigation agreement with the County as adopted in the EIR, each of which mitigation measures is set forth in Exhibit "B," which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, in consideration of the foregoing recitals and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Riverbend and the County (collectively "Parties," individually "Party") agree as follows:

AGREEMENT

1. **PAYMENT**. Riverbend shall provide the County with payment or surety bonds as set forth in **Exhibit C** and described below:

1.1 Prior to final inspection of building permits for the aggregate processing plant for the Project, payment of $352,915 in full satisfaction of Riverbend's fair share contributions to the addition of northbound and southbound through lanes at McCall Avenue and Jensen Avenue, the addition of a southbound right turn lane at McCall Avenue at SR 180, the addition of a westbound right turn lane at McCall Avenue at Jensen Avenue, and the installation of a traffic signal at Academy Avenue at Central Avenue as set forth in **Exhibit C-1 and C-4**, attached hereto and incorporated by this reference.

1.2 Prior to final inspection of building permits for the aggregate processing plant for the Project, a surety bond issued to County on behalf of Riverbend by a surety authorized to transact business and issue surety bonds in the State of California for $1,594,000 in full satisfaction of its Pro Rata Share for the McCall Avenue / SR 180 Northbound Left Turn Lane Improvement as set forth in **Exhibit C-2 and C-4**, attached hereto and incorporated by this reference.

1.3 For all other Improvements, Riverbend shall obtain and provide to the County one or more surety bonds issued to the County on behalf of Riverbend by a surety authorized to transact business and issue surety bonds in the State of California in the amount of $3,558,807 as set forth in **Exhibit C-3 and C-4**, attached hereto and incorporated by this reference. The surety bonds identified in subsections 1.2 and 1.3 are collectively referred to as "Bonds." Riverbend shall provide the Bonds to the County on or before August 1, 2033. The Bonds shall be in an industry-standard format.

1.4 The County shall provide written notice to Riverbend twelve (12) months prior to construction of the particular Improvement(s), and Riverbend shall pay its actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving said notice. Within ten (10) days of receiving Riverbend's payment, the County shall release the applicable Bond amount.

2. **SATISFACTION**. The County hereby acknowledges that upon the execution of this Agreement, Riverbend's submission of the payments described under Section 1, the payments, the Bonds, and later actual payments for the Improvements, Riverbend will have satisfied its mitigation obligations to the County for Project Impacts as required by Mitigation Measures TRANS-1 and TRANS-3.

3. **ALLOWABLE USE OF BONDS**. The County shall not submit a claim on a Bond, or otherwise indirectly or directly cause a Bond to be released or remitted to the County, until all of the following occur:

3.1 Riverbend has not paid the actual Pro Rata Share for the noticed Improvement within sixty (60) days of receiving the County's written request for payment as described in Section 1.4; and

3.2. The County has provided Riverbend a reasonable opportunity to cure the defect not to exceed thirty (30) days after the sixty (60) day period to remit payment of the actual Pro Rata Share.

4. **ALLOWABLE USE OF FUNDS**. Funds provided by Riverbend to the County shall remain in a trust account until such time as the County has secured the balance of other funds necessary to implement the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3. The County agrees that the Funds paid by Riverbend pursuant to the terms of this Agreement shall be used only for the purposes of instituting the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3.

5. **RETURN OF FUNDS**. In the event that the Funds are not fully expended on the Improvements or another equivalent project that would offset the Project Impacts that are the subject of Mitigation Measures TRANS-1 and TRANS-3, by the County on or before August 1, 2037, the County shall return to Riverbend, within sixty (60) days of receipt of Riverbend's written request, all of the then-unexpended Funds.

6. **COUNTY OBLIGATIONS**. All obligations of the County under the terms of this Agreement are subject to the appropriation and allocation of resources by the County Board of Supervisors.

7. **BINDING EFFECT AND ASSIGNMENT**. This Agreement shall be construed as a covenant running with the land and shall bind and benefit the County, its successors and assigns, and Riverbend, and its successors in interest. Riverbend shall have the right to assign this agreement to a third-party.

8. **EXPIRATION OF AGREEMENT**. This Agreement shall expire when the County has expended all of the Funds; the Funds are returned to Riverbend, in whole or in part pursuant to Section 5 of this Agreement; or on August 1, 2037, whichever occurs first in time.

9. **ATTORNEY'S FEES**. If any legal action is brought by either Party to interpret or enforce any terms or provisions of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

10. **WAIVERS**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

11. **SEVERABILITY**. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, such determination shall not affect the validity and enforceability of any other provision of this Agreement.

12. **INTERPRETATION**. The titles to the sections of this Agreement are for convenience only and shall have no effect upon the construction or interpretation of any part of this Agreement. The Parties agree that this Agreement has been arrived at through negotiation and neither Party is to be deemed the Party which prepared this Agreement.

13. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the matters set forth herein. This Agreement may be amended only by a written document signed by both Parties.

14. **RECORDATION.** Upon execution of this Agreement, the County shall cause recordation thereof with the County Recorder's Office.

15. **JURISDICTION**. This Agreement shall be administered and interpreted under the laws of the State of California without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Fresno, State of California.

16. **NOTICES**. Notices required by this Agreement shall be personally delivered, mailed, postage prepaid, or mailed via nationally-recognized overnight courier as follows:

To Riverbend:

Herb Lang
Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648

With a copy to:

Patrick Mitchell
Mitchell Chadwick LLP
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661

To the County:

Will Kettler, Division Manager
Fresno County, Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

17. **COUNTERPARTS**. This Agreement may be signed in counterparts, and shall be deemed effective when all Parties have signed the Agreement, or any counterpart thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

For RIVERBEND:

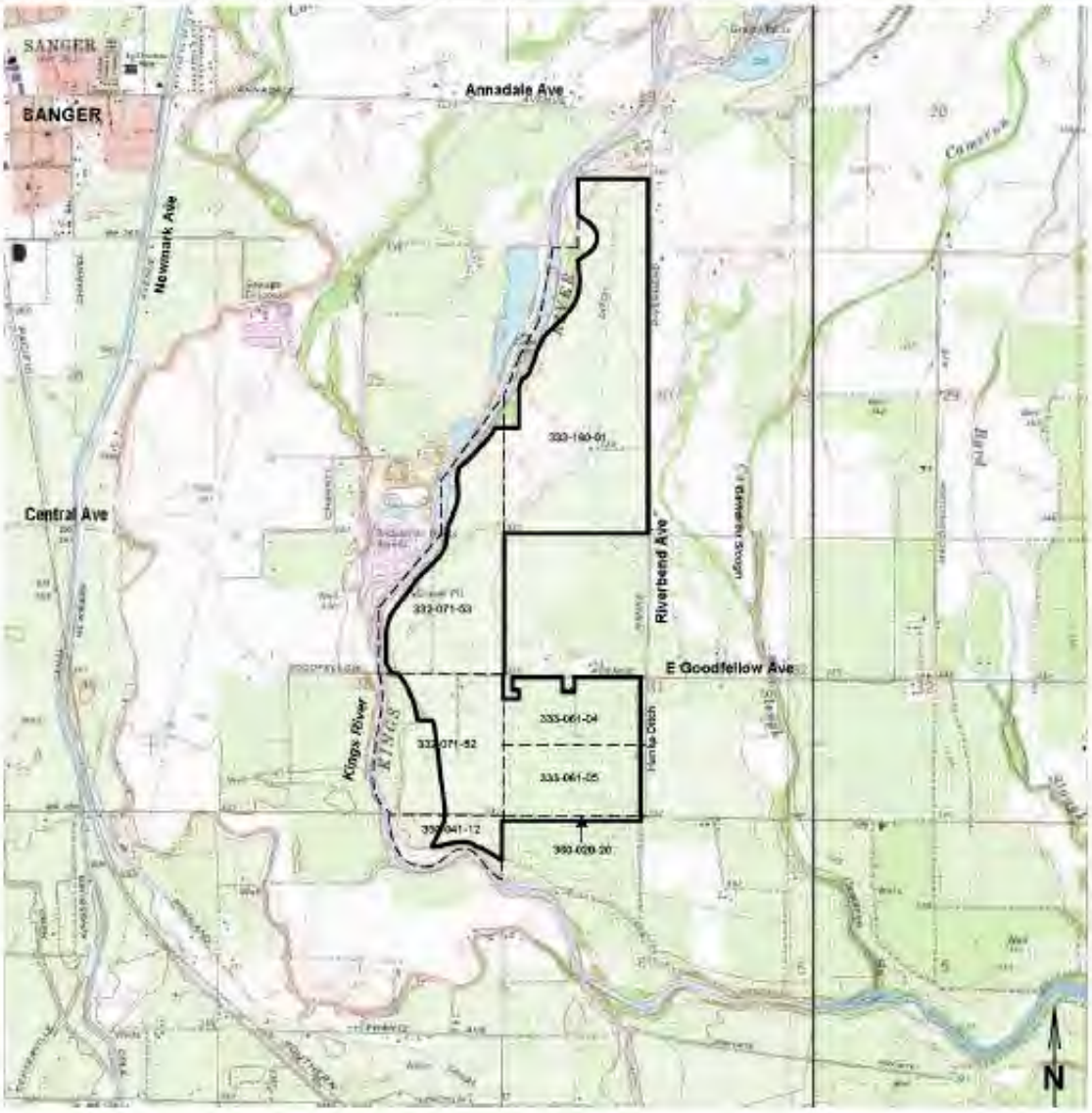
_____ Date: _____
Herb Lang

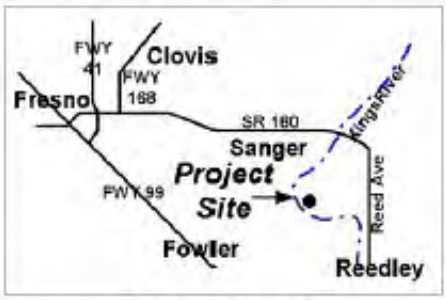
For THE COUNTY:

_____ Date: _____

Fund/Subclass etc….. (added here)

Exhibit A – Project Location





Regional Location

Legend
Parcel Lines
Project Boundary
Assessors Parcel No.

Source: Buada Associates, 2014; USGS 7.5' Series – Sanger Quad

Figure 2-2 Site Location Map

EXHIBIT C-1

Non-bond amounts to be paid in cash – Due prior to final inspection of building permits for the aggregate processing plant for the Project.

	Improvement	Pro Rata Share	Payment Amount
1.	McCall Avenue / Jensen Avenue	8.5%	
	• Traffic signal installations		$26,563
	• Eastbound add left turn lane and right turn lane		$37,188
	• Northbound add left turn lane, through lane, and right turn lane		$69,063
	• Southbound add left turn lane, through lane, and right turn lane		$69,063
	• Westbound add right turn lane		$15,938
	• Right of way acquisition		$79,475
2.	Academy Avenue / Central	17.8%	
	• Avenue Signalization		$55,625

Total non-bond amounts to be paid in cash – Due prior to final inspection of building permits for the aggregate processing plant for the project **$352,915**

EXHIBIT C-2
Bond amount – due prior to final inspection of building permits for the aggregate processing plant for the Project

	Improvement	Pro Rata Share	Bonded Amount
	McCall Avenue / SR 180 • Northbound Left Turn Lane	100%	$1,594,000

Total bond amount due prior to final inspection of building permits for the aggregate processing plant for the Project **$ 1,594,000**

EXHIBIT C-3
Bond Amount – Due Dates

	Improvement	Pro Rata Share	Bonded Amount
1	McCall Avenue / North Avenue • Signalization	18.6%	$58,125
2	McCall Avenue / Central Avenue • Signalization	23.0%	$71,875
3	McCall Avenue / SR 180: • Northbound add through lane and right turn lane; southbound add through lane and right turn lane • Right of Way Acquisition	10.0%	$118,000
	Bond payment for items 1-4 above due one (1) year after first sales reported, per County Annual Inspection Report		**$248,000**
4	SR 180 to Jensen Avenue • Northbound Travel Lane and Southbound Travel Lane	16.3%	$1,010,274
	Bond payment for item 5 above due the earlier of the following events: four (4) years after first sales or by 1/1/2024		**$1,010,274**
5	Jensen Avenue to North Avenue • Northbound Travel Lane	37.7%	$685,763
6	Central Avenue Segment: • McCall Avenue and Bethel Avenue	46.0%	$287,500
7	Central Avenue Segment: Bethel Avenue and Academy Avenue	42.4%	$132,500
8	Central Avenue Segment: Academy Avenue and Newmark Avenue	39.1%	$51,380
	Bond payment due for items 6-9 above due the earlier of the following events: seven (7) years after first sales or by 1/1/2027		**$1,157,143**
9	Goodfellow Segment: Newmark Avenue to Bridge	40.3%	$285,630
10	Goodfellow Segment: Bridge to Riverbend Avenue	40.3%	$226,750
11	McCall Avenue Segment: SR 180 (Kings Canyon) and Jensen Avenue	61.4%	$191,880
12	McCall Avenue Segment: Jensen Avenue and North Avenue	66.7%	$208,500
13	McCall Avenue Segment: North Avenue and Central Avenue	73.8%	$230,630
	Bond payment for items 10-14 above due the earlier of the following events: ten (10) years after first sales or by 1/1/2030		**$1,143,390**
	Total bond payments		**$3,558,807**

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

NOTARY ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____}

On _____, before me _____,

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

EXHIBIT 158

From: ~~Spaunhurst, Brian~~
To: ~~Alimi, Mohammad~~
Subject: Latest Riverbend Details 8-27-19
Date: Tuesday, August 27, 2019 8:30:58 AM
Attachments: ~~Riverbend Traffic Mitigation Agreement 08-13-19 JRT Revisions - Draft Form.DOCX~~
~~RE Riverbend Sand and Gravel CUP 3390 - Traffic Mitigation Agreement.msg~~
~~Riverbend Traffic Mitigation Fees.xlsx~~
~~image001.png~~

Good Morning Mohammad,

As promised, here is my latest understanding of the project status:

- The latest draft agreement (attached) needs to be reviewed for language and fee collection clarity.
- The latest mitigation fee estimate (also attached) needs to be updated. Roy is currently working on the construction unit costs and once completed I will update the rest of the estimate. I have asked Roy to have at least one mitigation item updated so that we can get an idea of what kind of cost increase we have at hand.
    - One of the mitigations requires intersection improvements that will be impacted by the existing large PG&E pole at HWY 180 and McCall. Roy and I both agree it would be really difficult to estimate this cost without engaging PG&E. We don't want to open Pandora's Box until we get the green light from Steve.
    - Another mitigation requires intersection improvements at McCall & Central that will be impacted by the diagonal FID crossing. Again to estimate this would be difficult without engaging FID as it is Roy's understanding that FID does not allow diagonal crossings meaning one or more of the four corners will require a lot more ROW acquirement.
- The remaining attachment should be obsolete at this point, however I included it in case it comes up in the discussion. There were several large discrepancies between the Tri-City estimate and the County's estimate, however as you said we are not concerned with Tri-City's estimate. The e-mail describes my findings of differences between the two.

This should get the conversation rolling and while solutions aren't required tomorrow, we need direction and agreement on how to move forward in the most efficient way possible. I am sure this will feel like a step backwards to most, however it should position us to make a great leap forward.

Respectfully,

Brian Spaunhurst | **Senior Planner**
Department of Public Works and Planning | **Design Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4532 | Direct: (559) 600-4532
Email: bspaunhurst@FresnoCountyCa.gov
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EXHIBIT 159

From: Andrea Abergel
To: Roberson, Kyle
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement
Date: Wednesday, October 16, 2019 3:11:41 PM

Hi Kyle,

Thank you for those details. We are still waiting on a status ETA for the draft, hoping you can get one ASAP.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Thursday, October 3, 2019 8:52 AM
To: Andrea Abergel
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good Morning Andrea,

I have completed my review and revision of the language and terms in the agreement to address Public Works and Planning Management's concerns. Management also had concerns that the dollar amounts listed in agreement were based on old 2015 cost estimates. County staff is revising and updating these dollar amounts to more current 2019 cost estimates, which are needed to provide the County a more secured position in this agreement. I have asked for an ETA on this update. I will provide you status once I have this ETA.

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Wednesday, October 02, 2019 10:47 AM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Hi Kyle,

Checking in on this. Any progress on when we can expect the next draft?

Andrea M. Abergel
MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Monday, September 23, 2019 4:09 PM
To: Andrea Abergel
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good Afternoon Andera,

I just saw your missed call. I meet with PWP staff on Friday, September 13, 2019. I am currently working through some of their concerns that were raised during this meeting. After staff has a chance to review the changes made based on their comments, I will forward a revised draft of the agreement to you.

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Friday, September 20, 2019 1:27 PM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>

Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Hi Kyle,

Checking how the County meeting on September 13, 2019 went and when we can expect the County's proposed redline changes to the Traffic Mitigation Agreement. Thank you in advance.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
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From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Sunday, September 8, 2019 4:18 PM
To: Andrea Abergel
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Andrea,

I am following-up on our telephone conversation last week and to provide further status. Do to scheduling conflicts with key Public Works staff, the meeting to discuss the Riverbend Traffic Mitigation Agreement was postponed to this Friday, September 13th.

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel

2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Thursday, August 29, 2019 4:11 PM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hi Kyle,

I am reaching out again hoping we can get a status update on the Traffic Mitigation Agreement. I left you a voicemail this afternoon regarding the same. Please let me know ASAP where the Agreement is in the approval process. Thank you in advance.

Andrea M. Abergel
MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
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From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Thursday, June 13, 2019 5:21 PM
To: Andrea Abergel
Cc: Patrick Mitchell
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good afternoon Andrea,

I am following-up on our phone conversation last week, I spoke with County Public Works and Planning staff today and they are still in the process of reviewing the agreement. Their review will not be completed until next week.

Kyle R. Roberson
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Thursday, May 30, 2019 9:24 AM
To: Roberson, Kyle <kroberson@fresnocountyca.gov>
Cc: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Hi Kyle,

I am following up on the two voicemails I left you this week. Riverbend is ready to execute the revised agreement as soon as we get approval from the County. When can we expect the County to sign off on the revisions. You may call my office line at (916) 462-8875 to discuss, if needed. Thank you in advance.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
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From: Andrea Abergel
Sent: Monday, May 06, 2019 4:22 PM
To: 'Roberson, Kyle' <kroberson@fresnocountyca.gov>
Cc: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Subject: RE: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Kyle,

We have accepted the County's proposed changes and revised the agreement per the County's Mitigation Fees Table and County suggestions. We also propose to attach the Mitigation Fees Table as Exhibit C-4. Please find attached a redline and clean copy of the agreement. Riverbend is ready to execute the revised agreement.

Please let us know if you have any questions.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
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From: Roberson, Kyle [mailto:kroberson@fresnocountyca.gov]
Sent: Friday, April 12, 2019 3:20 PM
To: Patrick Mitchell <PMitchell@mitchellchadwick.com>
Cc: Andrea Abergel <aabergel@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement

Good afternoon Patrick,

Attached is the revised Traffic Mitigation Agreement. Fresno County Public Works and Planning, Design Division staff reviewed the traffic mitigation obligations listed the agreement against the County's identified mitigation obligations for this project. As part of this review, staff recalculated Riverbend's total traffic mitigation obligation to be $5,505,722, which is lower than the current total of $5,603,558 listed in the agreement. Attached along with the revised agreement is County staff's table for the breaking down Riverbend's various improvement obligations with staff's recalculations in red.

Please contact me if you would like to discuss any of the revisions or comments listed in the attached draft agreement.

Respectfully,

Kyle R. Roberson
Deputy County Counsel

Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3479
Fax: 559-600-3480
New Email: kroberson@FresnoCountyCA.gov

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EXHIBIT 160

From: Motta, Chris
To: Kettler, William
Subject: FW: Herb Lang-CMI
Date: Tuesday, November 12, 2019 11:58:00 AM
Attachments: image001.png
image002.png

An FYI in case you get a call. My understand is that Mr. Lang has been reaching directly to the District 4 Supervisor regarding CMI. I have not received a call.

Chris W. Motta, MURP| **Principal Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Allen, Glenn <glallen@fresnocountyca.gov>
Sent: Friday, November 08, 2019 10:44 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>
Subject: Herb Lang-CMI

Just a heads up, Herb Lang will be calling you in regards to the extended operating hours of CMI, says the noise of the backup alarms is ruining his sleep. I let him know that just because he could hear it did not mean that they were in violation of the noise control ordinance.

Glenn O. Allen, REHS, M.S.| **Division Manager**
Department of Public Works and Planning | **Water and Natural Resources** |**Community Development**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-9672
Your input matters! Customer Service Survey

From: Allen, Glenn
To: Sidhu, Sukhdeep
Subject: RE: Herb Lang-CMI
Date: Friday, November 8, 2019 11:13:00 AM
Attachments: image001.png
image004.wmz
image002.png

Doing good! Just thought I would loop you in on this conversation as you may get a call. There is a considerable distance between his house and the processing area of this mine site, such that I really don't think there could be any exceedance of the noise ordinance occurring from back up alarms. Oh and I earned yesterday that Cemex is planning an expansion on Friant Road and will be required to do an EIR. They have already completed their acoustical analysis in anticipation, which will be coming your way for review and comment, at some point in the not so distant future.

So, who's the next DM? Any guesses or bets????

Glenn O. Allen, REHS, M.S.| Division Manager
Department of Public Works and Planning | Water and Natural Resources |Community Development
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-9672
Your input matters! Customer Service Survey

From: Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>
Sent: Friday, November 8, 2019 10:59 AM
To: Allen, Glenn <glallen@fresnocountyca.gov>
Subject: RE: Herb Lang-CMI

Hope all is great. Thank you.

Sukhdeep(Deep) Sidhu, R.E.H.S
Environmental Health Specialist
Phone(559)600-3271
Fax (559)455-4646
E-mail ssidhu@fresnocountyca.gov
http://www.fresnocountycupa.com/
http://www.co.fresno.ca.us/divisionpage.aspx?id=908

From: Allen, Glenn <glallen@fresnocountyca.gov>
Sent: Friday, November 8, 2019 10:44 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>
Subject: Herb Lang-CMI

Just a heads up, Herb Lang will be calling you in regards to the extended operating hours of CMI, says the noise of the backup alarms is ruining his sleep. I let him know that just because he could hear it did not mean that they were in violation of the noise control ordinance.

Glenn O. Allen, REHS, M.S.| Division Manager
Department of Public Works and Planning | Water and Natural Resources |Community Development
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-9672
Your input matters! Customer Service Survey

EXHIBIT 161

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
MCCALL & SR 180 INTERSECTION

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$45,000	$ 45,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$10,000	$ 10,000.00
190101	9	6,700	CY	F	ROADWAY EXCAVATION	$35	$ 234,500.00
220101	10	1	LS		FINISHING ROADWAY	$25,000	$ 25,000.00
260202	11	5,100	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 306,000.00
390132	12	3,200	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 288,000.00
566011	13	8	EA		ROADSIDE SIGN - ONE POST	$450	$ 3,600.00
782110	14	4	EA		RESET MAILBOX	$600	$ 2,400.00
840501	16	9,500	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.50	$ 4,750.00
840515	17	250	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 2,000.00
870400	18	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$50,000	$ 50,000.00
					SUBTOTAL		**$ 1,337,000.00**
						ROW	**$ 21,000.00**
						Utility Re	**$ 500,000.00**
						Total	**$ 1,858,000.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

Road Classification = Arterial
County Design Standard for 4 Lane Arterial (Refer to Improvement Standard A-4)
Road length = 1,400 feet

HMA thickness = 0.45 feet
AB Thickness = 1.45 feet
Utility Relocation = 2 Major Transmision lines on McCall/HWY 180

From Real Property Section
Average $ 1.51 Cost per ft^2

Intersection

McCall/SR 180 13593.54 ft^2 $ 20,526.25 Check Southbound ROW

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
MCCALL- SR 180 to JENSEN

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$120,000	$ 120,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$30,000	$ 30,000.00
190101	9	60,000	CY	F	ROADWAY EXCAVATION	$35	$ 2,100,000.00
220101	10	1	LS		FINISHING ROADWAY	$50,000	$ 50,000.00
260202	11	39,000	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 2,340,000.00
390132	12	24,000	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 2,160,000.00
566011	13	8	EA		ROADSIDE SIGN - ONE POST	$450	$ 3,600.00
782110	14	4	EA		RESET MAILBOX	$600	$ 2,400.00
840501	16	44,700	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.50	$ 22,350.00
840515	17	504	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 4,032.00
	18	1	LS		BOX CULVERT	$350,000.00	$ 350,000.00
870400	18	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$70,000	$ 70,000.00
					SUBTOTAL		**$ 7,618,132.00**
						ROW	**$ 1,165,000.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
McCall- Jensen to North

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$60,000	$ 60,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$15,000	$ 15,000.00
190101	9	25,000	CY	F	ROADWAY EXCAVATION	$35	$ 875,000.00
220101	10	1	LS		FINISHING ROADWAY	$40,000	$ 40,000.00
260202	11	15,500	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 930,000.00
390132	12	10,000	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 900,000.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
782110	14	2	EA		RESET MAILBOX	$600	$ 1,200.00
840501	16	24,000	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.60	$ 14,400.00
840515	17	752	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 6,016.00
870400	18	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$50,000	$ 50,000.00
					SUBTOTAL		**$ 3,259,166.00**
						ROW	**$ 285,000.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
MCCALL AVENUE & JENSEN AVENUE INTERSECTION

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$50,000	$ 50,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$10,000	$ 10,000.00
190101	9	6,700	CY	F	ROADWAY EXCAVATION	$35	$ 234,500.00
220101	10	1	LS		FINISHING ROADWAY	$50,000	$ 50,000.00
260202	11	5,100	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 306,000.00
390132	12	3,200	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 288,000.00
566011	13	8	EA		ROADSIDE SIGN - ONE POST	$450	$ 3,600.00
782110	14	4	EA		RESET MAILBOX	$600	$ 2,400.00
840501	16	9,500	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.50	$ 4,750.00
840515	17	400	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 3,200.00
870400	18	1	LS	S	SIGNAL AND LIGHTING SYSTEM MODIFICATION	$350,000	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$40,000	$ 40,000.00
					SUBTOTAL		**$ 1,358,200.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

ROW	**$ 560,000.00**
RR Re	**$ 350,000.00**
Total	**$ 2,268,200.00**

Road Classification = Arterial
County Design Standard for 4 Lane Arterial (Refer to Improvement Standard A-4)
Road length =1400 feet

HMA thickness = 0.45 feet
AB Thickness = 1.45 feet

Utility Relocation = Major Transmision lines on McCall/HWY 180 and Railroad Crossing Crossbucks Relocations

From Real Property Section

Average $ 1.51 Cost per ft^2

ROW Needed

McCall/Jensen	74127.48 ft^2	$ 111,932.49
To Relocate Buisness on NE Corner		$ 450,000.00
	Total:	$ 561,932.49

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
McCALL AVENUE & NORTH AVENUE INTERSECTION

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$20,000	$ 20,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$10,000	$ 10,000.00
190101	9	2,700	CY	F	ROADWAY EXCAVATION	$35	$ 94,500.00
220101	10	1	LS		FINISHING ROADWAY	$5,000	$ 5,000.00
260202	11	5,100	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 306,000.00
390132	12	1,300	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 117,000.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
782110	14	2	EA		RESET MAILBOX	$600	$ 1,200.00
840501	16	4,700	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.60	$ 2,820.00
840515	17	50	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 400.00
870400	18	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$15,000	$ 15,000.00
					SUBTOTAL		**$ 939,470.00**
						ROW	**$ 35,000.00**
						Total	**$ 974,470.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

Road Classification = Arterial
County Design Standard for 4 Lane Arterial (Refer to Improvement Standard A-4)

Road length =1400 feet
HMA thickness = 0.45 feet
AB Thickness = 1.45 feet

From Real Property Section

Average	$ 1.51	Cost per ft^2	
McCall/North	23174.02	ft^2	$ 34,992.77

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
ACADEMY AVENUE & CENTRAL AVENUE INTERSECTION

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$15,000	$ 15,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
870400	16	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
999990	18	1	LS		MOBILIZATION	$10,000	$ 10,000.00
					SUBTOTAL		**$ 392,550.00**
						Total	**$ 392,550.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
McCALL AVENUE & CENTRAL AVENUE INTERSECTION

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$15,000	$ 15,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
870400	16	1	LS	S	SIGNAL AND LIGHTING SYSTEM	$350,000	$ 350,000.00
		1	LS		BOX CULVERT EXTENSION	$300,000	$ 300,000.00
999990	18	1	LS		MOBILIZATION	$10,000	$ 10,000.00
					SUBTOTAL		**$ 692,550.00**
						Total	**$ 692,550.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
STATE ROUTE 180 TO JENSEN AVENUE SEGMENT

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$30,000	$ 30,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$15,000	$ 15,000.00
190101	9	50,500	CY	F	ROADWAY EXCAVATION	$35	$ 1,767,500.00
220101	10	1	LS		FINISHING ROADWAY	$50,000	$ 50,000.00
260202	11	33,100	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 1,986,000.00
390132	12	21,000	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 1,890,000.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
782110	14	2	EA		RESET MAILBOX	$600	$ 1,200.00
840501	16	32,000	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.60	$ 19,200.00
840515	17	700	SQFT	S	THERMOPLASTIC PAVEMENT MARKING	$8.00	$ 5,600.00
	18	1	LS		BOX CULVERT	$350,000.00	$ 350,000.00
999990	19	1	LS		MOBILIZATION	$50,000	$ 50,000.00
					SUBTOTAL		**$ 6,182,050.00**
						ROW	**$ 630,000.00**
						RR Re	**$ 350,000.00**
						Total	**$ 7,162,050.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

Road Classification = Arterial
County Design Standard for 4 Lane Arterial (Refer to Improvement Standard A-4)
Road length = 9,200 feet
Road width (4 - 12' through lanes + 2 - 8' shoulders) = 64 feet
HMA thickness = 0.45 feet
AB Thickness = 1.45 feet

ROW Acquisition (sq ft) = Approximately 416,000 (Based on 106' wide RoW)
RR Relocation = Railroad Crossing Crossbucks Relocations

From Real Property Section

Average $ 1.51 Cost per ft^2

ROW Needed

RoW Take

McCall

SR 180-Jensen	EB	208071.05 ft^2	$ 314,187.29
	WB	208469.31 ft^2	$ 314,788.66
	Total:	416540.36 ft^2	$ 628,975.94

COUNTY OF FRESNO
DEPARTMENT OF PUBLIC WORKS AND PLANNING
RIVERBEND SAND & GRAVEL FACILITY
JENSEN AVE & NORTH AVE SEGMENT

Bid Item No.	Item No.	Estimated Quantity	Unit of Measure	F,S	ITEM	Unit Price	TOTAL PRICE
70030	1	1	LS		LEAD COMPLIANCE PLAN	$2,500	$ 2,500.00
120100	3	1	LS	S	TRAFFIC CONTROL SYSTEM (S)	$15,000	$ 15,000.00
130100	4	1	LS		JOB SITE MANAGEMENT	$5,000	$ 5,000.00
130200	5	1	LS		PREPARE WATER POLLUTION CONTROL PLAN	$5,000	$ 5,000.00
150740	6	4	EA		REMOVE SIGN	$250	$ 1,000.00
152390	7	5	EA		RELOCATE ROADSIDE SIGN	$450	$ 2,250.00
160102	8	1	LS		CLEARING AND GRUBBING	$10,000	$ 10,000.00
190101	9	22,000	CY	F	ROADWAY EXCAVATION	$35	$ 770,000.00
220101	10	1	LS		FINISHING ROADWAY	$25,000	$ 25,000.00
260202	11	11,500	CY	F	CLASS 2 AGGREGATE BASE	$60	$ 690,000.00
390132	12	7,200	TN		HOT MIX ASPHALT (TYPE A)	$90	$ 648,000.00
566011	13	4	EA		ROADSIDE SIGN - ONE POST	$450	$ 1,800.00
782110	14	2	EA		RESET MAILBOX	$600	$ 1,200.00
840501	16	26,400	LF	S	THERMOPLASTIC TRAFFIC STRIPE	$0.60	$ 15,840.00
999990	19	1	LS		MOBILIZATION	$30,000	$ 30,000.00
					SUBTOTAL		**$ 2,222,590.00**
						ROW	**$ 195,000.00**
						Total	**$ 2,417,590.00**

F - FINAL PAY ITEM

S - SPECIALTY ITEM

Road Classification = Arterial
County Design Standard for 4 Lane Arterial (Refer to Improvement Standard A-4)
Road length = 3900 feet
Road width (3 - 12' through lanes + 2 - 8' shoulders) = 52 feet
HMA thickness = 0.45 feet
AB Thickness = 1.45 feet
ROW Acquisition (sq ft) = Approximately 129,000 (Based on 106' wide RoW)
Utility Relocation = No Major Relocations

From Real Property Section

Average $ 1.51 Cost per ft^2

RoW Take

McCall Avenue			
Jensen to Nor	EB	87089.71 ft^2	$ 131,505.46
	WB	41577.02 ft^2	$ 62,781.30
	Total:	128666.73 ft^2	$ 194,286.76

EXHIBIT 162

From: Spaunhurst, Brian
To: Thompson, John R.; Reyes, Roy; Artal, Sebastian
Subject: RE: Riverbend link
Date: Thursday, December 19, 2019 9:05:10 AM
Attachments: Riverbend Traffic Mitigation Fees.pdf
image001.png

Good Morning John,

PDF is attached for your use.

Respectfully,

Brian Spaunhurst | **Senior Planner**
Department of Public Works and Planning | **Design Division**
2220 Tulare St. 7th Floor Fresno, CA 93721
Main Office: (559) 600-4109 Direct: (559) 600-4532
Your input matters! Customer Service Survey

From: Thompson, John R. <jothompson@fresnocountyca.gov>
Sent: Thursday, December 12, 2019 10:40 AM
To: Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>; Reyes, Roy <roreyes@fresnocountyca.gov>; Artal, Sebastian <sartal@fresnocountyca.gov>
Subject: RE: Riverbend link

I am good with it, please finalize and send me the PDF.

John

From: Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>
Sent: Wednesday, December 11, 2019 10:58 AM
To: Reyes, Roy <roreyes@fresnocountyca.gov>; Artal, Sebastian <sartal@fresnocountyca.gov>
Cc: Thompson, John R. <jothompson@fresnocountyca.gov>
Subject: RE: Riverbend link

Hi John,

Roy and I spoke with Sebastian and he is on board with the final changes. Please review the attached file. Once I get the green light from you I will formalize it in a PDF version.

Respectfully,

Brian Spaunhurst | **Senior Planner**
Department of Public Works and Planning | **Design Division**
2220 Tulare St. 7th Floor Fresno, CA 93721
Main Office: (559) 600-4109 Direct: (559) 600-4532
Your input matters! Customer Service Survey

From: Spaunhurst, Brian
Sent: Wednesday, December 11, 2019 10:40 AM
To: Reyes, Roy <roreyes@fresnocountyca.gov>; Artal, Sebastian <sartal@fresnocountyca.gov>
Cc: Thompson, John R. <jothompson@fresnocountyca.gov>
Subject: RE: Riverbend link

Hi Sebastian,

Roy and I went through this one more time and we think we are finally ready. We have one section to review with you before we can give John our final thumbs up.

John the link to the file is below in case you wat to start to get eyes on it on your end.

Respectfully,

Brian Spaunhurst| **Senior Planner**
Department of Public Works and Planning | **Design Division**
2220 Tulare St. 7th Floor Fresno, CA 93721
Main Office: (559) 600-4109 Direct: (559) 600-4532
Your input matters! Customer Service Survey

From: Reyes, Roy <roreyes@fresnocountyca.gov>
Sent: Monday, December 9, 2019 2:31 PM
To: Artal, Sebastian <sartal@fresnocountyca.gov>
Cc: Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>
Subject: Riverbend link

Hello Sebastian,
I have attached the link below:
\\design2\Projects\Transportation Planning\Traffic Engineering\!Current projects\!!!Traffic Impact Study Reviews\Pending TIS Reviews\Riverbend Exhibits
Also, after reviewing the amount being charged on the mitigation cost, the reason the segment between SR180 to Jensen is less than the Traffic Impact Overlays is because the fair share percentage is less in the SR180 to Jensen Ave segment.

Roy Reyes| **Engineer II**
Department of Public Works and Planning | **Design Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4109 Direct: (559) 600-4521
Your input matters! Customer Service Survey

EXHIBIT 163

RIVERBEND SAND AND GRAVEL PROJECT
TRAFFIC MITIGATION FEES

Improvements	Quantity	Units	Const. Unit Cost	Fair Share %	Project's Share of Const Cost	Prelim Engineering, 10%	Const Engineering, 15%	Total Railroad Relocation Cost	Project's Fair Share of Railroad Relocation	Railroad Relocation Engineering, 10%	Total Utility Relocation Cost	Project's Fair Share Utility Relocation Cost	Utility Relocation Engineering, 10%	Total Right-of-Way Cost	Project's Share of R/W Cost	R/W Engineering, 10%	Total
Intersection Improvements																	
McCall Ave / Jensen Ave																	
Traffic Signal Installations	1	ls	$ 1,358,200	8.5%	$ 115,447	$ 11,545	$ 17,317										$ 144,309
Right of Way Acquisition	1	ls		8.5%										$ 560,000	$ 47,600	$ 4,760	$ 52,360
																Subtotal	**$ 196,669**
McCall Ave / North Ave																	
Traffic Signal Installations	1	ls	$ 939,470	18.6%	$ 174,741	$ 17,474	$ 26,211										$ 218,427
Right of Way Acquisition														$ 35,000	$ 6,510	$ 651	$ 7,161
																Subtotal	**$ 225,588**
Academy Ave / Central Ave																	
Traffic Signal Installations	1	ls	$ 392,550	17.8%	$ 69,874	$ 6,987	$ 10,481										**$ 87,342**
McCall Ave / Central Ave																	
Traffic Signal Installations	1	ls	$ 692,550	23.0%	$ 159,287	$ 15,929	$ 23,893										**$ 199,108**
McCall Ave / SR 180																	
NB: Add through lane & right turn lane	1	ls	$ 534,800	10.0%	$ 53,480	$ 5,348	$ 8,022										$ 66,850
SB: Add through lane & right turn lane	1	ls	$ 534,800	10.0%	$ 53,480	$ 5,348	$ 8,022										$ 66,850
Right of Way Acquisition	1	ls		10.0%										$ 14,000	$ 1,400	$ 140	$ 1,540
Utility Relocation	1	ls		10.0%							$ 250,000	$ 25,000	$ 2,500				$ 27,500
																Subtotal	**$ 162,740**
McCall Ave / SR 180																	
NB: Add Left Turn Lane	1	ls	$ 267,400	100.0%	$ 267,400	$ 26,740	$ 40,110										$ 334,250
Right of Way Acquisition	1	ls												$ 7,000	$ 7,000	$ 700	$ 7,700
Utility Relocation	1	ls									$ 250,000	$ 250,000	$ 25,000				$ 275,000
																Subtotal	**$ 616,950**
																SUBTOTAL	**$ 1,488,397**
Roadway Improvements (Widening)																	
McCall Ave From SR 180 to Jensen																	
NB: Add Travel Lane	2	miles	$ 3,091,025	16.3%	$ 503,837	$ 50,384	$ 75,576										$ 629,796
SB: Add Travel Lane	2	miles	$ 3,091,025	16.3%	$ 503,837	$ 50,384	$ 75,576										$ 629,796
Railroad Relocation	1	ls		16.3%				$ 350,000	$ 57,050	$ 5,705							$ 62,755
Right of Way Acquisition	1	ls		16.3%										$ 630,000	$ 102,690	$ 10,269	$ 112,959
																Subtotal	**$ 1,435,307**
McCall Ave From Jensen to North																	
NB: Add Travel Lane	1	miles	$ 2,222,590	37.7%	$ 837,916	$ 83,792	$ 125,687										$ 1,047,396
Right of Way Acquisition	1	ls		37.7%										$ 195,000	$ 73,515	$ 7,352	$ 80,867
																Subtotal	**$ 1,128,262**
																SUBTOTAL	**$ 2,563,569**
Traffic Index Impacts (Overlay)																	
Central Ave From																	
McCall to Bethel	2	miles	$ 951,020	46.0%	$ 437,469	$ 43,747	$ 65,620										$ 546,837
Bethel to Academy	1	miles	$ 526,490	42.4%	$ 223,232	$ 22,323	$ 33,485										$ 279,040
Academy to Newmark	0.42	miles	$ 231,870	39.1%	$ 90,661	$ 9,066	$ 13,599										$ 113,326
Goodfellow Ave From																	
Newmark to Bridge	1.26	miles	$ 1,330,130	40.3%	$ 536,042	$ 53,604	$ 80,406										$ 670,053
Bridge to Riverbend	1	miles	$ 837,940	40.3%	$ 337,690	$ 33,769	$ 50,653										$ 422,112
McCall Ave From																	
SR 180 (Kings Canyon) and Jensen	2	miles	$ 595,670	61.4%	$ 365,741	$ 36,574	$ 54,861										$ 457,177
Jensen to North	1	miles	$ 479,640	66.7%	$ 319,920	$ 31,992	$ 47,988										$ 399,900
North to Central	1	miles	$ 409,260	73.8%	$ 302,034	$ 30,203	$ 45,305										$ 377,542
																SUBTOTAL	**$ 3,265,987**
																TOTAL	**$ 7,317,953**

12/19/2019

EXHIBIT 164

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:	Riverbend Sand and Gravel

II. Mine Operator: Riverbend Sand and Gravel		
Mailing Address: 14962 E. Fantz Avenue		
City: Parlier	State: CA	ZIP Code: 93648
Name of Onsite Contact Person: Herb Lange	Email Address: iblang@yahoo.com	Telephone: (559) 875-6565

III. SMARA Lead Agency Name: County of Fresno, Dept. Public Works and Planning		
Inspector's Name: Roy Jimenez Jr.		
Name of Entity or Organization: Water and Natural Resources Division		
Inspector's Mailing Address: 2220 Tulare Street, 6th Floor		
City: Parlier	State: CA	ZIP Code: 93648
E-mail Address: rjjimenez@fresnocountyca.gov	Telephone: 875-6565	

IV. Approved Documents	
Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 2-26-2090
Vested Right: ☑ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 3390	Date Approved: 2-26-2015
Interim Management Plan: ☑Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land?	Check One: ☐ Yes ☑ No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: ☐ Yes ☑ No
Inspecting Agency Code(s):	Reason for Inspection:
Land Use Designation/Zoning for Surface Mine Operation:	

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 02/27/2019 Amount: $ $259,309.00

☑ Other Information?	Explanation: No FAM required at this time

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☑ No

If yes, provide the date of notice. No settling ponds are proposed

Date of Change: N/A

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approximately 26 acres of farmland has been removed to allow construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	**CA Mine ID Number:**
January 24, 2020	**91-** 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	**List Reclamation Plan Requirements** **(Recommended to be filled out prior to field inspection)**	**Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.** **(Note additional comments on Section VIII as necessary)**
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds are proposed for operation.	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	**CA Mine ID Number:**
January 24, 2020	**91-** 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	**List Reclamation Plan Requirements** **(Recommended to be filled out prior to field inspection)**	**Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.** **(Note additional comments on Section VIII as necessary)**
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None.	Non-operational.
M) Other Reclamation Plan Requirements	None.	Non-operational.

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☑ No

B. Describe areas of the operation that have been disturbed since the last inspection:

No new areas have been disturbed since last inspection.

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

None.

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage:

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries: 6/15/16

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

G. Describe any limitations encountered during the inspection:

None.

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☑ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☑ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

None.

L. Duration of Inspection: Not in Operation Yet
Start Time: Sections Finish Time: 11:30 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations
Roy Jimenez Jr. County Staff

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
a, b & c) 3.4.16, 3.4.17, 3.4.18,		
Certification Expiration Date: June 25, 2023	**Date Signed:**	Not in Operation Yet

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance "Other" and "Explanation" blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism~~(s)~~ currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism~~(s)~~ on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. BLOCK VII:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation's horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section ~~VIII~~VII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items ~~1~~A through ~~12~~L may be listed in Item ~~13~~M, under "Other Reclamation Plan Requirements."

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section ~~VIII~~VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or "NA" in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. BLOCK VIII: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

(A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

(F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

(G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

(I) Requires checking a "Yes" or "No" box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

(J) Requires checking a "Yes" or "No" box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

(L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 165

From:	Rome, Bryan
To:	Andrea Abergel
Cc:	Melikian, Brian
Subject:	RE: Riverbend
Date:	Thursday, March 5, 2020 4:10:00 PM
Attachments:	RE Riverbend Sand and Gravel Project - Traffic Mitigation Agreement.msg 2019-11-22 EE.xls

Andrea,

Thank you for your inquiry. I looked into this matter for you.

The 2015 cost estimate was already quite dated when Kyle initially shared the document with you. Indeed, it is dated 5/15/2015. It also incomplete, where it includes a placeholder which states "Total Cost for this Mitigation does not include any cost associated with Utilities Relocation." Kyle informed you in October of last year that the Department of Public Works an Planning would be "revising and updating these dollar amounts to more current 2019 cost estimates, which are needed to provide the County a more secured position in this agreement." (See attached email.)

That said, I understand that the increased cost is a result of several factors. The first and most significant factor is that, in preparing the 2019 estimate, the County's engineer was able to estimate the cost to relocate a major power pole and several other utilities poles located at State Route 180 and McCall Avenue. Thus, the 2019 estimate substituted the estimated cost of $500,000 for the previously-mentioned placeholder from the 2015 document which stated "Total Cost for this Mitigation does not include any cost associated with Utilities Relocation." Other factors include an increase in the cost of raw materials and updated right of way costs.

The basis for the increased costs are reflected in the attached Excel workbook. I will follow this email up with further information if and as it becomes available to me.

Please let me know if you have any further questions.

Thanks,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Wednesday, March 4, 2020 5:29 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Hi Bryan,

Thank you for the attached 2019 calculation sheet, and clarification on the values we had been using. Could you provide specific reasons the cost estimates doubled in 4 years? Since we were working with 2015 estimates less than a year ago, our presumption was that the amounts were current estimates, and it is troubling that the 2019 amounts have changed drastically from the 2015 amounts.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Wednesday, March 4, 2020 9:51 AM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>

Subject: RE: Riverbend

Andrea,

I had staff look into this. You were looking at the 2015 calculations. Attached is the updated 2019 calculation sheet, on which staff correlated the dollar amounts to the exhibit in which they are referenced.

I hope that this clears everything up.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Monday, March 2, 2020 11:03 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Hi Bryan,

We have been reviewing the revised agreement with our client. Before we get revisions back to you, we wanted to get more information about the County's cash/bond calculations in Exhibits C-1, C-2, and C-3. I have attached the last draft of these exhibits that we sent to the County in May 2019, along with a fee table Kyle Roberson shared with us around that time.

Could you provide a cost breakdown to show how the County came up with each of the payment amounts the Exhibits?

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Friday, January 17, 2020 12:42 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: Re: Riverbend

Andrea, please find the County's revised agreement attached. As I indicated, it is being sent clean (i.e. not redlined), as I am uncertain of the provenance of the agreement and the prior changes.

If you would like to discuss, we can speak when I am back in the office on Tuesday.

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov
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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Wednesday, January 15, 2020 8:56:42 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Subject: RE: Riverbend

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hi Bryan,

Thank you for the check in, I was going to give you a call today to check the status. I look forward to getting the revised agreement at the end of the week.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Wednesday, January 15, 2020 7:58 AM
To: Andrea Abergel
Subject: Riverbend

Andrea,

I am still finalizing some further revisions to the agreement. I hope to have a draft by the end of the week.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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EXHIBIT 166

From: Jimenez, Roy
To: John Buada
Subject: RE: Riverbend 2019 FACE
Date: Wednesday, April 22, 2020 2:57:00 PM
Attachments: MMRC-1 Riverbend.pdf
image001.png

Hi John,

Attached is a draft of this years annual report per your request. Sorry for the delay we have been working from home for a few weeks now and trying to catch up on all our annual inspections.

Let me know if you have any questions.

Thanks.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Monday, March 30, 2020 10:48 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: Riverbend 2019 FACE

Roy,

Could you please email me a copy of the 2019 Annual Inspection Report?

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Friday, March 27, 2020 11:20 AM
To: John Buada
Subject: RE: Riverbend 2019 FACE

This email came from a sender **outside** our organization: **Think Before You Click**.
Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Friday, March 27, 2020 11:18 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: Riverbend 2019 FACE

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Thank you for the reminder. I will get it submitted.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Thursday, March 26, 2020 12:04 PM
To: John Buada
Subject: Riverbend 2019 FACE

This email came from a sender **outside** our organization: **Think Before You Click**.

Hi John,

Hope all is well. I am following up on submittal of the 2019 FACE for Riverbend.

If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 167

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
O: 559/432-4902 C: 559/269-1376
e-mail: jcbuada@buada.com

April 30, 2020

Roy Jimenez
Fresno County Development Services
2220 Tulare Ave
Fresno, CA 93720

RE: Riverbend Sand and Gravel Mine ID# 91-10-0031
2019 Financial Assurance Cost Estimate

Attached is the 2019 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel

CC: Herb Lang

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: April 30, 2020	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): January 24, 2020 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 4/17/2019

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2020.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2020, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2020. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has ocurred and no additional activties are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2020 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2020 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2020, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

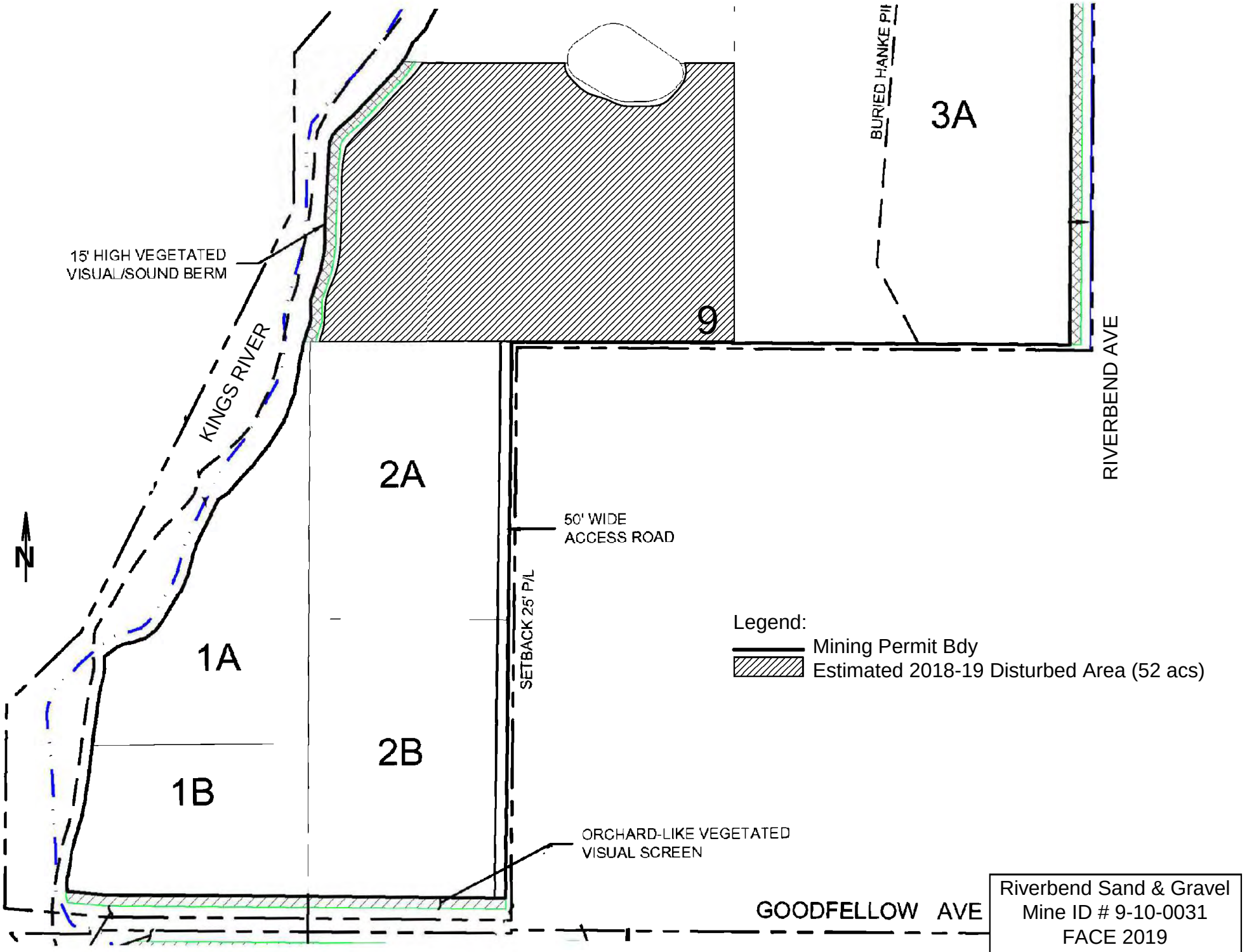
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

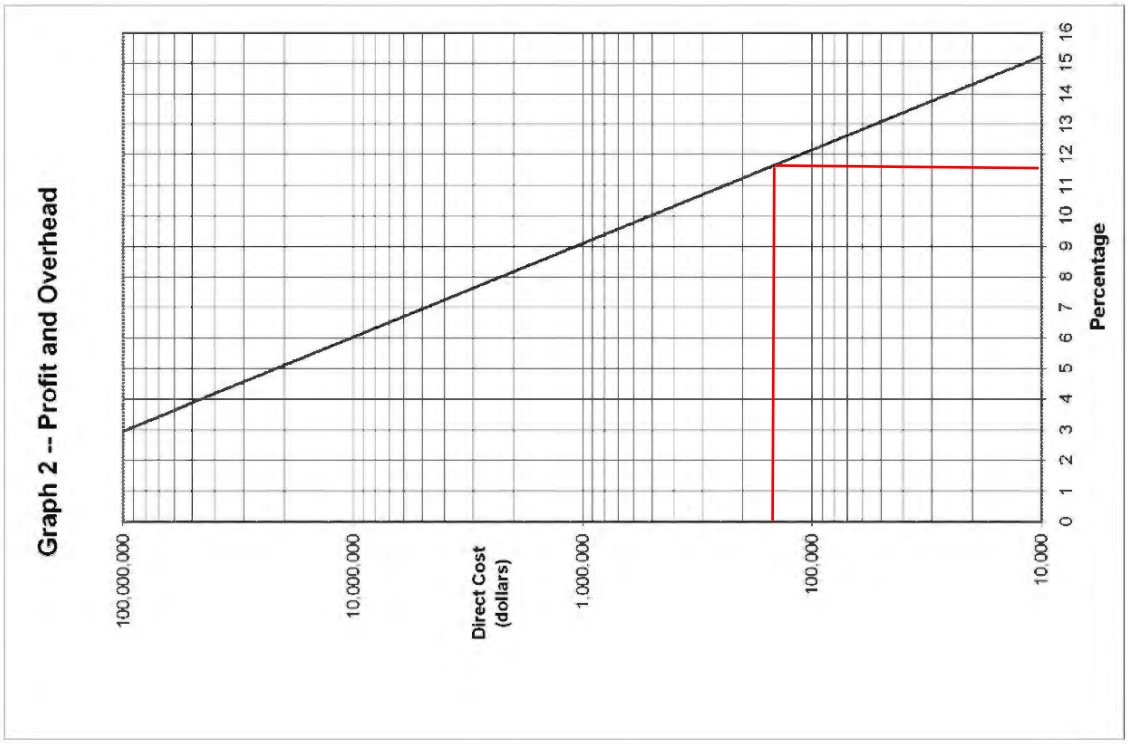
Appendix A

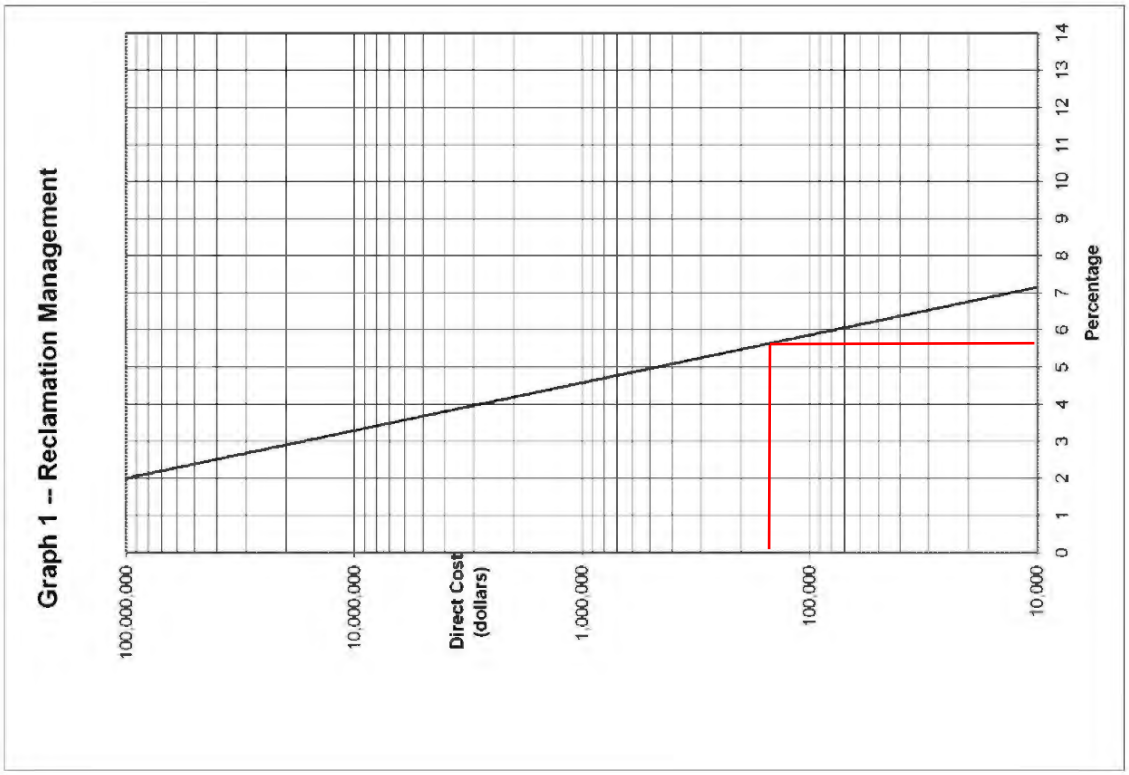
Site Plan


BURIED HANKE PIT
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
N
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2019
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 168

From: Jimenez, Roy
To: John Buada
Subject: RE: Riverbend 2019 FACE
Date: Monday, May 4, 2020 8:41:00 AM
Attachments: image001.png

Thanks John.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Friday, May 01, 2020 7:38 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: RE: Riverbend 2019 FACE

Roy,

Attached is the 2019 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Friday, March 27, 2020 11:20 AM
To: John Buada
Subject: RE: Riverbend 2019 FACE

This email came from a sender **outside** our organization: **Think Before You Click**.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Friday, March 27, 2020 11:18 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: Riverbend 2019 FACE

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Thank you for the reminder. I will get it submitted.

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fig Garden Studio
Fresno, CA 93704
Office: 559-432-4902
Cell: 559-269-1376
Email: jcbuada@buada.com

From: Jimenez, Roy [mailto:RJJimenez@fresnocountyca.gov]
Sent: Thursday, March 26, 2020 12:04 PM
To: John Buada
Subject: Riverbend 2019 FACE

This email came from a sender **outside** our organization: **Think Before You Click**.

Hi John,

Hope all is well. I am following up on submittal of the 2019 FACE for Riverbend.

If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 169

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05 / 05 /20 20

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93721 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 01 / 24 /20 20

(II) Upon completion of the annual inspection, were aspects of this surfacing mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☑ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☑ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

*(Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☑ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☑ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

*(Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☑ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☑ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☑ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☑ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☑ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: John Buada
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
MRRC-1 (2019) Page 1 of 6

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:	Riverbend Sand and Gravel

II. Mine Operator: Herb Lange		
Mailing Address: 14962 E. Fantz Avenue		
City: Parlier	State: CA	ZIP Code: 93648
Name of Onsite Contact Person: Herb Lange	Email Address: iblang@yahoo.com	Telephone: (559) 875-6565

III. SMARA Lead Agency Name: County of Fresno, Dept. Public Works and Planning		
Inspector's Name: Roy Jimenez Jr.		
Name of Entity or Organization: Water and Natural Resources Division		
Inspector's Mailing Address: 2220 Tulare Street, 6th Floor		
City: Fresno	State: CA	ZIP Code: 93721
E-mail Address: rjjimenez@fresnocountyca.gov	Telephone: (559) 600-4251	

IV. Approved Documents	
Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 2-26-2090
Vested Right: ☑ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 3390	Date Approved: 2-26-2015
Interim Management Plan: ☑Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land?	Check One: ☐ Yes ☑ No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: ☐ Yes ☑ No
Inspecting Agency Code(s):	Reason for Inspection:
Land Use Designation/Zoning for Surface Mine Operation:	

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 02/27/2019 Amount: $ $259,309.00

☑ Other Information?	Explanation: No FAM required at this time

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☑ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approximately 26 acres of farmland has been removed to allow construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds are proposed for operation.	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None.	Non-operational.
M) Other Reclamation Plan Requirements	None.	Non-operational.

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☑ No

B. Describe areas of the operation that have been disturbed since the last inspection:

No new areas have been disturbed since last inspection.

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

None.

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries: None.

Date Inspection Conducted:	CA Mine ID Number:
January 24, 2020	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent.

G. Describe any limitations encountered during the inspection:

None.

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☑ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☑ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

None.

L. Duration of Inspection: 30 minutes
Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	**N. Status of Mine Code(s):**
CR	NP

O. Inspection Attendees and Affiliations
Roy Jimenez Jr. County Staff

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	**Inspectors Signature:**	**If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:**
18072	Roy Jimenez	
Certification Expiration Date: June 25, 2023	**Date Signed:** 05/05/2020	

EXHIBIT 170

From: DMR-Submittals@DOC
To: Jimenez, Roy
Cc: Allen, Glenn
Subject: RE: 2019 NOCI & Annual Inspection Report / SOA & FACE (91-10-0031)
Date: Tuesday, May 5, 2020 3:30:06 PM
Attachments: image002.png
image003.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr. Jimenez,

This is to confirm that the Division of Mine Reclamation has received your email. Thank you for your recent submittal.

Sincerely,



DMR-Submittals
Division of Mine Reclamation

California Department of Conservation
801 K Street, MS 09-06, Sacramento, CA 95814
T: (916) 323-9198
E: DMR-Submittals@conservation.ca.gov

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Tuesday, May 5, 2020 2:51 PM
To: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>
Cc: Allen, Glenn <glallen@fresnocountyca.gov>
Subject: 2019 NOCI & Annual Inspection Report / SOA & FACE (91-10-0031)

DMR Submittals:

Please find the attached NOCI & Annual Surface Mining Inspection Report for the Riverbend Sand & Gravel site (#91-10-0031) site as well as the SOA and FACE. If you have any questions or need additional information, please feel free to contact me.

Thank you.



Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 171

County of Fresno

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

May 5, 2020

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: RIVERBEND SAND & GRAVEL (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

To Whom It May Concern:

Attached for your review and comment is the Riverbend Sand & Gravel (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr., Planner
Water and Natural Resources Division

Enclosure: Financial Assurance Cost Estimate

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: April 30, 2020	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): January 24, 2020 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 4/17/2019

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2020.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2020, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2020. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has ocurred and no additional activties are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2020 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2020 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2020, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

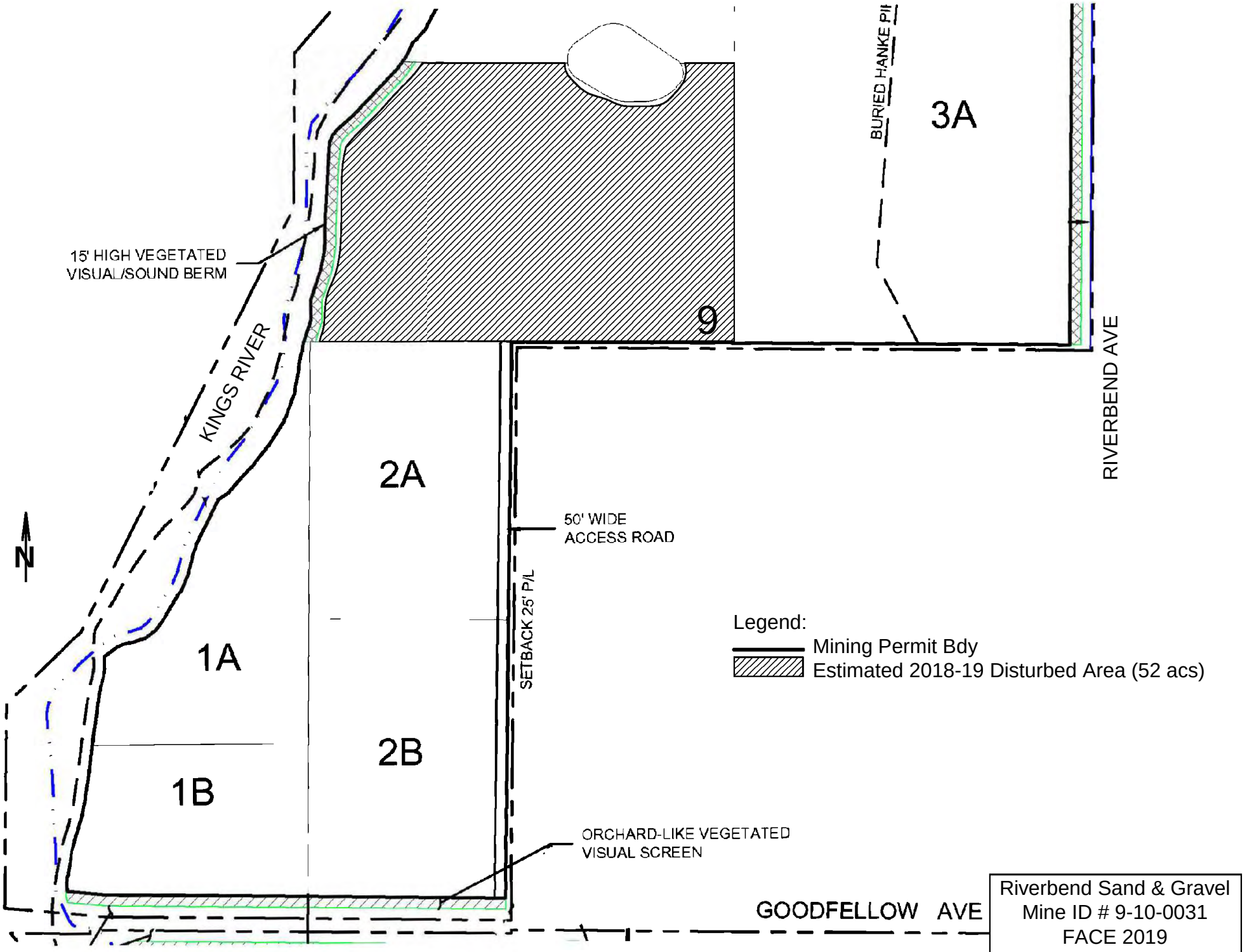
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

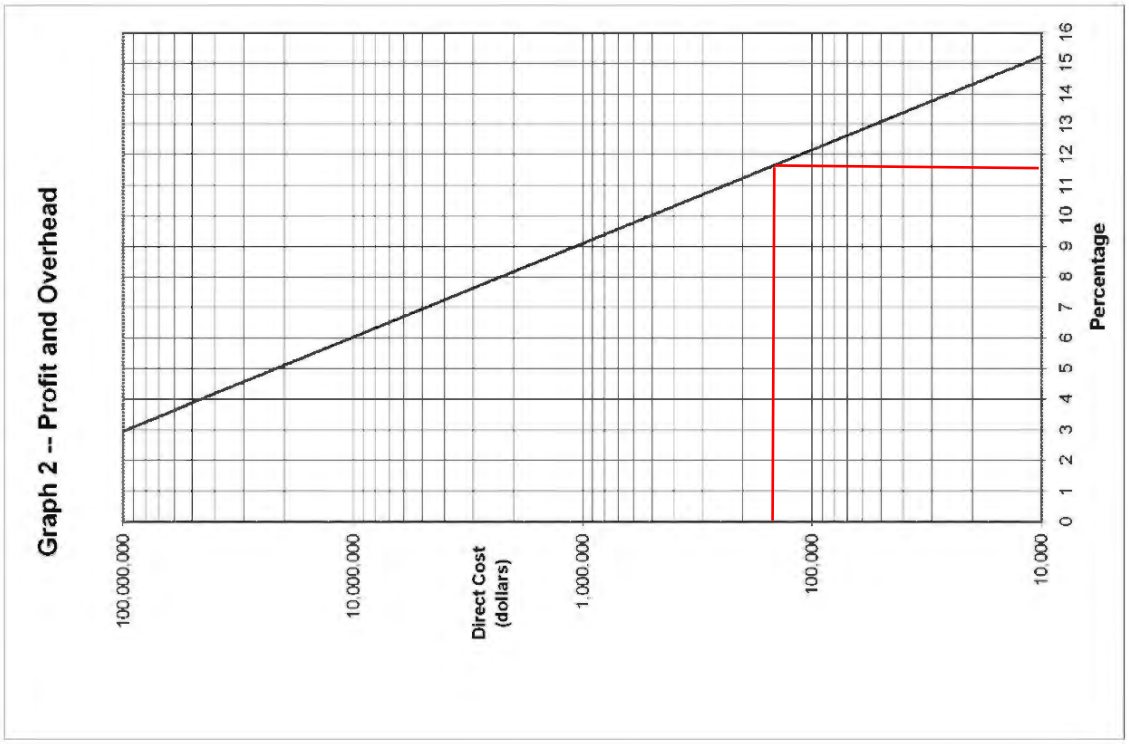
Appendix A

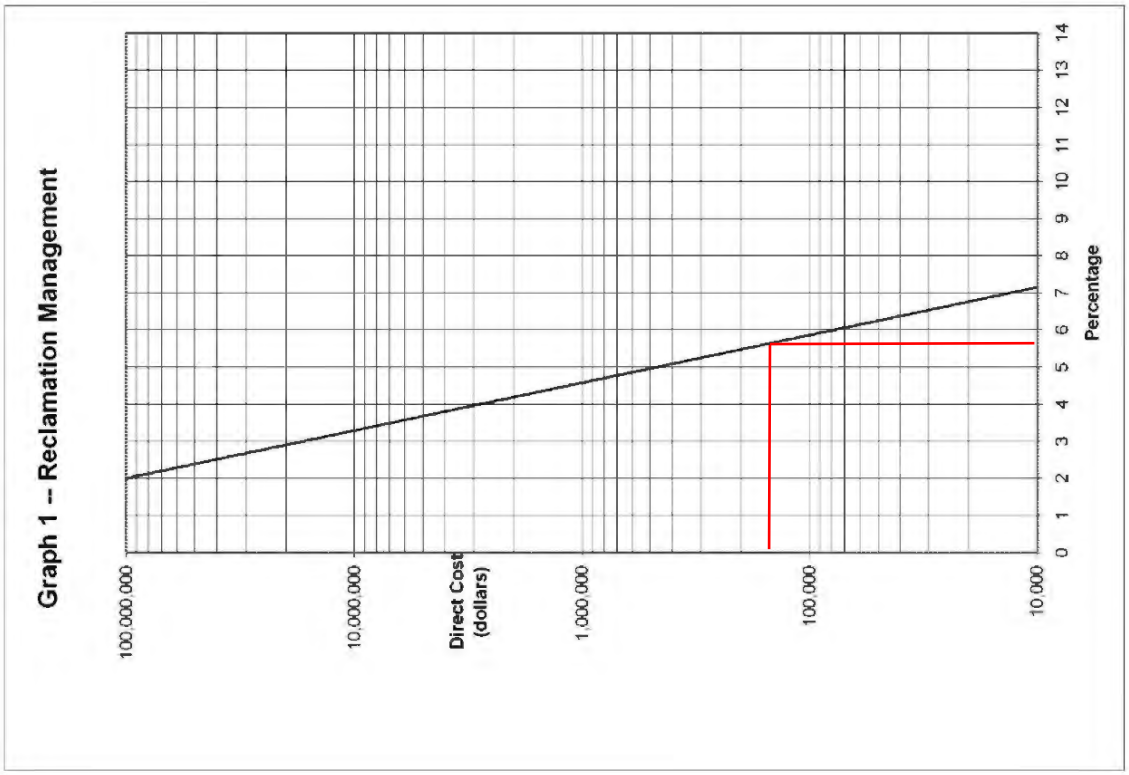
Site Plan


BURIED HANKE PIT
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
N
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2019
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 172

From: Rome, Bryan
To: Andrea Abergel
Subject: RE: Riverbend
Date: Friday, June 19, 2020 7:16:00 AM

Andrea,

I hope that you have been well, and staying safe. I am circling back around to this matter, and wanted to touch bases to see where you were on the agreement.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Rome, Bryan
Sent: Wednesday, March 11, 2020 12:26 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Andrea,

It was good to talk to you earlier today. I am glad that we were able to connect and understand our clients' respective positions on the traffic mitigation cost estimates.

As we discussed, the Department of Public Works and Planning did quite a bit of work in preparing the current 2019 cost estimates, including the preparation of tentative schematics showing the improvements required by the project's mitigation measures. I have attached a couple of sample schematics showing the intersections of Jensen/McCall and McCall/SR-180. However, the Department has more of these.

This detailed review, which appears to have exceeded the scope the review done to prepare the 2015 estimate, revealed several larger cost items, including but not limited to:

- The relocation of large power poles near the McCall/SR-180 interchange, which would lie within the expanded right of way.
- The relocation or improvement of two railroad crossings along McCall between SR-180 and Jensen.
- The acquisition and demolition/relocation of numerous buildings which would lie within or too near the expanded right of way.
- The potential realignment of McCall at Jensen to allow expansion of McCall to the east in order to avoid a PG&E substation at the intersection. Such realignment would require removal or relocation of an existing building to the northeast of that intersection.

The Department believes that the estimate provided is reasonable and proportionate to the costs imposed on County infrastructure by the project. If you have any more questions, please do not hesitate to ask.

Bryan

Bryan D. Rome
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From: Rome, Bryan
Sent: Thursday, March 5, 2020 4:11 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Andrea,

Thank you for your inquiry. I looked into this matter for you.

The 2015 cost estimate was already quite dated when Kyle initially shared the document with you. Indeed, it is dated 5/15/2015. It also incomplete, where it includes a placeholder which states "Total Cost for this Mitigation does not include any cost associated with Utilities Relocation." Kyle informed you in October of last year that the Department of Public Works an Planning would be "revising and updating these dollar amounts to more current 2019 cost estimates, which are needed to provide the County a more secured position in this agreement." (See attached email.)

That said, I understand that the increased cost is a result of several factors. The first and most significant factor is that, in preparing the 2019 estimate, the County's engineer was able to estimate the cost to relocate a major power pole and several other utilities poles located at State Route 180 and McCall Avenue. Thus, the 2019 estimate substituted the estimated cost of $500,000 for the previously-mentioned placeholder from the 2015 document which stated "Total Cost for this Mitigation does not include any cost associated with Utilities Relocation." Other factors include an increase in the cost of raw materials and updated right of way costs.

The basis for the increased costs are reflected in the attached Excel workbook. I will follow this email up with further information if and as it becomes available to me.

Please let me know if you have any further questions.

Thanks,
Bryan

Bryan D. Rome
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BRome@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Wednesday, March 4, 2020 5:29 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Hi Bryan,

Thank you for the attached 2019 calculation sheet, and clarification on the values we had been using. Could you provide specific reasons the cost estimates doubled in 4 years? Since we were working with 2015 estimates less than a year ago, our presumption was that the amounts were current estimates, and it is troubling that the 2019 amounts have changed drastically from the 2015 amounts.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Wednesday, March 4, 2020 9:51 AM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Andrea,

I had staff look into this. You were looking at the 2015 calculations. Attached is the updated 2019 calculation sheet, on which staff correlated the dollar amounts to the exhibit in which they are referenced.

I hope that this clears everything up.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Monday, March 2, 2020 11:03 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: RE: Riverbend

Hi Bryan,

We have been reviewing the revised agreement with our client. Before we get revisions back to you, we wanted to get more information about the County's cash/bond calculations in Exhibits C-1, C-2, and C-3. I have attached the last draft of these exhibits that we sent to the County in May 2019, along with a fee table Kyle Roberson shared with us around that time.

Could you provide a cost breakdown to show how the County came up with each of the payment amounts the Exhibits?

Andrea M. Abergel



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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Friday, January 17, 2020 12:42 PM
To: Andrea Abergel <aabergel@mitchellchadwick.com>
Cc: Melikian, Brian <BMelikian@fresnocountyca.gov>
Subject: Re: Riverbend

Andrea, please find the County's revised agreement attached. As I indicated, it is being sent clean (i.e. not redlined), as I am uncertain of the provenance of the agreement and the prior changes.

If you would like to discuss, we can speak when I am back in the office on Tuesday.

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov
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From: Andrea Abergel <aabergel@mitchellchadwick.com>
Sent: Wednesday, January 15, 2020 8:56:42 AM
To: Rome, Bryan <brome@fresnocountyca.gov>
Subject: RE: Riverbend

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hi Bryan,

Thank you for the check in, I was going to give you a call today to check the status. I look forward to getting the revised agreement at the end of the week.

Andrea M. Abergel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
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From: Rome, Bryan [mailto:brome@fresnocountyca.gov]
Sent: Wednesday, January 15, 2020 7:58 AM
To: Andrea Abergel
Subject: Riverbend

Andrea,

I am still finalizing some further revisions to the agreement. I hope to have a draft by the end of the week.

Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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EXHIBIT 173

From: Jimenez, Roy
To: Herb Lang; John Buada
Cc: Allen, Glenn
Subject: FACE Approval - Riverbend Sand and Gravel (#91-10-0031)
Date: Thursday, June 25, 2020 9:19:00 AM
Attachments: 91-10-0031 NOCI_MRRC 2019.pdf
image001.png
FACE Approval Letter 062520.pdf

Gentlemen,

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me at (559) 600-4251.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 174

County of Fresno

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

June 25, 2020

Herb Lange
Riverbend Sand and Gravel
14962 E. Fantz Avenue
Parlier, CA 93648

Dear Mr. Lange:

SUBJECT: Riverbend Sand and Gravel (CA Mine ID # 91-10-0031)
Financial Assurance Cost Estimate (FACE) Approval

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2019\FACE Approval Letter.docx

Enclosures

c: John C. Buada, Buada & Associates, Inc.

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: April 30, 2020	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): January 24, 2020 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 4/17/2019

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

State Prevailing Wage Rates (SPWR) ((General Prevailing Wage Determination Made by the Director of Industrial relations, Pursuant to California Labor Code Part 7, Article 2, Sections 1770, 1773, and 1773.1), effective through mid-2019

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

CalTrans Equipment Rates (Labor Surcharge and Equipment Rental Rates (Cost of Equipment and Ownership)), effective April 1, 2017 through March 31, 2019.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Handbook (Caterpillar Performance Handbook, Edition 47) to determine equipment capacity and cycle times.
RS Means Heavy Construction Cost Data, 30 th Annual Edition, 2018 (Means);
Third party cost estimates;.

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2020.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2020, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2020. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease •

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has ocurred and no additional activties are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2020 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2020 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2020, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster - Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer - Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) - Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster - Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) - Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer - Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) - Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) - Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster - Group 4	5	4	61.12	1,222
Labor	Laborer - Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6-axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) - Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster - Group 4	2	12	61.12	1,467
Pilot Car	Laborer - Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer - Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal

Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4-axle On-highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) - Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) - Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster - Group 4	2	7.00	61.12	856
Transportation	Laborer - Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4-axle On-highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) - Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) - Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster - Group 4	1	2.00	61.12	122
Transportation	Laborer - Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2019 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2019, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) - Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster - Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) - Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) - Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster - Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	**-**

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2019. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) - Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations - Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations - Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:
- Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
- Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

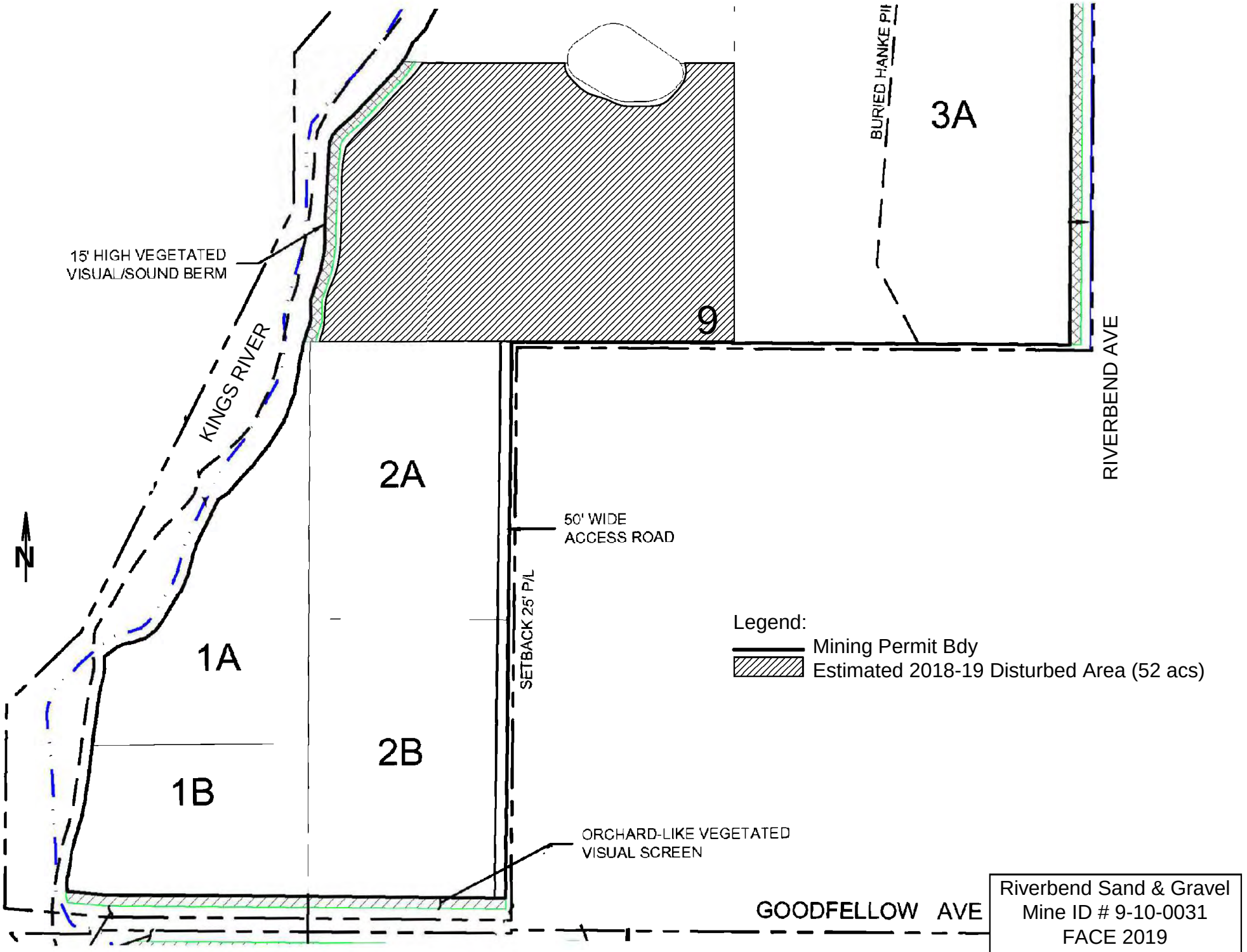
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

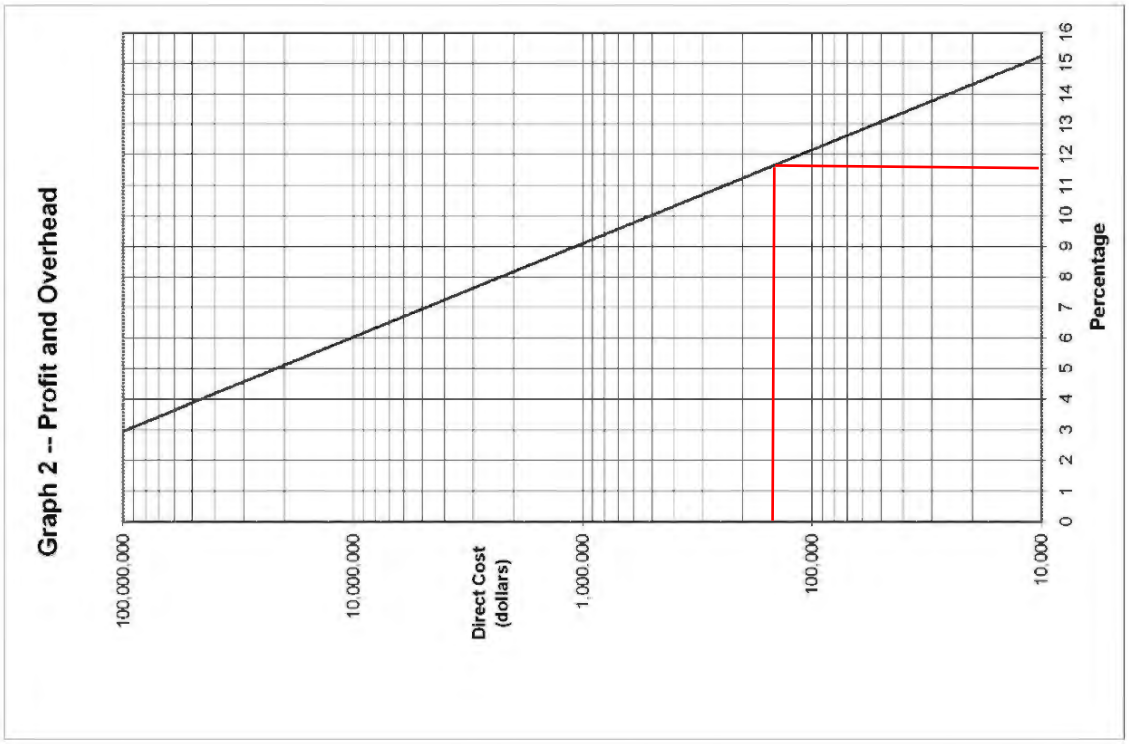
Appendix A

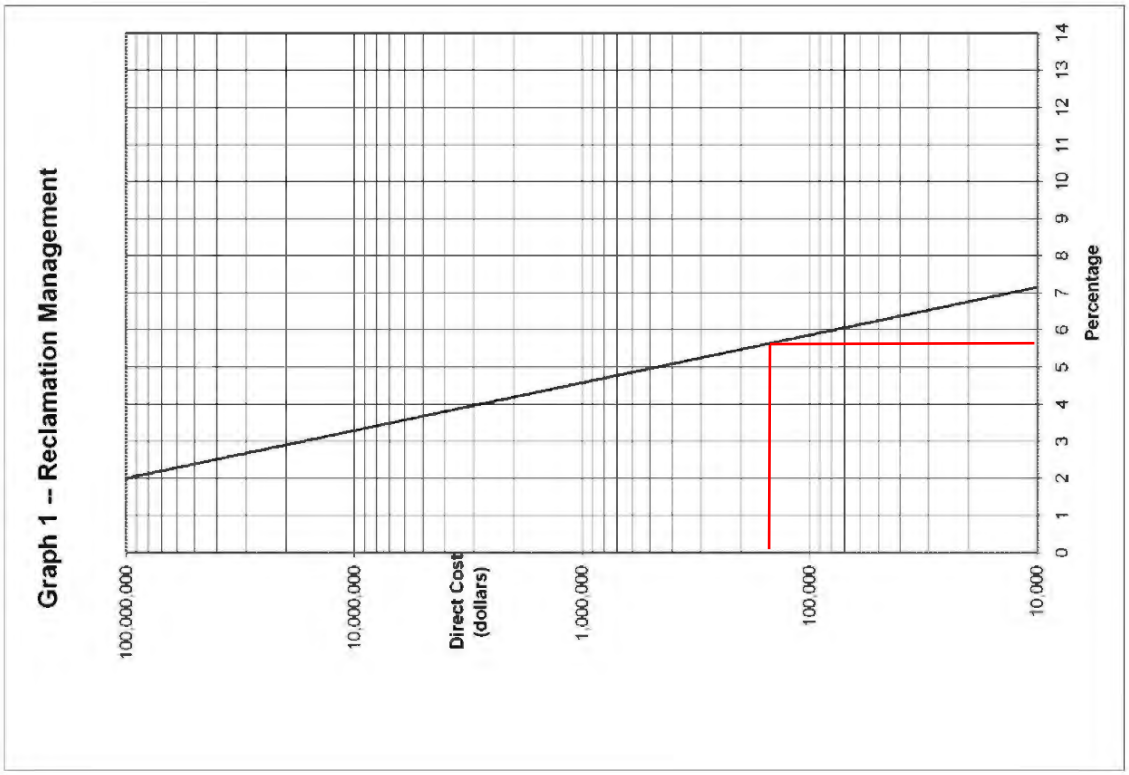
Site Plan


BURIED HANKE PIT
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
SETBACK 25' P/L
N
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2018-19 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2019
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

ELMT CONSULTING

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 175

From:	Motta, Chris
To:	Randall , David A.
Subject:	FW: CMI Call/Herb Lang
Date:	Tuesday, July 28, 2020 11:23:00 AM
Attachments:	Hours of Operation from Appendix B - Reclamation Plan.pdf Re Caltrans Project - Paving this saturday.msg

FYI – keep confidential. What else I've been working on this morning.

Chris W. Motta, MURP| **Principal Planner**
Department of Public Works and Planning |

Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227

Your input matters! Customer Service Survey

From: Motta, Chris
Sent: Tuesday, July 28, 2020 10:30 AM
To: White, Steven <stwhite@fresnocountyca.gov>
Subject: CMI Call/Herb Lang

Steve,

I contacted Herb Lang yesterday afternoon at your request and spoke with him for some time regarding his concerns. His overarching concern is that CMI is not following the limitations of their conditional use permit, specifically hours of operation. This has been a concern he has expressed to the County previously. Some of his general comments:

- CMI is operating on Saturdays after 9:00pm
- On Saturdays, there have been excavation activities, crushing and trucking
- Key dates include March 2, 2019 Saturday operation; January 31, 2020 lights moving on the site after 7:00 pm; February 8, 2020 activities until 9:30 pm
- He has stated that it is difficult to get photographs due to darkness of site at night, also stated he's not going to sit in a chair and monitor the site regularly

As is standard practice, I have kept Herb Lang's concerns confidential from CMI, not advising CMI of the complaining party. After I spoke with Herb yesterday I did receive another call from a neighboring property owner who requested my contact information and was going to provide me a list of concerns with CMI.

I have included the approved operational hours (highlighted and attached) which allows for the ready-mix plant to operate on Saturdays from 7:00am to 2:00pm. Also, major public works projects effecting the health and safety of the community may be permitted 24-hours a day, and that these projects may also require loading beyond the established hours.

Due to prior complaints related to operational hours, CMI has been sending me updates on these public works projects. We do not receive these notification from other surface mining operations in the County, and CMI's conditions do not specifically require them to notify the County of these operations. I forwarded a copy of this information to Mr. Lang yesterday. His response is attached in which he states that it explains the Saturday work, but not work until 9:00 pm last Thursday.

This morning I spoke with Andy Burgin of Lehigh Hanson, who is our primary contact for plant operations at this site. He stated that last Thursday 7/23 the processing plant was shut down before 7:00 pm, but CMI did have a maintenance crew working with a manlift and a forklift, and checking and changing conveyor belts until 9:30pm that evening. I have advised Mr. Lang of this response.

Andy Burgin also stated that CMI has been trying to change some of their operations to avoid back vehicles at night so equipment doesn't have to deploy its backing warning beepers as much. This is to address a concern Mr. Lang raised last year regarding beeper noise not allowing him to sleep.

Mr. Lang stated he had contacted me in late January and that I never got back to him. I checked my e-mails and have no record of an e-mail from him and I do not recollect that I owed him a call. I did apologize if there was a misunderstanding and he can always follow-up he if believes he's owed something.

Let me know if you need any additional information or would like to discuss.

Sincerely,

Chris W. Motta, MURP| **Principal Planner**

Department of Public Works and Planning |

Development Services and Capital Projects Division

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4497 Direct: (559) 600-4227

Your input matters! Customer Service Survey

From:	White, Steven
To:	Mendes, Buddy
Cc:	Motta, Chris; Jimenez, Bernard; Kettler, William
Subject:	FW: CMI Call/Herb Lang
Date:	Tuesday, July 28, 2020 10:55:01 AM
Attachments:	Hours of Operation from Appendix B - Reclamation Plan.pdf Re Caltrans Project - Paving this saturday.msg

Supervisor,

The following is a detailed recap compiled by Chris Motta Principal Planner with PWP. It looks like there is a long standing disagreement between CMI and Mr. Lang. We will keep you updated on any/all responses from either party. This issue has been a long standing issue between both parties , PWP has not found a violation to date.

Steven E. White, PE, PLS| **Director**
Department of Public Works and Planning | **Administration**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4078 Direct: (559) 600-4537

Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Tuesday, July 28, 2020 10:30 AM
To: White, Steven <stwhite@fresnocountyca.gov>
Subject: CMI Call/Herb Lang

Steve,

I contacted Herb Lang yesterday afternoon at your request and spoke with him for some time regarding his concerns. His overarching concern is that CMI is not following the limitations of their conditional use permit, specifically hours of operation. This has been a concern he has expressed to the County previously. Some of his general comments:

- CMI is operating on Saturdays after 9:00pm
- On Saturdays, there have been excavation activities, crushing and trucking
- Key dates include March 2, 2019 Saturday operation; January 31, 2020 lights moving on the site after 7:00 pm; February 8, 2020 activities until 9:30 pm

- He has stated that it is difficult to get photographs due to darkness of site at night, also stated he's not going to sit in a chair and monitor the site regularly

As is standard practice, I have kept Herb Lang's concerns confidential from CMI, not advising CMI of the complaining party. After I spoke with Herb yesterday I did receive another call from a neighboring property owner who requested my contact information and was going to provide me a list of concerns with CMI.

I have included the approved operational hours (highlighted and attached) which allows for the ready-mix plant to operate on Saturdays from 7:00am to 2:00pm. Also, major public works projects effecting the health and safety of the community may be permitted 24-hours a day, and that these projects may also require loading beyond the established hours.

Due to prior complaints related to operational hours, CMI has been sending me updates on these public works projects. We do not receive these notification from other surface mining operations in the County, and CMI's conditions do not specifically require them to notify the County of these operations. I forwarded a copy of this information to Mr. Lang yesterday. His response is attached in which he states that it explains the Saturday work, but not work until 9:00 pm last Thursday.

This morning I spoke with Andy Burgin of Lehigh Hanson, who is our primary contact for plant operations at this site. He stated that last Thursday 7/23 the processing plant was shut down before 7:00 pm, but CMI did have a maintenance crew working with a manlift and a forklift, and checking and changing conveyor belts until 9:30pm that evening. I have advised Mr. Lang of this response.

Andy Burgin also stated that CMI has been trying to change some of their operations to avoid back vehicles at night so equipment doesn't have to deploy its backing warning beepers as much. This is to address a concern Mr. Lang raised last year regarding beeper noise not allowing him to sleep.

Mr. Lang stated he had contacted me in late January and that I never got back to him. I checked my e-mails and have no record of an e-mail from him and I do not recollect that I owed him a call. I did apologize if there was a misunderstanding and he can always follow-up he if believes he's owed something.

Let me know if you need any additional information or would like to discuss.

Sincerely,

Chris W. Motta, MURP| **Principal Planner**
Department of Public Works and Planning |

Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227

Your input matters! Customer Service Survey

EXHIBIT 176

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:	Riverbend Sand and Gravel

II. Mine Operator: Herb Lange		
Mailing Address: 14962 E. Fantz Avenue		
City: Parlier	State: CA	ZIP Code: 93648
Name of Onsite Contact Person: Herb Lange	Email Address: iblang@yahoo.com	Telephone: (559) 875-6565

III. SMARA Lead Agency Name: County of Fresno, Dept. Public Works and Planning		
Inspector's Name: Roy Jimenez Jr.		
Name of Entity or Organization: Water and Natural Resources Division		
Inspector's Mailing Address: 2220 Tulare Street, 6th Floor		
City: Fresno	State: CA	ZIP Code: 93721
E-mail Address: rjjimenez@fresnocountyca.gov	Telephone: (559) 600-4251	

IV. Approved Documents	
Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 2-26-2090
Vested Right: ☑ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 3390	Date Approved: 2-26-2015
Interim Management Plan: ☑Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land?	Check One: ☐ Yes ☑ No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: ☐ Yes ☑ No
Inspecting Agency Code(s):	Reason for Inspection:
Land Use Designation/Zoning for Surface Mine Operation:	

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 02/27/2019 Amount: $ $259,309.00

☑ Other Information?	Explanation: No FAM required at this time

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☑ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approximately 26 acres of farmland has been removed to allow construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds are proposed for operation.	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None.	Non-operational.
M) Other Reclamation Plan Requirements	None.	Non-operational.

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☑ No

B. Describe areas of the operation that have been disturbed since the last inspection:

No new areas have been disturbed since last inspection.

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

None.

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries: None.

Date Inspection Conducted:	CA Mine ID Number:
January 26, 2021	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent.

G. Describe any limitations encountered during the inspection:

None.

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

None

L. Duration of Inspection:

Start Time: 03:00 PM Finish Time: 03:45 PM

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
18072	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2021.05.12 09:51:14 -07'00'	
Certification Expiration Date: 06/25/2023	**Date Signed:** 05/12/2021	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

   Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

   Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

   Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

   The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance "Other" and "Explanation" blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism~~(s)~~ currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism~~(s)~~ on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. **BLOCK VII**:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation's horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section ~~VIII~~VII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items ~~1~~A through ~~12~~L may be listed in Item ~~13~~M, under "Other Reclamation Plan Requirements."

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section ~~VIII~~VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or "NA" in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a "Yes" or "No" box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a "Yes" or "No" box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 177

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: May 4, 2021	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): January 26, 2021 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 4/17/2019

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2020-2, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, April 1, 2020 - March 31, 2021

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2021.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2020, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2021. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2021 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2021 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2021, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2021 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2021, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2021. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

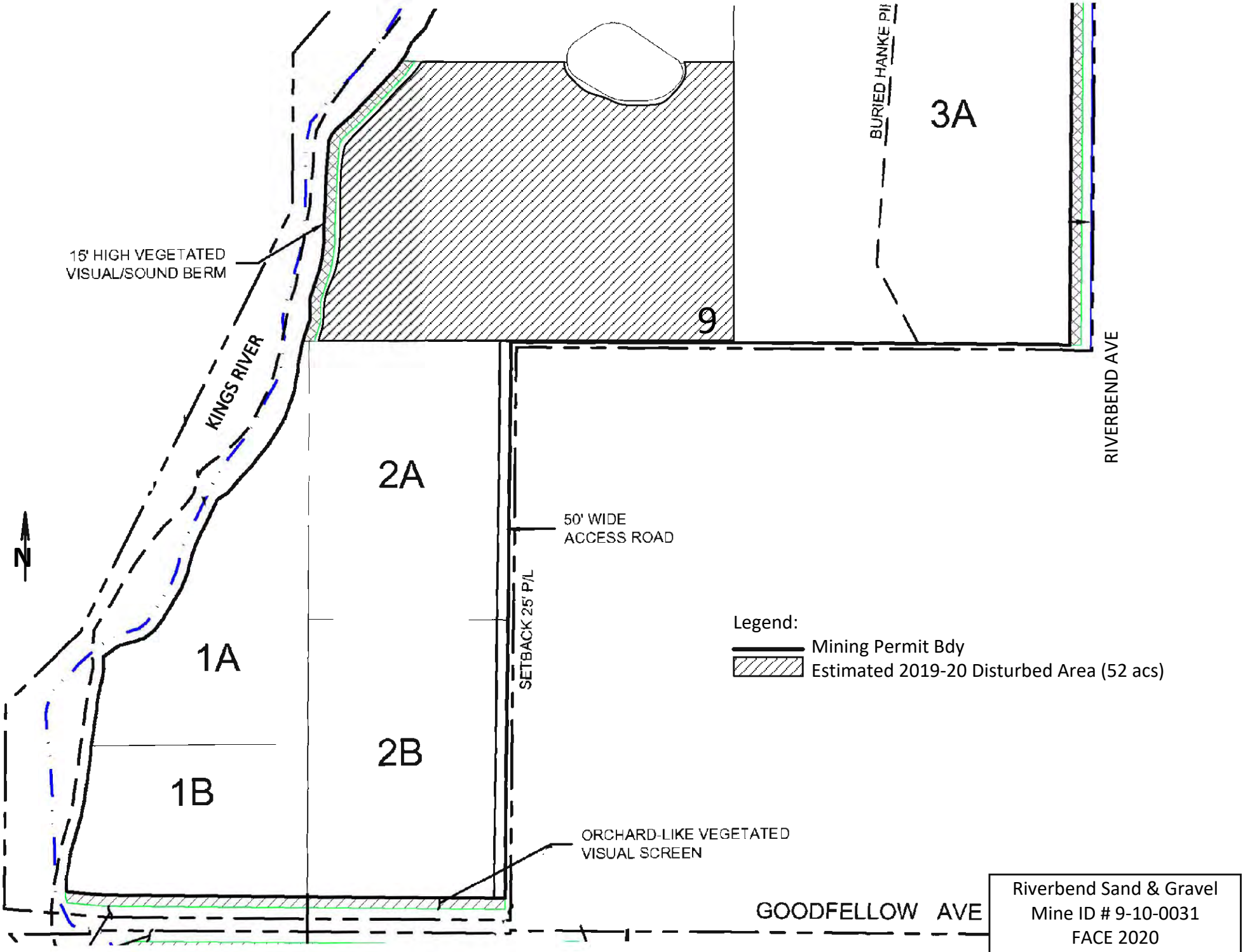
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

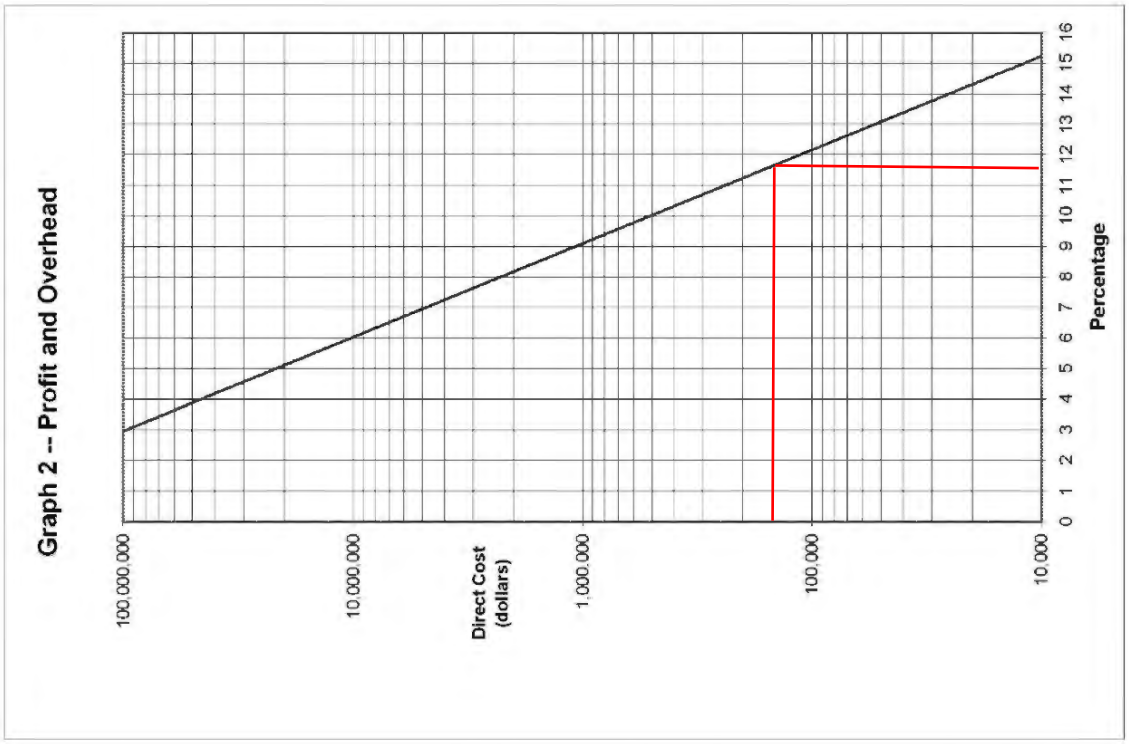
Appendix A

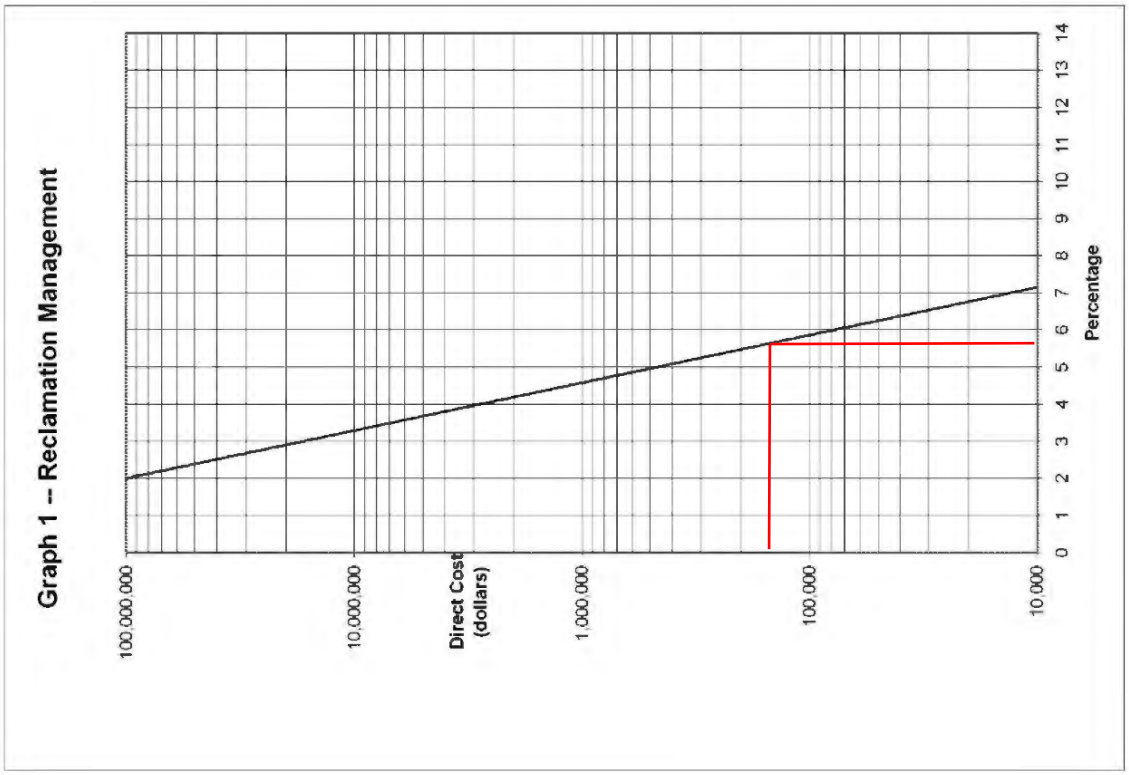
Site Plan


BURIED HANKE PIL
3A
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
9
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2019-20 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2020
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

ELMT CONSULTING

HOURLY RATE SCHEDULE

Effective January 2018 through December 2018

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	225.00
Director	150.00
Senior Biologist/Regulatory Specialist	125.00
Biologist/Regulatory Analyst	110.00
Senior GIS Specialist	125.00
GIS Analyst	100.00
Field Biologist	80.00
Office Support/ Clerical	60.00

Note: Reproduction, messenger service and other direct expenses will be charged as an additional cost. A Sub-Consultant Management Fee of a minimum of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 178

From: Jimenez, Roy
To: John Buada; Herb Lang
Subject: RE: Riverbend San & Gravel 2020 FACE
Date: Tuesday, May 11, 2021 3:20:00 PM
Attachments: image001.png

Thank you John. I will forward to DMR for review.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, May 11, 2021 11:52 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend San & Gravel 2020 FACE

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2020 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

EXHIBIT 179

From: DMR-Submittals@DOC
To: Jimenez, Roy
Cc: John Buada; Herb Lang
Subject: RE: NOCI and Annual Inspection Report / FACE (#91-10-0031)
Date: Wednesday, May 12, 2021 1:29:47 PM
Attachments: image002.png
image003.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good afternoon,

This is to confirm that the Division of Mine Reclamation has received your email. Thank you for your submittal.

Sincerely,

DMR-Submittals
Division of Mine Reclamation

California Department of Conservation
801 K Street, MS 09-06, Sacramento, CA 95814
T: (916) 323-9198
E: DMR-Submittals@conservation.ca.gov

Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, May 12, 2021 10:03 AM
To: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>
Cc: John Buada <jcbuada@buada.com>; Herb Lang <iblang@yahoo.com>
Subject: NOCI and Annual Inspection Report / FACE (#91-10-0031)

DMR Staff:

Please find the attached NOCI and the annual Surface Mining Inspection Report for Riverbend Sand and Gravel (#91-10-0031) site, as well as the FACE. If you have any questions or need additional information, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

EXHIBIT 180

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/12/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93621 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 01/26/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

05/12/2021 ___
CA Mine ID Number: 91- 10-0031

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2021.05.12 09:49:48 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 181

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

May 12, 2021

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: RIVERBEND SAND AND GRAVEL (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

To Whom It May Concern:

Attached for your review and comment is the Riverbend Sand and Gravel (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

Enclosure: Financial Assurance Cost Estimate

EXHIBIT 182

From: DMR-Reporting
To: Jimenez, Roy
Subject: 2020 Mining Operation Annual Report Acknowledgment for 91-10-0031
Date: Monday, June 28, 2021 8:18:08 PM
Attachments: DOC-Email-Header.png
2020 Annual Report for mine 91-10-0031.pdf
2020 Payment Statement for mine 91-10-0031.pdf

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

California
Department of Conservation
Division of Mine Reclamation

Gavin Newsom, Governor
David Shabazian, Director

June 28, 2021

JOHN C. BUADA, BUADA ASSOCIATES , INC.
RIVERBEND SAND AND GRAVEL, LLC
4872 N ARCADE AVENUE FRESNO, 4872 N ARCADE AVENUE, 93704

ONLINE MINING OPERATION ANNUAL REPORT FOR THE **RIVERBEND SAND AND GRAVEL, LLC** , CALIFORNIA MINE ID# **91-10-0031**

The Department of Conservation's, Division of Mine Reclamation (DMR) has received the electronic submission of the Online Mining Operation Annual Report (Annual Report) form number MRRC-2, as required by Public Resources Code Section 2207.

In addition to submitting your Annual Report online, you are encouraged to make your payment online at the following address no later than 11:59 p.m. on July 1, 2021:

https://www.govone.com/PAYCAL/DOC/

If submitting your payment by mail, please include a copy of your 'Statement of Fees Due' with your check or money order payable to Department of Conservation/DMR postmarked on or before July 1, 2021.

Once your Annual Report is processed, you will be notified of any discrepancies. If discrepancies are found, you will be required to submit the requested corrections to the DMR within thirty (30) days. Failure to do so may subject your operation to administrative penalties as provided in PRC Section 2774.1(c).

If you have any questions, you may contact the DMR Reporting Unit by email at DMR-Reporting@conservation.ca.gov , or by phone at (916) 323-9198.

Thank you for your submittal(s).

Sincerely,

April Balestreri, Manager
Reporting Unit

EXHIBIT 183

County of Fresno

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

July 8, 2021

Herb Lange
Riverbend Sand and Gravel
14962 E. Fantz Avenue
Parlier, CA 93648

Dear Mr. Lange:

SUBJECT: Riverbend Sand and Gravel (CA Mine ID # 91-10-0031)
Financial Assurance Cost Estimate (FACE) Approval

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2020\FACE Approval Letter.docx

Enclosures

c: John C. Buada, Buada & Associates, Inc.

EXHIBIT 184

From: Jimenez, Roy
To: John Buada; Herb Lang
Subject: RE: Riverbend San & Gravel 2020 FACE
Date: Thursday, July 8, 2021 4:15:00 PM
Attachments: FACE Approval 07082021.pdf
image001.png

John,

Attached is the FACE approval letter for Riverbend Sand and Gravel. Please be sure to include the County in your FACE submittal to DMR. If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-4251
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, May 11, 2021 11:52 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend San & Gravel 2020 FACE

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2020 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

EXHIBIT 185

From: Kathy Lang
To: Jimenez, Roy
Subject: Annual SMARA Inspection
Date: Wednesday, November 3, 2021 11:13:29 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Would you please call Herb Lang at 559-978-0846 regarding the upcoming inspection.
He has tried contacting you, but you phone is not taking messages.

Kathy Lang
Riverbend Sand & Gravel, LLC
559-346-9020

EXHIBIT 186

From: christine@simonhower.com
To: Anders, James
Subject: RE: CUP 3628
Date: Thursday, January 27, 2022 10:47:42 AM
Attachments: image002.png

James-
Thank you so much for getting back to me. I appreciate your time and help.

Christine Shepherd
Office Manager
Simon & Hower, Inc.
REAL ESTATE APPRAISAL
1306 N. Irwin Street
Hanford, CA 93230
559-582-9112

From: Anders, James <janders@fresnocountyca.gov>
Sent: Thursday, January 27, 2022 10:40 AM
To: christine@simonhower.com
Subject: RE: CUP 3628

Good morning Christine,

CUP 3628 is still in effect. The uses approved must be developed in accordance with the timelines below. There are currently several applications for structures which have been submitted for review so the development phase is still active.

I. TIME LIMIT FOR DEVELOPMENT

Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when:

1. There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later. However, in the case of a Conditional Use Permit authorizing a tentative map, expiration of said permit shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map; or

   (Amended by Ord. T-241 adopted 7-28-80; Ord. T-026-287 adopted 11-12-85)

2. There is a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two years; except where the structure or land is limited to a single purpose use.

3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1, the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public

hearing(s) shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Amended by Ord. T-091-374 adopted 8-23-16)

Thank you,

James Anders| Senior Planner
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: christine@simonhower.com <christine@simonhower.com>
Sent: Wednesday, January 26, 2022 1:33 PM
To: Zoning & Enforcement <ZoningEnforcement2@fresnocountyca.gov>
Subject: CUP 3628

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good Afternoon-
Our office is appraising the property located at 3316 S. Clovis Avenue in Fresno (APN: 331-030-58). It is our understanding that CUP 3628 was approved in 2019. We wanted to verify that the CUP still is in effect.

Thank you for your time and help.

Christine Shepherd
Office Manager
Simon & Hower, Inc
REAL ESTATE APPRAISAL
1306 N. Irwin Street
Hanford, CA 93230
559-582-9112

EXHIBIT 187

BUADA ASSOCIATES, INC.

4872 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/269-1376
e-mail: jcbuada@buada.com

March 29, 2022

Roy Jimenez
Fresno County Development Services
2220 Tulare Ave
Fresno, CA 93720

RE: Riverbend Sand and Gravel Mine ID# 91-10-0031
2021-22 Financial Assurance Cost Estimate

Attached is the 2021-22 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

Sincerely,

John C. Buada
Designated Agent
Riverbend Sand and Gravel

CC: Herb Lang

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: March 29, 2022	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): December 17, 2021 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 7/8/2021

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2022-1, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, April 1, 2021 - March 31, 2022

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2022.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2022, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2022. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2022 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2022. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

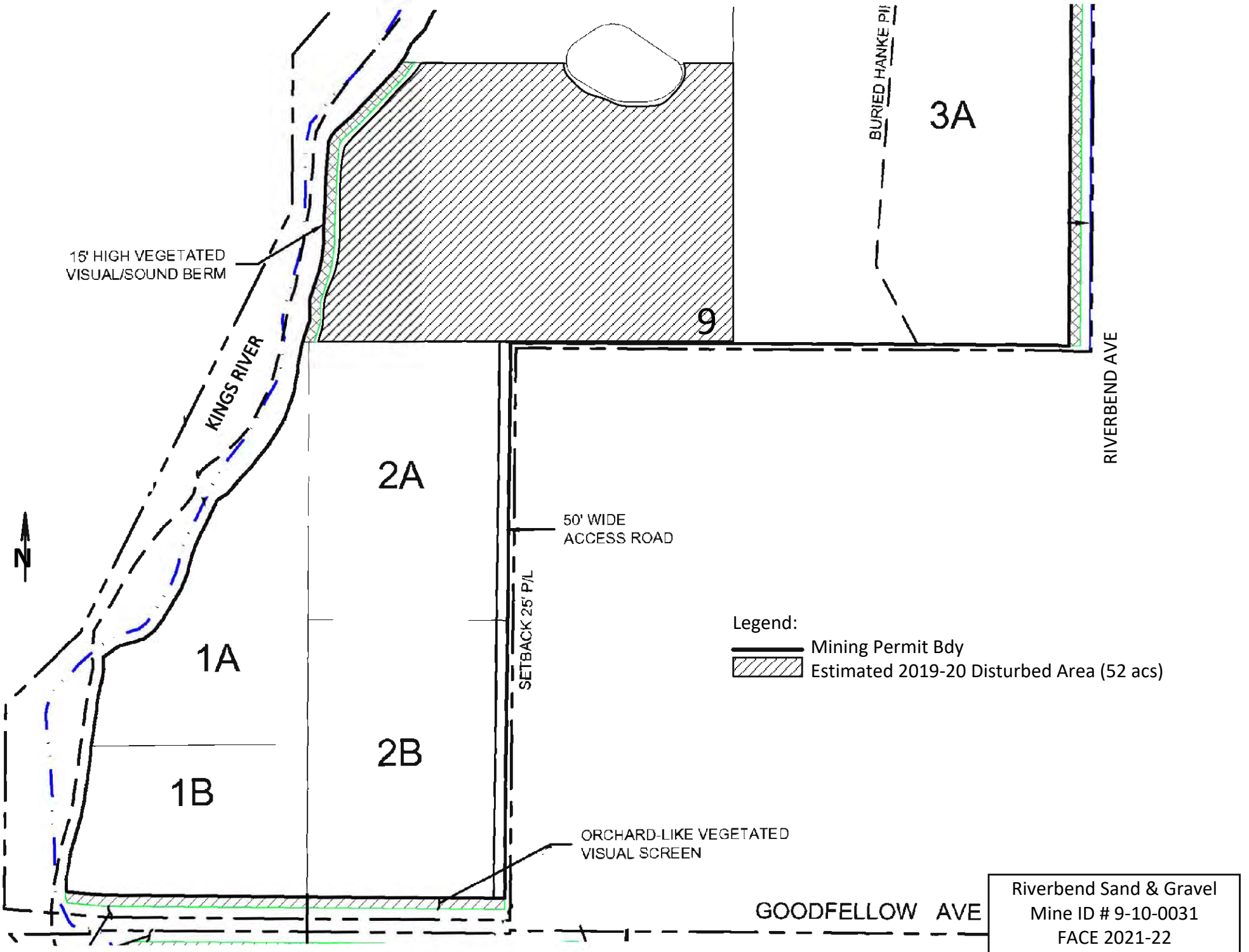
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

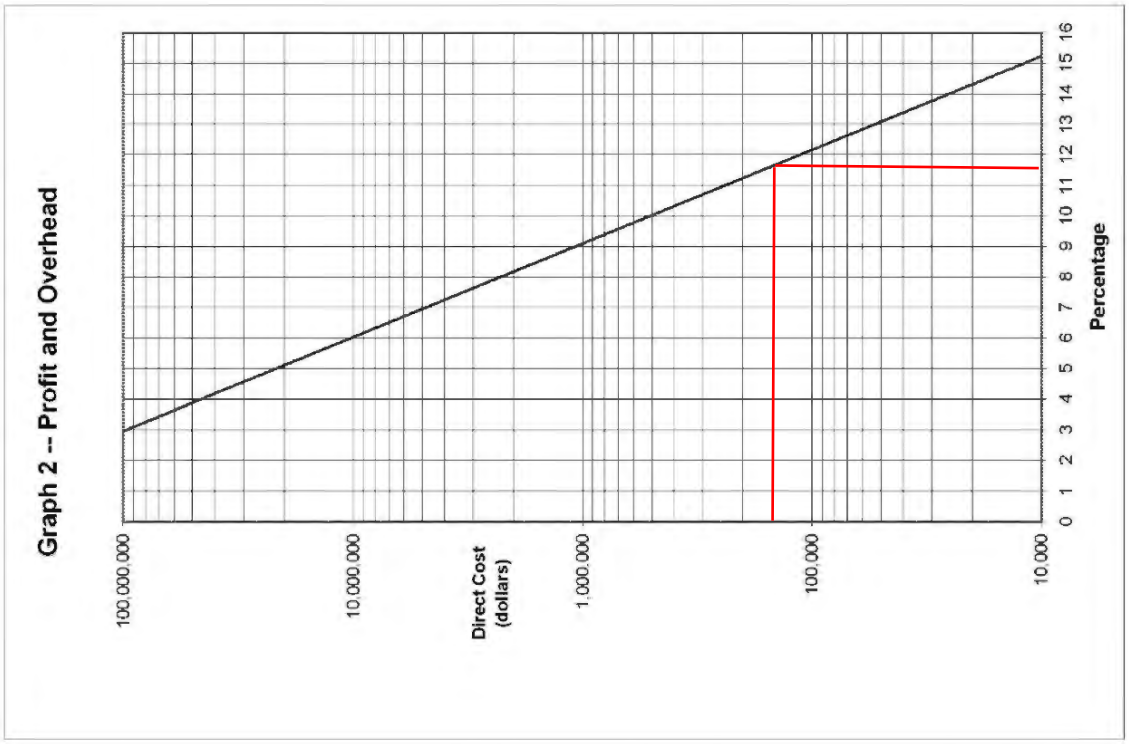
Appendix A

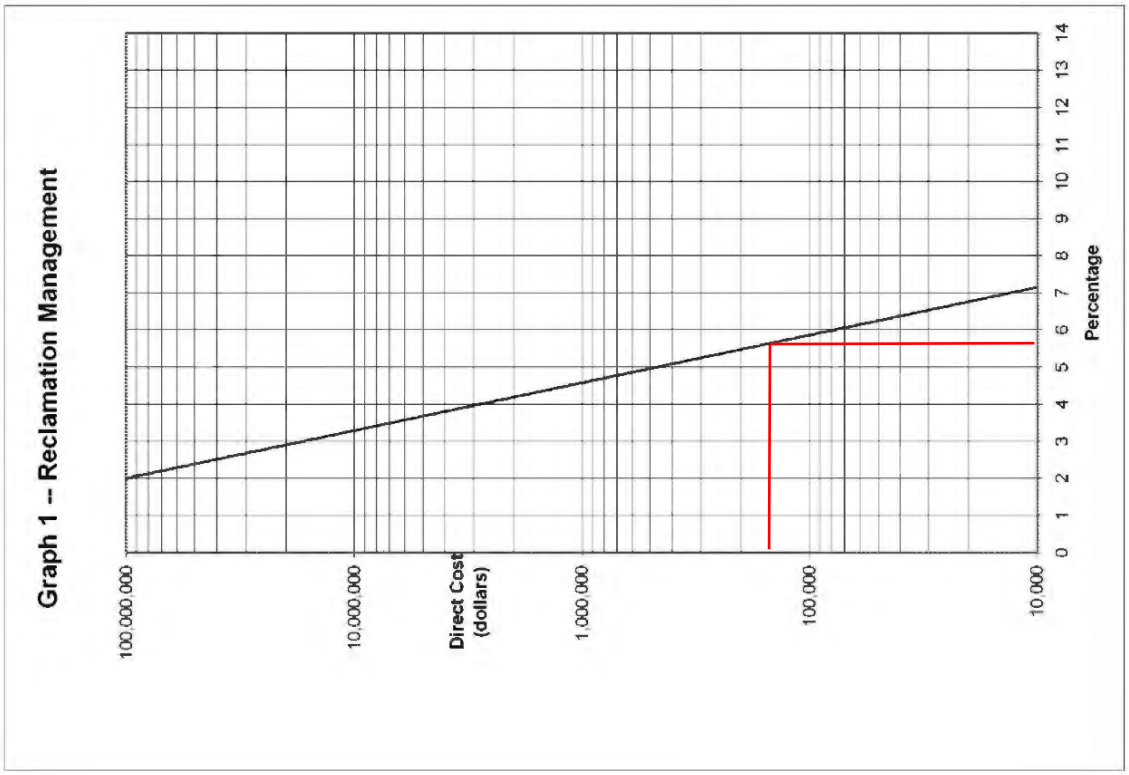
Site Plan


BURIED HANKE PIPELINE
3A
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
9
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2019-20 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2021-22
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 2022 through December 2022

OFFICE PERSONNEL	$/ Hour
Principal	250.00
Managing Director	230.00
Director	175.00
Senior Biologist/Regulatory Specialist	145.00
Senior GIS Specialist	140.00
Biologist/Regulatory Analyst	135.00
GIS Analyst	110.00
Office Support/ Clerical	70.00

Notes:

1. Reproduction (including blueprints, if needed), mileage, messenger service and other direct expenses will be charged at cost with no percentage mark-up.

2. A Sub-Consultant Management Fee will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

3. Annual cost increases will follow the Consumer Price Index for that year.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 188

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: March 29, 2022	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): December 17, 2021 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 7/8/2021

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

EXHIBIT 189

From: John Buada
To: Jimenez, Roy; Herb Lang
Subject: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031
Date: Tuesday, March 29, 2022 4:33:36 PM
Attachments: Riverbend S&G FACE 2021-22.pdf

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2021-22 Financial Assurance Cost Estimate (FACE) for Riverbend Sand and Gravel Mine ID# 91-01-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

EXHIBIT 190

From: ~~Jimenez, Roy~~
To: ~~John Buada~~
Subject: RE: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031
Date: Tuesday, April 26, 2022 3:25:00 PM
Attachments: ~~image001.png~~

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, April 26, 2022 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Re: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

Roy,

Please see attached complete FACE.
I apologize for the confusion.

On Tue, Apr 26, 2022 at 2:42 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, March 29, 2022 4:33 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2021-22 Financial Assurance Cost Estimate (FACE) for Riverbend Sand and Gravel Mine ID# 91-01-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-

1376 or by email at jcbuada@buada.com.

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

From: Jimenez, Roy
To: John Buada
Subject: RE: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031
Date: Tuesday, April 26, 2022 2:42:00 PM
Attachments: image001.png

Hi John. I just noticed the FACE you submitted is only the cover page. No additional pages.

Can you please resend entire packet.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, March 29, 2022 4:33 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2021-22 Financial Assurance Cost Estimate (FACE) for Riverbend Sand and Gravel Mine ID# 91-01-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

EXHIBIT 191

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

May 3, 2022

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: RIVERBEND SAND AND GRAVEL (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

To Whom It May Concern:

Attached for your review and comment is the Riverbend Sand and Gravel (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.

Digitally signed by Roy Jimenez Jr.
Date: 2022.05.03 14:42:47 -07'00'

Roy Jimenez, Jr., Planner
Water and Natural Resources Division

Enclosure: Financial Assurance Cost Estimate

EXHIBIT 192

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/03/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93621 (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand and Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 12/17/2021

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2022.05.03 14:40:05 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 193

From: DMR-Submittals@DOC
To: Jimenez, Roy
Subject: RE: NOCI & Annual Inspection Report and DOA and FACE (#91-10-0031)
Date: Tuesday, May 3, 2022 3:06:07 PM
Attachments: image002.png
image003.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hello,

This is to confirm that the Division of Mine Reclamation has received your email. Thank you for your recent submittal.

Sincerely,

DMR-Submittals
Division of Mine Reclamation

California Department of Conservation
NEW ADDRESS
715 P Street, MS 1905, Sacramento, CA 95814
T: (916) 323-9198
E: DMR-Submittals@conservation.ca.gov

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Tuesday, May 3, 2022 2:48 PM
To: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>
Subject: NOCI & Annual Inspection Report and DOA and FACE (#91-10-0031)

DMR Submittals:

Please find the attached NOCI & Annual Inspection Report for the Riverbend Sand & Gravel site (#91-10-0031) as well as the SOA and FACE. If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

EXHIBIT 194

June 15, 2022,

Roy Jimenez Jr., Planner
County of Fresno
Dept of Public Works and Planning
2220 Tulare Street, 6th floor
Fresno, CA 93721

Sent via email: rjjimenez@fresnocountyca.gov

FINANCIAL ASSURANCE COST ESTIMATE REVIEW
CARMELITA MINE (CALIFORNIA MINE ID #91-10-0028)

Dear Mr. Jimenez,

The Department of Conservation's Division of Mine Reclamation (Division) received an annual financial assurance cost estimate (FACE) in the amount of $148,773 for the Carmelita Mine on May 3, 2022. The County of Fresno is the Lead Agency under the Surface Mining and Reclamation Act of 1975 (Public Resources Code [PRC] Section 2710 et seq.). This mine is operated by Carmelita Resources LLC.

In addition to the review of the FACE submittal, Division staff conducted a review of the mine file, and has no comments that would substantially alter the financial assurance cost estimate at this time.

The Division looks forward to receiving the County's 30-days' notice of intent to approve, and subsequent approved FACE pursuant to Public Resource Code Section 2773.4

If you have any questions regarding this letter, please contact Mike Luksic at 916-764-8171.

Sincerely,

DocuSigned by:
Michael Luksic
2177153D92F748F...

Mike Luksic
Engineering and Geology Unit

ec: Operator
Carmelita Resources, LLC. bjohnson@hthjlaw.com

EXHIBIT 195

June 15, 2022,

Roy Jimenez Jr., Planner
County of Fresno
Dept of Public Works and Planning
2220 Tulare Street, 6th floor
Fresno, CA 93721

Sent via email: rjjimenez@fresnocountyca.gov

FINANCIAL ASSURANCE COST ESTIMATE REVIEW
RIVERBEND SAND AND GRAVEL MINE (CALIFORNIA MINE ID #91-10-0031)

Dear Mr. Jimenez,

The Department of Conservation's Division of Mine Reclamation (Division) received an annual financial assurance cost estimate (FACE) in the amount of $259,309 for the Riverbend Sand and Gravel Mine on May 3, 2022. The County of Fresno is the Lead Agency under the Surface Mining and Reclamation Act of 1975 (Public Resources Code [PRC] Section 2710 et seq.). This mine is operated by Riverbend Sand and Gravel, LLC.

In addition to the review of the FACE submittal, Division staff conducted a review of the mine file, and has no comments that would substantially alter the financial assurance cost estimate at this time.

The Division looks forward to receiving the County's 30-days' notice of intent to approve, and subsequent approved FACE pursuant to Public Resource Code Section 2773.4

If you have any questions regarding this letter, please contact Mike Luksic at 916-764-8171.

Sincerely,

DocuSigned by:
Michael Luksic
2177153D92F748F...

Mike Luksic
Engineering and Geology Unit

ec: Operator
Riverbend Sand and Gravel, LLC. jcbuada@buada.com

EXHIBIT 196

From: Luksic, Michael@DOC
To: Jimenez, Roy
Cc: Stevenson, Ian@DOC
Subject: RE: FACE review NC letters for Carmelita and Riverbend Sand and Gravel, 10-0031 and 10-0028, respectively
Date: Wednesday, June 15, 2022 3:37:02 PM
Attachments: image002.png
image003.png
image004.png
image005.png
10-0028_2022-06-15_FACE_NC-signed.docx.pdf
10-0031_2022-06-15_FACE_NC-signed.pdf

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good afternoon Mr. Jimenez,

Please excuse the previous email since I neglected to attach the letters.

Please find the Division of Mine Reclamation FACE review letters for the Riverbend Sand and Gravel mine, CA mine ID# 10-0031 and the Carmelita mine, CA mine ID# 10-0028. If you have any questions, please feel free to call or email me. Thank you all for your assistance.

Sincerely,
Mike Luksic

Mike Luksic, P.G. 7310
Geologist
Division of Mine Reclamation
California Department of Conservation
715 P Street, MS 19-05, Sacramento, CA 95814
T: (916) -764-8171
E: Michael.Luksic@conservation.ca.gov

EXHIBIT 197

From: Jimenez, Roy
To: John Buada
Cc: Herb Lang
Subject: RE: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031
Date: Wednesday, June 15, 2022 4:14:00 PM
Attachments: 10-0031_2022-06-15_FACE_NC-signed.pdf
image001.png
MRRC-1 Riverbend Sand and Gravel.pdf
NOCI Riverbend Sand and Gravel.pdf

Please excuse the previous email since I neglected to attach the wrong mine site.

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov

Thank you.

Roy Jimenez, Jr.| **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, April 26, 2022 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Re: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

Roy,

Please see attached complete FACE.
I apologize for the confusion.

On Tue, Apr 26, 2022 at 2:42 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

Roy Jimenez, Jr.| **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, March 29, 2022 4:33 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2021-22 Financial Assurance Cost Estimate (FACE) for Riverbend Sand and Gravel Mine ID# 91-01-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

From: Jimenez, Roy
To: John Buada
Cc: Herb Lang
Subject: RE: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031
Date: Wednesday, June 15, 2022 4:07:00 PM
Attachments: 10-0031_2022-06-15_FACE_NC-signed.pdf
image001.png
MRRC-1 Carmelita Mine.pdf
NOCI Carmelita Mine.pdf

John

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov

Thank you.

Roy Jimenez, Jr.| **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Tuesday, April 26, 2022 3:22 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Re: FW: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

Roy,

Please see attached complete FACE.
I apologize for the confusion.

On Tue, Apr 26, 2022 at 2:42 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

Roy Jimenez, Jr.| **Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>

Sent: Tuesday, March 29, 2022 4:33 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend Sand & Gravel Updated FACE Mine ID# 91-01-0031

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2021-22 Financial Assurance Cost Estimate (FACE) for Riverbend Sand and Gravel Mine ID# 91-01-0031. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by email at jcbuada@buada.com.

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

EXHIBIT 198

From: ~~Jimenez, Roy~~
To: ~~iblang@yahoo.com~~
Subject: RE: Annual SMARA Inspection - Riverbend
Date: Friday, December 2, 2022 2:17:00 PM
Attachments: ~~image001.png~~

Will do. Thank you

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Herb Lang <iblang@yahoo.com>
Sent: Friday, December 02, 2022 2:16 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: Annual SMARA Inspection - Riverbend

10:45 works for me. I will see you then. Anything changes let me know.

Sent from Yahoo Mail on Android

On Fri, Dec 2, 2022 at 2:05 PM, Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

> I have inspection at the old Teichert Sante Fe site at 10 am. I can meet up before or perhaps after. 10:30-10:45?
>
> **From:** Herb Lang <iblang@yahoo.com>
> **Sent:** Friday, December 02, 2022 2:03 PM
> **To:** Jimenez, Roy <RJJimenez@fresnocountyca.gov>
> **Subject:** Re: Annual SMARA Inspection - Riverbend
>
> CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK
>
> On Friday, December 2, 2022 at 01:41:59 PM PST, Jimenez, Roy <rjjimenez@fresnocountyca.gov> wrote:
>
> Hi Herb,
>
> I will be in the area on Monday, January 12th and was wondering if you are available to meet at the site for SMARA

annual inspection. If not please let me know what day works best for you.

Roy

As of now that day is open , what time are you thinking about ? Let me know when you have time to think about it. No rush .

Thanks Herb

Thank you.

Roy Jimenez, Jr.|**Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066

Your input matters! Customer Service Survey

EXHIBIT 199

From: Randall , David A.
To: Motta, Chris
Subject: RE: PRA 22-567 12/26/22
Date: Tuesday, December 20, 2022 8:52:07 AM
Attachments: image002.png
image003.png

Yes, we already have provided the files to County Council for review from the CUP we are only seeking any additional relevant files Augie may have.

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, December 19, 2022 11:45 AM
To: Randall , David A. <drandall@fresnocountyca.gov>; Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: FW: PRA 22-567 12/26/22
Importance: High

We're the lead on this not WNR. Please start looking for the file materials. There's probably very little that Augie's unit has since mining has not commenced.

See me if you have a question.

Thanks.

Chris W. Motta, MURP | **Principal Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Martin, Raymond <rmartin@fresnocountyca.gov>
Sent: Monday, December 19, 2022 11:19 AM
To: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Cc: Avalos, Michelle <mavalos@fresnocountyca.gov>; Randall , David A. <drandall@fresnocountyca.gov>
Subject: FW: PRA 22-567 12/26/22
Importance: High

Hey Augustine,

Sr. Planner David recommended I forward this request to you as the requestor is seeking mining reclamation documents and such. Would you be able to provide those if available?

Thanks!

Raymond Martin | **Staff Analyst**
Department of Public Works and Planning |

Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305
Your input matters! Customer Service Survey

From: Avalos, Michelle <mavalos@fresnocountyca.gov>
Sent: Monday, December 19, 2022 8:45 AM
To: Randall , David A. <drandall@fresnocountyca.gov>; Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: PRA 22-567 12/26/22
Importance: High

A request for Riverbend Sand and Gravel (CA Mine #91-10-0031) conditional use permit and reclamation documents, including but not limited to, the Draft EIR and Final EIR, Planning Commission Staff Report, Conditions of Approval, CUP application, and all related findings, maps studies and technical documents

Riverbend Sand and Gravel Public Meeting on DEIR. July 30, 2014 - KIPDF.COM

SCH Number: 2013071097

Location

Coordinates 36°40'45"N 119°31'9"W

Cross Streets: Goodfellow Avenue & Riverbend Avenue,

Total Acres: 619

Parcel #s: 333-160-01, -04-05, 360-020-20 ...

Township: 14/15S

Range: 22/23E

Sections: 25,36

George H. Kenline

george.kenline@martinmarietta.com
4211 Ponderosa Ave. # C, San Diego, CA, 92123
6195102335
Martin Marietta Materials



Michelle Avalos, MBA| **Public Information Officer**
Department of Public Works and Planning
2220 Tulare St. 8th Floor Fresno, CA 93721
Main Office: (559) 600-4078 Direct: (559) 600-9985
Your input matters! Customer Service Survey

From: Motta, Chris
To: Ramirez, Augustine
Cc: Jimenez, Roy
Subject: RE: PRA 22-567 12/26/22
Date: Monday, December 19, 2022 11:43:07 AM
Attachments: image002.png
image003.png

We should for most of these documents. If your Division has any additional information you can let us know and we'll roll it in.

Chris W. Motta, MURP | **Principal Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Sent: Monday, December 19, 2022 11:28 AM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: FW: PRA 22-567 12/26/22
Importance: High

Good morning Chris,

Shouldn't Current Planning be point on this PRA? If you need help, we can certainly do so.

Augustine C. Ramirez | **Division Manager**
Department of Public Works and Planning
Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4266
How are we doing?

From: Martin, Raymond <rmartin@fresnocountyca.gov>
Sent: Monday, December 19, 2022 11:19 AM
To: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Cc: Avalos, Michelle <mavalos@fresnocountyca.gov>; Randall , David A. <drandall@fresnocountyca.gov>
Subject: FW: PRA 22-567 12/26/22
Importance: High

Hey Augustine,

Sr. Planner David recommended I forward this request to you as the requestor is seeking mining reclamation documents and such. Would you be able to provide those if available?

Thanks!

Raymond Martin | **Staff Analyst**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305
Your input matters! Customer Service Survey

From: Avalos, Michelle <mavalos@fresnocountyca.gov>
Sent: Monday, December 19, 2022 8:45 AM
To: Randall , David A. <drandall@fresnocountyca.gov>; Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: PRA 22-567 12/26/22
Importance: High

A request for Riverbend Sand and Gravel (CA Mine #91-10-0031) conditional use permit and reclamation documents, including but not limited to, the Draft EIR and Final EIR, Planning Commission Staff Report, Conditions of Approval, CUP application, and all related findings, maps studies and technical documents

Riverbend Sand and Gravel Public Meeting on DEIR. July 30, 2014 - KIPDF.COM

SCH Number: 2013071097

Location

Coordinates 36°40'45"N 119°31'9"W

Cross Streets: Goodfellow Avenue & Riverbend Avenue,

Total Acres: 619

Parcel #s: 333-160-01, -04-05, 360-020-20 ...

Township: 14/15S

Range: 22/23E

Sections: 25,36

George H. Kenline
george.kenline@martinmarietta.com
4211 Ponderosa Ave. # C, San Diego, CA, 92123
6195102335
Martin Marietta Materials



Michelle Avalos, MBA| **Public Information Officer**
Department of Public Works and Planning
2220 Tulare St. 8th Floor Fresno, CA 93721
Main Office: (559) 600-4078 Direct: (559) 600-9985
Your input matters! Customer Service Survey

EXHIBIT 200

County of Fresno

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

December 21, 2022

VIA E-MAIL ONLY

George H. Kenline
4211 Ponderosa Ave. #C,
San Diego, CA 92123

E-Mail Address: george.kenline@martinmarietta.com

RE: *Public Records Act Request No. 22-567, dated December 16, 2022*

Dear George Kenline,

This correspondence concerns your Public Records Act ("PRA") request, dated December 16, 2022 ("Your Request"), and received by the Department that same date. Please be aware that, because Your Request is presented broadly and requires Department staff to make assumptions about your request, it is possible that Department staff might not have found every record you might be intending to seek.

You have requested records as follows:

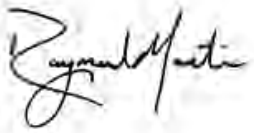
- […] for Riverbend Sand and Gravel (CA Mine #91-10-0031) conditional use permit and reclamation documents, including but not limited to, the Draft EIR and Final EIR, Planning Commission Staff Report, Conditions of Approval, CUP application, and all related findings, maps studies and technical documents

  SCH Number: 2013071097
  Location Coordinates 36°40'45"N 119°31'9"W
  Cross Streets: Goodfellow Avenue & Riverbend Avenue,
  Total Acres: 619
  Parcel #s: 333-160-01, -04-05, 360-020-20 ...
  Township: 14/15S
  Range: 22/23E
  Sections: 25,36

Based on our understanding of Your Request, the Department currently expects that any responsive public records that existed as of December 16, 2022, which is the date of your request, will be provided on or before January 9, 2022. We will inform you as soon as we can if our expectation changes.

Should you wish to amend the PRA request in Your Letter to narrow the scope of the Department's review, Department staff will further assist you to "make a focused and effective request that reasonably describes an identifiable record or records." (Gov. Code, § 6253.1, subd. (a).) To do so, please coordinate with Raymond Martin, at rmartin@fresnocountyca.gov or phone number (559) 600-4305.

Sincerely,



Raymond Martin, Staff Analyst
Department of Public Works and Planning
County of Fresno

c: Alison Samarin, County Counsel

EXHIBIT 201

From: Martin, Raymond
To: george.kenline@martinmarietta.com
Subject: Public Records Act Request No. 22-567, dated December 16, 2022
Date: Wednesday, December 21, 2022 12:40:15 PM
Attachments: PRA 22-567 Response Letter.pdf
image001.png

Hello George,

Please refer to the attached letter in response to your Public Records Request.

If you have any questions or concerns, please let me know.

Thank you,

Raymond Martin | Staff Analyst
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305
Your input matters! Customer Service Survey

EXHIBIT 202

From: George Kenline
To: Martin, Raymond
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022
Date: Tuesday, January 10, 2023 10:13:09 AM
Attachments: image001.png
Your County of Fresno public records request #22-567 has been closed..msg
Your County of Fresno public records request #22-567 has been reopened..msg
PRA 22-567 Response Letter.pdf

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good Morning Raymond,

I hope the new year is going well for you and the tasks carried over from December have diminished. Given the status of the attached email notices, is it safe to say the request is still open?

Thank you for your assistance.

George Kenline, PG CEG CHG
Mineral Resources Development Manager

Martin Marietta
4211 Ponderosa Ave. # C, San Diego, CA 92123
m. (619) 510-2335
e. George.Kenline@martinmarietta.com
www.martinmarietta.com

From: Martin, Raymond <rmartin@fresnocountyca.gov>
Sent: Wednesday, December 21, 2022 12:40 PM
To: George Kenline <George.Kenline@martinmarietta.com>
Subject: Public Records Act Request No. 22-567, dated December 16, 2022

EXTERNAL EMAIL

Hello George,

Please refer to the attached letter in response to your Public Records Request.

If you have any questions or concerns, please let me know.

Thank you,

Raymond Martin | Staff Analyst
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305

> Your input matters! Customer Service Survey

EXHIBIT 203

From: Avalos, Michelle
To: George Kenline
Cc: Martin, Raymond
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022
Date: Monday, January 23, 2023 3:07:00 PM
Attachments: image001.png

Your are welcome. Thank you as well.

Michelle Avalos, MBA| **Public Information Officer**
Department of Public Works and Planning
2220 Tulare St. 8th Floor Fresno, CA 93721
Main Office: (559) 600-4078 Direct: (559) 600-9985
Your input matters! Customer Service Survey

From: George Kenline <George.Kenline@martinmarietta.com>
Sent: Monday, January 23, 2023 2:57 PM
To: Avalos, Michelle <mavalos@fresnocountyca.gov>
Cc: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

Got it… thank you so much Michelle

George Kenline, PG CEG CHG
Mineral Resources Development Manager

Martin Marietta
4211 Ponderosa Ave. # C, San Diego, CA 92123
m. (619) 510-2335
e. George.Kenline@martinmarietta.com
www.martinmarietta.com

From: Avalos, Michelle <mavalos@fresnocountyca.gov>
Sent: Monday, January 23, 2023 2:54 PM
To: George Kenline <George.Kenline@martinmarietta.com>
Cc: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

EXTERNAL EMAIL

Hello George,

Yes it is available and is uploaded.

Thank you,

Michelle Avalos, MBA| **Public Information Officer**
Department of Public Works and Planning
2220 Tulare St. 8th Floor Fresno, CA 93721
Main Office: (559) 600-4078 Direct: (559) 600-9985
Your input matters! Customer Service Survey

From: George Kenline <George.Kenline@martinmarietta.com>
Sent: Monday, January 23, 2023 11:33 AM
To: Avalos, Michelle <mavalos@fresnocountyca.gov>
Cc: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

Good Morning Michelle,

Thank you for the documents. I have successfully downloaded all of the posted documents.

In reviewing all of the documents, I can't seem to identify a copy of the Draft EIR? The July 30, 2014 public meeting was held for the Riverbend Sand and Gravel Project Draft EIR (dated July 17, 2014). I have the appendices, but not the DEIR-titled document. Is that available?

NOTE: THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR - ENVIRONMENTAL IMPACT REPORT NO. 6606 – STATE CLEARINGHOUSE NO. 2013071097) WAS RELEASED ON JULY 17, 2014 AND MUCH OF THE PROJECT INFORMATION WAS MADE AVAILABLE WITH THAT DOCUMENT WHICH WAS PREVIOUSLY MADE AVAILABLE TO YOUR AGENCY FOR REVIEW UNDER THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE PURPOSE OF THIS ROUTING IS TO SOLICIT ADDITIONAL COMMENTS FROM YOUR AGENCY/ORGANIZATION SPECIFIC TO UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3390.

The Project's Environmental Impact Report - State Clearinghouse No. 2013071097 may also be reviewed for reference purposes at:

http://www.co.fresno.ca.us/departmentpage.aspx?id=54051

Thank you for your assistance.

George Kenline, PG CEG CHG
Mineral Resources Development Manager

Martin Marietta
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e. George.Kenline@martinmarietta.com
www.martinmarietta.com

From: Avalos, Michelle <mavalos@fresnocountyca.gov>
Sent: Monday, January 23, 2023 10:09 AM
To: George Kenline <George.Kenline@martinmarietta.com>
Cc: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

EXTERNAL EMAIL

Good Morning,

I apologize for not calling you back. I uploaded the documents individually vs. the link and it was able upload like that. Please take a look at the documents and let me know that you can now view them. Once I get confirmation that you can view I will go ahead and close out your request.

Thank you,

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From: Martin, Raymond <rmartin@fresnocountyca.gov>
Sent: Monday, January 23, 2023 9:46 AM
To: Avalos, Michelle <mavalos@fresnocountyca.gov>
Subject: FW: Public Records Act Request No. 22-567, dated December 16, 2022

Raymond Martin| **Staff Analyst**
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From: George Kenline <George.Kenline@martinmarietta.com>
Sent: Monday, January 23, 2023 8:53 AM
To: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

Good Morning Raymond,

I haven't been contacted by the PIO officer yet or see the documents uploaded

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To: 'Martin, Raymond' <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

Thank you Raymond

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From: Martin, Raymond <rmartin@fresnocountyca.gov>
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To: George Kenline <George.Kenline@martinmarietta.com>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

EXTERNAL EMAIL

Hello George, your documents are ready for release. The County Public Information Officer should be in contact with you shortly. The documents should be made available on the NextRequest website, shortly.

Let me know if you have any questions.

Raymond Martin | Staff Analyst
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From: George Kenline <George.Kenline@martinmarietta.com>
Sent: Tuesday, January 17, 2023 1:17 PM
To: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

Hi Raymond,

Just checking in

George Kenline, PG CEG CHG
Mineral Resources Development Manager

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From: Martin, Raymond <rmartin@fresnocountyca.gov>
Sent: Tuesday, January 10, 2023 10:16 AM
To: George Kenline <George.Kenline@martinmarietta.com>
Subject: RE: Public Records Act Request No. 22-567, dated December 16, 2022

EXTERNAL EMAIL

Hello George,

I apologize for the delay. The request is still open.

I will respond ASAP with an estimate on when the documents will be released.

Thanks.

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From: George Kenline <George.Kenline@martinmarietta.com>
Sent: Tuesday, January 10, 2023 10:11 AM
To: Martin, Raymond <rmartin@fresnocountyca.gov>
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Good Morning Raymond,

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Thank you for your assistance.

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From: Martin, Raymond
To: Avalos, Michelle
Subject: FW: Public Records Act Request No. 22-567, dated December 16, 2022
Date: Monday, January 23, 2023 12:08:40 PM
Attachments: image001.png

Hey Michelle.

I added the draft EIR to the docs approved for release.

Could you upload it?

Riverbend Exec Summary DEIR 7-8-14

Raymond Martin | Staff Analyst
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Your input matters! Customer Service Survey

EXHIBIT 204

From: County of Fresno - Public Records Requests
To: Avalos, Michelle
Subject: County of Fresno NextRequest Daily Digest
Date: Tuesday, January 24, 2023 3:34:17 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

County of Fresno Public Records

Your Daily Notification Digest for the 24 hours ending Tuesday, January 24, 2023 at 3:00 am

The following requests you are associated with have had activity in the past 24 hours (all times in Pacific Time):

Request #23-47 (Due: January 30, 2023)

- New Point of Contact: Michelle Avalos on January 23 at 2:49 pm
- Support Staff Added: Lori Tigson on January 23 at 2:49 pm
- Department Assignment: Added: Public Works & Planning. on January 23 at 2:49 pm

Request #23-54 (Due: February 2, 2023)

- Request Opened: Request received via web on January 23 at 2:34 pm
- Request Visibility: All Staff on January 23 at 2:34 pm
- Department Assignment: Public Works & Planning on January 23 at 2:34 pm
- Support Staff Added: Lori Tigson on January 23 at 2:34 pm
- External Message (): Thank you for your request. We will respond within 10 day... on January 23 at 2:34 pm

Request #23-24 (Due: January 20, 2023)

- Request Closed by Michelle Avalos: We do not have the records you requested. We suggest you ... on January 23 at 4:45 pm
- External Message (Michelle Avalos): Hello and thank you for your request. Please contact the ... on January 23 at 4:45 pm

Request #22-586 (Due: January 20, 2023)

- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:06 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:06 pm
- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:06 pm

Request #22-587 (Due: January 20, 2023)

- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:07 pm

Request #23-11 (Due: January 14, 2023)

- Document(s) Released to Requester: RE_ PRA 23-11 overdue 1-14-23.msg on January 23 at 4:57 pm
- Document(s) Added: RE_ PRA 23-11 overdue 1-14-23.msg on January 23 at 4:57 pm

Request #22-589 (Due: January 20, 2023)

- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:07 pm

Request #22-588 (Due: January 20, 2023)

- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:07 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:07 pm

Request #23-41 (Due: January 29, 2023)

- New Point of Contact: Michelle Avalos on January 23 at 3:41 pm
- Support Staff Added: Lori Tigson on January 23 at 3:41 pm
- Department Assignment: Added: Public Works & Planning. on January 23 at 3:41 pm

Request #22-567 (Due: December 26, 2022)

- External Message (George H. Kenline): Hello, Have the requested documents (Request 22-567) been... on January 23 at 9:15 am
- Document(s) Released to Requester: 33207153-52.pdf 33316001s.pdf 33306104-05.pdf 35004112.pd... on January 23 at 10:03 am
- Document(s) Released to Requester: Riverbend Form Ltr Request Re Setback 8-2014.pdf OpStatem... on January 23 at 10:05 am
- Document(s) Released to Requester: CityofReedley Comments 8-28-14.pdf El Rio Reyes ConservTr... on January 23 at 10:01 am
- Document(s) Added: 3rd Party AdminConsultAgree 2015.pdf CUP3390 MM Reimburse... on January 23 at 10:03 am
- Document(s) Released to Requester: SMRP RiverbendReclamationPlan WebPost.pdf SMRP RiverbendS... on January 23 at 10:02 am
- Document(s) Released to Requester: PROPERTIES NEAR RIVERBEND PROJECT.docx MMRP and Condition... on January 23 at 10:01 am
- Document(s) Released to Requester: Revised Applicant Mtg 12-3-14 Agenda.pdf SangerUSDFacilit... on January 23 at 10:03 am
- Document(s) Added: 33207153-52.pdf 33316001s.pdf 33306104-05.pdf 35004112.pd... on January 23 at 10:03 am
- Document(s) Released to Requester: Form Ltrs (5) Request Re Setback 8-2014.pdf CUP3390 Randa... on January 23 at 10:04 am
- Document(s) Added: Riverbend Form Ltr Request Re Setback 8-2014.pdf OpStatem... on January 23 at 10:05 am
- Document(s) Added: Form Ltrs (5) Request Re Setback 8-2014.pdf CUP3390 Randa... on January 23 at 10:04 am
- Document(s) Released to Requester: RiverbendElevations.pdf UCUP 3390 Routing (Riverbend).doc... on January 23 at 10:02 am
- Document(s) Released to Requester: SESPE Consult-CvrLtrforProposal 3-21-13.pdf DeNovoProposa... on January 23 at 10:03 am
- Document(s) Added: Pages from Pages from Exhibits to BOS Agenda Item.pdf Pag... on January 23 at 10:02 am
- Document(s) Added: CityofReedley Comments 8-28-14.pdf El Rio Reyes ConservTr... on January 23 at 10:01 am
- Document(s) Added: RiverbendElevations.pdf UCUP 3390 Routing (Riverbend).doc... on January 23 at 10:02 am
- Document(s) Added: CUP3390 NoticeofAvailability DEIR.pdf OpStatementRiverben... on January 23 at 10:01 am
- Document(s) Added: PROPERTIES NEAR RIVERBEND PROJECT.docx MMRP and Condition... on January 23 at 10:01 am
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- Document(s) Released to Requester: Pages from Pages from Exhibits to BOS Agenda Item.pdf Pag... on January 23 at 10:02 am
- Document(s) Added: SMRP RiverbendReclamationPlan WebPost.pdf SMRP RiverbendS... on January 23 at 10:02 am
- Document(s) Added: SESPE Consult-CvrLtrforProposal 3-21-13.pdf DeNovoProposa... on January 23 at 10:03 am
- Document(s) Added: Revised Applicant Mtg 12-3-14 Agenda.pdf SangerUSDFacilit... on January 23 at 10:03 am
- Document(s) Released to Requester: Riverbend Exec Summary DEIR 7-8-14.pdf on January 23 at 2:50 pm
- Document(s) Added: Riverbend Exec Summary DEIR 7-8-14.pdf on January 23 at 2:50 pm

Request #23-43 (Due: January 29, 2023)

- Support Staff Added: Aphivanh Xayavath James Sponsler on January 23 at 4:34 pm
- Department Assignment: Added: Public Health. on January 23 at 4:34 pm

Request #23-30 (Due: January 22, 2023)

- Document(s) Released to Requester: RE_ PRA 23-30 - Radsick due 1-22-23.msg on January 23 at 4:57 pm
- Document(s) Added: RE_ PRA 23-30 - Radsick due 1-22-23.msg on January 23 at 4:57 pm
- Request Closed by Michelle Avalos: The record you asked for does not exist. You may contact ... on January 23 at 4:58 pm

Request #23-34 (Due: January 23, 2023)

- Request Closed by Michelle Avalos: We do not have the records you requested. We suggest you ... on January 23 at 4:39 pm
- External Message (Michelle Avalos): Hello and thank you for your request. Please contact the ... on January 23 at 4:39 pm

Request #23-36 (Due: January 27, 2023)

- Request Closed by Michelle Avalos: We do not have the records you requested. We suggest you ... on January 23 at 4:38 pm
- Document(s) Added: RE_ PRA 23-36 due 1-27-23.msg on January 23 at 4:39 pm

Request #23-42 (Due: January 29, 2023)

- New Point of Contact: Michelle Avalos on January 23 at 3:42 pm
- Support Staff Added: Lori Tigson on January 23 at 3:42 pm
- Department Assignment: Added: Public Works & Planning. on January 23 at 3:42 pm

Request #22-248 (Due: July 11, 2022)

- Request Visibility: Published (was All Staff) on January 23 at 7:49 am
- Request Published by County Public Records Clerk (CAO) on January 23 at 7:49 am
- Request Closed by County Public Records Clerk (CAO): We closed this request after we were unable to contact yo... on January 23 at 7:49 am

Request #22-548 (Due: December 12, 2022)

- Document(s) Released to Requester: Malaga NOP for BJ.pdf on January 23 at 3:21 pm
- Document(s) Added: IOM Request for Invoice - 5.20.22.pdf Malaga Industrial D... on January 23 at 3:18 pm
- Document(s) Added: EIR 7524 Comments NAHC.pdf EIR 7524 Comments NAHC.msg on January 23 at 3:19 pm
- Document(s) Added: Malaga Scoping Meeting presentation 11-22-22.ppt on January 23 at 3:19 pm
- Document(s) Added: EIR 7524 List Special Interest Group.xlsx on January 23 at 3:21 pm
- Document(s) Added: Malaga EIR Proposed Scope- DTC comments.pdf Malaga EIR Pr... on January 23 at 3:13 pm
- Document(s) Released to Requester: EIR 7524 147 SurPOs by 5280 Feet.xlsx EIR 7524 SurPOs by ... on January 23 at 3:18 pm
- Document(s) Released to Requester: CB Extra Services Request Malaga 3-11-21.pdf on January 23 at 3:11 pm
- Document(s) Added: CB Extra Services Request Malaga 3-11-21.pdf on January 23 at 3:11 pm
- Document(s) Added: EIR 7524 147 SurPOs by 5280 Feet.xlsx EIR 7524 SurPOs by ... on January 23 at 3:18 pm
- Document(s) Released to Requester: Malaga Scoping Meeting presentation 11-22-22.ppt on January 23 at 3:19 pm
- Document(s) Added: Malaga Industrial Draft Project Description 3-6-20 mm.pdf on January 23 at 3:14 pm
- Document(s) Added: Underwriters at Lloyds - AMBEST Rating.pdf Sentinel Insur... on January 23 at 3:09 pm
- Document(s) Released to Requester: EIR 7524 Comments NAHC.pdf EIR 7524 Comments NAHC.msg on January 23 at 3:19 pm
- Document(s) Released to Requester: EIR 7524 - Consultant Agmt Cover Ltr.pdf EIR 7524 - Consu... on January 23 at 3:11 pm
- Document(s) Released to Requester: Underwriters at Lloyds - AMBEST Rating.pdf Sentinel Insur... on January 23 at 3:09 pm
- Document(s) Released to Requester: Malaga NOP to Clerk.pdf Malaga NOP Figures.pdf Malaga NOP... on January 23 at 3:27 pm
- Document(s) Added: EIR 7524 - Consultant Agmt Cover Ltr.pdf EIR 7524 - Consu... on January 23 at 3:11 pm
- Document(s) Added: EIR 7524 Return Appl Agmt to Applicant.pdf EIR 7524 Routi... on January 23 at 3:12 pm
- Document(s) Released to Requester: Malaga Industrial Draft Project Description 3-6-20 mm.pdf on January 23 at 3:14 pm
- Document(s) Released to Requester: EIR 7524 Return Appl Agmt to Applicant.pdf EIR 7524 Routi... on January 23 at 3:12 pm
- Document(s) Released to Requester: EIR 7524 List Special Interest Group.xlsx on January 23 at 3:21 pm
- Document(s) Released to Requester: Malaga EIR Proposed Scope- DTC comments.pdf Malaga EIR Pr... on January 23 at 3:13 pm

- Document(s) Released to Requester: EIR 7524 CMM Emails.pst on January 23 at 3:14 pm
- Document(s) Added: Malaga NOP to Clerk.pdf Malaga NOP Figures.pdf Malaga NOP... on January 23 at 3:27 pm
- Document(s) Added: EIR 7524 CMM Emails.pst on January 23 at 3:14 pm
- Document(s) Released to Requester: IOM Request for Invoice - 5.20.22.pdf Malaga Industrial D... on January 23 at 3:18 pm
- Document(s) Added: Malaga NOP for BJ.pdf on January 23 at 3:21 pm
- Document(s) Added: NOC for NOP (signed).pdf Malaga NOP Recorded.pdf on January 23 at 3:29 pm
- Document(s) Released to Requester: NOC for NOP (signed).pdf Malaga NOP Recorded.pdf on January 23 at 3:29 pm
- Document(s) Added: Staff Presentation NOP Scoping Meeting..pdf on January 23 at 3:45 pm
- Document(s) Released to Requester: Staff Presentation NOP Scoping Meeting..pdf on January 23 at 3:45 pm
- Document(s) Added: 2022-11-29 Malaga Industrial Development NOP EIR No. 7524... on January 23 at 3:47 pm
- Document(s) Released to Requester: 2022-11-29 Malaga Industrial Development NOP EIR No. 7524... on January 23 at 3:47 pm

Request #22-590 (Due: January 20, 2023)

- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:08 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:08 pm
- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:08 pm

Request #22-585 (Due: January 20, 2023)

- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:06 pm
- Document(s) Added: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:05 pm
- Request Closed by Michelle Avalos: All records have been released, and your request has been... on January 23 at 5:06 pm
- Document(s) Released to Requester: FW_ PRA 22-585_ 586_ 587_ 588_ 589_ 590 and 23-6 Extensio... on January 23 at 5:06 pm

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EXHIBIT 205

FINANCIAL ASSURANCE COST ESTIMATE

FOR

RIVERBEND SAND AND GRAVEL

CA Mine ID# 91-10-0031

Reclamation Plan #/Name 3390 Riverbend Sand and Gravel

Prepared by: *(Name & Affiliation)*	This financial assurance cost estimate and submitted pursuant to (choose one):
Buada Associates, Inc. 4872 N Arcade Ave Fresno, Ca 93704 559-269-1376 Date: January 26, 2023	☐ A new or amended reclamation plan approved on (Date): An annual mine inspection performed on ☒ (Date): November 28, 2023 ☐ Other: Please Specify:

Most Recent Approved Financial Assurance Cost Estimate

Date: 6/29/2023

Amount: $ 259,309

Amount of existing Financial Assurance Mechanism(s)

Date: 4/17/2019

Amount: $ 259,309

I. SUPPORTING DOCUMENTS

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

Reclamation Plan Approval Date and Number

Surface Mining and Reclamation Plan for Unclassified Conditional use Permit No. 3390 approved February,26, 2015

Permits and/or Environmental Documents Approved as, or Conditional upon, the Reclamation Plan

FEIR, SCH# 2013071097

Other Agency Financial Assurances Securing Reclamation of Disturbed Lands

None

Wage Rates used in Cost Estimate* *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (http://www.dir.ca.gov/OPRL/PWD/index.htm) with employer labor surcharge added, or greater)*

California Department of Industrial Relations, General Prevailing Wage Determinations made by the Director of Industrial Relations, Index 2022-2, Northern California, Area 2

Equipment Rates used in Cost Estimates* *(use current 'Labor Surchage and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (http://www.dot.ca.gov/hq/construc/equipmnt.html) or other*

Caltrans Labor Surcharge and Equipment Rental Rates, April 1, 2023 - March 31, 2024.

Equipment Production Rates used in Cost Estimate *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Caterpillar Performance Handbook 49

**Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

Attachments:

1. Figure
2. Division of Mine Reclamation Graphs
3. Supporting Information

II. Description of Current Site Conditions

(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)

The Riverbend Sand and Gravel site is located in Fresno County, California, approximately 1.5 miles southeast of the City of Sanger and includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E. Access to the site is north from Goodfellow Ave.

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres cleared for future stockpiles.

This estimate includes completion of all reclamation activities that are necessary to achieve safe and stable conditions at the site based on current site conditions plus the anticipated conditions for a one year period or through 2022.

Reclamation of the site will include removal of mobile equipment and structures, removal of footings and pavement, backfilling, and finish grading using overburden and topsoil from previous grading. The plant site is scheduled to be mined as the last mining phase in about 70 years. Therefore, if reclamation of the plant site is required to be reclaimed following 2022, the plant area will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

III. Description of Anticipated Site Conditions (12 months from date of estimate)

(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)

Groundbreaking in preparation for construction of the aggregate processing plant may be initiated in 2024. The processing facilities are to be located on the 52 acres of Phase 9. Potential processing equipment would consist of crushers, screens, material conveyors and stackers.

IV. Description/Justification of Cost Increase/Decrease

The reclamation cost for the site was calculated to remain $ 259,309 since subsequent to the last cost estimate no disturbance has occurred and no additional activities are anticipated other than were already included in the last estimate.

(add additional pages as needed)

V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.

Current Site Condition:

The 619 acre site is relatively flat and is currently in walnut and olive orchards and grape vineyards with several farm residences. Currently the only area disturbed for mining activity are 26 acres of the future 52 acres plant site cleared for future stockpiles.

Reclamation Plan Performance Standard (End Use):

The reclamation plan is designed to return as much land as possible back to farmland. For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, reclamation will be to riparian and open water wildlife habitat. The only potential disturbed land during 2024 would be groundbreaking of the 52 acre plant site (Phase 9) in preparation for construction of the aggregate processing plant and the access road from Goodfellow Avenue.. The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2024 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2024, the plant site will be will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Describe tasks:

Plant structure and ancillary equipment removal tasks are described on the following sheets.

Equipment on site wholly owned by operator?: [X] [ ] NO

(if no, please provide the name/s and contact information for any lien holder)

(add additional pages as needed)

V. Plant Structures & Equipment Removal

A. Equipment: See following sheets V.1 to V.6	Cost
Plant Removal	19,254
Support Structures Removal	6,167
Concrete Removal	1,635
Mobile Equipment Removal	2,617
Miscellaneous Rubish Removal	2,422
Underground Pipe Removal	4,172
Total Equipment Cost	36,267

B. Labor: See following sheets V.1 to V.6	Cost
Plant Removal	25,335
Support Structures Removal	6,350
Concrete Removal	2,024
Mobile Equipment Removal	2,485
Miscellaneous Rubish Removal	2,836
Underground Pipe Removal	5,465
Total Labor Cost	44,495

C. Demolition: See following sheets V.1 to V.6	Cost
Plant Removal	
Support Structures Removal	22,500
Concrete Removal	1,913
Mobile Equipment Removal	
Miscellaneous Rubish Removal	3,938
Underground Pipe Removal	563
Total Demolition Costs	28,914

D, Total Direct Cost of Structure and Equipment Removal (Sum A+B +C)

Equipment Cost + Labor Cost + Demolition Cost = 109,676

E. Net Salvage Value* (Supported by properly prepared third party estimate, bid, or cost calculation)

Net Salvage Value = 0

F. Total Cost of Structure and Eqjuipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = **109,676**

NOTE: Above Total Cost will display $0.00 if net of entered removal costs and salvage value is negative.

*Note: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

Task V.1 - Plant Removal

All plant equipment will need to be removed from the site. Plant equipment on the site could include a processing plant with multiple crushers, hoppers, screens, and conveyors.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	80.00	68.43	5,474
Haul Structures	Semi-truck with 3-axle low-boy	2	40.00	23.36	1,869
Load Structures	950G Wheel Loader	1	80.00	98.93	7,914
Transportation	Pickup Truck	2	80.00	24.98	3,997
				Total	**19,254**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	80.00	75.18	6,014
Haul Structures	Teamster Group 4	2	40.00	61.12	4,890
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	80.00	73.41	5,873
Transportation	Laborer Group 3	2	80.00	53.49	8,558
				Total	**25,335**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
					-

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	19,254
Labor	25,335
Other Costs	0
Total	**44,590**

Task V.2 Support Structures Removal

Support structures could include a mobile scale house, mobile plant control room, mobile office trailer and water tank.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo Structures	Grove RT 625 40t Crane	1	24.00	68.43	1,642
Haul Structures	Semi-Truck	2	12.00	66.25	1,590
Haul Structures	3-axle Lowbed trailer	2	12.00	23.36	561
Load Structures	950G Wheel Loader	1	24.00	98.93	2,374
Transportation	Pickup Truck	1	24.00	24.98	
				Total	**6,167**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo Structures	Operating Engineer (Heavy) Group 3A (crane)	1	24.00	75.18	1,804
Haul Structures	Teamster Group 4	2	12.00	61.12	1,467
Load Structures	Operating Engineer (Heavy) Group 4 (loader)	1	24.00	74.79	1,795
Transportation	Laborer Group 3	1	24.00	53.49	1,284
				Total	**6,350**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	1,000	Tons	22.5	22,500
				Total	**22,500**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

No salvage value assumed for purpose of offsetting removal costs

Total Cost Summary

Item	Cost
Equipment	6,167
Labor	6,350
Other Costs	22,500
Total	**35,017**

Task V.3 - Concrete Removal

Concrete supporting various equipment will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Demo concrete	CAT 315L Excavator with H120E Hydraulic Hammer*	1	4	64.07	256
Load Rubble	950G Wheel Loader	1	2	166.82	334
Haul Rubble	4-axle On-Highway Dump Truck	5	3	69.64	1,045
Transportation	Pickup Truck	1	8	24.98	200
				Total	**1,635**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*
* Cost Increase by 20% to account for attachments

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Demo concrete	Operating Engineer (Heavy) Group 3A (excavator)	1	4	74.79	299
Load Rubble	Operating Engineer (Heavy) Group 4 (loader)	1	1	74.79	75
Haul Rubble	Teamster Group 4	5	4	61.12	1,222
Labor	Laborer Group 3	1	8	53.49	428
				Total	**2,024**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	85	Tons	22.5	1,913
				Total	**1,913**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

According to the CAT Handbook, an H120c hydraulic hammer attached to a 315L excavator can demolish approximately 230 cubic yards (yd3) of reinforced concrete within 8 hours. Based on an estimated 85 yd3 concrete it will take 3 hours to demolish the concrete. Once the concrete has been broken into pieces that are 2-feet in diameter or smaller, a Caterpillar 980 Loader will be used to load the concrete pieces into haul trucks. It will take approximately 1 hour for the loader to load 85 yd3 into the trucks. It is estimated that each truckload will have a capacity of 17 yd3. To increase the efficiency of the loading operation 5 haul trucks will be used. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	1,635
Labor	2,024
Other Costs	1,913
Total	**5,571**

Task V.4 - Mobile Equipment Removal

Mobile equipment mau incude CAT 140 Motorgrader, CAT 980 Front End Loader, Cat 349 Excavator, Kamatsu 750 Excavator, CAT D9 Dozer, CAT Skid Steer, Ford F-650 Water Truck, Volvo A40E Haul Truck, JLG Skytrak Forklift

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Equipment	Grove RT 525 40t Crane	1	5	59.50	298
Haul Truck	Semi Truck	2	12	69.24	1,662
Haul Small Equip.	3-axle Lowbed trailer	1	6	23.36	140
Haul Large Equip.	6 axle Lowbed Trailer	1	6	64.29	386
Pilot Car	Pilot Car	1	6	22.02	132
				Total	**2,617**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Equipment	Operating Engineer (Heavy) Group 3A (crane)	1	5	75.18	376
Haul Truck	Teamster Group 4	2	12	61.12	1,467
Pilot Car	Laborer Group 3 (pilot car)	1	6	53.49	321
Labor	Laborer Group 3	1	6	53.49	321
				Total	**2,485**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

It is assumed that all of the mining equipment will be in good repair and can be loaded directly onto a lowboy trailer and removed from the site. Removing equipment as large as the Kamatsu 750 Excavator and the haul trucks will require a six axle lowboy trailer, pilot cars and CHP escorts. Smaller equipment will only require a three axle lowboy trailer and no pilot cars. It is estimated that 3 hours will be required to remove the larger pieces of equipment and two hours will be required for the smaller pieces of equipment from the site.
A majority of the vehicles and excavation machinery have a salvage value that exceeds the costs incurred in their removal; however, to remain conservative, no salvage value was assumed in this estimate.

Total Cost Summary

Item	Cost
Equipment	2,617
Labor	2,485
Other Costs	
Total	**5,102**

Task V.5 - Miscelleanous Rubbish Removal
Miscellaneous plant equipment, parts and rubishe must be removed

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Load Material	Grove RT 525 25t Crane	1	8.00	59.80	478
Load Material	CAT 938G Wheel Loader	1	7.00	82.11	575
Haul Material	4 axle On highway Dump Truck	2	7.00	69.24	969
Transportation	Pickup Truck	2	8.00	24.98	400
				Total	**2,422**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Load Material	Operating Engineer (Heavy) Group 3A (crane)	1	8.00	75.18	601
Load Material	Operating Engineer (Heavy) Group 4 (loader)	1	7.00	74.79	524
Haul Material	Teamster Group 4	2	7.00	61.12	856
Transportation	Laborer Group 3	2	8.00	53.49	856
				Total	**2,836**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	175	Tons	22.5	3,938
				Total	**3,938**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations
Approximately 7 loads (175 tons) of miscellaneous plant equipment and rubbish may be located around the site. it is assumed that all equipment and rubbish will be loaded into an end dump trailer and hauled to the County Landfill. Each load will require approximately two hours including loading, unloading, and travel time.

Total Cost Summary

Item	Cost
Equipment	2,422
Labor	2,836
Other Costs	3,938
Total	**9,196**

Task V.6 - Underground Pipe Removal
Underground piping will have to be removed.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	CAT 315L Excavator	1	40.00	49.80	1,992
Load Pipe/Fill Trench	CAT 938G Wheel Loader	1	20.00	82.11	1,642
Haul Material	4 axle On highway Dump Truck	1	2.00	69.24	138
Transportation	Pickup Truck	1	16.00	24.98	400
				Total	**4,172**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Expose/Load Pipe	Operating Engineer (Heavy) Group 3A (excavator)	1	40.00	74.79	2,992
Load Pipe/Fill Trench	Operating Engineer (Heavy) Group 4 (loader)	1	20.00	74.79	1,496
Haul Material	Teamster Group 4	1	2.00	61.12	122
Transportation	Laborer Group 3	1	16.00	53.49	856
				Total	**5,465**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
Disposal	Landfill Fee	25	Tons	22.5	563
				Total	**563**

Source: Fresno County American Avenue Landfill

Assumptions and Calculations

Approximately 3,800 feet of 2-inch PVC underground pipe may need to be dug up and removed. A Cat 315 excavator will be used to unearth the pipe and maneuver the sections of pipe. All of the pipe will then be dismantled into smaller 50-foot segments and loaded onto a flatbed truck. A Cat 938 loader will be used to fill in the trench and assist in loading the sections of pipe. It is anticipated that one truck load will be required to transport the pipe from the site to a landfill.

Total Cost Summary

Item	Cost
Equipment	4,172
Labor	5,465
Other Costs	563
Total	**10,200**

VI. Primary Reclamation Activity

A. Equipment: See following sheets VI.1 to VI.2	Cost
Site Grading	4,888
Finish Grading	10,507
Total Equipment Cost	15,395

B. Labor: See following sheets VI.1 to VI.2	Cost
Site Grading	2,410
Finish Grading	13,605
Total Labor Cost	16,015

C. Materilas: See following sheets VI.1 to VI.2	Cost
Site Grading	
Finish Grading	
Total Materials Costs	0

D, Total Direct Cost of Primary Reclamation Activity (Sum A+B+C)

Equipment Cost + Labor Cost + Materials Cost = **31,410**

Task VI.1 Site Grading

The planned reclaimed end use for the plant site in 75 years is to be open water wildlife habitat following mining of the site. However, the plant site will not have been mined in 2022 so reclamation to open water habitat would not be feasible. Therefore, if reclamation was required at the end of 2022, the 52-acre plant site will be revegetated with native species for erosion control. The reclamation plan indicates the paved access road will remain as access for farming operations.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Grading	CAT D9 Dozer	1	18	217.85	3,921
Dust Control	4,000-gal Water Truck	1	18	53.72	967
				Total	**4,888**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

	Labor Category	Quantity	Hours	$/Hour	Cost
Grading	Operating Engineer (Heavy) Group 4 (dozer)	1	18	73.41	1,321
Dust Control	Teamster Group 2	1	18	60.47	1,088
				Total	**2,410**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Production rates for a D9 bulldozer equipped with a V-blade equipment used to are derived from the methods identified in the Caterpillar Handbook. This production estimate assumes a D9R Dozer with an average production rate of 3.0 acres/hr. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	4,888
Labor	2,410
Other Costs	0
Total	**7,298**

Task VI.2 Finish Grading

Finish grading will be required in order to prepare the 52-acre plant site for revegetation.

Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Ripping	CAT 160H Motor Grader	1	18	92.22	1,660
Ripping	Ripper Attachment	1	18	16.20	292
Grading	CAT 160H Motor Grader	1	52	92.22	4,795
Dust Control	4,000-gal Water Truck	1	70	53.72	3,760
				Total	**10,507**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Ripping	Operating Engineer (landscape) Group 1 (grader)	1	18	73.41	1,321
Grading	Operating Engineer (landscape) Group 1 (grader)	1	52	73.41	3,817
Dust Control	Teamster Group 2	2	70	60.47	8,466
				Total	**13,605**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Approximately 52 acres of the site may be disturbed in 2023. It is assumed the use of a dozer with an average finish grading and ripping rate of one acre per hour. Additional equipment and time has also been added to account for a dozer equipped with a ripper to decompact areas of the site that require decompaction for revegetation. It is estimated that approximately 1/3 of the site will require ripping to decompact soils. A dozer is preferred over a wheel type tractor because its track impressions will resist erosion, retain water and seeds, and therefore, will be more effective at ensuring successful revegetation. Additional time has been added to account for equipment warm-up and mobilization.

Total Cost Summary

Item	Cost
Equipment	10,507
Labor	13,605
Other Costs	0
Total	**24,112**

Task VII Revegetation

After final grading is completed disturbed areas of the site will be revegetated. The Reclamation Plan calls for the application of the native seed mix to all disturbed areas of the site.

A. Equipment Cost

Activity	Equipment	Quantity	Hours	$/Hour	Cost
Broadcast Seed	CAT 938G Wheel Loader	1	13.00	82.11	1,067
				Total	**1,067**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

B. Labor Cost

Activity	Labor Category	Quantity	Hours	$/Hour	Cost
Broadcast Seed	Operating Engineer (landscape) Group 1 (grader)	1	13.00	73.41	954
				Total	**954**

Source: *State of California Prevailing Wage Rate Determinations Northern California*

C. Material Costs

Activity	Seed Species	Common Name	% of Mix	Lbs in Mix	Price/lb	Extension
Seed Mix	*Bromus mollis*	Blando Brome	30	390		
	Vulpia myros	Zorfro Annual Fescue	25	325		
	Trifolium hurtium	Hykon Rose Clover	45	585		
			100	1,300	3.40	4,420
					Total	**4,420**

Source: S&S Seeds

Assumptions and Calculations

Approximately 52 acres may be impacted from plant site operations. The recommended method of distributing seeds is broadcast seed spreader pulled by a CAT D4 Dozer.A production rate of four (4) acres per hour will be used for this estimate. Additional time has been added to account for equipment warm-up and mobilization.

D. Total Direct Cost of Revegetation

Equipment + Labor + Materials = **6,442**

Task VIII Monitoring

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer to conduct maintenance activities for three (3) years. Revegetation monitoring consists of a biologist visiting the reclamation area on an annual basis for a five year period. The biologist will conduct an evaluation of the revegetated area to insure that the goals of the revegetation requirements are achieved.

Equipment Cost

Activity	Equipment	Quantity	Hours	Years	$/Hour	Cost
Site maintenance	Pickup Truck	1	24	3	82.11	5,912
Field Monitoring	Pickup Truck	1	2	5	82.11	821
					Total	**6,733**

Source: *CalTrans Labor Surcharge and Equipment Rental Rates*

Labor Cost

Activity	Labor Category	Quantity	Hours	Years	$/Hour	Cost
Field Monitoring	Biologist[1]	1	2	5	120	1,200
Annual Report	Biologist[1]	1	4	5	125	2,500
Weed Control	Landscape Laborer[2]	1	24	3	10.61	764
					Total	**3,700**

[1.] Source: Aspen Environmental rate Sheet for 2017-2018
[2.] Source: *State of California Prevailing Wage Rate Determinations Northern California*

Other Costs

Activity	Description	Quantity	Unit	Unit Cost	Cost
					-
				Total	-

Assumptions and Calculations

Site maintenance (weed control and general maintenance) will be conducted on the vegetation installed at the site by a landscape maintenance laborer (6 days, 4 hrs/visit) for three (3) years. Revegetation monitoring costs have been included to account for annual monitoring site visits and report preparation by a qualified biologist for five (5) years. The biologist will conduct an evaluation of the revegetated area to ensure that the goals of the revegetation requirements are achieved. The following activity level was assumed:

Prepare for and conduct annual site visit (biologist, 2 hours / visit; and
Prepare annual report (biologist, 4 hours).

D, Total Direct Cost of Monitoring (Sum A+B+C)

Equipment Cost + Labor Cost + Other Cost = **10,433**

IX. Summary of Costs

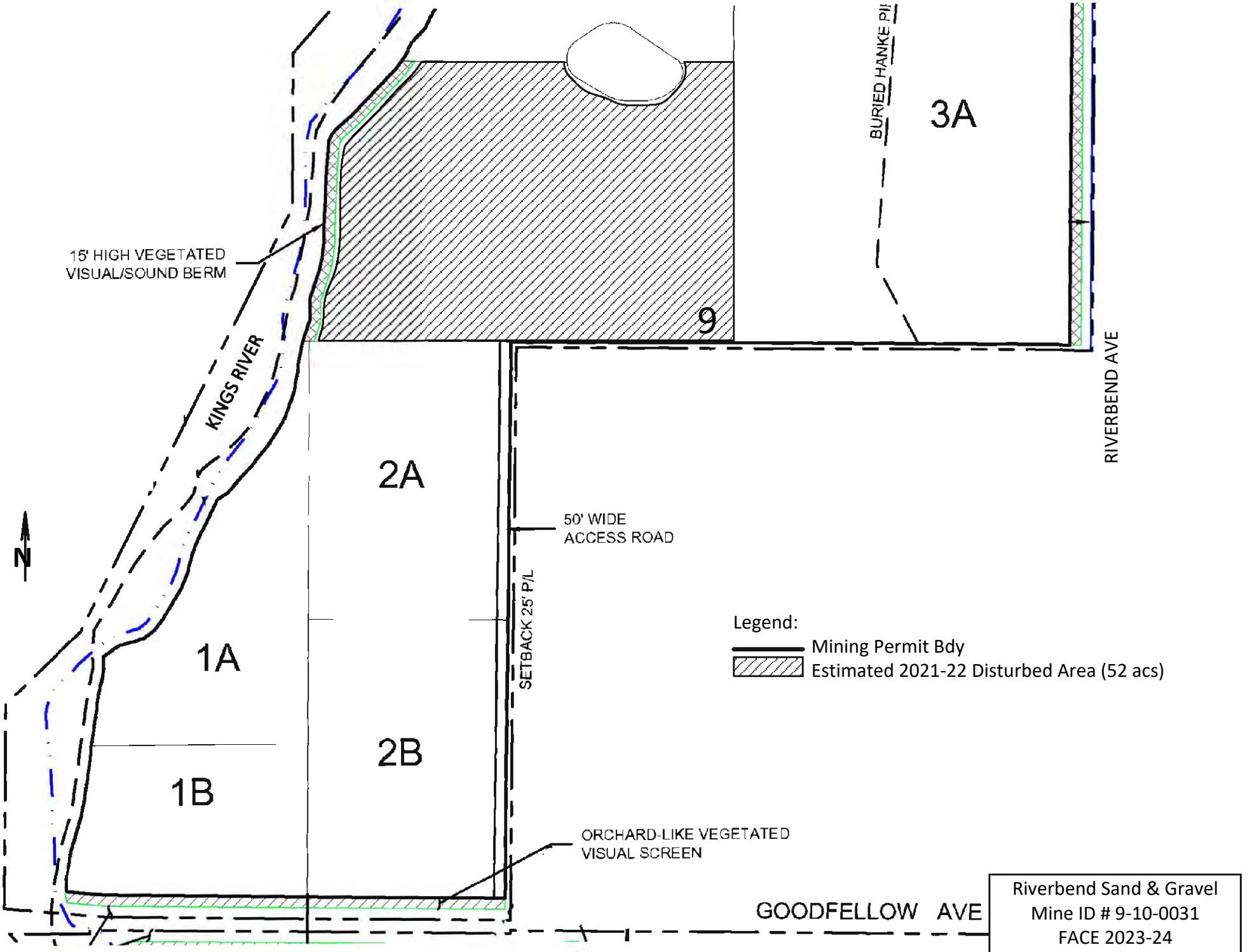
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

X. Supervision/Profit & Overhead/Contingencies/Mobilization

(A) Supervision	5.5%	8,688
(B) Profit/Overhead	11.5%	18,166
(C) Contingencies	7.0%	11,057
(D) Mobilization	3.0%	4,739
Total Indirect Costs		42,649
Total Direct & Indirect Costs		200,610
(E) Lead Agency and//or Dept. of Conservation Administrative Costs	8%	16,049
Total Estimated Cost of Reclamation		**259,309**

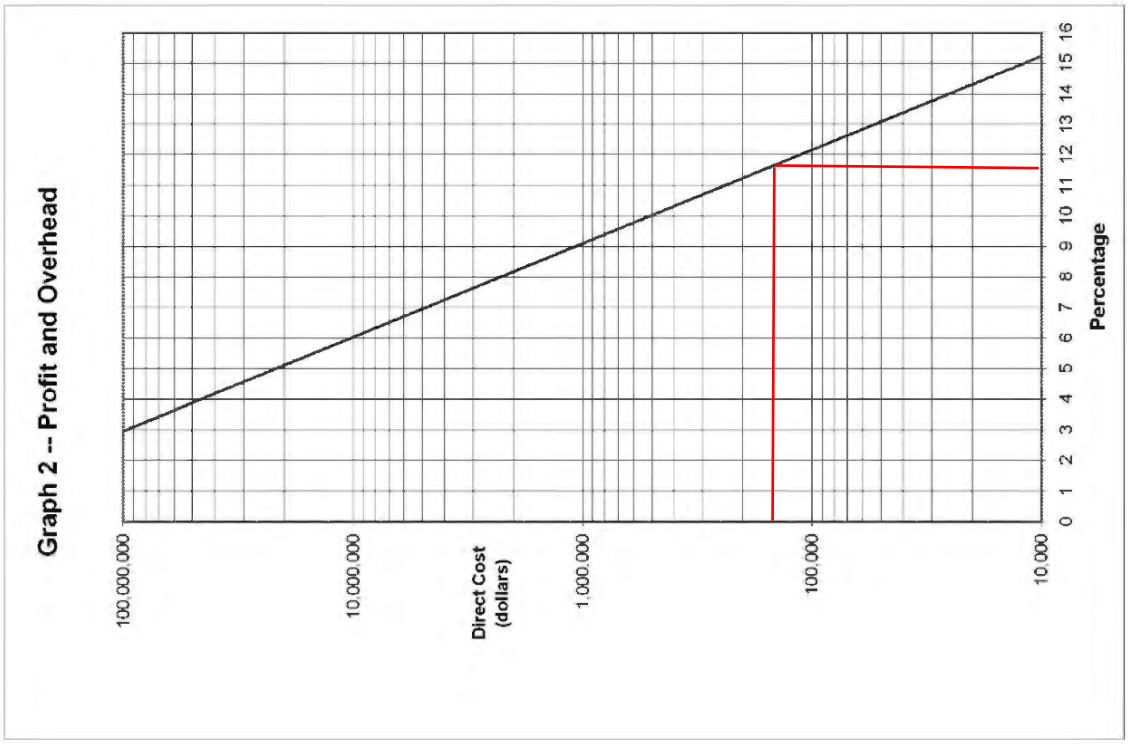
Appendix A

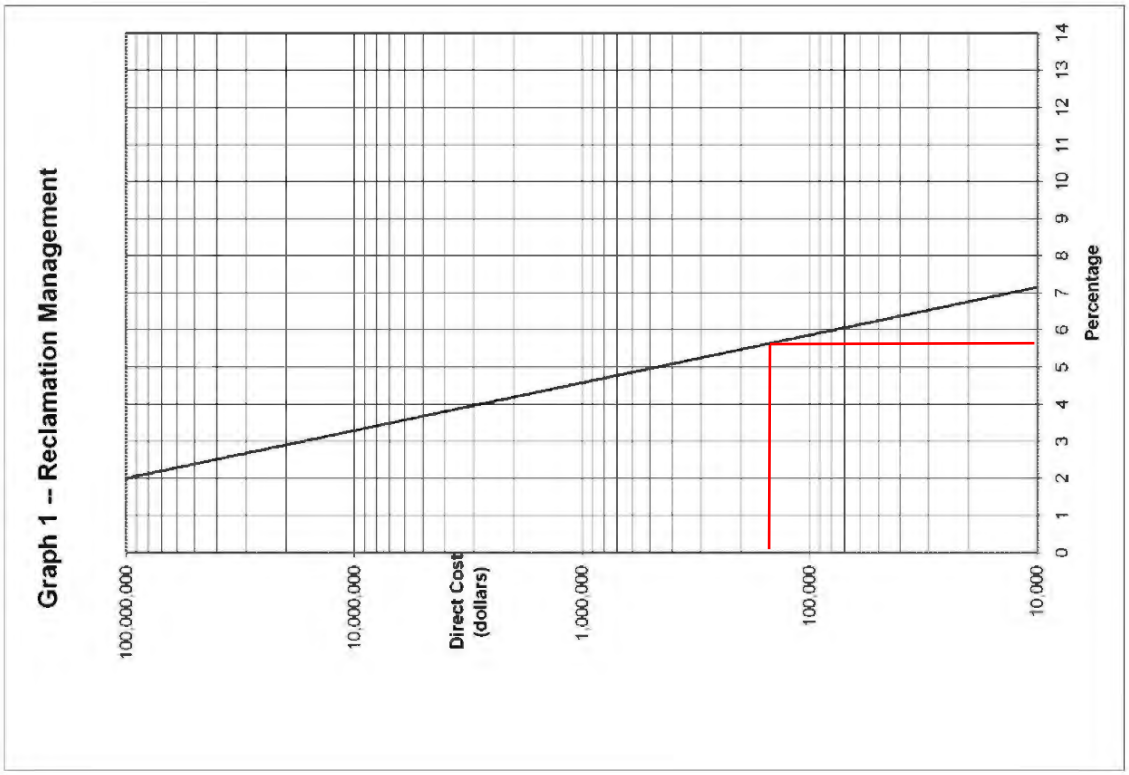
Site Plan


BURIED HANKE PIPELINE
3A
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
9
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2021-22 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2023-24
Site Plan

Appendix B

Division of Mine Reclamation Graphs


Graph 2 -- Profit and Overhead
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16
Percentage


Graph 1 -- Reclamation Management
100,000,000
10,000,000
Direct Cost (dollars)
1,000,000
100,000
10,000
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14
Percentage

Appendix C

Supporting Information

HOURLY RATE SCHEDULE

Effective January 1, 2023 through December 31, 2023

OFFICE PERSONNEL	$/ Hour
Principal	275.00
Managing Director	253.00
Project Manager/Director	215.00
Senior Biologist/Regulatory Specialist	182.00
Senior GIS Specialist	149.00
Biologist/Regulatory Analyst	149.00
GIS Analyst	132.00
Field Biologist	121.00
Office Support/ Clerical	110.00

Notes:

1. Reproduction (including blueprints, if needed), mileage, messenger service and other direct expenses will be charged at cost with no percentage mark-up.

2. A Sub-Consultant Management Fee will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

3. Annual cost increases will follow the Consumer Price Index for that year.

Vendor: S&S Seeds
P.O.Box 1275
Carpenteria, CA 93010
Phone (805)684-0436 Fax (805)684-2798

S&S Seeds Quote#: **21758**
Bid Date: 11/06/14
PO reqr'd within 60 days to hold pri
Ph: 805/684-0436 - Fax: 805/684-2
FOB Carpinteria

Quote:

Requested by: John Buada Phone 559-269-1376
Fax: 559-432-4097
email: jcbuada@buada.com

EROSION CONTROL/GRASS MIX

% of Mix	Species	Common Name	Lbs in Mix	Price/lb	Extension
30	Bromus mollis	Blando Brome	135.0		
25	Vulpia myros	Zorfro Annula fescue	95.0		
45	Trifolium hurtium	Hykon Rose Clover	190.0		
100			500.0	$3.40/lb	

EXHIBIT 206

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 05/30/2022

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA 93721 (Lead Agency City, State, Zip Code)

Mine Name: Reverbend Sand & Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 12/12/2022

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2023.05.30 14:59:34 -07'00'

Name: Roy Jimenez Jr.
(please print)

Title: Senior Planner

(XII) cc: Herb Lang
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 207

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

May 30, 2023

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: RIVERBEND SAND AND GRAVEL (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

To Whom It May Concern:

Attached for your review and comment is the Riverbend Sand and Gravel (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.
Digitally signed by Roy Jimenez Jr.
Date: 2023.05.30 14:49:52 -07'00'

Roy Jimenez, Jr., Senior Planner
Water and Natural Resources Division

Enclosure: Financial Assurance Cost Estimate

EXHIBIT 208

From: Jimenez, Roy
To: DMR-Submittals@DOC
Subject: Annual Inspection Report / FACE - Riverbend Sand and Gravel (#91-10-0031)
Date: Tuesday, May 30, 2023 3:22:00 PM
Attachments: NOCI Riverbend.pdf
image001.png
MMRC-1 Riverbend.pdf
DOA RiverbendLtr.pdf
Riverbend SG FACE 2022-23.pdf

DMR Submittals:

Please find the attached NOCI & Annual Inspection Report for the Riverbend Sand and Gravel (#91-10-0031) as well as the DOA and FACE. If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

EXHIBIT 209

From: DMR-Submittals@DOC
To: Jimenez, Roy
Subject: RE: Annual Inspection Report / FACE - Riverbend Sand and Gravel (#91-10-0031)
Date: Wednesday, May 31, 2023 8:54:33 AM
Attachments: image002.png
image003.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hello,

This is to confirm that the Division of Mine Reclamation has received your email. Thank you for your recent submittal.

Sincerely,

DMR-Submittals
Division of Mine Reclamation

California Department of Conservation
NEW ADDRESS
715 P Street, MS 1905, Sacramento, CA 95814
T: (916) 323-9198
E: DMR-Submittals@conservation.ca.gov

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Tuesday, May 30, 2023 3:23 PM
To: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>
Subject: Annual Inspection Report / FACE - Riverbend Sand and Gravel (#91-10-0031)

DMR Submittals:

Please find the attached NOCI & Annual Inspection Report for the Riverbend Sand and Gravel (#91-10-0031) as well as the DOA and FACE. If you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

EXHIBIT 210

From: Jimenez, Roy
To: John Buada
Cc: iblang@yahoo.com
Subject: RE: Annual SMARA Inspection - Riverbend
Date: Thursday, June 29, 2023 4:34:00 PM
Attachments: FACE Approval Letter.pdf
image001.png

I'm sorry John. Here you go.

Roy Jimenez, Jr.| Senior Planner
Department of Public Works and Planning | Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Thursday, June 29, 2023 4:23 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: iblang@yahoo.com
Subject: Re: Annual SMARA Inspection - Riverbend

Roy,

Is there an approval for the FACE we submitted 1-26-23?

On Thu, Jun 29, 2023 at 3:46 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

> John
> Attached is a copy of the approved FACE. Let me know if you need anything else.
> Thank you.
>
>
> **Roy Jimenez, Jr.| Senior Planner**
> **Department of Public Works and Planning | Water and Natural Resources Division**
> 2220 Tulare St. 6th Floor Fresno, CA 93721
> Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
> Your input matters! Customer Service Survey
>
>
> **From:** John Buada <jcbuada@buada.com>
> **Sent:** Thursday, June 29, 2023 3:36 PM
> **To:** Jimenez, Roy <RJJimenez@fresnocountyca.gov>
> **Cc:** iblang@yahoo.com
> **Subject:** Re: Annual SMARA Inspection - Riverbend
>
> Roy,
>
> Could you please email me a copy of the Approved FACE submitted 1-26-23?
>
> On Tue, Jun 27, 2023 at 11:02 AM John Buada <jcbuada@buada.com> wrote:
>
> > Roy,

Thank you

On Tue, Jun 27, 2023 at 10:19 AM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

> John,
>
> Per your request attached is MMRC-1 and Notice of Completion of Inspection. Should you have any questions, please feel free to contact me.
>
> Thank you.
>
> **Roy Jimenez, Jr.| Senior Planner**
> **Department of Public Works and Planning | Water and Natural Resources Division**
> 2220 Tulare St. 6th Floor Fresno, CA 93721
> Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
> Your input matters! Customer Service Survey
>
> **From:** John Buada <jcbuada@buada.com>
> **Sent:** Monday, June 26, 2023 5:39 PM
> **To:** Jimenez, Roy <RJJimenez@fresnocountyca.gov>
> **Cc:** iblang@yahoo.com
> **Subject:** Re: Annual SMARA Inspection - Riverbend
>
> Roy,
>
> Could you please email me a copy of the 12-12-22 Riverbend Annual Inspection Report?
>
> On Mon, Jan 30, 2023 at 4:38 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:
>
> > Thank you John.
> >
> > **Roy Jimenez, Jr.|Senior Planner**
> > **Department of Public Works and Planning | Water and Natural Resources Division**
> > 2220 Tulare St. 6th Floor Fresno, CA 93721
> > Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
> > Your input matters! Customer Service Survey
> >
> > **From:** John Buada <jcbuada@buada.com>
> > **Sent:** Monday, January 30, 2023 10:28 AM
> > **To:** Jimenez, Roy <RJJimenez@fresnocountyca.gov>
> > **Cc:** iblang@yahoo.com
> > **Subject:** Re: Annual SMARA Inspection - Riverbend
> >
> > Roy,
> >
> > Attached is the 2022-23 FACE update for Riverbend Sand and Gravel.
> >
> > If you need any additional information please contact me by return email or by phone at 559-269-1376.
> >
> > On Thu, Dec 29, 2022 at 3:36 PM Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:
> >
> > > Good afternoon Herb and John,

th

This email is being sent to request an updated FACE for the Riverbend site. I visited the site on Dec 12 . Should you have any questions, please feel free to contact me.

Thank you.

Roy Jimenez, Jr.|**Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Herb Lang <iblang@yahoo.com>
Sent: Friday, December 02, 2022 2:16 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: Annual SMARA Inspection - Riverbend

10:45 works for me. I will see you then. Anything changes let me know.

Sent from Yahoo Mail on Android

On Fri, Dec 2, 2022 at 2:05 PM, Jimenez, Roy <RJJimenez@fresnocountyca.gov> wrote:

I have inspection at the old Teichert Sante Fe site at 10 am. I can meet up before or perhaps after. 10:30-10:45?

From: Herb Lang <iblang@yahoo.com>
Sent: Friday, December 02, 2022 2:03 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Re: Annual SMARA Inspection - Riverbend

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

On Friday, December 2, 2022 at 01:41:59 PM PST, Jimenez, Roy <rjjimenez@fresnocountyca.gov> wrote:

Hi Herb,

I will be in the area on Monday, January 12th and was wondering if you are available to meet at the site for SMARA annual inspection. If not please let me know what day works best for you.

Roy

As of now that day is open , what time are you thinking about ? Let me know when you have time to think about it. No rush .

Thanks Herb

Thank you.



Roy Jimenez, Jr.|Senior Planner
Department of Public Works and Planning | Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066

Your input matters! Customer Service Survey

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

--
John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

EXHIBIT 211

County of Fresno

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

June 29, 2023

Herb Lange
Riverbend Sand and Gravel
14962 E. Fantz Avenue
Parlier, CA 93648

Dear Mr. Lange:

SUBJECT: Riverbend Sand and Gravel (CA Mine ID # 91-10-0031)
Financial Assurance Cost Estimate (FACE) Approval

Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

Please submit an updated Financial Assurance Mechanism (FAM) equivalent to the approved FACE directly to the CA Department of Conservation , Division of Mine Reclamation at DMR-Submittals@conservation.ca.gov (please copy the County).

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.

Digitally signed by Roy Jimenez Jr.
Date: 2023.06.29 16:33:06 -07'00'

Roy Jimenez, Jr., Senior Planner
Water and Natural Resources Division

G:\4360WaterNaturalResources\SMARA\91-10-0031 Riverbend Sand and Gravel\2022\FACE Approval Letter.docx

Enclosures

c: John C. Buada, Buada & Associates, Inc.

EXHIBIT 212

From: Martin, Raymond
To: djh6402@psu.edu
Cc: Motta, Chris
Subject: Request for Surface Mining Rec Plans
Date: Wednesday, September 6, 2023 10:33:28 AM
Attachments: UCUP 2313.pdf
image001.png
Exhibit 11 Riverbend Operational Statement 1-15.pdf

Hello Daniel,

I have attached the Operational Statement for Riverbend which includes the Reclamation Plan and the resolution for Tivy Valley that also includes their plan.

If you have any questions, let me know.

Raymond Martin | Staff Analyst
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305
Your input matters! Customer Service Survey

From: Martin, Raymond
To: Motta, Chris
Subject: RE: Request for EIRs - related to surface mining
Date: Wednesday, September 6, 2023 9:41:06 AM
Attachments: image002.png
image003.png
Exhibit 11 Riverbend Operational Statement 1-15.pdf

I cannot find anything on Tivy Valley Granite, I can check the microfilm if you want.

Raymond Martin | Staff Analyst
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4305
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, September 6, 2023 7:22 AM
To: Martin, Raymond <rmartin@fresnocountyca.gov>
Subject: FW: Request for EIRs - related to surface mining

Raymond,

Could you check our electronic files and see if you can locate these projects. The Reclamation Plan for Riverbend will be included in the approved Operational Statement for the CUP. This can be prioritized. Thanks.

Chris W. Motta | Division Manager
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Hoffman, Daniel Joseph <djh6402@psu.edu>
Sent: Tuesday, September 5, 2023 7:06 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: Re: Request for EIRs - related to surface mining

Hello Chris,

Sorry to bother you again on this, but I wanted to ask if I could get the following - to view the Reclamation Plans:

Riverbend Sand and Gravel Project - Draft EIR (SCH number 2013071097)

Tivy Valley Granite - Reclamation is in progress - (I was able to get the permit from CA Mines and Reclamation, but they didn't have the reclamation plan. Adopted by Board of Supervisors on 2/9/88 - Resolution # 10057; CUP 2313, Env Assessment 3361.

Thank you!

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Tuesday, August 1, 2023 9:32 AM
To: Hoffman, Daniel Joseph <djh6402@psu.edu>
Subject: RE: Request for EIRs - related to surface mining

Dan,

I just sent you an e-mail with a link to a shared folder. I have downloaded two of the EIRs you requested. Still working on Carmelita. Their too large to e-mail and we don't keep historical EIRs on our webpage. Let me know if you receive and are able to download.

Chris W. Motta | **Principal Planner**
Department of Public Works and Planning |

Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227

Your input matters! Customer Service Survey

From: Hoffman, Daniel Joseph <djh6402@psu.edu>
Sent: Monday, July 31, 2023 7:29 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: Request for EIRs - related to surface mining

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Hello Chris,

Would it be possible to obtain the following EIRs as they relate to some mining projects in Fresno County? Someone named Briza Sholars was listed as the contact person on CEQA-NET, however, when I emailed her, I got a bounce back message. Unfortunately, there are no digital document available on CEQA-NET due to their age:

- Final EIR for the Riverbend Sand and Gravel Project (SCH Number 2013071097)
- Draft EIR for Carmelita Mine & Reclamation Project (SCH Number 2010081037)
- Final EIR for the Kings River Sand and Gravel Project (SCH Number 2004081114)

I did see this page on the planning website, but it seems like they are only showing current EIRs. Would you be able to point me in the right direction on this? Really, I'm just wanting to see maps that depict the exact boundaries of these surface mining activities.

Thank you! (if I look familiar, you helped me before by giving me information about proposed projects in the area)
Dan

EXHIBIT 213

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:
Riverbend Sand and Gravel

II. Mine Operator:
Herb Lang

Mailing Address:
14962 E Fantz Avenue

City:	State:	ZIP Code:
Parlier	CA	93648

Name of Onsite Contact Person:	Email Address:	Telephone:
Herb Lang	iblang@yahoo.com	(559) 875-6565

III. SMARA Lead Agency Name:
County of Fresno, Dept. of Public Works and Planning

Inspector's Name:
Roy Jimenez Jr.

Name of Entity or Organization:
Water and Natural Resources Division

Inspector's Mailing Address:
2220 Tulare Street, 6th Floor

City:	State:	ZIP Code:
Fresno	CA	93721

E-mail Address:	Telephone:
rjjimenez@fresnocountyca.gov	(559) 600-4251

IV. Approved Documents

Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 02/26/2090
Vested Right: ☒ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number:	Date Approved: 02/26/2015
Interim Management Plan: ☒Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land? Check One: ☐ Yes ☒ No

Are there any Federal authorizations associated with this operation? Check One: ☐ Yes ☒ No
If yes, explain:

Inspecting Agency Code(s):	Reason for Inspection: AI

Land Use Designation/Zoning for Surface Mine Operation:
Agriculture

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 06/29/2023 Amount: $ 259,309.00

☐ Other Information?	Explanation: No FAM required at this time.

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☒ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approx 26-ac of farmland has been removed to allow for construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None	None
M) Other Reclamation Plan Requirements	None	None

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☒ No

B. Describe areas of the operation that have been disturbed since the last inspection:

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:

None

Date Inspection Conducted:	CA Mine ID Number:
11/28/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent

G. Describe any limitations encountered during the inspection:

None

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

N/A

L. Duration of Inspection:

Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
181464	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2024.03.07 13:20:57 -08'00'	
Certification Expiration Date: 11/09/2028	**Date Signed:** 03/07/2024	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT
FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

   Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

   Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

   Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

   The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance “Other” and “Explanation” blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism(s) currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism(s) on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. **BLOCK VII**:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation’s horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section VIIIVII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items 1A through 12L may be listed in Item 13M, under “Other Reclamation Plan Requirements.”

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or “NA” in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a “Yes” or “No” box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a “Yes” or “No” box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 214

From: Herb Lang
To: John Buada; Jimenez, Roy
Subject: Re: Annual Inspection
Date: Wednesday, December 6, 2023 2:28:10 PM
Attachments: image001.png

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Thank you.

On Monday, December 4, 2023 at 01:23:14 PM PST, Jimenez, Roy <rjjimenez@fresnocountyca.gov> wrote:

Good afternoon, Gentlemen,

I wanted to let you know that I was in the area last week and conducted my annual inspection on Tuesday, November 28th. Please submit the FACE within 30 days for review and approval.

Should you have any questions, please feel free to contact me. Thank you.

Roy Jimenez, Jr.| Senior Planner
Department of Public Works and Planning | Water and Natural Resources Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066

Your input matters! Customer Service Survey

EXHIBIT 215

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

I. Mine Name:
Riverbend Sand and Gravel

II. Mine Operator:
Herb Lang

Mailing Address:
14962 E Fantz Avenue

City:	State:	ZIP Code:
Parlier	CA	93648

Name of Onsite Contact Person:	Email Address:	Telephone:
Herb Lang	iblang@yahoo.com	(559) 875-6565

III. SMARA Lead Agency Name:
County of Fresno, Dept. of Public Works and Planning

Inspector's Name:
Roy Jimenez Jr.

Name of Entity or Organization:
Water and Natural Resources Division

Inspector's Mailing Address:
2220 Tulare Street, 6th Floor

City:	State:	ZIP Code:
Fresno	CA	93721

E-mail Address:	Telephone:
rjjimenez@fresnocountyca.gov	(559) 600-4251

IV. Approved Documents

Permit Number: CUP 3390 ☐ Not Applicable	Expiration Date, if Applicable: 02/26/2090
Vested Right: ☒ Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number:	Date Approved: 02/26/2015
Interim Management Plan: ☒Not Applicable ☐ Initial ☐ 1st Renewal ☐ 2nd Renewal	Date Approved:

V. Is this operation located partly or solely on Federal land? Check One: ☐ Yes ☒ No

Are there any Federal authorizations associated with this operation? Check One: ☐ Yes ☒ No
If yes, explain:

Inspecting Agency Code(s):	Reason for Inspection: AI

Land Use Designation/Zoning for Surface Mine Operation:
Agriculture

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VI. Financial Assurances

A. Information on Financial Assurance Cost Estimate

Date and Amount of Most Recently Approved Financial Assurance Cost Estimate

Date: 06/15/2022 Amount: $ $259,309.00

☐ Other Information?	Explanation: No FAM required at this time.

B. Information on Financial Assurance Mechanism(s)

Type of Financial Assurance Mechanism(s):	Financial Assurance Mechanism Number(s):	Amount of Mechanism:	Date of Expiration:	Date of Approval by the Lead Agency:
Total Amount of Mechanism(s):				

Has there been a change of operator since the last inspection? ☐ Yes ☒ No
If yes, provide the date of notice.

Date of Change:

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
A) General Information	1) rock, sand, and gravel 2) 1.6 million 3) 02/26/2015 4) 02/26/2090 5) Farmland 6) None	Non-operational. Approx 26-ac of farmland has been removed to allow for construction of processing plant.
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation		
6) Description of pre-SMARA disturbances, if any		
B) Boundaries	a, b, c & d) 3.0, 3.1.3	Non-operational.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
C) Slopes – Grading	Sections 3.1.4, 3.4.19, 3.1.5 and 4.1.3	Non-operational.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
D) Erosion Control	a, b & c) 3.4.16, 3.4.17, 3.4.18, 4.1.3b	Non-operational.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
E) Ponds		
1) Design – Function	No ponds	N/A
2) Capacity (area/depth/volume)		
3) Maintenance		
F) Stream & Wetland Protection	a) Section 3.4.18, 4.3.1b & 4.2.2	Non-operational.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.
[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
G) Sensitive Wildlife & Plant Protection	(a &b)- Section 4.1.9 a & c	Non-operational.
1) List species		
2) Protection measures		
H) Soil/Overburden Stockpile Management	a&c) 3.4.8a, 4.3.1b, 4.2.2 b) 3.4.8b, 3.4.19	Non-operational.
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
I) Revegetation	a-h) 4.1.9 c 1-7	Non-operational.
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
J) Structures	Sections 4.1.8t.3 & 4.4	Non-operational.
K) Equipment	Sections 4.1.8t.3 & 4.4	Non-operational.

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary)
L) Closure of Adits	None	None
M) Other Reclamation Plan Requirements	None	None

VIII. A. Use this space to describe general observations and sketches of the operation:

Additional observations/sheets/documents/sketches/photographs attached? ☐ Yes ☒ No

B. Describe areas of the operation that have been disturbed since the last inspection:

Approximate total disturbed acreage since last inspection: None

Approximate total acreage of mined lands: None

C. Describe areas of the operation that have been reclaimed since the last inspection:

Approximate reclaimed acreage since last inspection: None

Approximate total reclaimed acreage: None

D. Describe areas where the operator plans to conduct operations in the upcoming year:

Continue preparation for construction of the aggregate processing plant.

E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:

None

Date Inspection Conducted:	CA Mine ID Number:
12/12/2023	91- 10-0031

SURFACE MINING INSPECTION REPORT

F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

Consistent

G. Describe any limitations encountered during the inspection:

None

H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:

N/A

I. Do any of those conditions or aspects require further evaluation?

☒ No

☐ Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):

J. Was a Notice of Violation issued for any of the above?

☒ No, describe:

☐ Yes, describe:

K. Describe remedial activities for any pre-existing or existing enforcement actions:

N/A

L. Duration of Inspection:

Start Time: 11:00 am Finish Time: 11:30 am

M. Weather Code(s):	N. Status of Mine Code(s):
CR	NP

O. Inspection Attendees and Affiliations

Roy Jimenez Jr., County of Fresno

IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:	Inspectors Signature:	If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:
18072	Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2023.05.30 15:16:26 -07'00'	
Certification Expiration Date: 06/25/2023	**Date Signed:** 05/30/2023	

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT
FORM MRRC-1

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID NUMBER AND AT THE TOP OF PAGE 1

1. **BLOCK I**: Enter the name of the mine as indicated on the Annual Report.

2. **BLOCK II**: Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.

3. **BLOCK III**: For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.

4. **BLOCK IV**: Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.

5. **BLOCK V**: Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

   Inspecting Agency Codes: (can choose multiple)

None	=	None	DFW	=	Department of Fish and Wildlife
BLM	=	Bureau of Land Management	NPS	=	National Park Service
USFS	=	U.S. Forest Service	DOC	=	Department of Conservation
RB	=	Regional Water Quality Control Board	O	=	Other (list Agency)

   Reason for Inspection: (can choose multiple)

AI	=	Annual Inspection	RE	=	Re-inspection
PC	=	Public Concern	O	=	Other Reason
OA	=	Other Agency Request	AR	=	Acknowledgement of Reclamation

   Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI**: “Financial Assurances” consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

   The Financial Assurance amount must be reviewed and approved once each calendar year to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

Use the Financial Assurance “Other” and “Explanation” blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and a Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism(s) currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism(s) on file. State the total dollar amount of the mechanism(s) held for reclamation of mined lands.

7. **BLOCK VII**:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1)**:** Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include the following: the operation’s horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; effects of sidecasting and potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with SMARA, and specifically the approved reclamation plan. Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC §§ 2772 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section VIIIVII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items 1A through 12L may be listed in Item 13M, under “Other Reclamation Plan Requirements.”

Reclamation Plan Requirements (Column 2)**:** Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of Approval (COA) that relate to facility

operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference, as described above, in PRC §§ 2772 and 2772.1. Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section VII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or “NA” in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3)**:** Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII**: The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

   (A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

   (F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

   (G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

   (I) Requires checking a “Yes” or “No” box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

   (J) Requires checking a “Yes” or “No” box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

   (L) For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

(M) Weather Codes

CR	=	Clear
CL	=	Cloudy
SN	=	Snow
RN	=	Rain
WD	=	Windy

(N) SMARA Status of Mine Codes (based on annual report and reported production under CCR §3695, indicate the appropriate status code):

NP	=	Newly Permitted (surface mining operation not begun)
Active	=	Operation Not Idle (per PRC § 2727.1)
I	=	Idle (per PRC § 2727.1)
AB	=	Abandoned (per PRC §2700(h)(6))

(O) Attendees: Provide the names and affiliations of parties in attendance at the inspection.

9. **BLOCK IX**: Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

EXHIBIT 216

From: Jimenez, Roy
To: John Buada; Herb Lang
Subject: RE: Riverbend Sand and Gravel Mine ID# 91-10-0031 2023-24 FACE
Date: Wednesday, December 20, 2023 11:41:00 AM
Attachments: image001.png

Received, thank you John.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: John Buada <jcbuada@buada.com>
Sent: Wednesday, December 20, 2023 11:04 AM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>
Subject: Riverbend Sand and Gravel Mine ID# 91-10-0031 2023-24 FACE

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Roy,

Attached is the 2023-24 Financial Assurance Cost Estimate for Riverbend Sand and Gravel. In accordance with14 CCR § 3805 please review and submit to the Department of Conservation, Division of Mine Reclamation (DMR) for DMR's 45-day review.

If you have any questions or need any additional information, please contact me by phone at 559-269-1376 or by return email.

--

John C. Buada
Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-269-1376
jcbuada@buada.com

"Two roads diverged in a wood. I took the one less traveled and that has made all the difference."
Robert Frost

EXHIBIT 217

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
NOCI-1 (2019)

NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 03/07/2024

To:	From:
California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 715 P Street, MS 19-05 Sacramento, California 95814	County of Fresno (Lead Agency Name) Roy Jimenez Jr. (Lead Agency Contact Name) 2220 Tulare Street, 6th Floor (Lead Agency Address) Fresno CA (Lead Agency City, State, Zip Code)

Mine Name: Riverbend Sand & Gravel	CA Mine ID Number: 91- 10-0031

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 11/28/2023

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

☒ **No**. Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.
☐ **Yes**. Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

☒ Not Applicable

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

(*Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

☒ **Compliant** with SMARA, including the approved reclamation plan.
☐ **Not Compliant** with SMARA, including the approved reclamation plan.
☐ Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

(*Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

☒ Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

☒ Not Applicable

03/07/2024 ___
CA Mine ID Number: 91- 10-0031
NOCI-1 (2019) Page 3 of 3

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.

☒ **Yes** ☐ **No**

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?

☐ **Yes** ☒ **No**

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?

☐ **Yes** ☒ **No**

(XI) Lead Agency Representative Signature:

Signature: Roy Jimenez Jr. Digitally signed by Roy Jimenez Jr. Date: 2024.03.07 13:23:52 -08'00'

Name: Roy Jimenez Jr.
(please print)

Title: Senior Planner

(XII) cc: _____
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

Attachments:

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

EXHIBIT 218

County of Fresno

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

March 7, 2024

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

SUBJECT: RIVERBEND SAND AND GRAVEL (#91-10-0031)
45-Day Financial Assurance Estimate Director Review

To Whom It May Concern:

Attached for your review and comment is the Riverbend Sand and Gravel (#91-10-0031) Financial Assurance Cost Estimate (FACE). Fresno County, as lead agency, has reviewed the FACE and determined it to be adequate and consistent with the requirements provided in the Surface Mine and Reclamation Act Sections 2770 and 2773.1.

If you have any questions or need further information, please feel free to contact me by telephone at (559) 600-4251 or by e-mail at rjjimenez@fresnocountyca.gov.

Sincerely,

Roy Jimenez Jr.
Digitally signed by Roy Jimenez Jr.
Date: 2024.03.07 13:22:20 -08'00'

Roy Jimenez, Jr., Senior Planner
Water and Natural Resources Division

Enclosure: Financial Assurance Cost Estimate

EXHIBIT 219

From: ~~Kettler, William~~
To: ~~Mendes, Buddy~~
Subject: CUP 3390 - Substantial Devel. Response
Date: Friday, March 8, 2024 12:16:00 PM
Attachments: ~~CUP 3390-Riverbend Sand Gravel-Substantial Development Response.pdf~~
~~image001.png~~

Hello Supervisor,

Per our discussion – please see attached. This letter identifies options for the applicant to keep the application active since the anniversary date of expiration was approaching. The letter was prepared in consultation with County Counsel. Action by the applicant team was not taken and the approval expired. Let me know if you have any questions.

Thanks,

William M. Kettler | **Deputy Director of Planning**
Department of Public Works and Planning |
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4233
Your input matters! Customer Service Survey

EXHIBIT 220

From: Gutierrez, Daniel
To: Motta, Chris
Subject: FW: Amanda Permit Search Help
Date: Wednesday, April 24, 2024 11:16:16 AM
Attachments: permit activity.pdf
image001.png
17-100917.pdf
38279 (CUP) Scanned.pdf
3677 RIVERBEND.pdf

Chris,

12-104925 - The CUP 3390 was approved through resolution 12492 on 2/26/20215.
See copy of pre-app 38279 and application letter.

17-100917 - This was a permit that we issued. See permit and plans attached.

23-014345 - Well permits are issued through Environmental Health. I am not able to view this permit.
We issue ag pump / electrical permits
and domestic well / electrical permits only.

Let me know when you want to discuss further.

Thanks

Daniel Gutierrez | **Senior Planner**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4223
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Wednesday, April 24, 2024 10:21 AM
To: Gutierrez, Daniel <dangutierrez@fresnocountyca.gov>
Subject: Amanda Permit Search Help

When you have a minute. Need to check on a couple of key permits related to the attached.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

Permits

APN	**33207153**	Word Desc	

Jurisdiction	Sanger

Water Well Permitting Program	**23 014345**	**Description**	**10/16 - PROERTY OWNERSHIP = RUNNING LUCK RANCH LLC. KBAL 10/6/23 EMAILED (MR) REAGRDING OWNERSHIP (SZ) Requesting a drilling permit to complete a total of approximately thirteen sonic soil borings to 100 ft depth across three different parcels at the referenced project site in Sanger, CA. Soil samples will be tested for analysis of physical properties of sand and gravel and will be abandoned upon completion. Sealing will be completed via tremie pipe with a cement, water, and bentonite mixture according to state and local regulations. No groundwater wells are planned as part of this permit application. Drilling and abandonment is to be completed by Cascade Environmental, LLC (C57# 1058336).**
Subcode	New Well	Workcode	Soil Boring
Issue Date	10/2/2023 11:56:15 AM	Final Date	
Status	Finalled	Reference	

Water Well Permitting Program	**21 00061441**	**Description**	**#2 11/17/10 MONITORING WELL SEAL DEPTH TO 15 FT. PERFS FROM 15 TO 55 FT. OK WFOX**
Subcode	New Well	Workcode	Monitoring
Issue Date	11/15/2010 12:00:00 AM	Final Date	
Status	Issued	Reference	FA00281387

Water Well Permitting Program	**21 00061442**	**Description**	**#1 11/18/10 MONITORING WELL ANNULAR SEL TO 15 FT, PERFS 15 FT TO 55 FT. OK WFOX**
Subcode	New Well	Workcode	Monitoring
Issue Date	11/15/2010 12:00:00 AM	Final Date	
Status	Issued	Reference	FA00281387

Water Well Permitting Program	**21 00085934**	**Description**	**#12, GRAVEL TEST HOLE ONLY**
Subcode	New Well	Workcode	Other
Issue Date	6/2/2011 12:00:00 AM	Final Date	
Status	Issued	Reference	

Pre-Amanda Permit	Construction Permit	Single Family Dwelling, Electrical: RECONNECT ELECTRICAL SERVICE TO EXISTING SFR	Permit No.	001N9830	Issue Dt.	1991-SEP-13
Pre-Amanda Permit	Construction Permit	Building Violation, Miscellaneous: OFF STREET PARKING LOT WHERE NOT ALLOWED	Permit No.	01693005	Issue Dt.	2003-JUL-31
Pre-Amanda Permit	Construction Permit	Building Violation, Miscellaneous: OFF STREET PARKING LOT WHERE NOT ALLOWED	Permit No.	01693002	Issue Dt.	2003-JUL-31

Permits

APN	**33306104**	Word Desc	81.55 AC IN SW1/4 SEC 31 T14R23

Jurisdiction	COUNTY

Construction Permit	**07 102895**	**Description**	**OFFICE AND PROCESSING PLANT**
Subcode	Miscellaneous Industrial	Workcode	New Construction
Issue Date	5/22/2007 12:00:00 AM	Final Date	5/28/2008 12:00:00 AM
Status	Closed	Reference	7-0519

Construction Permit	**07 102901**	**Description**	**SPECIAL INSPECTION FOR FOUNDATION ONLY FOR FUTURE OLIVE OIL PROCESSING PLANT**
Subcode	Miscellaneous Agricultural	Workcode	New Construction
Issue Date	5/22/2007 12:00:00 AM	Final Date	5/28/2008 12:00:00 AM
Status	Closed	Reference	

Construction Permit	**07 104469**	**Description**	**TRUCK SCALES INSTALLATION ADDENDUM TO ACTIVE PERMIT #105727**
Subcode	Miscellaneous Commercial	Workcode	Miscellaneous
Issue Date	8/1/2007 12:00:00 AM	Final Date	3/12/2008 12:00:00 AM
Status	Closed	Reference	7-0799

Construction Permit	**07 105216**	**Description**	**ADDENDUM TO ELEC., FOR OLIVE OIL PLANT**
Subcode	Miscellaneous Industrial	Workcode	Remodel
Issue Date	9/12/2007 12:00:00 AM	Final Date	9/12/2008 12:00:00 AM
Status	Closed	Reference	7-1025 / 7-0927 /

Construction Permit	**07 105343**	**Description**	**INSTALL HOPPER PIT/CRANE**
Subcode	Miscellaneous Industrial	Workcode	New Installation
Issue Date	9/18/2007 12:00:00 AM	Final Date	9/25/2008 12:00:00 AM
Status	Closed	Reference	7-0953

Construction Permit	**08 100572**	**Description**	**$10,000 CASH BOND FOR RELEASE OF ELECTRICAL POWER PRIOR TO FINAL**
Subcode	Miscellaneous Industrial	Workcode	Miscellaneous
Issue Date	2/6/2008 12:00:00 AM	Final Date	6/19/2008 12:00:00 AM
Status	Closed	Reference	7-0519

Construction Permit	**08 102851**	**Description**	**FOOTING REVISION FOR THE HOOPER**
Subcode	Miscellaneous Industrial	Workcode	New Construction
Issue Date	5/21/2008 12:00:00 AM	Final Date	9/25/2008 12:00:00 AM
Status	Closed	Reference	8-0383

Water Well Permitting Program	**21 00068162**	**Description**	
Subcode	New Well	Workcode	Agricultural
Issue Date	12/17/1990 12:00:00 AM	Final Date	
Status	Issued	Reference	

Pre-Amanda Permit	Construction Permit	Single Family Dwelling, Plumbing: BEDRM/BATH ADD TO RESIDENCE	Permit No.	002065196	Issue Dt.	2004-NOV-18
Pre-Amanda Permit	Construction Permit	Single Family Dwelling, Building: BEDRM/BATH ADD TO RESIDENCE	Permit No.	004065196	Issue Dt.	2004-NOV-18
Pre-Amanda Permit	Construction Permit	Ag Pump, Electrical: 40 HP AG PUMP INSTALLED WI 0-200 AMP ELECT SER	Permit No.	001065201	Issue Dt.	2004-NOV-18
Pre-Amanda Permit	Construction Permit	Single Family Dwelling, Mechanical: BEDRM/BATH ADD TO RESIDENCE	Permit No.	008065196	Issue Dt.	2004-NOV-18
Pre-Amanda Permit	Construction Permit	Single Family Dwelling, Electrical: BEDRM/BATH ADD TO RESIDENCE	Permit No.	001065196	Issue Dt.	2004-NOV-18
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021GP9355	Issue Dt.	2007-MAY-22

Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021GP9355	Issue Dt.	2007-MAY-22

Permits

APN	**33306105**	Word Desc	76.55 AC IN S1/2 OF SW1/4 SEC 31 T14R23

Jurisdiction	COUNTY

Pre-Amanda Permit	Construction Permit	Other - As Described, Building: FOUNDATION FOR PROPANE TANK	Permit No.	004N3581	Issue Dt.	1991-APR-16

Permits

APN	33316001S	Word Desc	SUR RTS IN 331.45 ACS IN SECS 19 & 30 T14R23

Jurisdiction	COUNTY

Construction Permit	05 103618	Description	CHANGEOUT OF AN ELECTRICAL SERVICE FOR EXISTING BARN
Subcode	Single Family Dwelling	Workcode	Electrical
Issue Date	10/3/2005 12:00:00 AM	Final Date	
Status	Closed	Reference	

Land Use	12 104925	Description	UNCLASSIFIED CUP APPLICATION NO. 3390 TO ALLOW SURFACE MINING
Subcode	Unclassified	Workcode	Conditional Use Permit
Issue Date	10/12/2012 12:00:00 AM	Final Date	
Status	Application	Reference	CUP 3390

Construction Permit	17 100917	Description	12KV OVERHEAD DISTRIBUTION WITH PG&E METER
Subcode	Miscellaneous Commercial	Workcode	Electrical
Issue Date	2/13/2017 12:00:00 AM	Final Date	7/13/2017 12:00:00 AM
Status	Closed	Reference	16-1153

Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP2203	Issue Dt.	1985-DEC-11
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP2203	Issue Dt.	1985-DEC-11
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR5926	Issue Dt.	1986-DEC-23
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR5926	Issue Dt.	1986-DEC-23
Pre-Amanda Permit	Construction Permit	Mobile Home, Lot Prep: COMMERCIAL COACH FOR OFFICE	Permit No.	007I2987	Issue Dt.	1987-JAN-13
Pre-Amanda Permit	Construction Permit	Mobile Home, New Installation: COMMERCIAL COACH FOR OFFICE	Permit No.	005I2987	Issue Dt.	1987-JAN-13
Pre-Amanda Permit	Construction Permit	Other - As Described, Building: SOUND BARRIER AT EXISTING ROCK CRUSHER	Permit No.	004K1930	Issue Dt.	1988-NOV-15
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP2558	Issue Dt.	1992-FEB-26
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP2558	Issue Dt.	1992-FEB-26
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR6509	Issue Dt.	1993-APR-14
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR6509	Issue Dt.	1993-APR-14
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CU2752	Issue Dt.	1996-APR-16
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CU2752	Issue Dt.	1996-APR-16
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR6706	Issue Dt.	1996-APR-16
Pre-Amanda Permit	Land Use	Other - As Described, Site Plan Review:	Permit No.	021SPR6706	Issue Dt.	1996-APR-16
Pre-Amanda Permit	Construction Permit	Ag Pump, Electrical: 30, 40, & 60HP AG PUMPS AND ELECTRICAL SERVICE	Permit No.	001069320	Issue Dt.	2005-MAR-14
Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	024CCL 35534	Issue Dt.	2005-MAY-16
Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	024CCL 35534	Issue Dt.	2005-MAY-16

Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CU3143	Issue Dt.	2005-AUG-02
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CU3143	Issue Dt.	2005-AUG-02
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP3187	Issue Dt.	2006-AUG-22
Pre-Amanda Permit	Land Use	Other - As Described, Conditional Use Permit:	Permit No.	018CUP3187	Issue Dt.	2006-AUG-22
Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	02437584	Issue Dt.	2009-JUL-28
Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	02437584	Issue Dt.	2009-JUL-28

Permits

APN	**35004112**	Word Desc	40 AC IN LOT 1 & 4 IN NE1/4 SEC 1 T15R22

Jurisdiction	COUNTY

Water Well Permitting Program	**21 00061440**	**Description**	**#3 11/17/10 MONITORING WELLANNULAR SEAL TO BE 15 FT-PERF 15 TO 55 FT. WFOX**
Subcode	New Well	Workcode	Monitoring
Issue Date	11/15/2010 12:00:00 AM	Final Date	
Status	Issued	Reference	FA00281387

Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	024CCL33849	Issue Dt.	2002-OCT-22
Pre-Amanda Permit	Land Use	Other - As Described, Tentative Tract Map:	Permit No.	024CCL33849	Issue Dt.	2002-OCT-22

Permits

APN	**36002020**	Word Desc	5 AC N 82.6 FT OF NW1/4 SEC 6 T15R23

Jurisdiction	COUNTY

EXHIBIT 221

From: Motta, Chris
To: Mtunga, Tawanda; Randall , David A.
Subject: FW: Riverbend Sand and Gravel Letter re CUP 3390 is vested
Date: Wednesday, April 24, 2024 3:44:54 PM
Attachments: Letter to County re Vested Right in CUP 3390 (00067251xD62CE).PDF
image002.png

FYI

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Tuesday, April 23, 2024 7:21 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Kettler, William <WKettler@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; jcbuada@buada.com; Scott Miller <smiller@mitchellchadwick.com>; Austin Turner <aturner@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel Letter re CUP 3390 is vested

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Chris,

See attached. The letter is also being cc'd to all 5 supervisors.

Thanks,
Pat

From: Scott Miller <smiller@mitchellchadwick.com>
Sent: Tuesday, April 23, 2024 6:39 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Subject: Riverbend Sand and Gravel, Letter to Fresno County, Board of Supervisors re CUP 3390

Attached or set forth below are:

(1) the letter to the County regarding the vested status of CUP 3390; and
(2) the link to the 61 attachments to that letter. To access the attachment documents using the link, each person will be required to enter their name and email address for tracking/security purposes.

https://mitchellchadwick.sharefile.com/d-se2d27f2bc91f455d9b5203eeea7a5ca7

Thanks,
Scott

J. Scott Miller
Counsel

MITCHELL CHADWICK

3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8801
Cell: 310.245.6049
smiller@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 222

From: Motta, Chris
To: Anders, James
Subject: RE: Riverbend Sand and Gravel
Date: Monday, April 29, 2024 1:43:09 PM
Attachments: image001.png
image002.png

Thanks. What they've completed will be important.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Anders, James <janders@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:35 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

SPR 7946 was approved in connection with UCUP 3390 and did cover several APNS along the Kings River. I'll check upstairs to see what, if anything, has been signed off on the inspector checklist.

James Anders | **Principal Planner**
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:29 PM
To: Anders, James <janders@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

That SPR was not related to this use permit?

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Anders, James <janders@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:25 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

I am not finding that we have an application submitted. The latest SPR was SPR 7946 in 2015 on APN 332-071-52 (property just south of Goodfellow Ave).

James Anders | **Principal Planner**
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:08 PM
To: Anders, James <janders@fresnocountyca.gov>
Subject: Riverbend Sand and Gravel

James,

Could you confirm that we haven't received an SPR for this extraction operation? I don't think we have but need to respond to Counsel. PC resolution and permit history from FC are attached.

Thanks,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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From: Anders, James
To: Motta, Chris
Subject: RE: Riverbend Sand and Gravel
Date: Monday, April 29, 2024 1:42:00 PM
Attachments: image001.png
image002.png

Nothing has been signed-off on the checklist.

James Anders | **Principal Planner**
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: Anders, James
Sent: Monday, April 29, 2024 1:35 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

SPR 7946 was approved in connection with UCUP 3390 and did cover several APNS along the Kings River. I'll check upstairs to see what, if anything, has been signed off on the inspector checklist.

James Anders | **Principal Planner**
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:29 PM
To: Anders, James <janders@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

That SPR was not related to this use permit?

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Anders, James <janders@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:25 PM
To: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Riverbend Sand and Gravel

I am not finding that we have an application submitted. The latest SPR was SPR 7946 in 2015 on APN 332-071-52 (property just south of Goodfellow Ave).

James Anders | **Principal Planner**
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4540 Direct: (559) 600-4040
Your input matters! Customer Service Survey

From: Motta, Chris <CMotta@fresnocountyca.gov>
Sent: Monday, April 29, 2024 1:08 PM
To: Anders, James <janders@fresnocountyca.gov>
Subject: Riverbend Sand and Gravel

James,

Could you confirm that we haven't received an SPR for this extraction operation? I don't think we have but need to respond to Counsel. PC resolution and permit history from FC are attached.

Thanks,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 223

From: Motta, Chris
To: Magsig, Nathan
Cc: Rush, Bret
Subject: Documents Associated with April 23, 2024 Mitchell-Chadwick Letter (Riverbend Surface Mining/Unclassified Conditional Use Permit No. 3390)
Date: Tuesday, April 30, 2024 9:34:00 AM
Attachments: image001.png

Chairman,

PW&P staff was provided a copy of the documents via FedEx this morning. We were also able to download from the link provided by the attorney for Riverbend. Total number of pages are 674. A copy has also been provided to County Counsel.

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 224

From: Motta, Chris
To: Garcia, James
Subject: Encroachment Permit for
Date: Tuesday, April 30, 2024 11:01:54 AM
Attachments: image001.png
Vicinity and Land Use Exhibit B v3.pdf

James,

We're working with County Counsel on a matter related to a surface mining project that was approved but not developed. Trying to determine if any encroachment permits or road improvement plans were submitted or submitted and approved for a section of Goodfellow between Riverbend Avenue and the Kings River. One of the project mitigation measures (MM TRANS-2) reads:

Project Driveway at Goodfellow

- *Eastbound left turn and westbound right turn at the Project Driveway at Goodfellow Avenue.*
- *Westbound acceleration lane for trucks exiting the site.*

Location:
APN: 33207153 and 33207152
14684 and 14865 E GOODFELLOW AVE
Sanger 93657

Our permit tracking records and Site Plan Review Files show nothing. Just want to confirm there's not something out there that our records aren't picking up.

Thanks for your help,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

EXHIBIT 225

From: Jimenez, Roy
To: Erik Conaghan
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County
Date: Wednesday, May 1, 2024 10:20:00 AM
Attachments: FC Mine Sites_Erik.xlsx
image001.png
image002.png
image003.png
image004.png
image005.png

Erick,

I sincerely apologize for the delay. I prepared the table and forgot to send your way. Again, I apologize.

If you have any questions, please feel free to contact me. Thanks.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Sent: Tuesday, April 16, 2024 4:19 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Hi Roy.

Here are a couple of examples. They don't have co-ords which some other lists do include.

Regards
Erik.

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, April 17, 2024 1:13 AM
To: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Hi Erik,

Can you please send me what you received from another County, so I can get a better understanding of what you need. Thank you.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources**

Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Sent: Monday, April 15, 2024 8:17 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Hi Roy.

I'm not after a formal spreadsheet, a simple table of information will suffice. The other counties have sent me their spreadsheets that list the basic info of their SMARA sites. Our main interest is the quarries current "status" (active, idle, closed etc) and the material they are extracting which I cross check against the geology datasets and so on, looking for possible serpentinite. Sometimes the county info differs from the state and often it is more detailed. I have found some errors in the state dataset/s which is why I am checking them against the County information. Additionally, when I first started this exercise, the state told me to contact the counties directly as the counties manage the mines and quarries under SMARA.

Regards
Erik

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Tuesday, April 16, 2024 1:36 AM
To: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Erik,

What information are you seeking?

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Sent: Sunday, April 14, 2024 10:36 PM
To: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Cc: Martin Murphy <martin.murphy@mineralcarbonation.com>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Hi Roy.

Thanks for your email. Augustine stated below that:

The County oversees the permitting and reclamation of somewhere around fifteen active quarry sites (Roy to confirm). Those sites are primarily for sand and gravel extractions with the exception of one in our eastern foothills that is black granite for dimensional stone.

According to the state, the County of Fresno is the designated SMARA / LAS for 28 active, closed and reclaimed mine/quarry sites. Insomuch are you able to provide any information on the following 2 active sites please:

Academy Quarry – producing "dimension stone" and
CARMELITA MINE –producing "Stone".

Best regards
Erik.

From: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Sent: Wednesday, April 10, 2024 3:23 AM
To: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Eric,

We currently don't have a spreadsheet of the current SMARA mines/quarries; however, DMRs website has a very helpful interactive map with extensive information of all sites in California. Here is the link: https://www.conservation.ca.gov/dmr Click Interactive Map.
If you have any questions, please feel free to contact me. Thanks.

Roy Jimenez, Jr. | **Senior Planner**
Department of Public Works and Planning | **Water and Natural Resources Division**
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4292 | Direct: (559) 600-4251 | Cell: (559) 388-2066
Your input matters! Customer Service Survey

From: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Sent: Wednesday, April 3, 2024 5:44 PM
To: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Cc: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: RE: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Hi Augustine (and Roy).

Thanks for your prompt reply, Augustine. I look forward to hearing from Roy upon his return.

Thanks and best regards,
Erik C.

From: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Sent: Thursday, April 4, 2024 3:38 AM
To: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Cc: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: FW: [External] Contact and inquiry - serpentinite mines/quarries in Fresno County

Good morning Erik,

My Senior Planner in charge of our surface mine program, Roy Jimenez, is out of the office this week but can provide you the requested information when he returns. The County oversees the permitting and reclamation of somewhere around fifteen active quarry sites (Roy to confirm). Those sites are primarily for sand and gravel extractions with the exception of one in our eastern foothills that is black granite for dimensional stone. I'm not aware of a current or recently closed quarry that mines or mined serpentine as its primary resources. Roy may be able to provide you additional information beyond this when he returns.

Augustine C. Ramirez | **Division Manager**
Department of Public Works and Planning
Water and Natural Resources Division
Community Development Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4266
How are we doing?

From: Jimenez, Bernard <BJimenez@fresnocountyca.gov>
Sent: Wednesday, April 3, 2024 9:02 AM
To: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Subject: FW: Contact and inquiry - serpentinite mines/quarries in Fresno County

See request below. Thanks.

Bernard Jimenez | **Planning & Resource Management Officer**
Public Works and Planning | **Administration**
2220 Tulare St. 6th Floor Fresno, CA 93721
Direct: (559) 600-4234 / Main Office: (559) 600-4078
Your input matters! Customer Service Survey

From: Erik Conaghan <erik.conaghan@mineralcarbonation.com>
Sent: Tuesday, April 2, 2024 11:17 PM
To: Jimenez, Bernard <BJimenez@fresnocountyca.gov>; gallen@fresnocountyca.gov; rjimenez@fresnocountyca.gov
Cc: Martin Murphy <martin.murphy@mineralcarbonation.com>
Subject: FW: Contact and inquiry - serpentinite mines/quarries in Fresno County

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Roy/Glenn/Bernard.

I came across your names Roy (both senior and junior) and Glenn on a list of SMARA contacts, and you Bernard on the County website. I am trying to get in contact with your Department of Planning.

I am unsure if this email will be received as I don't have the email addresses, only for you Bernard. So as a back-up, I also emailed the general county website asking they put me in touch with the planning department.

In a nutshell I am hoping that your department can please send me a spreadsheet of the current SMARA mines/quarries in your county with other details spreadsheet of the current SMARA mines/quarries in your county with other details, like status (active/inactive etc), commodity/material/product, co-ords, operator, contact details etc. My initial email (below) explains the background to this inquiry. As I never received a reply I presume the (email) address was incorrect or it got lost in cyberspace or blocked as spam due to my IP address.

I look forward to your replies in one way or another.

Regards and all the best,
Erik.

Erik Conaghan
Geologist - Commercial
MCi Carbon (MCi)

Newcastle, NSW, Australia
Mobile: +61 (0)408 072 723
www.mcicarbon.com

An Australian Carbon Utilisation Company
Winner of the COP26 Clean Energy Pitch Battle, Glasgow 2021
Winner of the Banksia Foundation NSW Clean Technology Award 2022
Winner of the Circular Transition Prize, National Banksia Sustainability Awards 2023
Watch our short video explaining our CO_2 solution here
What the World Economic Forum says about us
What we can do for sustainable metals

From: Erik Conaghan
Sent: Thursday, March 7, 2024 4:26 PM
To: lbrosi@co.fresno.ca.us;
Cc: Martin Murphy <martin.murphy@mineralcarbonation.com>; Jordan Bentley <jordan.bentley@mineralcarbonation.com>

Subject: Contact and inquiry - serpentinite mines/quarries in your County

Dear Sir/M'am.

Firstly, I apologise if I have written to the incorrect county department. I am writing to the most suitable (or only) email addresses that I could find online. Additionally, I cannot access some County websites and email addresses, probably due to my IP address being outside North America.

In the case that I have contacted the incorrect section or department, I am hoping that you can please forward my request to the appropriate person or department.

By way of background, I am a geologist working for MCI Carbon, an Australian based, clean-tech company with a registered office in Ogden, Utah. MCi Carbon developed proprietary technology that blends carbon dioxide ("CO2") gas emissions) with serpentinite rock ("feedstock"), to create new raw materials for the building and construction industry, through the mineral carbonation process. We operate a pilot plant and are currently constructing a larger demonstration plant in Newcastle Australia that will directly take emissions directly from a commercial fertiliser facility. We are also constructing a plant in Europe that will abate 50,000t pa of CO2 with a view to expanding the facility to abate 250,000 tonnes (of CO2) per annum.

I am researching potential serpentinite feedstock in California. My primary focus is to compile a list of operating or recently closed mines/quarries that produced serpentinite, either directly or indirectly. After looking into the geology of California I have located vast tracts so serpentinite/ultramafic rocks. Additionally, serpentinite also hosts (or occurs proximal to) gold, chromite, magnesite, and asbestos mines/quarries. Consequently, serpentinite could be excavated indirectly from these operations.

So far, I have identified and contacted 2 operating serpentinite quarries in California, and suspect that there must be more due to the abundance of this rock which is used for both decorative stone and as aggregate (usually listed as "crushed stone" in the "material type" lists and databases). To date, I haven't been able to obtain a current list of operating serpentinite quarries in CA from the state government department/s, as this seems to be controlled at the county/city level.

I approached the government at both the federal and state levels and was informed that mining and quarrying are controlled by the local county or city. Subsequently, I am contacting you with this inquiry. I am hoping that you can share with me any basic information on your current and former quarries or mines that produced serpentinite that are possible potential serpentinite feedstocks. There are numerous former asbestos mines across the state that quarried serpentinite – we are open to these as potential feedstock but understand the significant safety and environmental issues associated with these.

I look forward to hearing from you soon.

Best regards
Erik.

Erik Conaghan
Geologist - Commercial
MCi Carbon (MCi)

Newcastle, NSW, Australia
Mobile: +61 (0)408 072 723
www.mcicarbon.com

An Australian Carbon Utilisation Company

Winner of the COP26 Clean Energy Pitch Battle, Glasgow 2021
Winner of the Banksia Foundation NSW Clean Technology Award 2022
Winner of the Circular Transition Prize, National Banksia Sustainability Awards 2023

Watch our short video explaining our CO_2 solution here

What the World Economic Forum says about us
What we can do for sustainable metals

EXHIBIT 226

Mine	Mine #	Operator	Status	Materials
Academy Quary	91-10-0003	Coldspring Granite Co.	A	Granite
Al'S Concrete	91-10-0004	Vulcan Materials	I	Sand and Gravel
Coalinga Pit #1	91-10-0005	Granite Construction Co.	A	Sand and Gravel
Avenal Aggregate	91-10-0006	Sierra Pacific Materials	A	Sand and Gravel
Coalinga Pit #2	91-10-0007	Granite Construction Co.	A	Sand and Gravel
Vulcan Sanger	91-10-0010	Vulcan Materials	A	Sand and Gravel
Rockfield Plant	91-10-0014	Cemex	A	Sand and Gravel
Santa Fe Aggregate	91-10-0017	Tiechert	I	Sand and Gravel
Tivy Valley Granite	91-10-0018	Lori A. Hawkyard	I	Sand and Gravel
Gale Sand	91-10-0019	Shawn Coburn Trustee	I	Sand and Gravel
River Rock Site	91-10-0024	Vulcan Materials	A	Sand and Gravel
Bass Avenue	91-10-0026	County of Fresno	A	Sand and Gravel
Kings River Sand & Gravel	91-10-0027	Martin Murietta	A	Sand and Gravel
Carmelita Mine	91-10-0028	Carmelita Resources LLC	UC	Sand and Gravel
Riverbend Sand and Gravel	91-10-0031	Herb Lange	UC	Sand and Gravel

AC=Active

I = Idle

UC=Under Construction

EXHIBIT 227

To: Boganwright, Katy
Cc: Day, Vickie; Rush, Bret; Motta, Chris
Subject: RE: Riverbend Sand and Gravel Permit
Date: Thursday, May 9, 2024 12:10:32 PM
Attachments: image001.png
image002.png

Hi Katy,

Nothing is being revoked. It is the Depts. position is that the CUP (approved in 2015) has expired. Lang's attorney has sent in documentation which County Counsel is reviewing at this time. We are awaiting Counsels determination.

William M. Kettler | **Deputy Director of Planning**
Department of Public Works and Planning |
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4233
Your input matters! Customer Service Survey

From: Boganwright, Katy <kboganwright@fresnocountyca.gov>
Sent: Thursday, May 09, 2024 12:06 PM
To: Kettler, William <WKettler@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>
Cc: Day, Vickie <vday@fresnocountyca.gov>; Rush, Bret <brush@fresnocountyca.gov>
Subject: Riverbend Sand and Gravel Permit

Good afternoon Will and Chris,

I received a call from Herb Lang of Riverbend Sand and Gravel. He was concerned about the possibility of his mining permit being revoked and was wondering how he can keep that from happening? Would you guys be able to assist?

Herb Lang
Phone: 559-978-0846

Respectfully,

Katy Boganwright | **Board Member Assistant**
Board of Supervisors – District 4 |
Supervisor Buddy Mendes
Hall of Records, Room 300
2281 Tulare Street Fresno, CA 93721
Main Office/Direct: (559) 600-4000

EXHIBIT 228

From: Motta, Chris
To: Kettler, William
Subject: FW: Riverbend Sand and Gravel
Date: Friday, May 10, 2024 3:19:00 PM
Attachments: image001.png

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Friday, May 10, 2024 3:13 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>
Subject: Riverbend Sand and Gravel

Pat,

Good afternoon. I got a call to my direct line just a moment ago from Herb Lang. I understand that he is the project manager for the Riverbend project (CUP 3390). It sounded like he had a question regarding County ordinances which was prompted by a discussion he had with Supervisor Brian Pacheco. I am a little unclear how I came into the discussion, and do not know what his question is. I only informed Mr. Lang that I would reach out to you, as I know that Riverbend is represented by your office. If you want to discuss further, I have some availability. However, you will likely receive an official response to your April 23, 2024 letter directly from the Department of Public Works and Planning, not from the County Counsel's office.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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EXHIBIT 229

From: Motta, Chris
To: Kettler, William
Subject: FW: Key Riverbend 2017 email with county counsel
Date: Tuesday, May 14, 2024 10:18:00 AM
Attachments: image002.png

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
Your input matters! Customer Service Survey

From: Rome, Bryan <brome@fresnocountyca.gov>
Sent: Tuesday, May 14, 2024 10:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: Motta, Chris <CMotta@fresnocountyca.gov>
Subject: RE: Key Riverbend 2017 email with county counsel

Pat,

Thanks for this information. In your email below from last night, a line jumped out at me:

> Art agreed that Riverbend had already substantially developed the site.

I do not see this reflected in your March 22, 2017 email to your client. At first blush, it seems an odd thing for an attorney to state, given that the Zoning Ordinance did not give the County Counsel's office authority to make these kinds of determinations on behalf of the County. I do see the following comment from your March 22, 2017 email, to which you may have been referring:

> Art stated, "We are on the same page regarding substantial development. I am glad that the project is moving forward."

Do you have any further evidence of your statement that Art agreed that the project site was substantially developed? Do you have any other evidence of how to interpret your quoted text? Was any of this sent or confirmed in an email from Art, or is it just your recollection at the time you sent your email to your client? If the latter, how long after the call did you send the email?

As I stated on our call last week, I am just assisting PWP in gathering facts and information which could help PWP interpret and assess your letter from last month. Any official communication from the County regarding the status of CUP3390 will come from PWP, not from me or from anyone else in the County Counsel's office, as the County Counsel is not an administrator of the Zoning Ordinance.

Thanks again,
Bryan

Bryan D. Rome
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, CA 93721
Tel: 559.600.3479
BRome@FresnoCountyCA.gov

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From: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Sent: Monday, May 13, 2024 7:55 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Subject: FW: Key Riverbend 2017 email with county counsel

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Bryan,

Per our recent call please find attached an extremely pertinent email from 3-22-17 which I sent to my client summarizing my 3-22-17 telephone call with Art Wille regarding Chris Motta's 3-21-17 letter. I found this email since our Friday call via an email archive search.

I believe that the county counsel's office serious consideration of this email, that was contemporaneous at the time, of some of the key events is critical.

My client Herb Lang has authorized me to share this otherwise privileged email.

On that call I discussed with Art and he agreed that nothing in the county code required that an applicant who had already substantially developed a site request a county determination on that point, rather that county process was an option not a requirement. Art stated on that call that Motta's (3-21-17) letter was just trying to make that clear.

Art agreed that Riverbend had already substantially developed the site.

I believe that Art's interpretation was then and still is correct.

Thanks,
Pat

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888

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EXHIBIT 230

From: Motta, Chris
To: Mtunga, Tawanda; Randall , David A.
Subject: FW: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390
Date: Friday, May 31, 2024 8:31:43 AM
Attachments: 2024.05.31 Riverbend SD Response Letter Signed.pdf
image001.png

FYI

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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From: Motta, Chris
Sent: Friday, May 31, 2024 8:17 AM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
Cc: White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Subject: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390

Pat,

Please see the County's response to your April 23, 2024 letter.

Sincerely,

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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EXHIBIT 231

From: Motta, Chris
To: Mtunga, Tawanda
Subject: FW: Riverbend Sand and Gravel, LLC - Appeal
Date: Thursday, June 13, 2024 2:49:45 PM
Attachments: 6-13-24 Riverbend APPEAL.pdf
Exhibits 1-30.pdf
image002.png

FYI – Riverbend Mine

Chris W. Motta | **Division Manager**
Department of Public Works and Planning |
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 Direct: (559) 600-4227
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From: Scott Miller <smiller@mitchellchadwick.com>
Sent: Thursday, June 13, 2024 1:38 PM
To: White, Steven <stwhite@fresnocountyca.gov>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Patrick Mitchell <pmitchell@mitchellchadwick.com>; Jimenez, Bernard <BJimenez@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>; District 1 <district1@fresnocountyca.gov>; District 2 <district2@fresnocountyca.gov>; District 3 <district3@fresnocountyca.gov>; District 4 <district4@fresnocountyca.gov>; District 5 <district5@fresnocountyca.gov>; Herb Lang <iblang@yahoo.com>; John Buada <jcbuada@buada.com>
Subject: Riverbend Sand and Gravel, LLC - Appeal

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All,

Attached are the documents for the appeal submitted by Riverbend Sand and Gravel, LLC. Also, below please find the link to the Riverbend CUP 3390 Appeal letter and supporting exhibits. Those accessing will still need to list their name and email for tracking purposes.

https://mitchellchadwick.sharefile.com/d-sc3d26f6f5e5341f8af4da79dfbcdaff0

Please let me know if you have any issues accessing the link.

Thank you.

J. Scott Miller
Counsel

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
Roseville, CA 95661
Office: 916.462.8888
Direct: 916.462.8801
Cell: 310.245.6049
smiller@mitchellchadwick.com
www.mitchellchadwick.com

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Caitlin Gandolfi
Office Administrator

MITCHELL CHADWICK
3001 Lava Ridge Court, Suite 120
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cgandolfi@mitchellchadwick.com
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EXHIBIT 232

From: Kirkpatrick (Kish), Jennifer
To: iblang@yahoo.com
Subject: FW: Riverbend Surface Mine Inspection Report
Date: Friday, June 28, 2024 3:54:00 PM
Attachments: MMRC-1 Riverbend.pdf
image001.png

Please see forwarded report.

Jennifer Kish Kirkpatrick, MLIS | **Senior Staff Analyst**
Department of Public Works and Planning | **Community Development**
2220 Tulare St. 8th Floor Fresno, CA 93721
Main Office: (559) 600-4292 Direct: (559) 600-0502
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From: Ramirez, Augustine <auramirez@fresnocountyca.gov>
Sent: Friday, June 28, 2024 3:53 PM
To: Kirkpatrick (Kish), Jennifer <jkish@fresnocountyca.gov>
Subject: Fwd: Riverbend Surface Mine Inspection Report

Get Outlook for iOS

From: Ramirez, Augustine
Sent: Friday, June 28, 2024 1:54:43 PM
To: lblang@yahoo.com <lblang@yahoo.com>; jcbuada <jcbuada@buada.com>
Cc: Jimenez, Roy <RJJimenez@fresnocountyca.gov>
Subject: Riverbend Surface Mine Inspection Report

Good afternoon Herb and John,

According to Roy, the attached report was forwarded to DMR in March of this year. Attached is a copy for your records.

Augustine C. Ramirez | **Division Manager**
Department of Public Works and Planning
Water and Natural Resources Division
Community Development Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4266
How are we doing?

EXHIBIT 233

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE
DIRECTOR

September 23, 2024

Herb Lang
Riverbend Sand and Gravel, LLC
14962 E. Fantz
Parlier, CA 93648

Subject: Annual SMARA Inspection / County Field Review

Dear Mr. Lang:

An on-site inspection will be required at Riverbend Sand and Gravel Mine ID# 91-10-0031 for the 2024 Year. The County of Fresno surface mining annual administrative fee is $2,257.00 per site. This fee is for staff's time to review cost estimates, financial assurance, interim management plans, and conduct an on-site inspection. This administrative fee should be received prior to your mining inspection. Please find the enclosed invoice for your payment request.

Please make your check payable to "County of Fresno" and mail your remittance to:

Department of Public Works and Planning
Water and Natural Resources Division
Attention: Roy Jimenez Jr.
2220 Tulare Street, Sixth Floor
Fresno, CA 93721-2104

A receipt will be mailed to you following processing of your payment.

To schedule your annual mine inspection, please contact me at rjjimenez@fresnocountyca.gov or call (559) 600-4251.

Sincerely,

Roy Jimenez Jr., Senior Planner
Water and Natural Resources Division

Enclosure