Inter Office Memo

DATE: May 15, 2026

TO: Board of Supervisors

FROM: Steven E. White, Director
Department of Public Works and Planning

Steve White Digitally signed by Steve White Date: 2026.05.15 12:00:27 -07'00'

SUBJECT: Advance Agenda Material - Appeal of Unclassified Conditional Use Permit No. 3390 Vested Rights Determination (Riverbend Sand & Gravel LLC)

An appeal of the Department's determination of expiration of Unclassified Conditional Use Permit No. 3390 is scheduled to be heard before your Board on June 2, 2026. Included in your Agenda Packets for this item is a copy of the February 26, 2026 appeal letter submitted by Mitchell Chadwick on behalf of Riverbend Sand and Gravel, LLC. This appeal letter references four pieces of correspondence with attachments which the Appellant has requested to be incorporated as part of the appeal. Those documents are listed below. Also included is a May 31, 2024, response by Department staff to one of those letters.

The attached correspondence consists of:

- Riverbend's April 23, 2024, letter to the County regarding Riverbend's "Vested Property Right Under CUP 3390," and all attached exhibits. (Attachment 1)

- County of Fresno's May 31, 2024, response to Riverbend's April 23, 2024 Vested Property Rights letter. (Attachment 2)

- Riverbend's June 13, 2024, appeal to the County regarding "Notice of Appeal – Conditional Use Permit No. 3390 (CA Mine ID # 91-10-0031)," and all attached exhibits. (Attachment 3)

- 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"). (Attachment 4)

- Riverbend's November 20, 2025 "Appeal of Staff Determination – Rejection of Grading Permit Application No. 25 000206 – 3677 S. Riverbend Avenue" (the "November 20, 2025 Appeal") and all attached exhibits. (Attachment 5)

The documents provided by Riverbend's legal Counsel represent responses to Department staff's determinations through various stages in the substantial development review process and associated documentation Riverbend representatives believe supports their claim that

the conditional use permit has not expired. Department staff's May 31, 2024 letter, also attached, provides a comprehensive explanation of the Department's position early in this review process.

For background the Riverbend Sand and Gravel Project, approved with Unclassified Conditional Use Permit No. 3390 in February of 2015 would have permitted an aggregate mining operation on 619 acres of a combined 833 acres of property 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 anticipated annual processing of material was 1.6 million tons per year with annual sales at approximately 1.25 million tons per year. Mining activities were anticipated to have a 75-year lifespan. To date, mining activities have not commenced on the site.

If you have any questions, please do not hesitate to contact me at 600-4537 or Bernard Jimenez, Planning & Resource Management Officer at 600-4234.

Attachments:

USB Flash Drive Containing Five (5) Items Listed in this AAI Memo

Attachment 1

Riverbend's April 23, 2024, letter to the County regarding Riverbend's "Vested Property Right Under CUP 3390," and all attached exhibits.

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;

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[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.)
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37. Annual SMARA Report Fees, 2015 to 2023. (Attachment 25.)
38. New Mining Operation Report June 11, 2015. (Attachment 26.)
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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.)
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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
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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

Attachment 1

MITCHELL CHADWICK

RECEIVED
COUNTY OF FRESNO

FEB 23 2017

DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION

[redacted]
916-780-0290 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 Boada 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.

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

Attachment 2

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

Attachment 3

BUADA ASSOCIATES, INC.
4878 N Arcade Ave, Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jbuada@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.

Pat Mitchell
February 20, 2017
Page 2

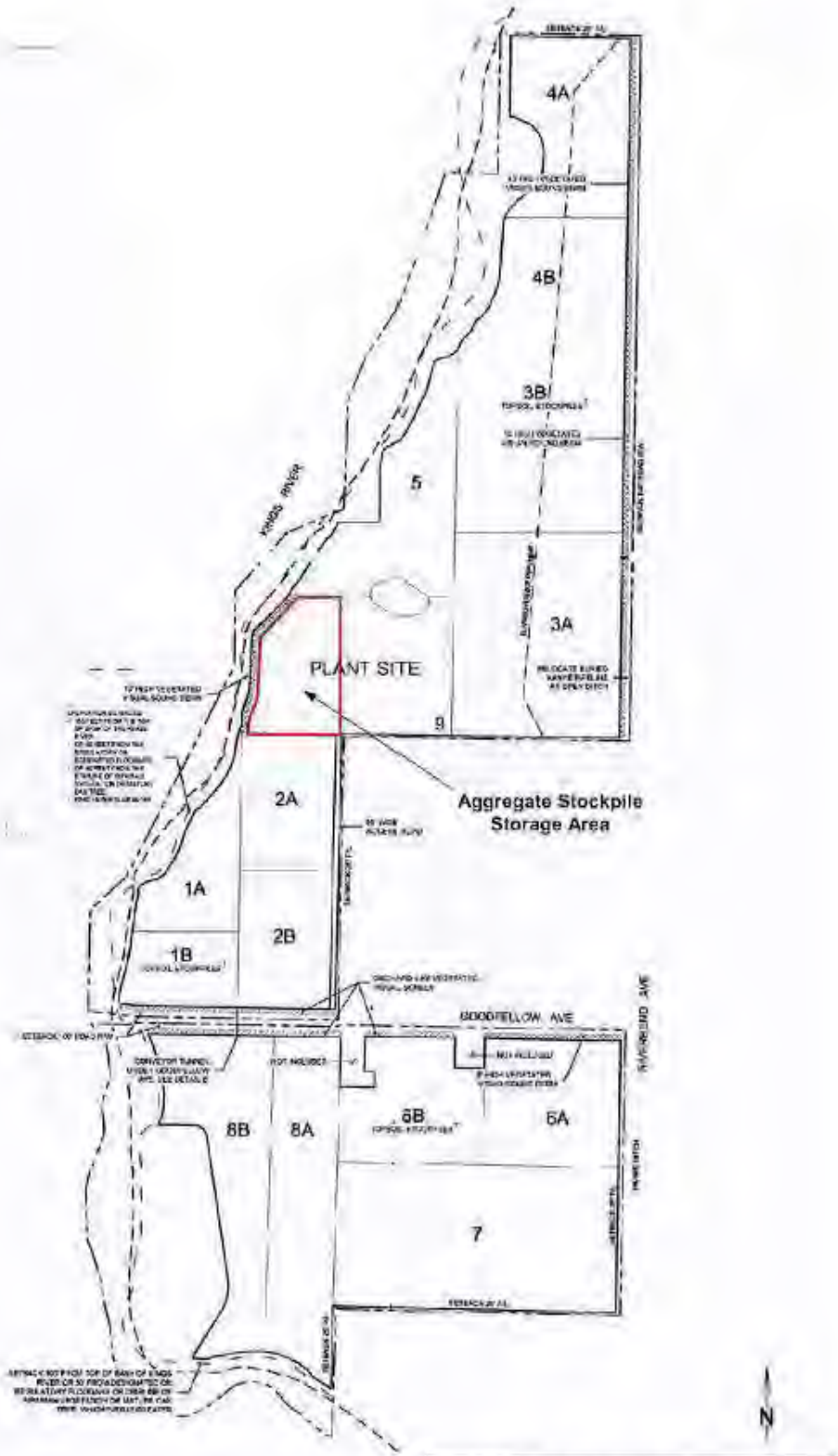
BIO-1:

1. 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."


4A
4B
3B
5
3A
PLANT SITE
9
Aggregate Stockpile
Storage Area
2A
1A
2B
1B
GOODFELLOW AVE
8B
8A
6B
6A
7
N
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: Level I

Property Owner Information

Type: Private Business

Name: Riverbend Sand and Gravel LLC
Address: 14982 E Fantz Ave
Address 2:
City/State/Zip: Parlier CA 93648
Contact Name: Herb Lang
Title: Manager
Phone Number: 559-875-6565
Email Address: tblang@yahoo.com

Contractor/Developer Information

Name: Riverbend Sand and Gravel LLC
Address: 14982 E Fantz Ave
Address 2:
City/State/Zip: Parlier CA 93648
Contact Name: Herb Lang
Title: Manager
Phone Number: 559-875-6565
Email Address: tblang@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: tblang@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: 0.62 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		a4729ccf6efc7ea171e6090a0386574 8ec5de33a152ba4 76f49639f488cd	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.
6872 N Arcade Avenue
Fig Garden Studio
Fresno, California 93704
559/432-4300 FAX/432-4097
e-mail: jbuada@buada.com

January 31, 2017

Herb Lang
Riverbend Sand and Gravel
14902 Kanz
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 improvement." 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

Attachment 4

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.L as that provision is not applicable to Riverbend's circumstances. Section 873.1 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 873.1.1. 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

Attachment 5

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\SupvPlan\EIR\EIR 6613 Riverbend Sand & Gravel\Post Approval\Correspondence\Riverbend SMP 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

Attachment 6

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**

Attachment 7

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

Attachment 8

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: John C. Buada

Print Name: John C. Buada

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

Date: 7/27/15

By: John C. Buada

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: Deborah A. Poochigian
Chair, Board of Supervisors

Date: Sept 1, 2015

BERNICE E. SEIDEL
Clerk to the Board of Supervisors

By: Susie Cuyle
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

Attachment 9

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 18, 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 Project 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 1254.55 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
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					

Attachment 10

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 _____

Attachment 11

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

Attachment 12

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.

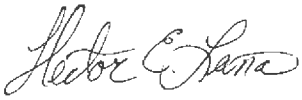
S. Conditional Use Permit No. 3390 will become void, unless there has been substantial development within two years of the effective date of this approval. (Note 1)

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

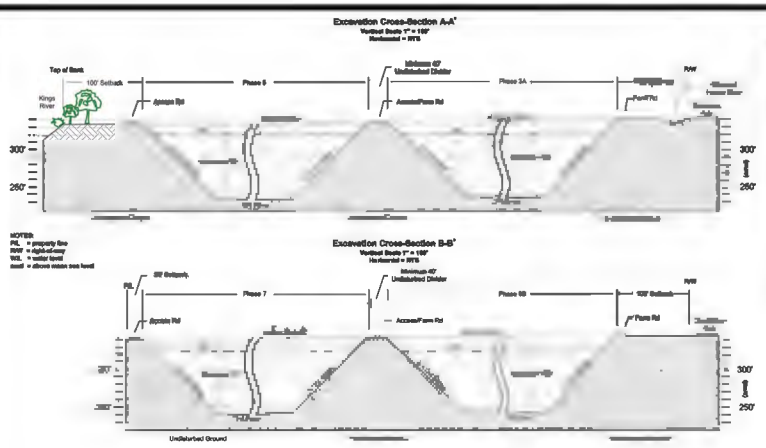
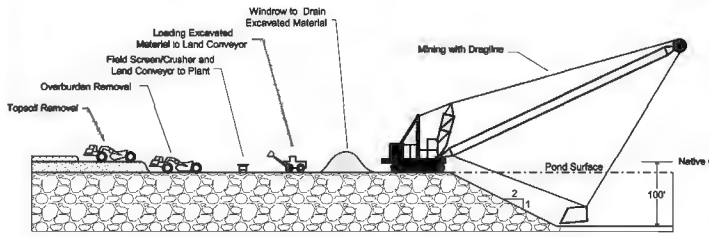


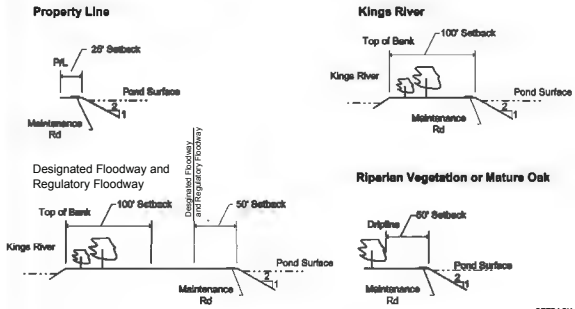
ILLUSTRATION OF MINING WITH DRAGLINE

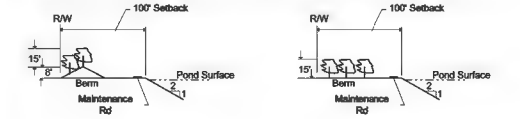
Not to Scale

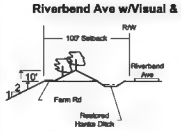


TYPICAL EXCAVATION SETBACKS AND BERMS

No Scale







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.

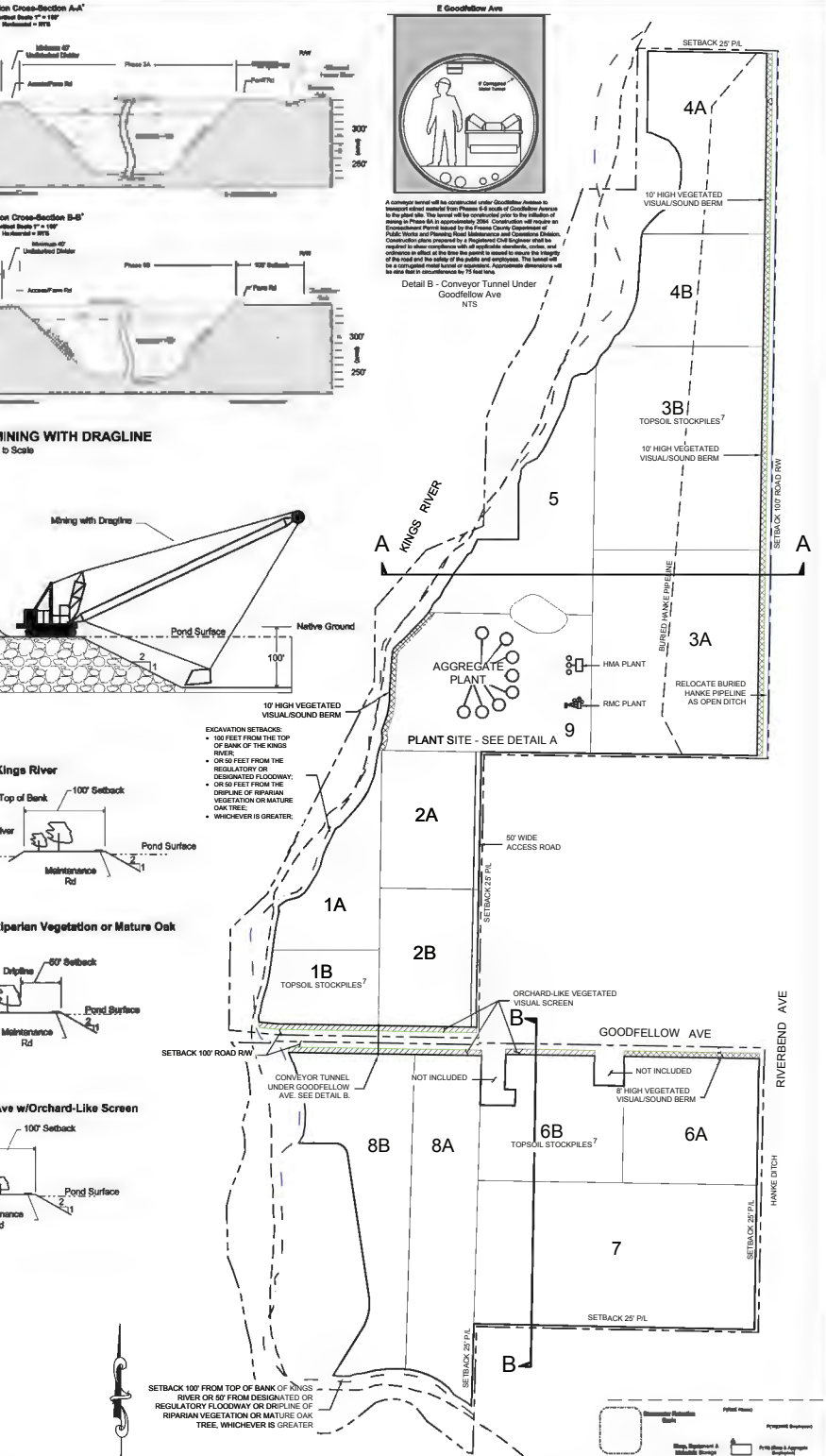
[2] Gross acres, includes farm roads.

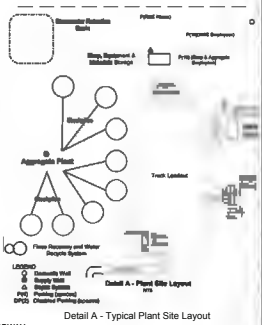
[3] Actual final reclamation of each phase will depend on the volume and availability of overburden and process fines occurring on site.

[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 2064. 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 ordinances in effect 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 - Typical Plant Site Layout

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

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

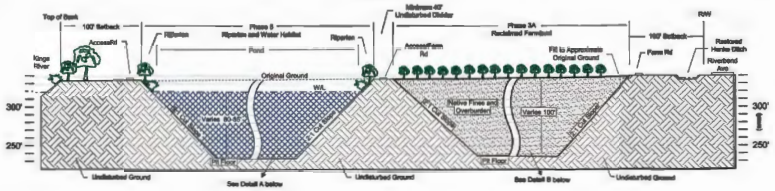
- PROPERTY BOUNDARY
- PROJECT BOUNDARY
- PHASE BOUNDARY
- DESIGNATED FLOODWAY
- FEMA REGULATORY FLOODWAY
- VISUAL/SOUND BERM (HEIGHT PER PLAN)
- ORCHARD-LIKE VISUAL SCREEN

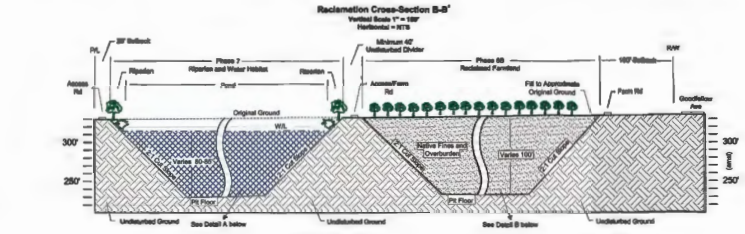
SITE PLAN REVIEW – SHEET 2 OF 3

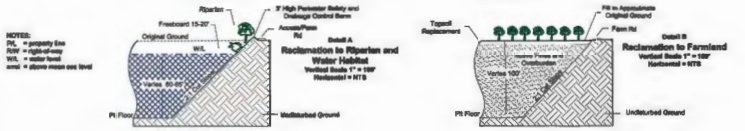
MINE PLAN

RIVERBEND SAND AND GRAVEL

BUADA ASSOCIATES
4672 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com



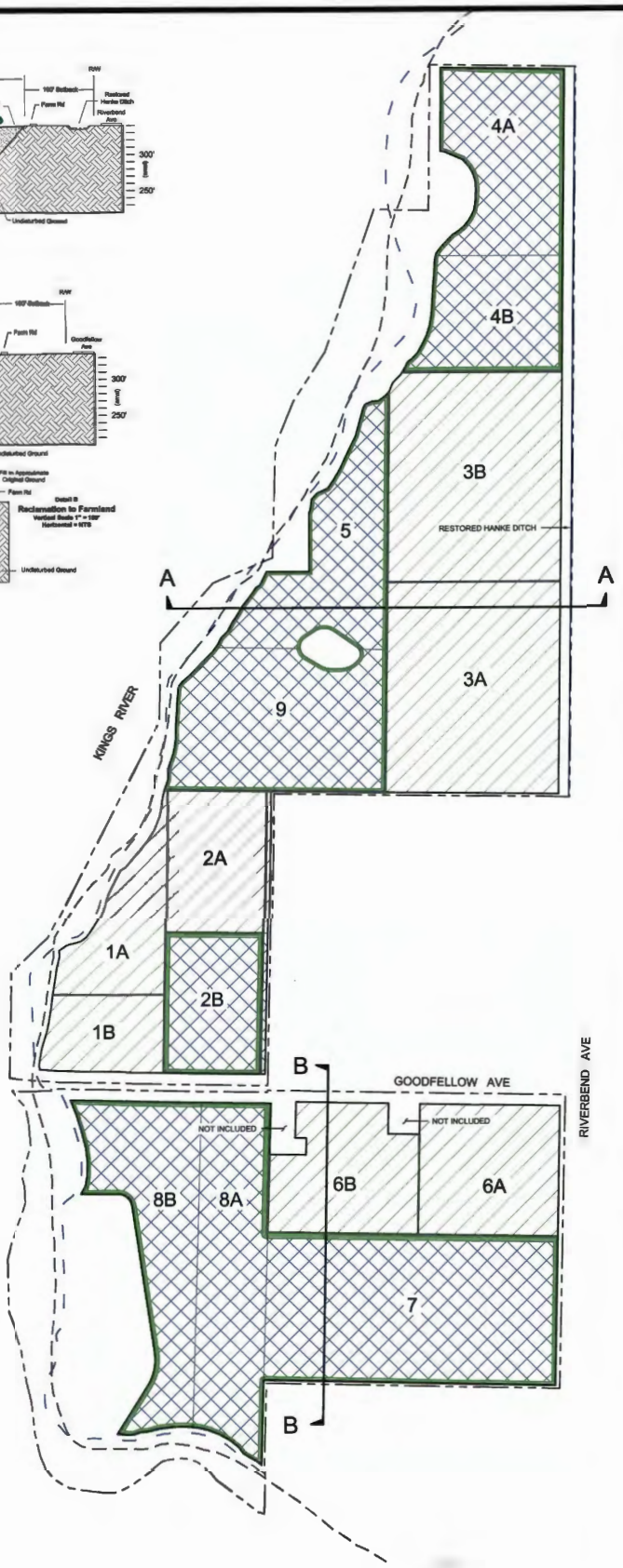




Reclamation End Uses and Estimated Schedule[1]

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		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	288	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.

APPROVED PLAN
SPR #7946 MVM B/P
DRR # 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
SEP 11 2015
SPR7946

RIVERBEND SAND AND GRAVEL
14692 E. Fortz Ave.
Porter, CA 93645
559-875-6565

SITE PLAN REVIEW – SHEET 3 OF 3
RECLAMATION PLAN
RIVERBEND SAND AND GRAVEL

4672 N. Arcade Ave.
Fresno, CA 93704
559-432-4902
Fax 559-432-4097
jcbuada@buada.com

	Date	Revision
C		
B	11/17/14	AMEND CROSS-SECTIONS
A	12/23/13	FLOODWAY ADJUSTMENT/AMEND SCHEDULE
		Initial Release

Attachment 13

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

Attachment 14

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

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
Equal Employment Opportunity • Affirmative Action • Disabled Employer

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.

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
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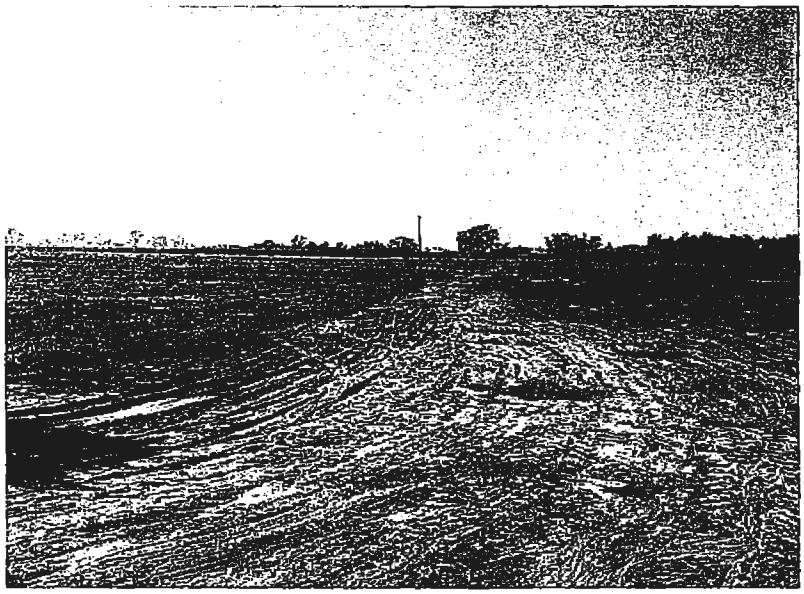
SURFACE MINING INSPECTION REPORT

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:
12-22-16

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.

Attachment 15

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: 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 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	☐

State of California
DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION

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

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.

Attachment 16

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	☐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: 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
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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	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.

Attachment 17

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

05 / 05 /20 20
CA Mine ID Number: 91-

(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	

Attachment 18

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

(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: _____

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.

Attachment 19

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

(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: _____

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.

Attachment 20

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
MRRC-1 (2019) Page 1 of 6

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		
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.

Attachment 21

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

(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: _____

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.

Attachment 22

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

Attachment 23

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

(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: _____

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.

Attachment 24

RECEIVED
By Mike Luksic at 2:41 pm, Mar 07, 2024

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
MRRC-1 (2019) Page 1 of 6

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:	State:	ZIP Code:
Fresno	CA	93721

Name of Onsite Contact Person:	Email Address:	Telephone:
Herb Lange	rjjimenez@fresnocount	(559) 600-4251

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:	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: 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? Check One: ☐ Yes ☒ No
If yes, explain:

Inspecting Agency Code(s):	Reason for Inspection:

Land Use Designation/Zoning for Surface Mine Operation:
Agriculture

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: 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:
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	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	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:
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		
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 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.

Attachment 25

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

Attachment 26

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 Appl

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-____:

Attachment 27

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	rjjimenez@fresnocountyca.gov

2. Designated Agent's Name (individual must reside in CA)	Mailing Address	Email Address	Telephone
John Buada	4872 N Arcade	jcbuada@buada.com	
City: Fresno	Zip Code: 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
Riverbend Sand and Gravel, LLC	559-875-6565 Ext.
Mailing Address	**Email Address**
14962 E Fantz	rjjimenez@fresnocountyca.gov
City	**State/ZIP Code** / **Country (If other than U.S.A.)**
Parlier	CA 93648-9734

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	Assessor's Parcel No.(s)
Running Luck Ranch	333, 061-04 & 05, 333-160-01, 332-071-52 & 53, 350-041-12, 360-020-20
Mailing Address	**Telephone**
14962 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 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.

☐ N.C.

13. **CHECK ALL THAT APPLY**
- ☑ Acres permitted: 619
- ☐ 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: $ 8,121,150

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 ..... $ $ 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)** = $ No new areas h

D. SILVER FEE (_____ **Ounce(s) of silver) X ($0.10 per ounce)** = $ None

TOTAL FEES DUE; SUM OF 16(B), (C) AND (D) = $ None **(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

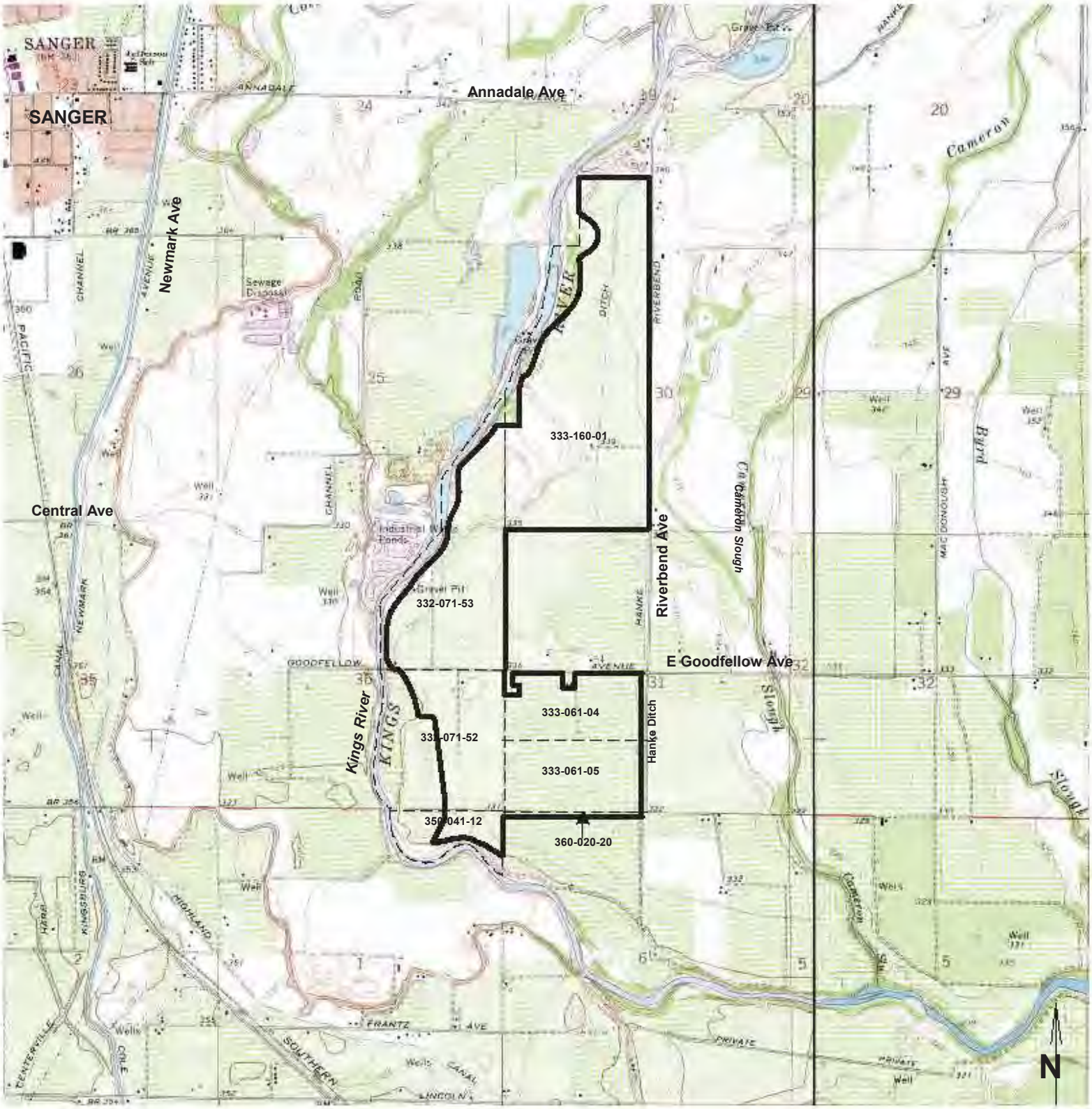
TITLE OF SUBMITTER President **EMAIL ADDRESS** jcbuada@buada.com

Please mail annual report, reporting fee, gold and silver fee and required attachments to:

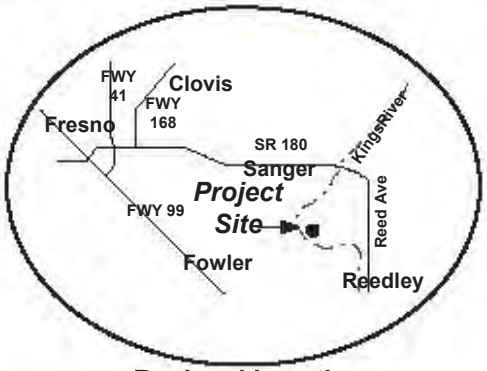
ATTN: Reporting Unit
Office of Mine Reclamation
Department of Conservation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

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 0/100 DOLLARS

MEMO MINE ID# 10-0031

John C. Buada
AUTHORIZED SIGNATURE

⑈009665⑈ ⑆321171184⑆ 20561492 8⑈

Attachment 28

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

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

9768

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 (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)

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

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
Equal Employment Opportunity • Affirmative Action • Disabled Employer

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.

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			☐

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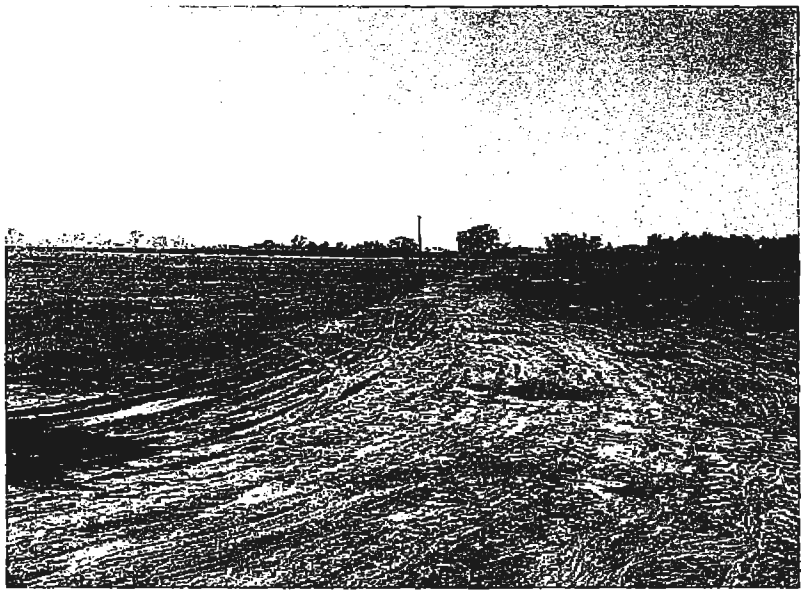
SURFACE MINING INSPECTION REPORT

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:
12-22-16

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.

Attachment 29

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

9894

Buada Associates, Inc.
4872 N Arcade Ave
Fresno, CA 93704
559-432-4902

Citibank
90-7118/3211

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 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 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)

State of California
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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)

State of California
DEPARTMENT OF CONSERVATION
2017 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) = $ _____

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
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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	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?	

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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	☐

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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			☐

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.

Attachment 30

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
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2018
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	
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
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2018
MRRC-2 Page 2

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)

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2018
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. 0.00 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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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) = $ _____ (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** 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

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	☐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: 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.

Attachment 31

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2019
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: RIVERBEND SAND AND GRAVEL, LLC — Telephone: (559) 875-6565 Ext.
Mailing Address: 14692 E. FANTZ AVENUE — Email Address: iblang@yahoo.com
City: PARLIER — State/ZIP Code: CA/936489734 — 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: RUNNING LUCK RANCH, LLC — Assessor's Parcel No.(s): Listed on the final page of this document
Mailing Address: 14692 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 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
FOR CALENDAR YEAR 2019
MRRC-2 Page 2

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
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2019
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 [redacted]

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
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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 (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.

Attachment 32

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT
FOR CALENDAR YEAR 2019
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/936489734	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: RIVERBEND SAND AND GRAVEL, LLC — Telephone (559) 875-6565 Ext.

Mailing Address: 14692 E. FANTZ AVENUE — Email Address: iblang@yahoo.com

City: PARLIER — State/ZIP Code: CA/936489734 — 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: RUNNING LUCK RANCH, LLC — Assessor's Parcel No.(s): Listed on the final page of this document

Mailing Address: 14692 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 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
FOR CALENDAR YEAR 2019
MRRC-2 Page 2

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

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.

THIS REPORT MUST BE SENT TO: **Department of Conservation** (original) **Lead Agency** (copy)

Attachment 33

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 [redacted]

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

Attachment 34

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
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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 [redacted]

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
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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 (_____ **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

Attachment 35

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	

Attachment 36

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

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

Attachment 37

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
Title: Manager

Date: 2018-08-27 17:51:07.252

Attachment 38

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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SWPPP Attachments

Attachment A ..... Vicinity Map
Attachment B ..... Water Pollution Control Drawings
Attachment C ..... SWRWQCB General Construction Permit
Attachment D ..... BMP Consideration Checklist
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Attachment F ..... Construction Inspection Checklist
Attachment G ..... Subcontractor Notification Letter and Log
Attachment H ..... Trained Contractor Personnel Log
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Attachment J ..... Sampling Activity Log
Attachment K ..... Construction Material and Pollutant Testing Guidance Table – Non-Visible Pollutants
Attachment L ..... Discharge Reporting Log

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

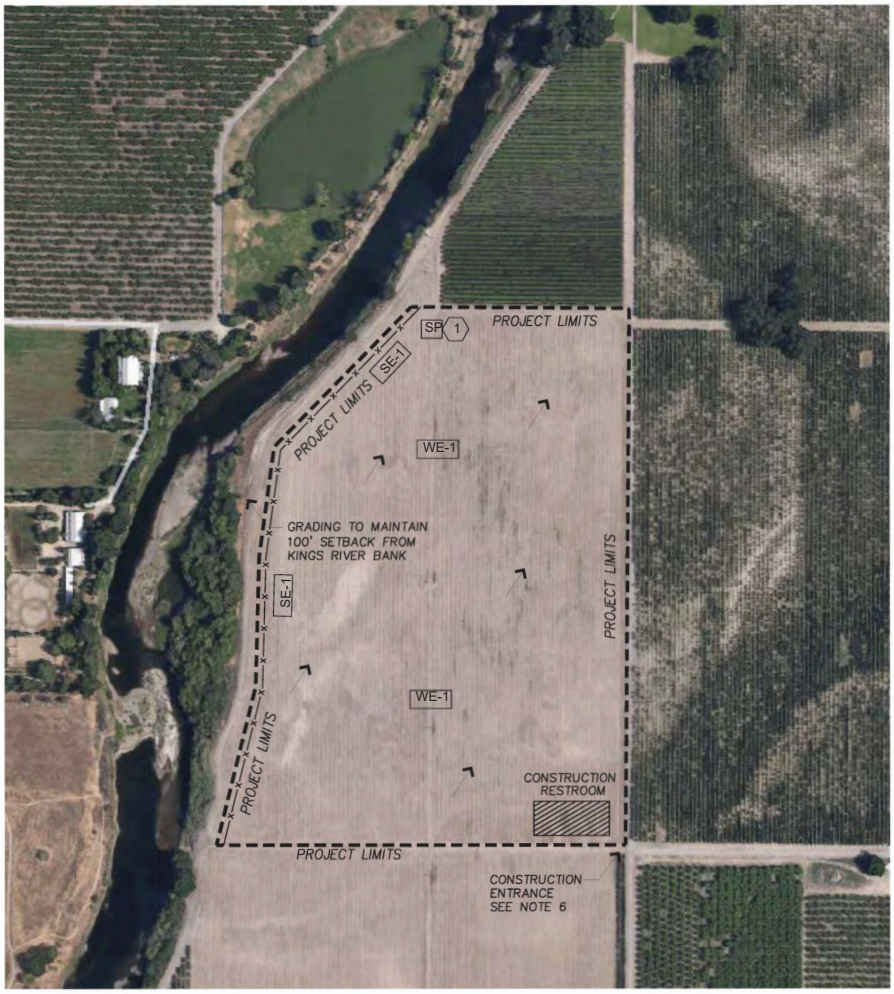
NOT TO SCALE

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)

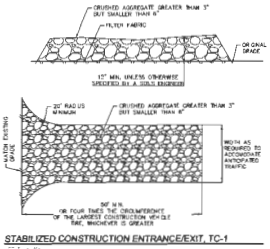


CONTRACTOR NOTES:

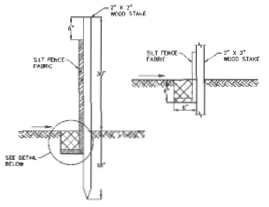
1. CONTRACTOR WILL BE RESPONSIBLE FOR COMPLYING WITH THE STORM WATER DISCHARGE GENERAL PERMIT AND SHALL IMPLEMENT BMPS AS INDICATED ON THIS PLAN, AT A MINIMUM.
2. CONTRACTOR TAKES FULL RESPONSIBILITY FOR IMPLEMENTING, MONITORING, REPORTING, AND ADDING ANY ADDITIONAL BMPS DURING CONSTRUCTION FOR COMPLIANCE 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



SILT FENCE, SE-1

SCALE: NTS

LEGEND:

WE-1	WIND EROSION CONTROL
SE-1	SILT FENCE
SE-7	STREET SWEEPING & VACUUMING
SP 1	UNCONTAMINATED SAMPLE LOCATION

Ref. & Rev.	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

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

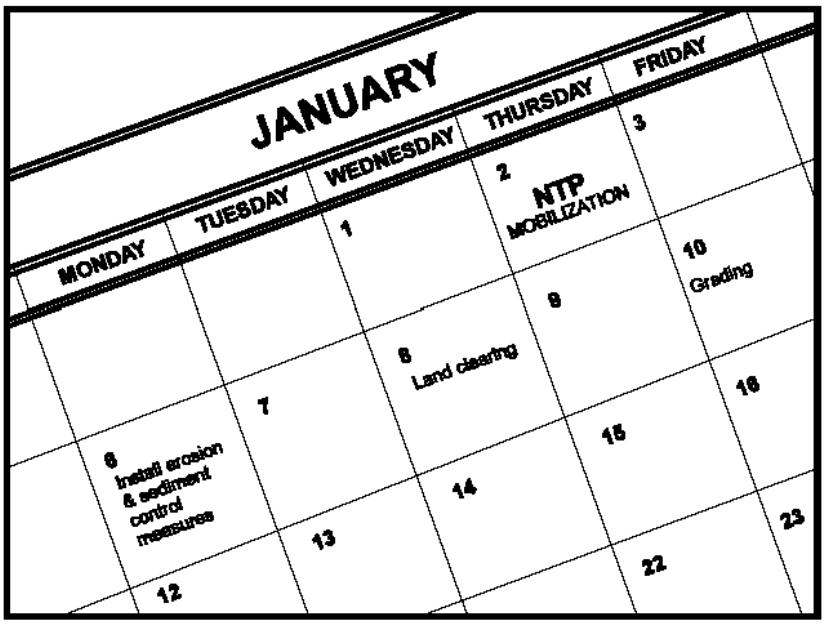
CONSTRUCTION SITE BMPs CONSIDERATION CHECKLIST

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

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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

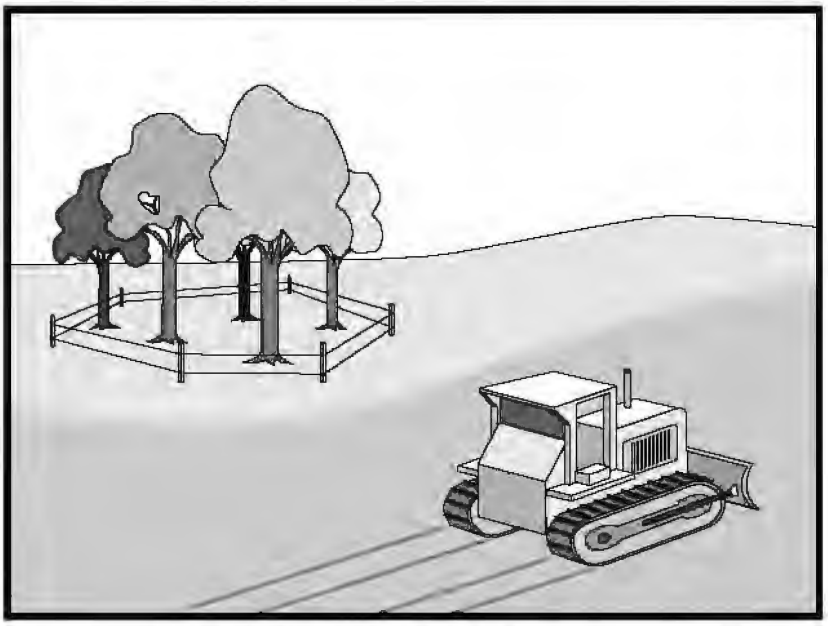
- Verify that work is progressing in accordance with the schedule. If progress deviates, take corrective actions.
- Amend the schedule when changes are warranted.
- Amend the schedule prior to the rainy season to show updated information on the deployment and implementation of construction site BMPs.

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 documents.
- 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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- 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.

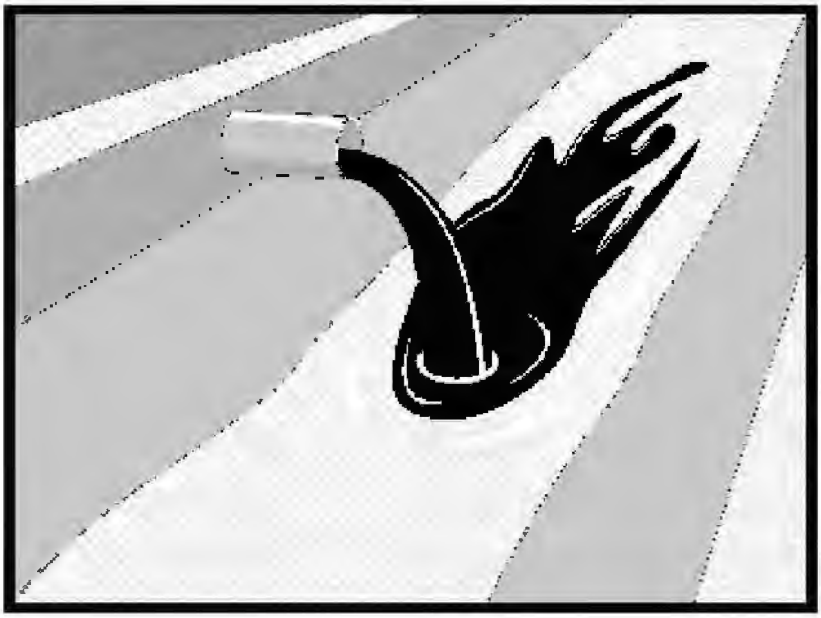
Inspection and Maintenance

- 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



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

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.

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- 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.

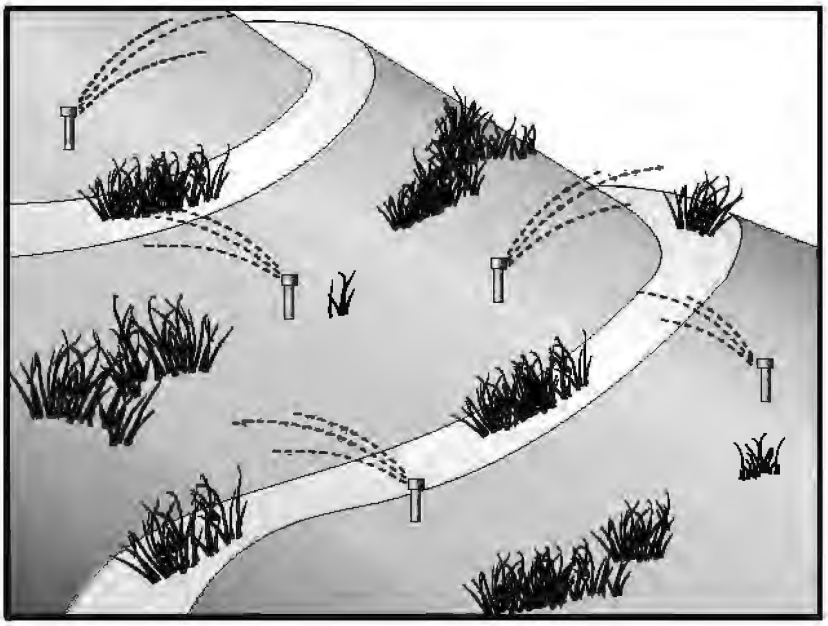
References

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



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.

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

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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.

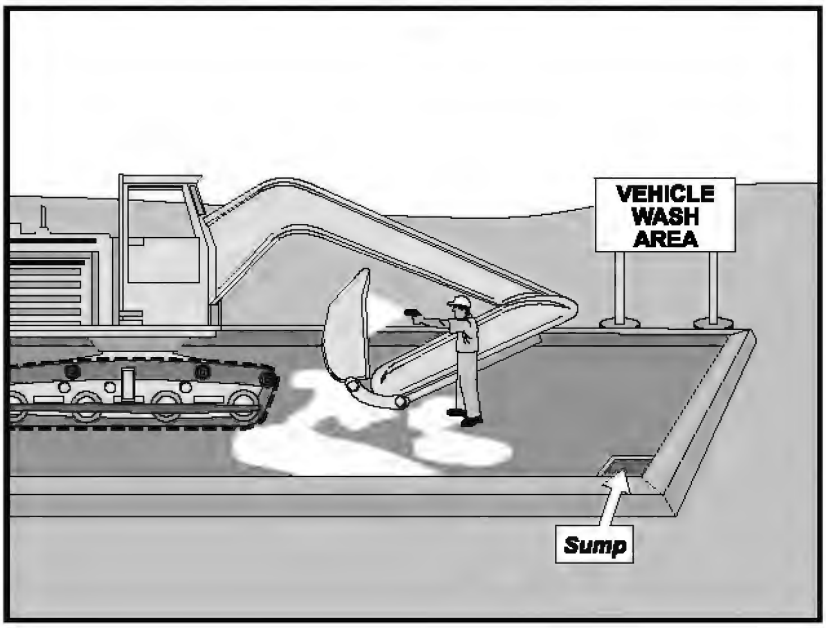
References

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

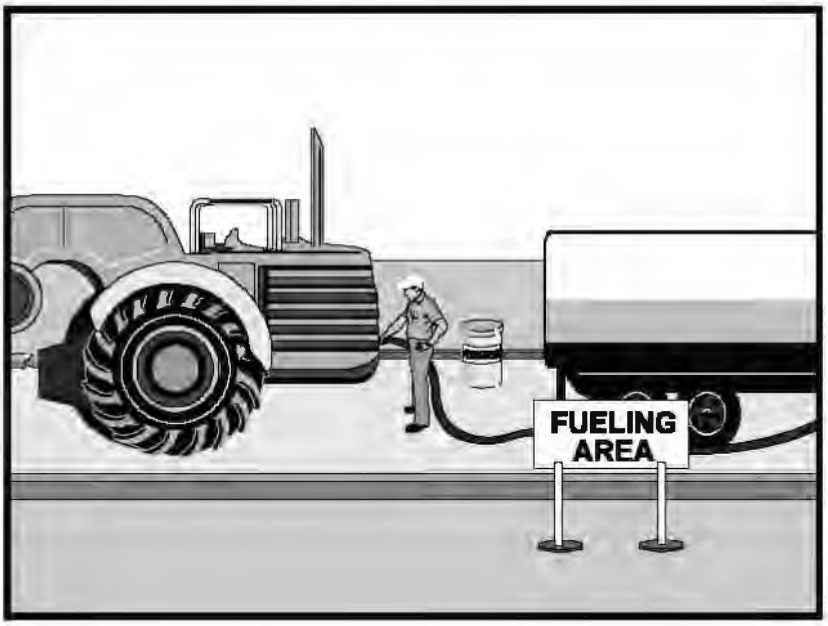
- Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly during the rainy season and at two-week intervals in the non-rainy season to verify continued BMP implementation.
- Inspect 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

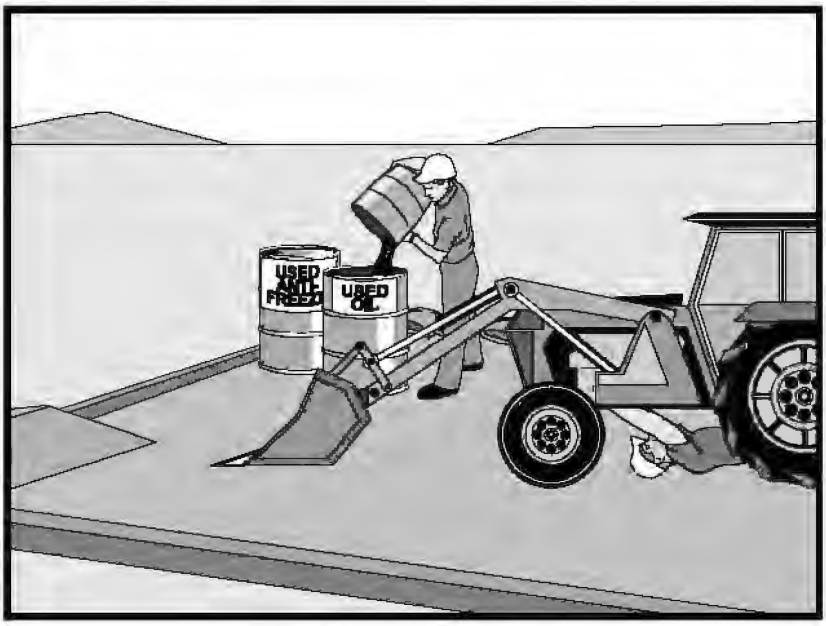
Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

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.

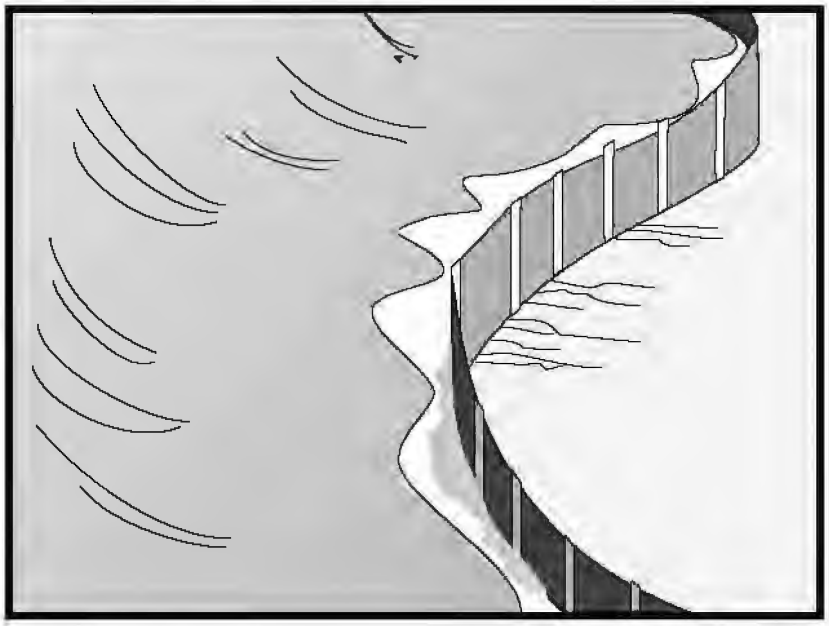
References

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.

National Management Measures to Control Nonpoint Source Pollution from Urban Areas, United States Environmental Protection Agency, 2002.

Proposed Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Work Group-Working Paper, USEPA, April 1992.

Sedimentation and Erosion Control Practices, and Inventory of Current Practices (Draft), UESPA, 1990.

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

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Stormwater Management Manual for The Puget Sound Basin, Washington State Department of Ecology, Public Review Draft, 1991.

U.S. Environmental Protection Agency (USEPA). Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. U.S. Environmental Protection Agency, Office of Water, Washington, DC, 1992.

Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

PLAN

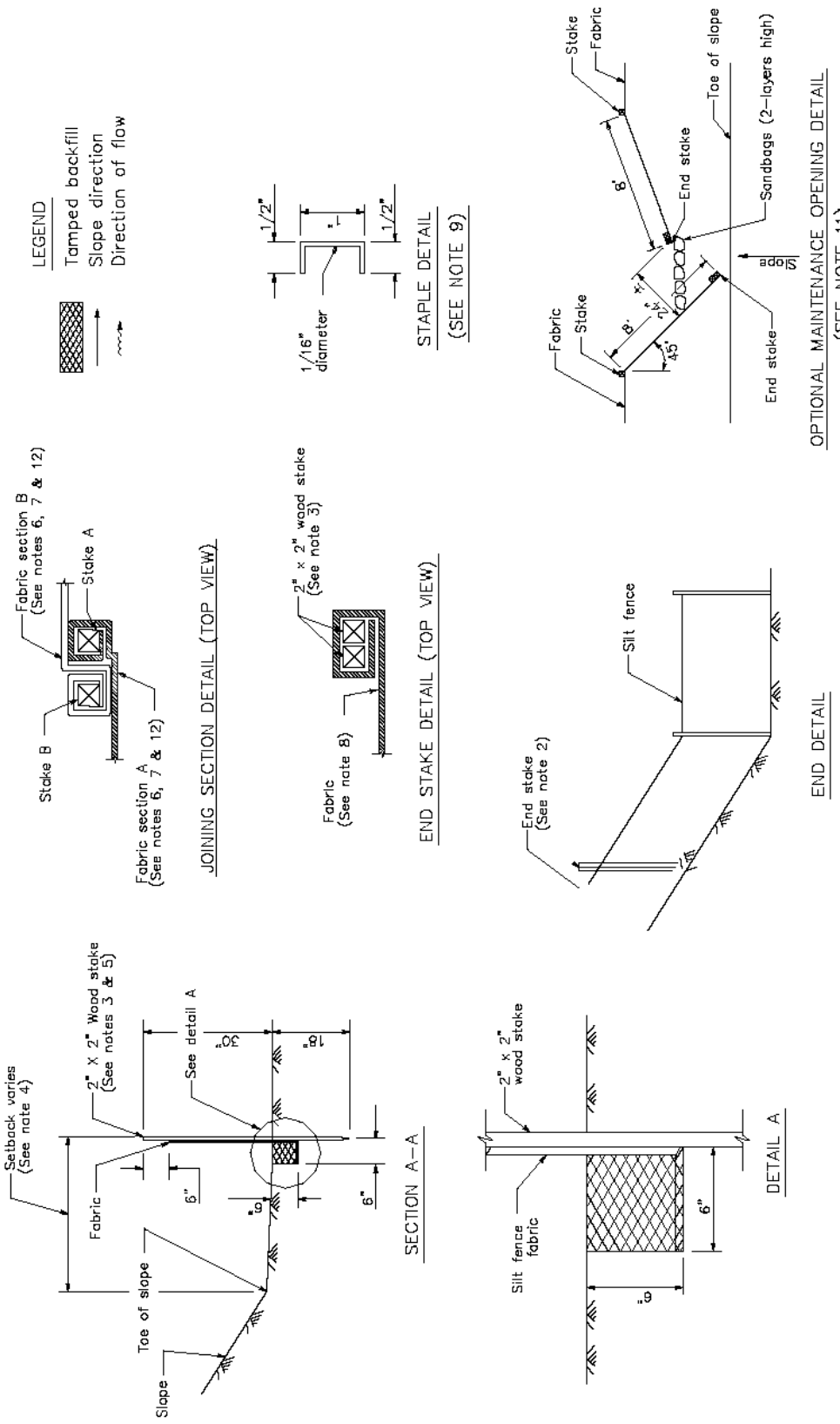
SILT FENCE

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"
1/16" diameter
1/2"
STAPLE DETAIL
(SEE NOTE 9)
Stake
Fabric
End stake
Toe of slope
Sandbags (2-layers high)
Slope
Fabric
Stake
End stake
OPTIONAL MAINTENANCE OPENING DETAIL
(SEE NOTE 11)
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)
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
30"
18"
Fabric
6"
6"
6"
Toe of slope
Slope
SECTION A-A
2" x 2"
wood stake
Silt fence
fabric
6"
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

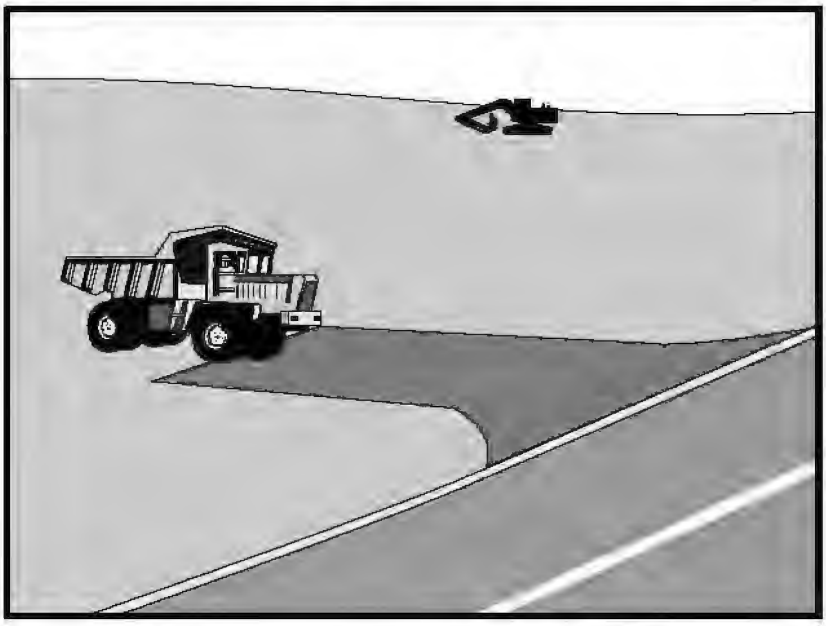
- Inspect BMPs prior to forecast rain, daily during extended rain events, after rain events, weekly during the rainy season, and at two-week intervals during the non-rainy season.
- When actively in use, points of ingress and egress must be inspected daily.
- When tracked or spilled sediment is observed 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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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.

Stabilized Construction Entrance/Exit TC-1

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

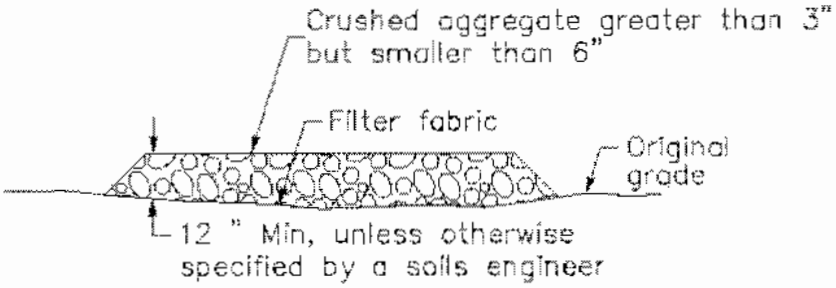
Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

Virginia Erosion and Sedimentation Control Handbook, Virginia Department of Conservation and Recreation, Division of Soil and Water Conservation, 1991.

Guidance Specifying Management Measures for Nonpoint Pollution in Coastal Waters, EPA 840-B-9-002, USEPA, Office of Water, Washington, DC, 1993.

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
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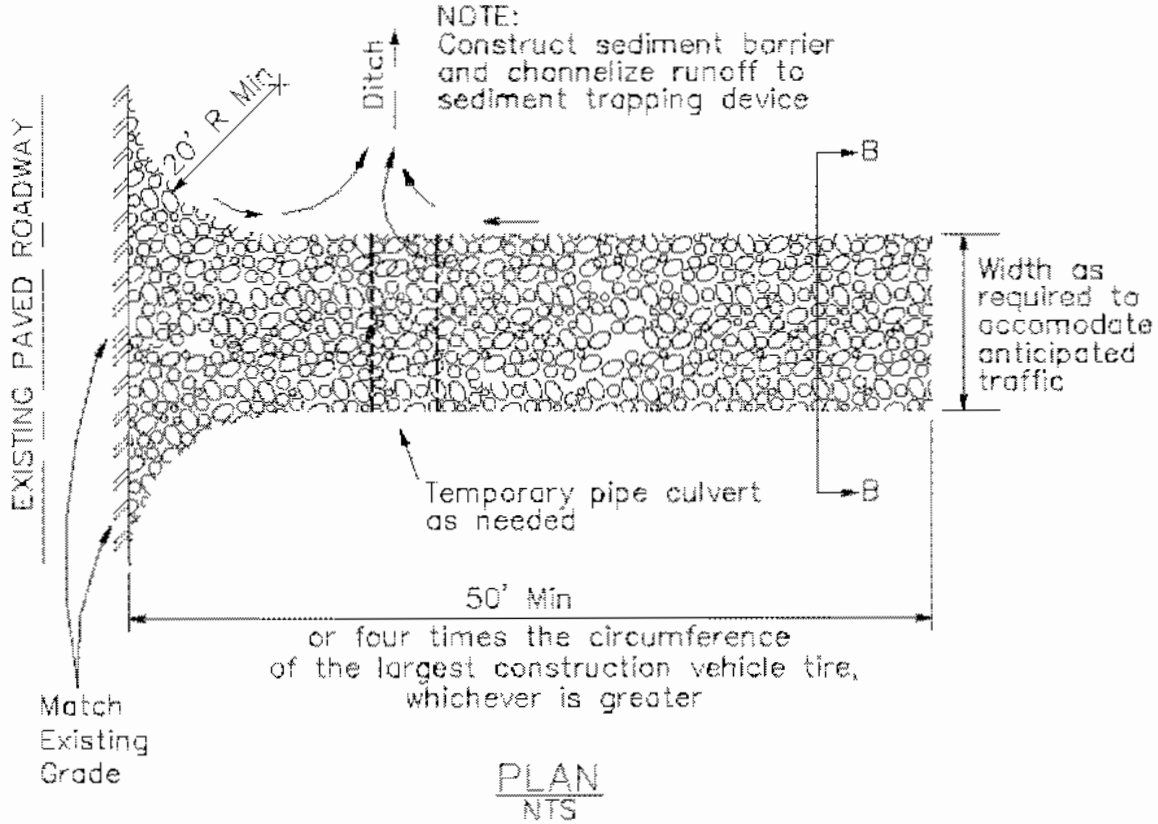

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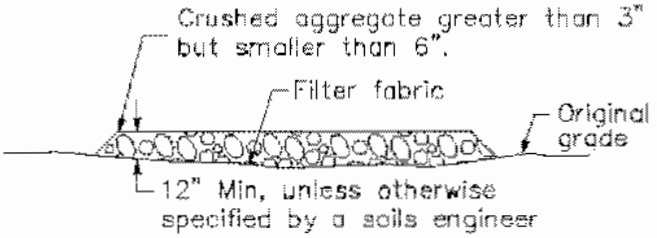
Stabilized Construction Entrance/Exit TC-1



SECTION B—B
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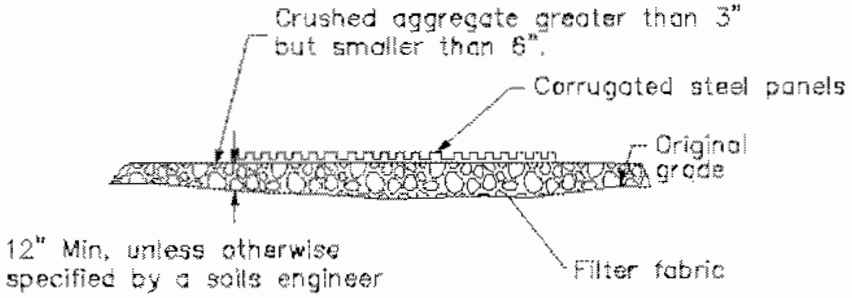
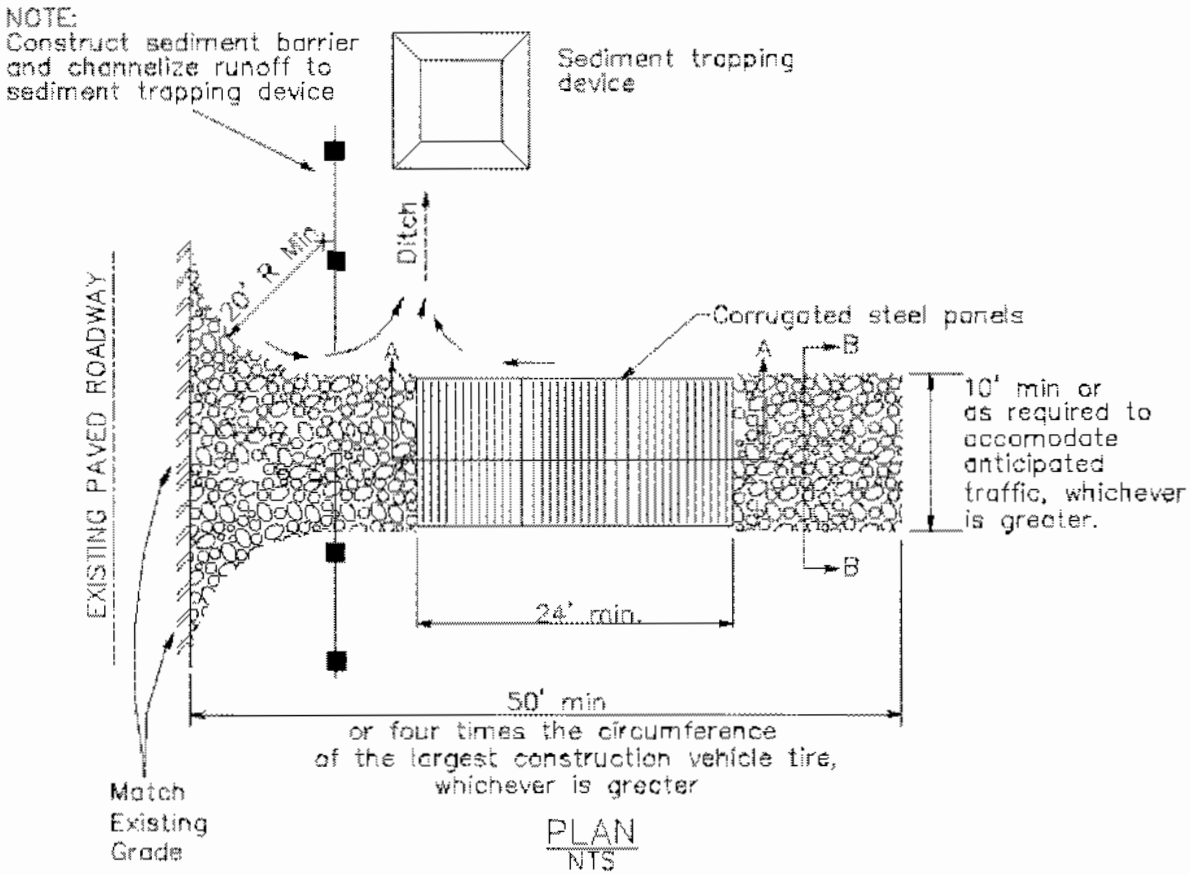
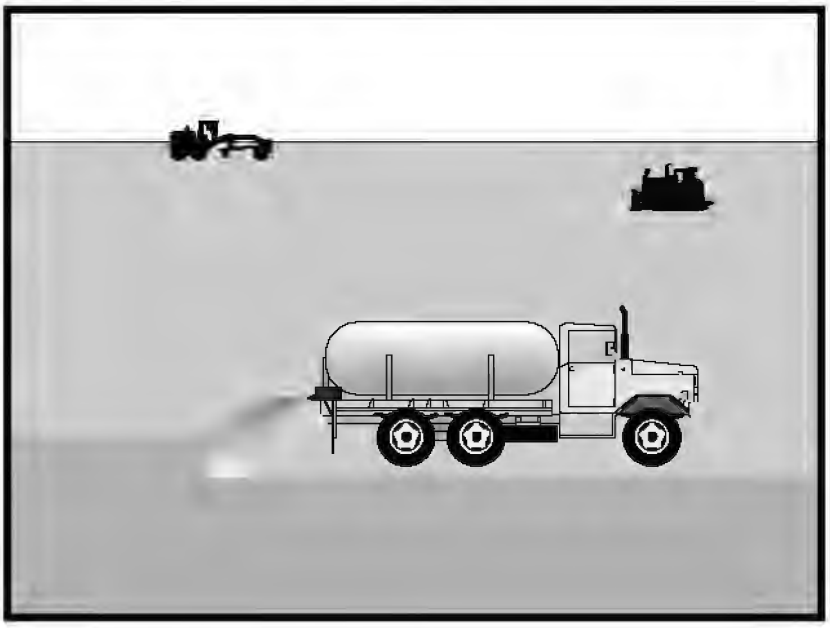


SECTION A—A
NOT TO SCALE



PLAN
NTS

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.

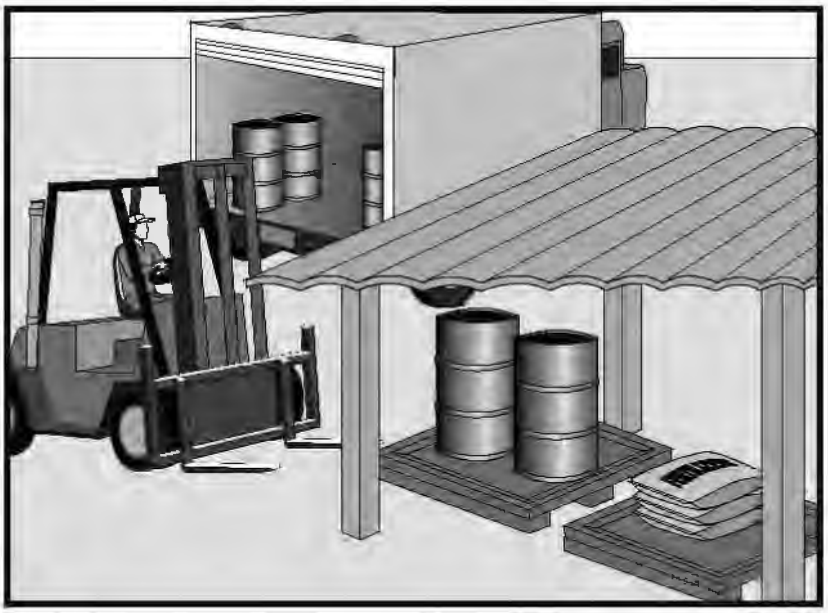
California Air Pollution Control Laws, California Air Resources Board, 1992.

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

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- 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

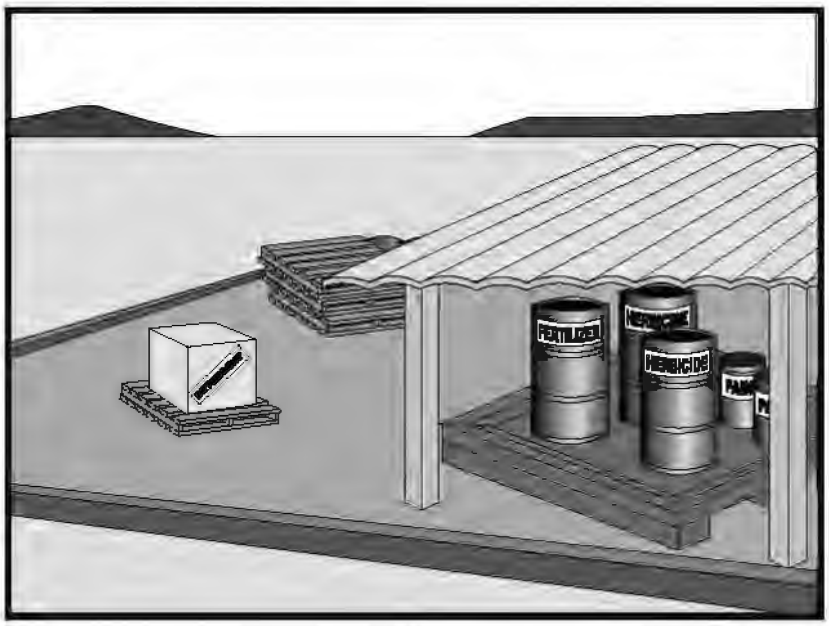
Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

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**

Targeted Constituents	
Sediment	☑
Nutrients	☑
Trash	☑
Metals	☑
Bacteria	
Oil and Grease	☑
Organics	☑

Potential Alternatives

None

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.

- 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.

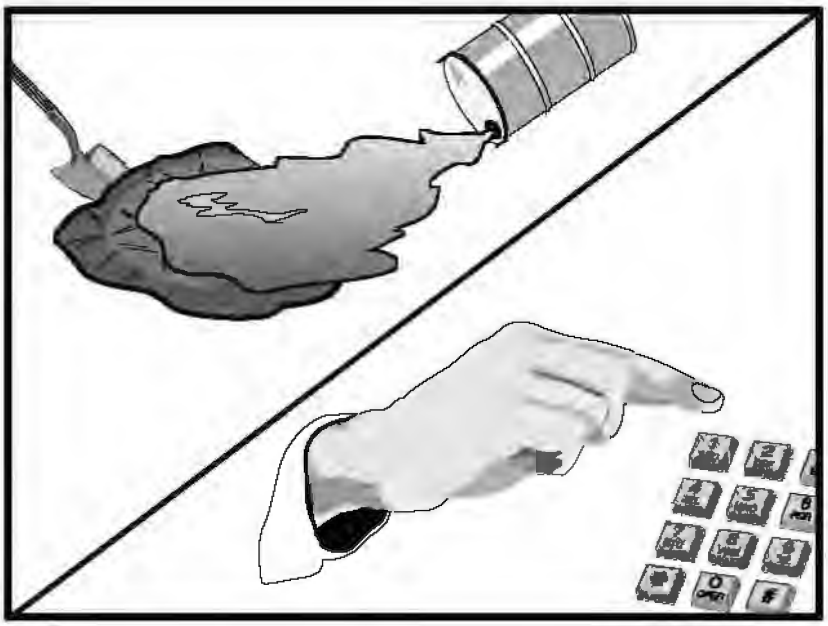
Inspection and Maintenance

- 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



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 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

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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 enviroument 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.

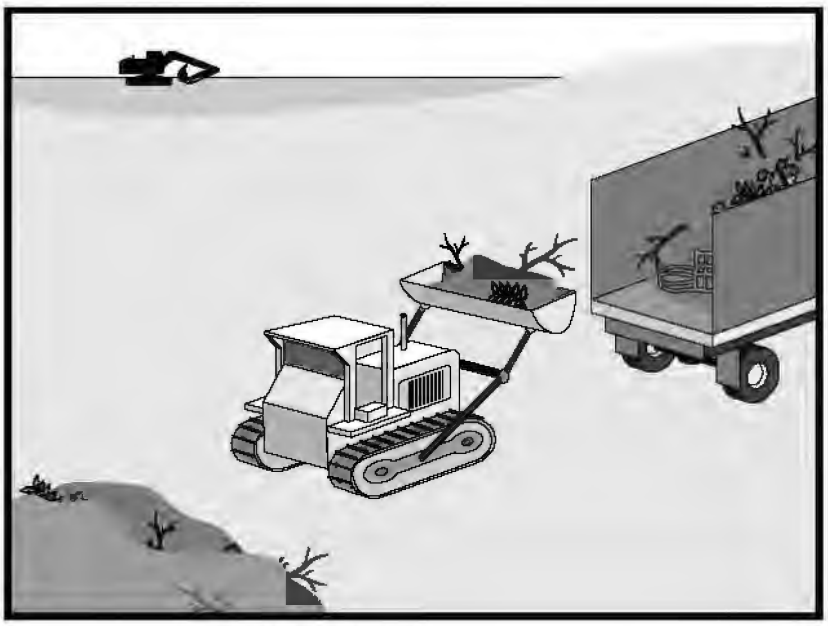
References

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.

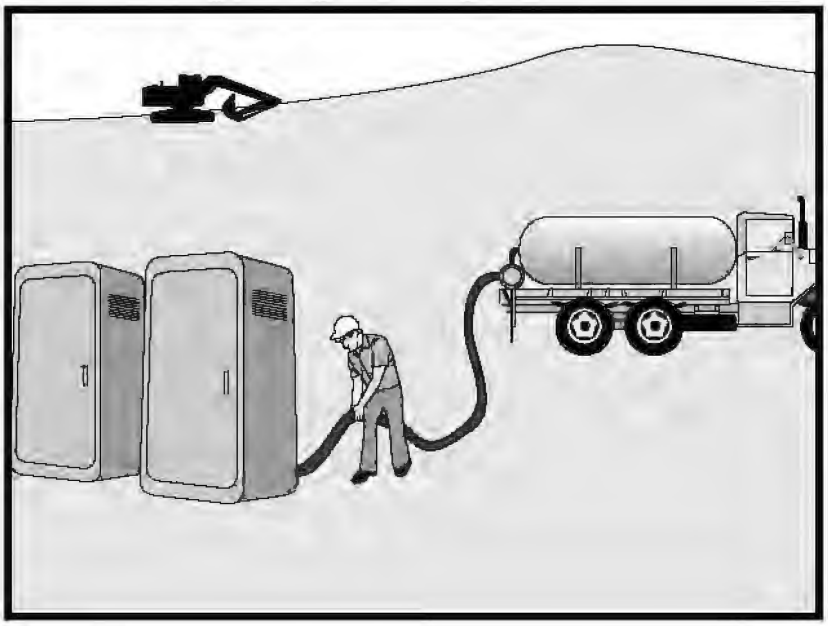
References

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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- 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 enviroument 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 Copper Zinc	Total Chromium	EPA 200.8 (Metal)
	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

Attachment 39

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!

Attachment 40

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:**	5F10C379836
Report Period:	2017-18	**Report Status:**	Submitted	**Risk:**	Level1

Form 1 Form 2 Form 3 Daily Averages Summary Status History

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	5F10C379836
Report Period	2017-18
Certifier Name	Herb Lang
Date Certified	08/27/2018
Certification ID	989132

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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Attachment 41

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
Date: 2019-08-30 06:20:33.203
Title: Manager

Attachment 42

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

Attachment 43

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
Date: 2021-06-28 16:44:48.452
Title: Manager

Attachment 44

INVOICE

Water Boards

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

Total Amount Due by Friday, February 18, 2022 **$ 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: **01/01/22 - 12/31/22**

Invoice No: **SW-0232563** Amount Due: **$ 1,848.00** Due By: **Friday, February 18, 2022**

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/

Retain this portion for your records

Please detach and return this portion with your payment

☐ CHECK HERE FOR ADDRESS CORRECTION ON THE BACK

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

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**

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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INDEX NO: 445082
(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: **$1,474.00**
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**

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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For more information, please visit our website at http://www.waterboards.ca.gov/resources/fees/

Retain this portion for your records

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☐ CHECK HERE FOR ADDRESS CORRECTION ON THE BACK

INVOICE NO: SW-0207843

INDEX NO: 441872
(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: **$1,565.00**
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

Attachment 45

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**

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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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/

Retain this portion for your records

RIVERBEND SAND AND GRAVEL, LLC
14962 E FANTZ AVE
PARLIER, CA 93648
559 875-6565

2307
94-707/3212

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⑈

Attachment 46

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

Table of Contents

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1.0	**Introduction**	1
2.0	**Estimated Direct Cost of Reclamation**	3
2.1	Removal of Portable Processing Plant	3
2.2	Site Grading	6
2.3	Revegetation	7
2.4	Revegetation Monitoring and Maintenance	8
3.0	**Direct Cost of Reclamation Summary**	8
4.0	**Indirect Cost of Reclamation Summary**	8
5.0	**Total Cost of Reclamation Summary**	9

List of Appendices

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

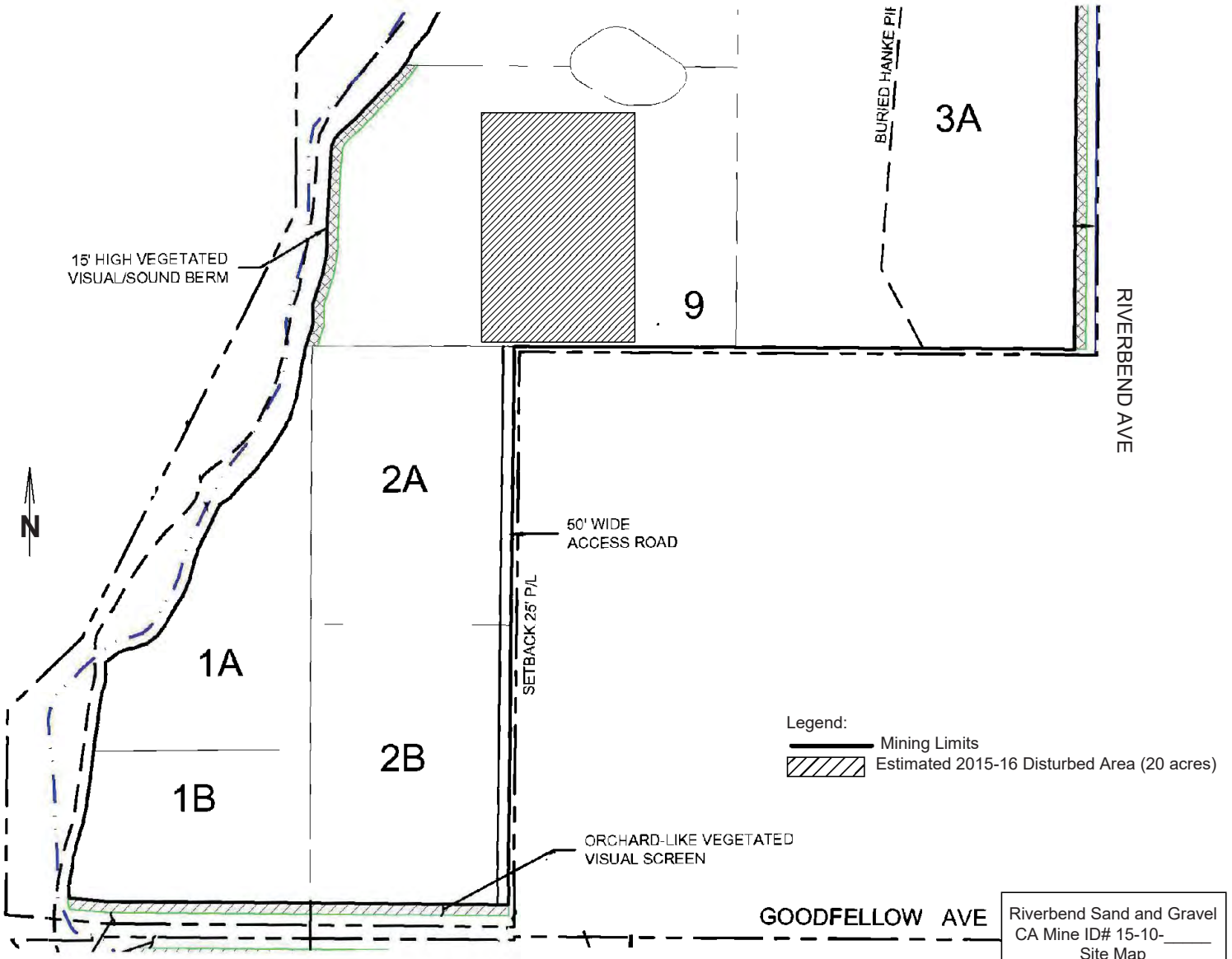
Total Direct Reclamation Costs	137,525
Total Indirect Costs	33,694

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



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	

Attachment 47

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

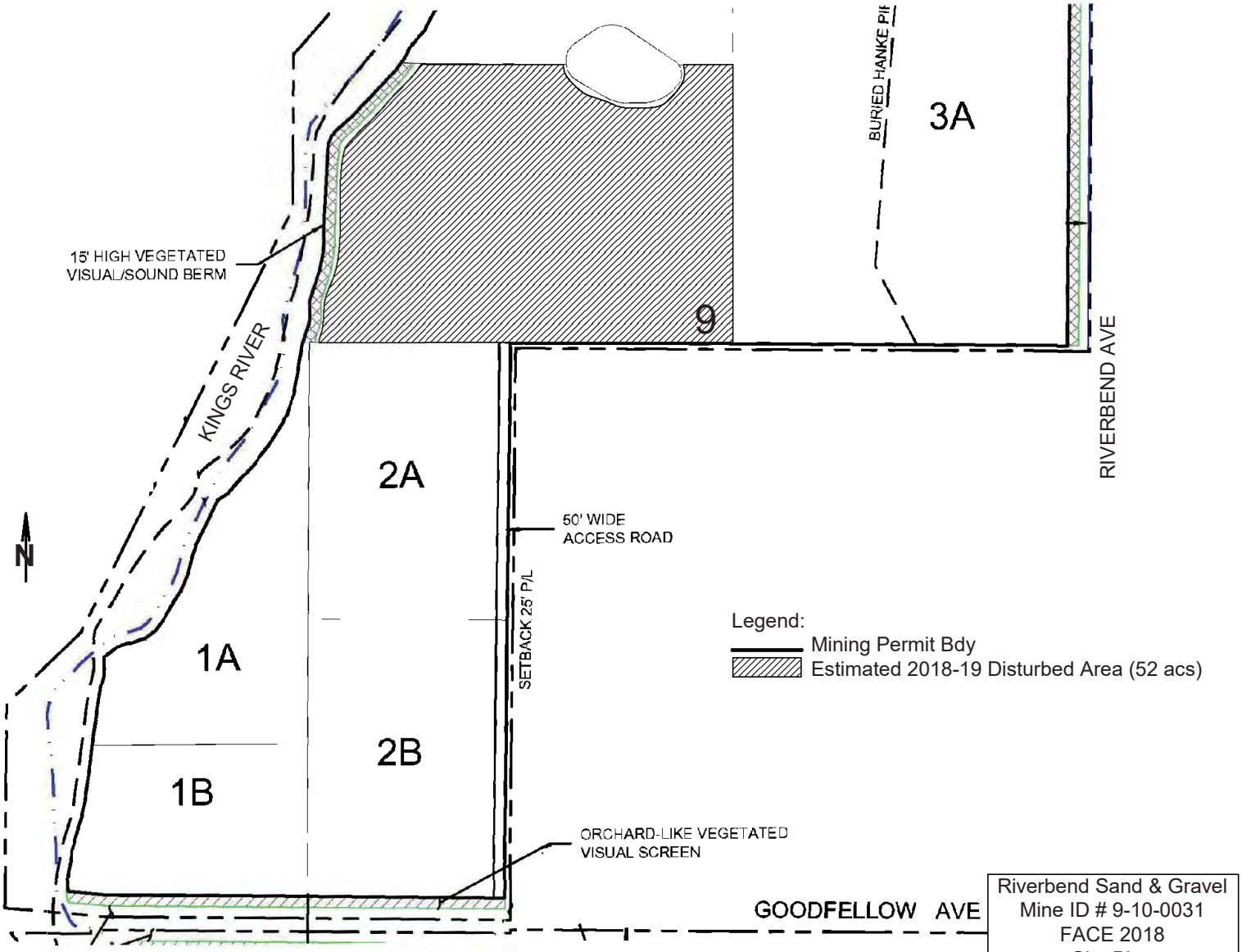
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

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

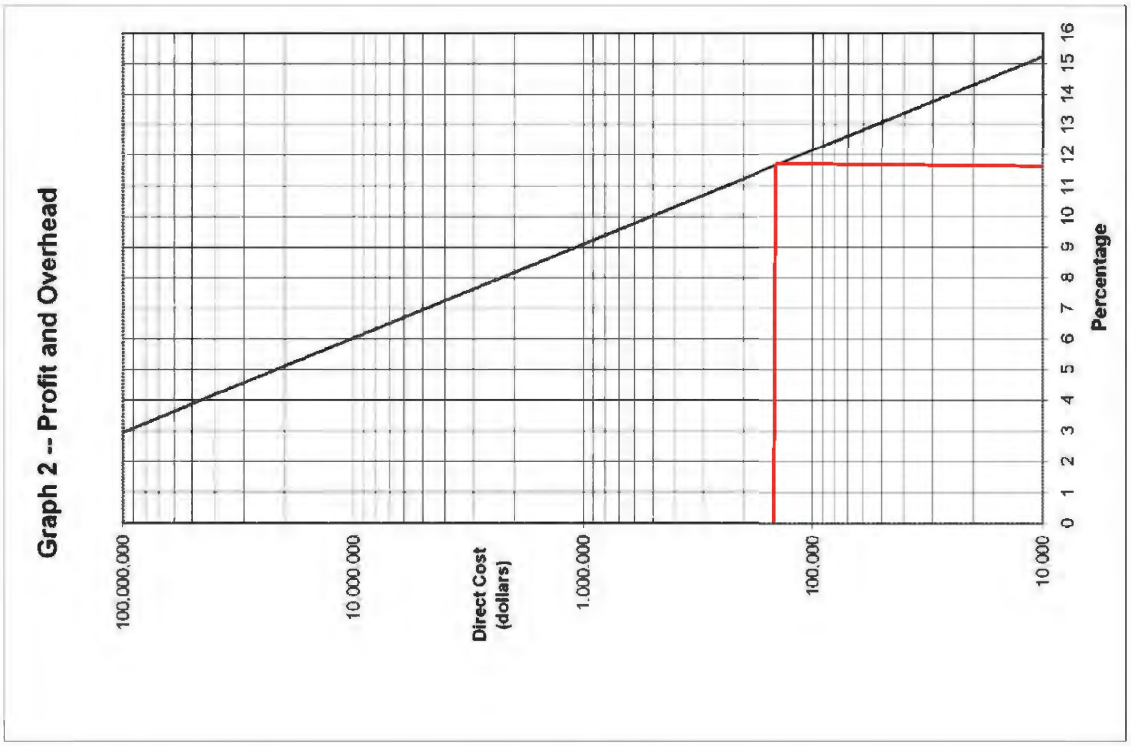


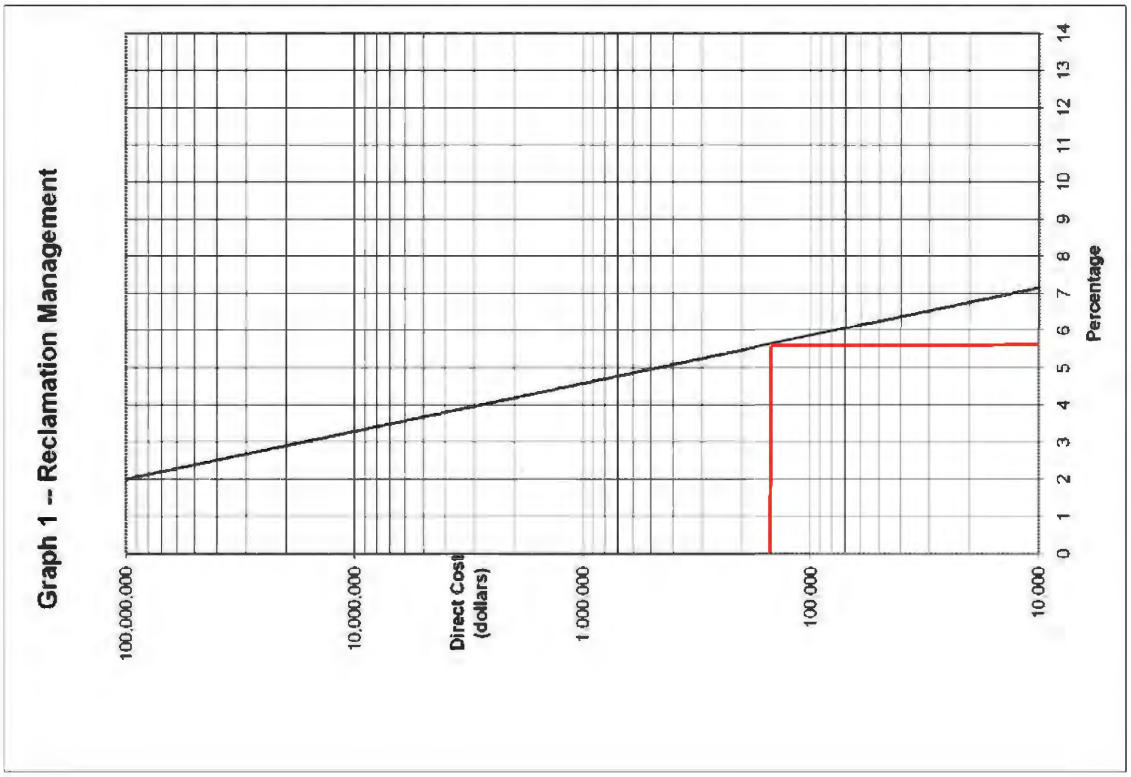
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2018
Site Plan

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	

Attachment 48

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) 04/18/19	***For Wells Fargo Bank Use Only***	
	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 MB

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: 0372191080 / 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

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: _____

Specimen

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: LS0000889014

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"

Attachment 49

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

Attachment 50

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

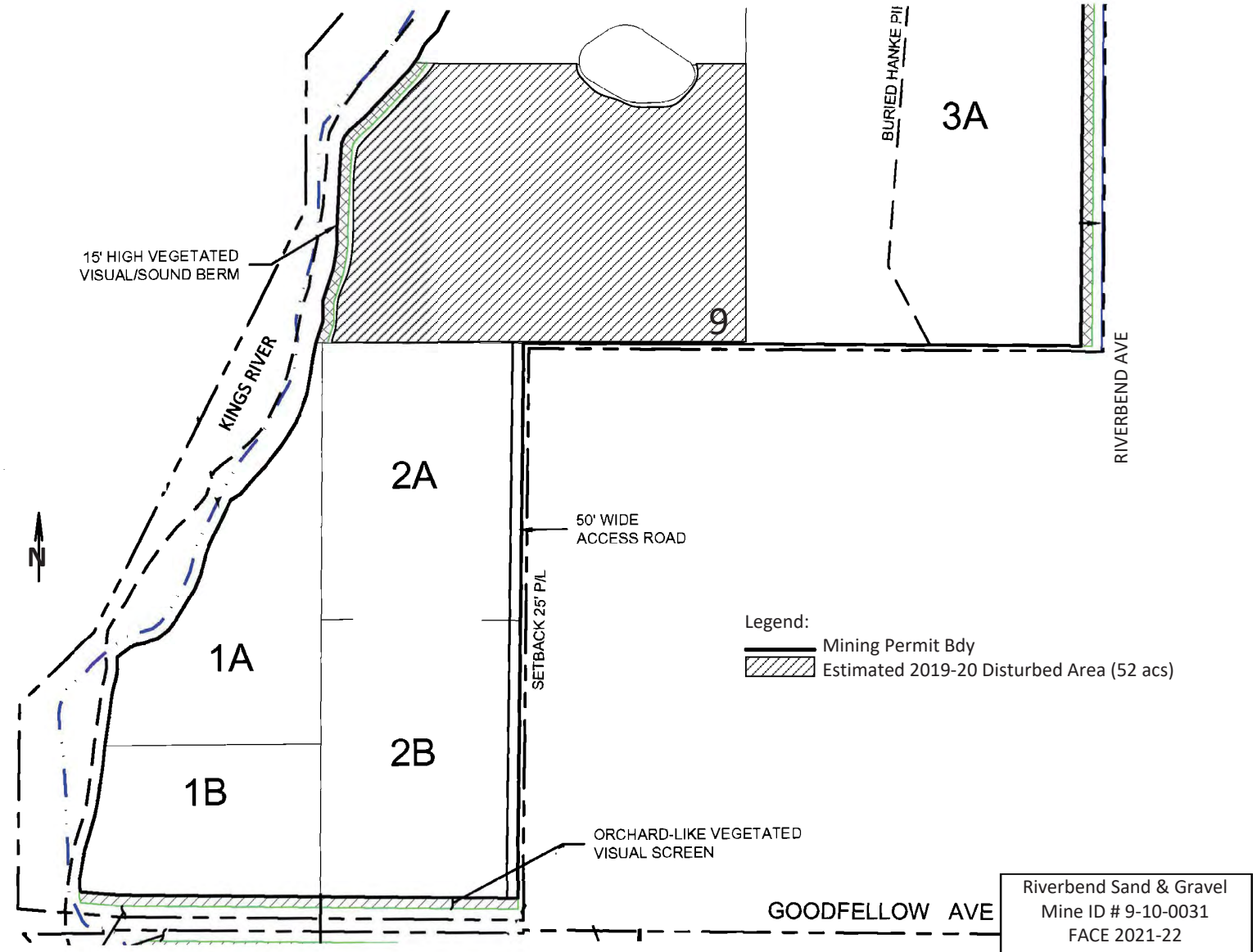
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

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

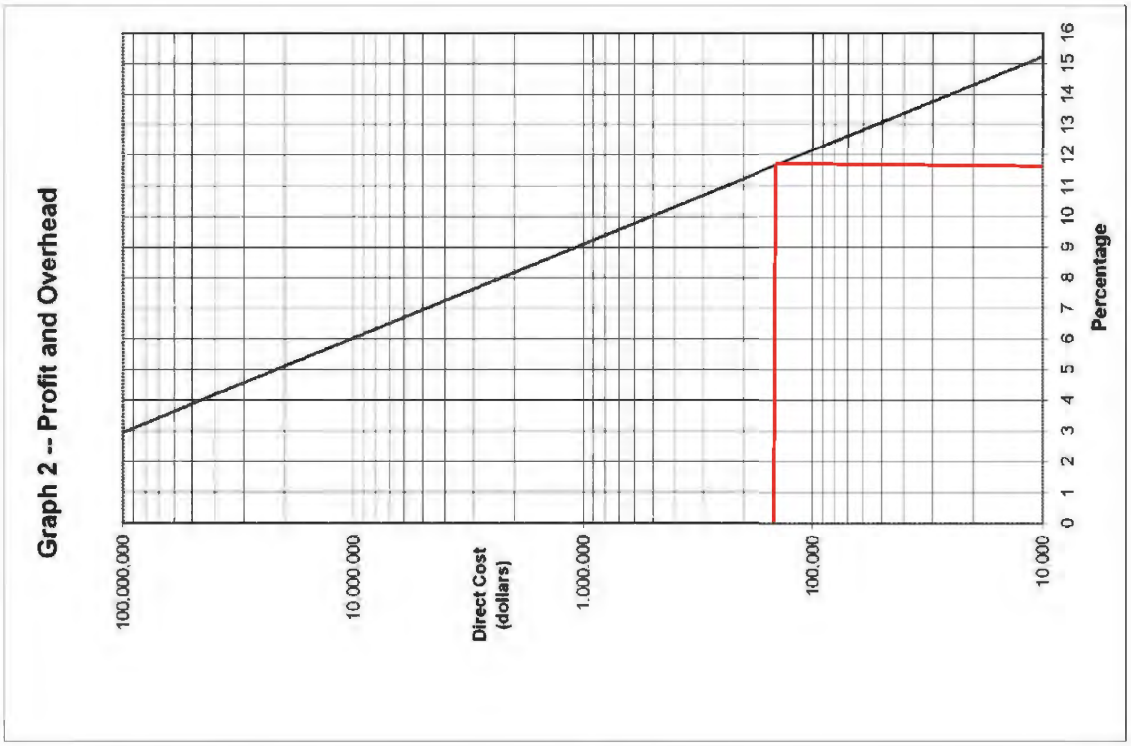


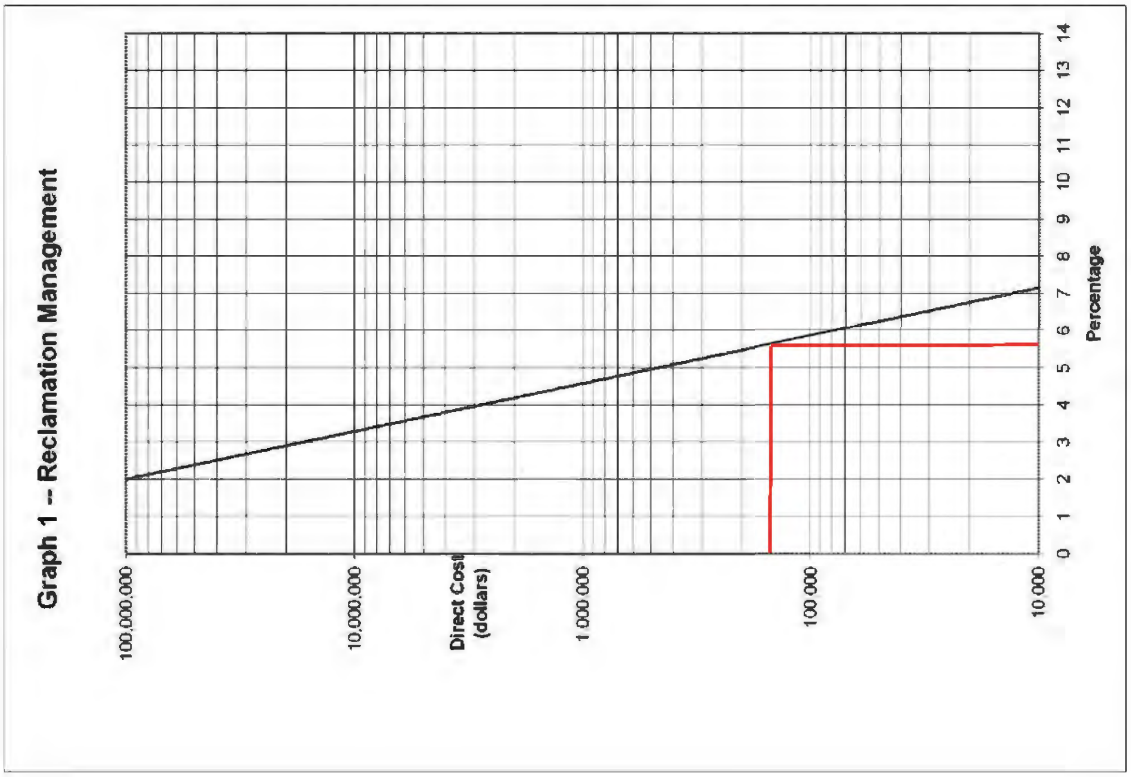
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2021-22
Site Plan

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	

Attachment 51

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

Attachment 52

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

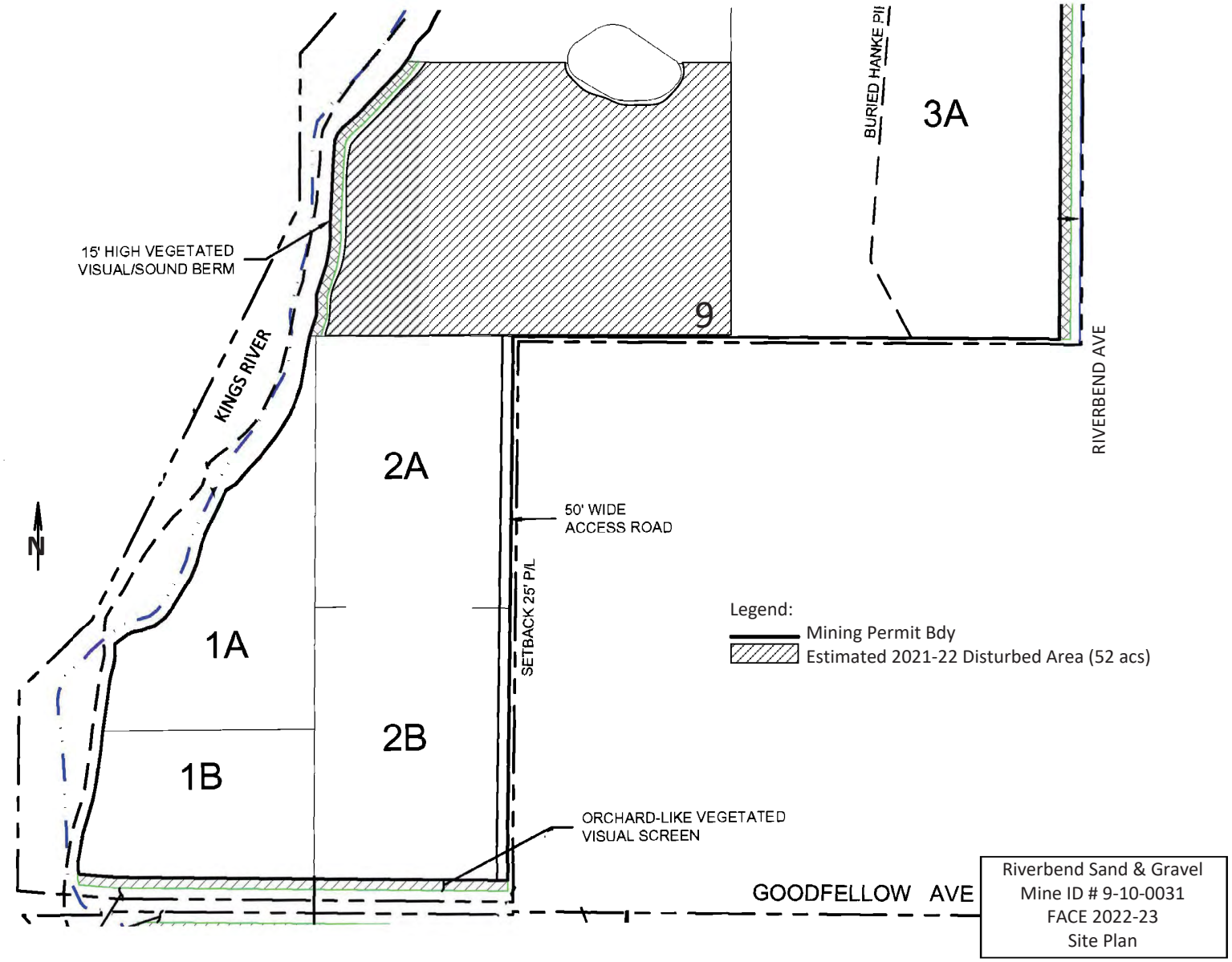
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

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

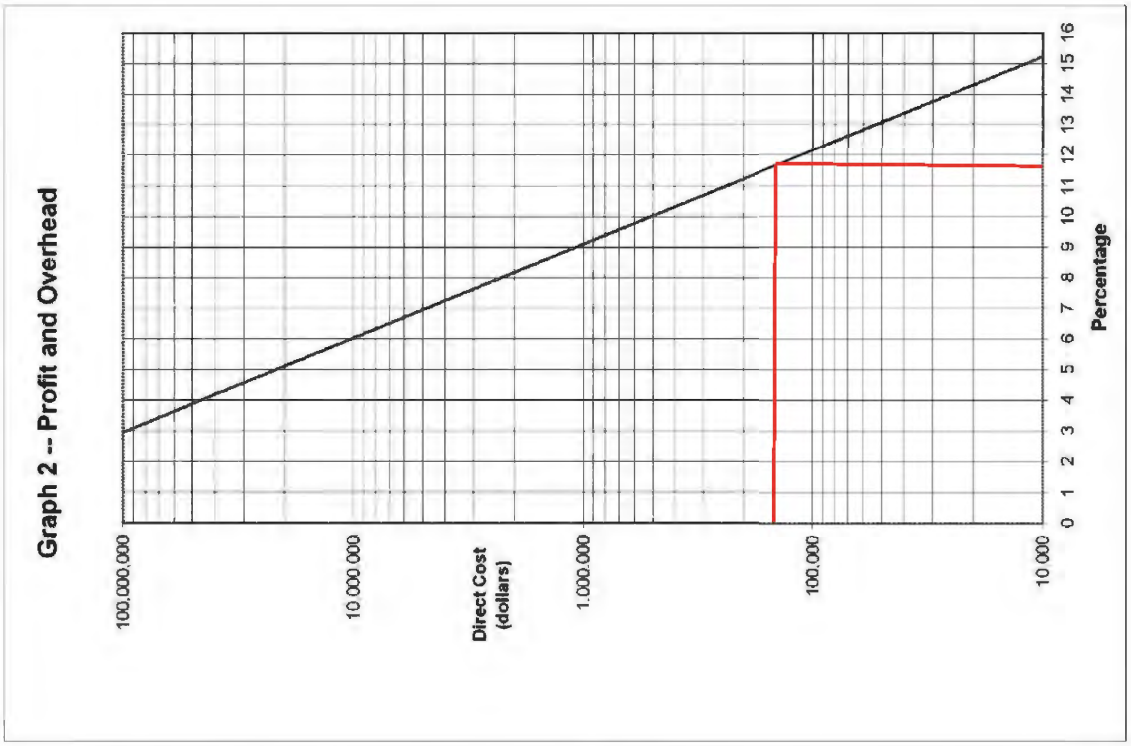
Site Plan

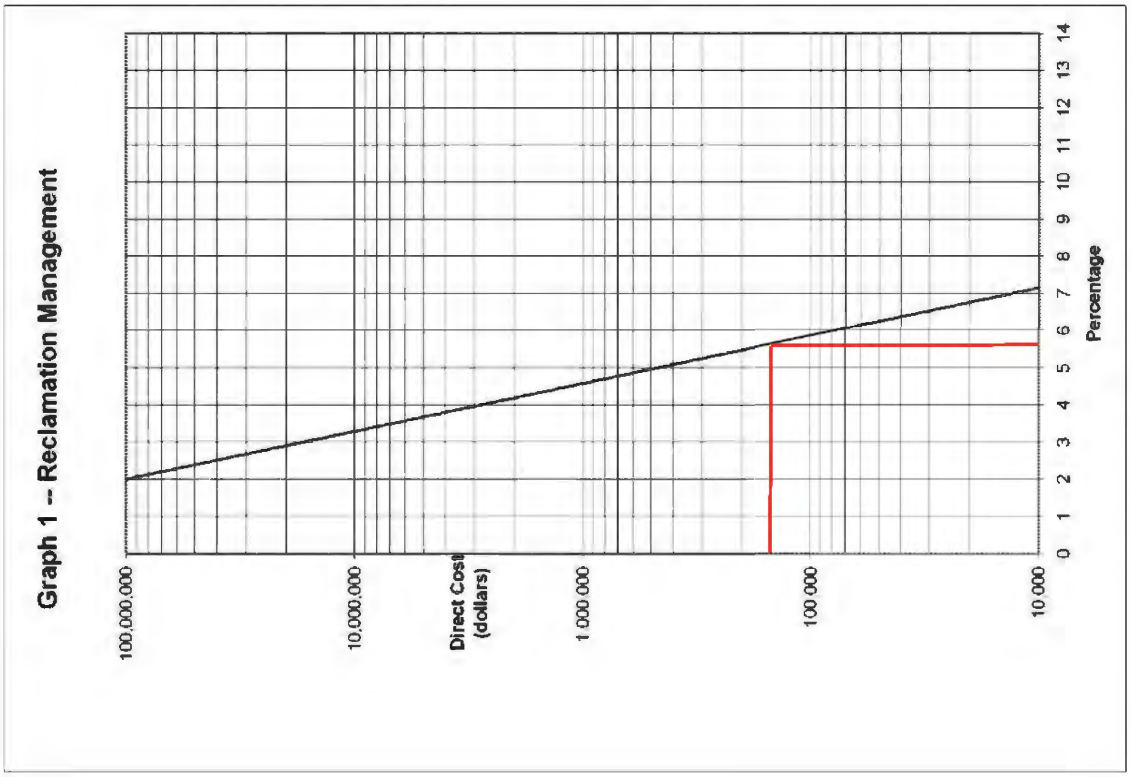

BURIED HANKE PIl
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2021-22 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 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	

Attachment 53

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

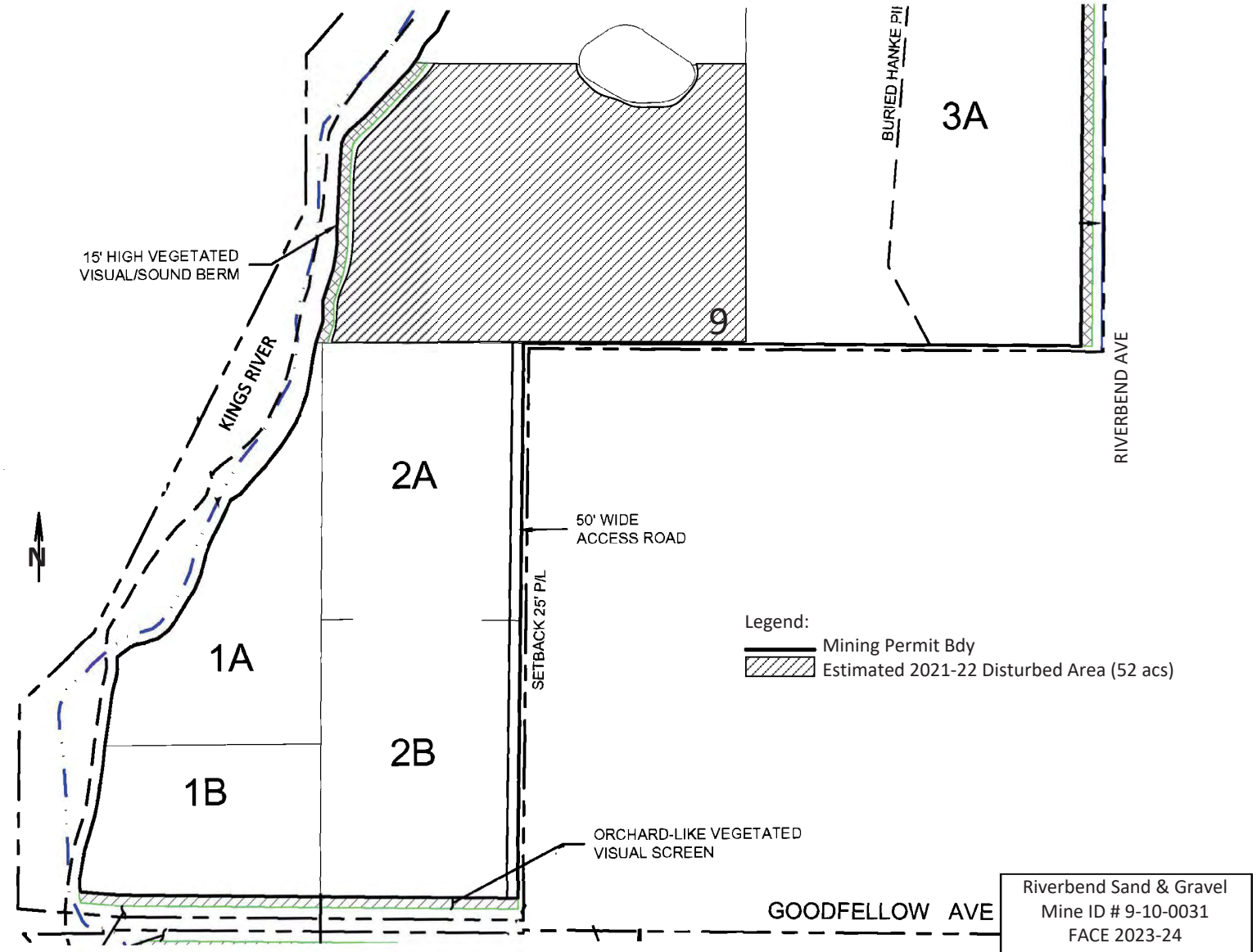
V Total of Plant Structures and Equipment Removal Costs	109,676
VI Total of all Primary Reclamation Costs	31,410
VII Total of all Revegetation Costs	6,442
VIII Total of all Monitoring Costs	10,433
Total Direct Costs	**157,961**

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

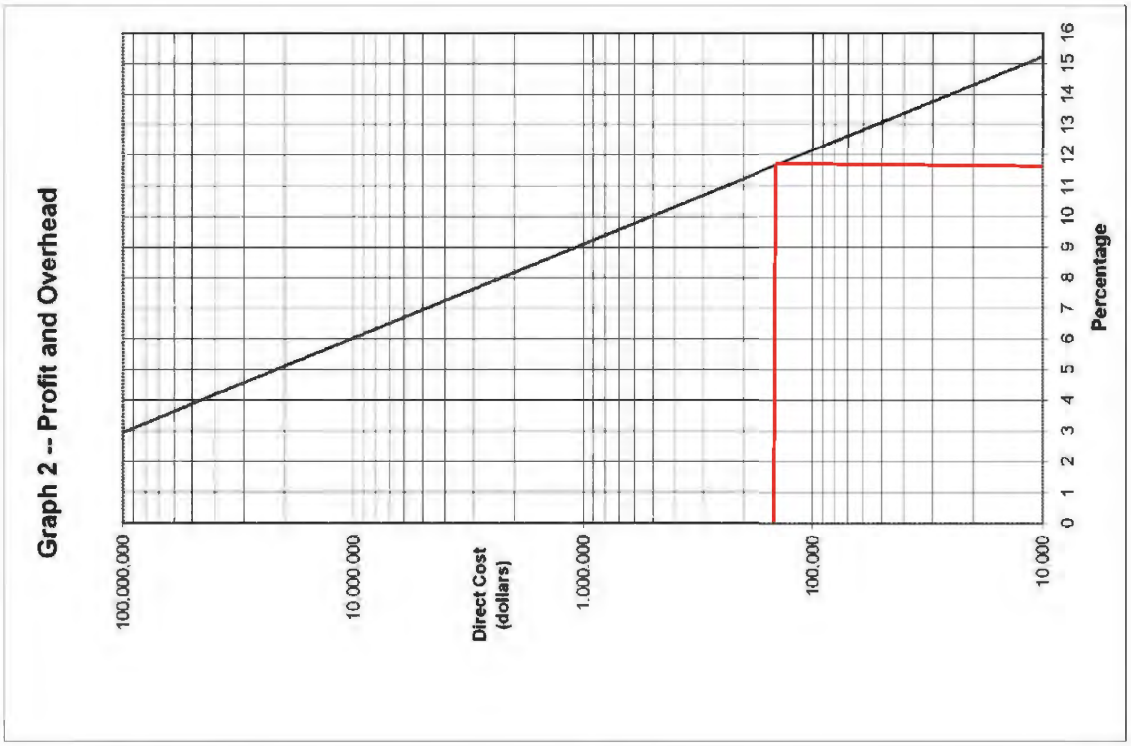
Site Plan

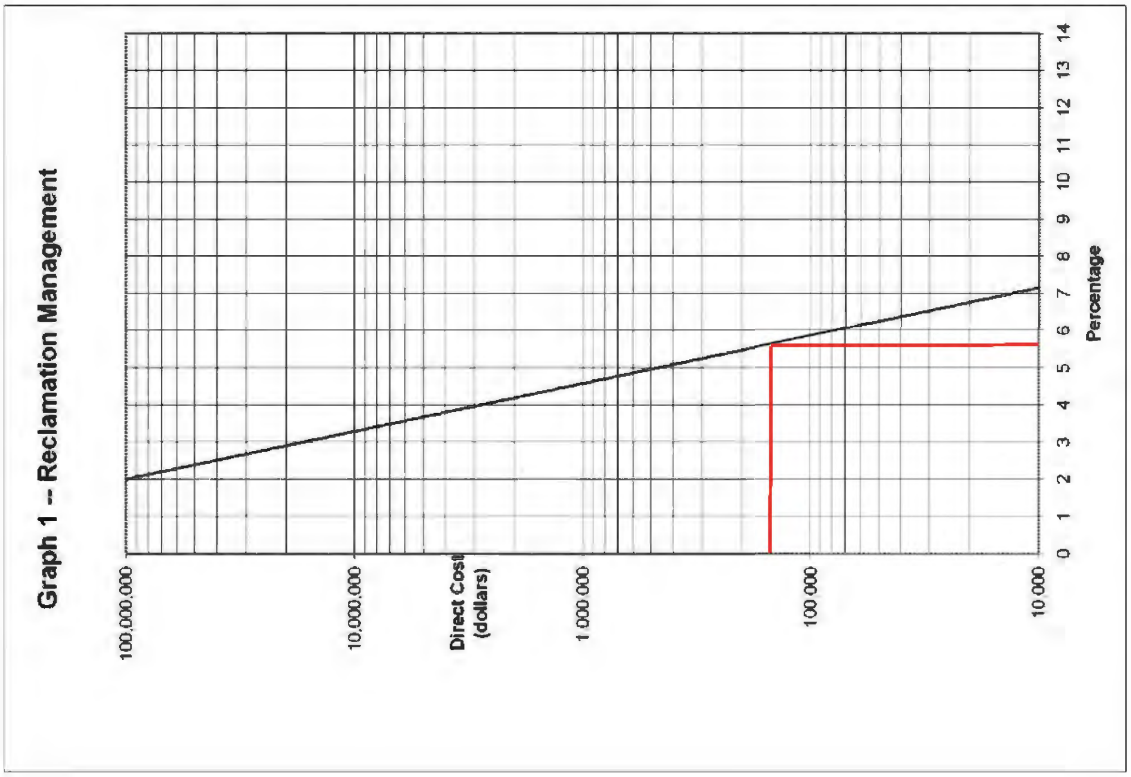

BURIED HANKE PIL
3A
9
15' HIGH VEGETATED
VISUAL/SOUND BERM
KINGS RIVER
RIVERBEND AVE
2A
50' WIDE
ACCESS ROAD
N
SETBACK 25' P/L
1A
2B
1B
Legend:
Mining Permit Bdy
Estimated 2021-22 Disturbed Area (52 acs)
ORCHARD-LIKE VEGETATED
VISUAL SCREEN
GOODFELLOW AVE
Riverbend Sand & Gravel
Mine ID # 9-10-0031
FACE 2023-24
Site Plan

Appendix B

Division of Mine Reclamation Graphs

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 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	

Attachment 54

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

Attachment 55

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

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 6, 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
(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: $1,676.00
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**

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-0149625

INDEX NO: 330620
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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: **$1,400.00**
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

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**

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INVOICE NO: SW-0170735

INDEX NO: 370193
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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
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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: **$1,400.00**
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

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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INVOICE NO: SW-0210896

INDEX NO: 445082
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HERB LANG
14962 E FANTZ AVE
PARLIER, CA 93648
(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
91-7074/3212

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 IN0# SW-0238556

Josette J Olson

⑈002307⑈ ⑆321270742⑆ 3470546867⑈

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-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**

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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

Attachment 56

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

Attachment 57

2018-2019

ANNUAL REPORT

FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2018 through June 30, 2019

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? 06/17/2019

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: 07/12/2019

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

Attachment 58

2020-2021
ANNUAL REPORT
FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

Reporting Period July 1, 2020 through June 30, 2021

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? 06/10/2021

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**

Attachment 59

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).

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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**

Attachment 60

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.

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http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml

General Information

A. Facility Information

WDID: 5F10I025502

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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

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

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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**

Attachment 61

Fehr Engineering Company, Inc.
9057B 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 Power line Tie in from P&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 accordance 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

Invoice

Duane Myers Consulting

5452 Dudley Ct
Pleasanton, CA 94566

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 Engineering services for set of submittal plans for PG&E	150.00 2,935.00	150.00 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

: paid by 12/10/16 you may deduct $94.91
ıvoice 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!

BillQuick Standard Report Copyright © 2014 BQE Software, Inc.

Invoice

Invoice Date	Invoice Number
12/14/2016	S4246680.001

GENERAL WHOLESALE ELECTRIC
11 RICKENBAKER CIRCLE SOUTH
LIVERMORE, CA 94551-2210
925-960-8790 Fax 925-960-8793

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

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

GENERAL WHOLESALE ELECTRIC
11 RICKENBAKER CIRCLE SOUTH
LIVERMORE, CA 94551-2210
925-960-8790 Fax 925-960-8793

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**

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.

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!

Attachment 2

County of Fresno's May 31, 2024 response to Riverbend's April 23, 2024 Vested Property Rights 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,

Digitally signed by
Chris Motta
Date: 2024.05.31
08:10:35 -07'00'

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

Attachment 3

Riverbend's June 13, 2024, appeal to the County regarding "Notice of Appeal –Conditional Use Permit No. 3390 (CA Mine ID # 91-10-0031)," and all attached exhibits.

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)

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[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 but Did Not Require 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 LIST

1. Former Fresno County Ordinance Section 873
2. New Fresno County Ordinance Chapter 868.6 – Permit Implementation, Time Limits, Extensions, and Revocation (February 2024)
3. New Fresno County Ordinance Chapter 876.6 – Appeals (February 2024)
4. 4/23/2024 Email to County re: Riverbend Sand and Gravel Letter re CUP 3390 is vested [transmitting April 23, 2024 Letter from Mitchell Chadwick LLP to County]
5. 4/24/2024 Email from County re: Riverbend Sand and Gravel Letter re CUP 3390 is vested [Confirming County's receipt of April 23, 2024 Letter]
6. 4/24/2024 Email to County re: Riverbend Sand and Gravel Letter re CUP 3390 is vested
7. 5/10/2024 Email to County re: Riverbend Traffic Agreement revisited in 2020
8. 6/14/2019 Email to County re: Riverbend Sand and Gravel Project - Traffic Mitigation Agreement
9. 1/17/2020 Riverbend Traffic Agreement (Redlined)
10. 5/13/2024 Email to County re: Key Riverbend 2017 email with county counsel
11. 3/22/2017 Email to County re: Call with Art Wille re Riverbend
12. 5/14/2024 Emails to and from County re: Key Riverbend 2017 email with county counsel
13. 5/14/2024 Email from County re: Key Riverbend 2017 email with county counsel
14. 5/20/2024 Email to County re: Hard Costs Soft Costs Letter
15. 5/20/2024 Email from County re: Hard Costs Soft Costs Letter
16. 5/20/2024 Email to County re: Hard and Soft Costs re CUP 3390
17. 5/20/2024 Hard and Soft Costs letter to County re CUP 3390
18. 5/21/2024 Email from County re: Hard and Soft Costs re CUP 3390 [confirming receipt]
19. 5/21/2024 Email to County re: Hard and Soft Costs re CUP 3390 [acknowledging County's confirmation of receipt of Hard and Soft costs letter]
20. 5/21/2024 Email from County re: Hard and Soft Costs [confirming receipt of report]
21. 5/31/2024 Email from County re: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390 [transmitting May 31, 2024 Letter from C. Motta]
22. 5/31/2024 Riverbend Substantial Development County Response Letter
23. 6/5/2024 Email to County re: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390 [regarding appeal]
24. 6/5/2024 Email from County re: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390 [regarding appeal]
25. 6/6/2024 Email from County re: County Response - Riverbend Sand and Gravel – Vested Property Right under Unclassified Conditional Use Permit No. 3390 [regarding appeal]
26. 6/7/2024 Email to County re: Conditional Use Permit No. 3390 [regarding appeal]
27. 6/7/2024 Email from County re: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390 [regarding appeal]
28. 6/11/2024 Email from County re: Riverbend Sand and Gravel – Unclassified Conditional Use Permit No. 3390 [Communicating County's position regarding appealability]
29. Notice of Completion of SMARA Inspection, Inspection Conducted December 12, 2022
30. Surface Mining Inspection Report, Inspection Conducted November 28, 2023

EXHIBIT 1

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 2

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 3

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 4

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
Cell: 310.245.6049
smiller@mitchellchadwick.com
www.mitchellchadwick.com

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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 5

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

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 6

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

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

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
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EXHIBIT 7

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
www.mitchellchadwick.com

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EXHIBIT 8

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
Office: 916.462.8888
Direct: 916.462.8875
Fax: 916.788.0290
aabergel@mitchellchadwick.com
www.mitchellchadwick.com

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EXHIBIT 9

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 (30^{th}) 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:

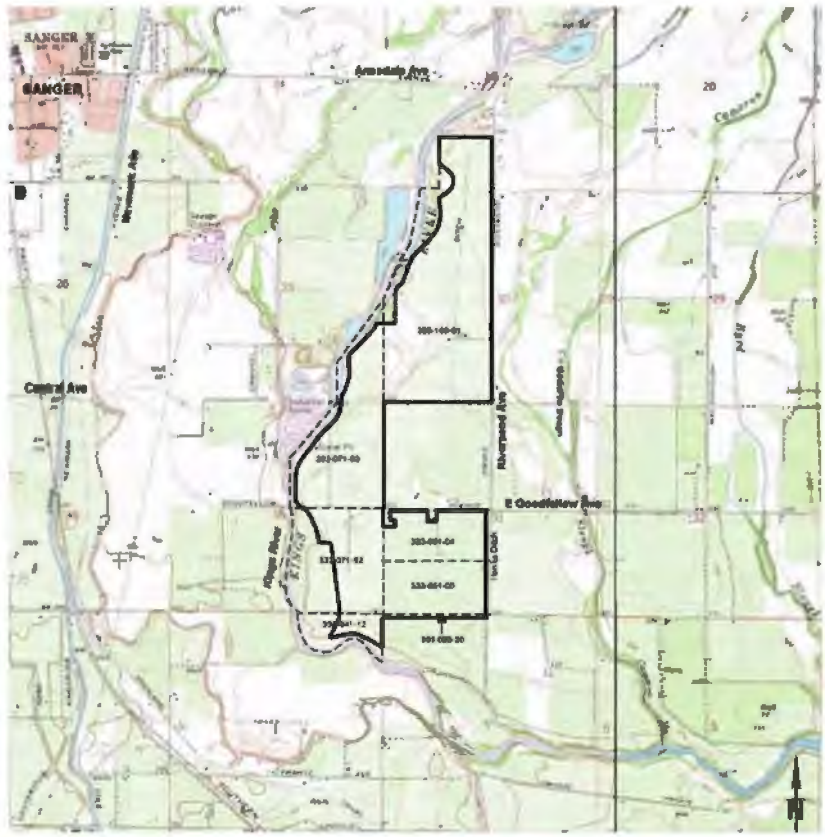
Bernice E. Seidel,
Clerk of the Board of Supervisors
County of Fresno, State of California

_____
Deputy

FOR ACCOUNTING USE ONLY:

Fund:
Subclass:
ORG:
Account:

Exhibit A – Project Location



Source: Busda 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 (inclusive)		$~~26,563~~196,669
	• ~~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~~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

Total bond amount due prior to final inspection of building permits for the aggregate processing plant for the Project ~~$ 1,594,000~~$891,950

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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 10

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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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 11

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 12

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 13

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.

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 14

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 15

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 16

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 17

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 18

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 19

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

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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>
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Please let me know if you have any questions or difficulties reviewing the document. Thank you.

Austin D. Turner, Attorney
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EXHIBIT 20

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
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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 21

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
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EXHIBIT 22

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 23

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
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EXHIBIT 24

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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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

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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 25

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

Pat,

I will consult with my client and respond tomorrow.

Thank you,
Bryan

Bryan D. Rome
Deputy County Counsel
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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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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.

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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

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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 26

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.

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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
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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

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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 27

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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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

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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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
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2220 Tulare Street, Fifth Floor
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Tel: 559.600.3479
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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,

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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).

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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
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EXHIBIT 28

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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From: Rome, Bryan
Sent: Friday, June 7, 2024 6:10 PM
To: Patrick Mitchell <pmitchell@mitchellchadwick.com>
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>
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

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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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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

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Sent: Wednesday, June 5, 2024 5:15 PM
To: Rome, Bryan <brome@fresnocountyca.gov>
Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>
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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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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,
Pat

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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 29

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 30

RECEIVED
By Mike Luksic at 2:41 pm, Mar 07, 2024

State of California
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION
MRRC-1 (2019) Page 1 of 6

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

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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.