

**Exhibit “A”**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT APPLICATION NO. 21-05**

**Administrative**

COA-1. *Actions voiding approval.* If the use(s) established on the property are contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void. The approved estimated phased mining operation shall become void if said phases have not occurred within the following estimated timeframes:

Phase	Acres	Tons (Millions)	Years to Completion
Phase 1	78	19	13
Phase 2	79	22	15
Phase 3	74	20	13
Phase 4	46	6	4
Phase 5	69	9	6
Phase 6	22	6	4
<b>Total</b>	<b>368</b>	<b>82</b>	<b>55</b>

This Conditional Use Permit shall only remain valid so long as the applicant maintains, in good standing, an approved regulatory permit issued by the State of California. Without a valid regulatory permit and State issued license, as prescribed by law, this Conditional Use Permit (local approval) is null and void.

COA-2. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.

COA-3. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim,

action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

- COA-4. *Fees.* All Community Development Department, City and Engineering fees shall be paid in full prior to the issuance of a building permit. The Developer is responsible for paying all applicable development impact fees as well all regional fees related to the project.
- COA-5. *Alterations.* Any minor alternations to the approvals shall be reviewed and approved by the Assistant City Manager, unless under his/her discretion warrants review and approval by the Commission.
- COA-6. *Acknowledgement.* Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
- COA-7. *Revocation of approvals.* Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any law or City Ordinance is violated in connection. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to [Section 9-6.111](#),
- COA-8. *Setback and screening from highways.* At least two (2) fifteen (15) gallon trees shall be provided for every twenty-five (25) feet of site frontage toward the highway.
- COA-9. *Water efficient landscaping.* A landscaping plan shall be submitted to the Community Development Department for review and approval. The model Water Efficient Landscaping Ordinance, as published by the California Department of Water Resources, pursuant to California Water Conservation in Landscaping Act (Government Code § 65591, et seq.), was adopted in full, by reference, and effective in the City of Coalinga commencing on January 1, 2010. A copy of the Water Efficient Landscaping Ordinance is retained on file in the Office of the City Manager, the Community Development Department, and the Office of the Coalinga City Clerk at all times. Landscaping plans must be consistent with the adopted Water Efficient Landscaping Ordinance.

#### **Initial Study/Mitigated Negative Declaration Mitigation Measures**

- COA-10. All outdoor lighting shall be hooded and directed as not to shine toward adjacent properties.

- COA-11. If construction or ground-disturbance activities are initiated during the nesting season (typically February 1st to August 31st), a qualified biologist shall conduct a pre-construction survey of the construction areas and the immediate vicinity (0.25 mile radius for Swainson's hawk) for active nests/burrows within 30 days of initiation of Project activities.
- COA-12. If active nests/burrows are observed during pre- construction surveys conducted pursuant to Mitigation Measure No. 25 above, impacts to nests/burrows shall be avoided by establishing a 300-foot construction-free buffer around the nest/burrow until the nest/burrow becomes inactive as determined by a qualified biologist. If an active Swainson's hawk nest is identified, a 750-foot buffer shall be established. With prior approval of the California Department of Fish & Wildlife, work may occur within the buffer zone(s).
- COA-13. Preconstruction/pre-activity surveys for kit fox dens shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of construction or ground-disturbance activities within a new phase boundary.
- COA-14. If a kit fox den is identified in the Project area, exclusion zones shall be placed in accordance with USFWS recommendations, as follows:
- Potential Den: 50-foot radius
  - Known Den: 100-foot radius
  - Natal/Pupping Den: (Occupied and Unoccupied) Contact USFWS for guidance
  - Atypical Den: 50-foot radius

Work shall not occur within the exclusion zone(s) until approved by USFWS. If a natal/pupping den is discovered within the Project area, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization.

- COA-15. The blunt-nosed leopard lizard (BNLL) is listed as federally and state endangered and is a state fully-protected species. Since CDFW is not able to issue any form of "take" permit for the blunt-nosed leopard lizard due to its status as a fully-protected animal under the California Fish Lizard and Game Code §5050, detection of species presence on a Project site is crucial. Protocol surveys for blunt-nose leopard lizard shall be conducted by a qualified biologist in the Project area no more than one (1) year prior to the initiation of ground disturbance activities. The biologist(s) shall identify and clearly mark the location of areas where any BNLL were observed. A 50 ft. buffer will be established around all sightings with highly visible markers. BNLL protocol surveys will be used to help determine the presence/absence of San Joaquin kit fox and burrowing owl, and the suitability of the site to support these species well before project-related disturbance activities.

- COA-16. If the presence of a blunt-nosed leopard lizard is detected, 50-ft buffer zones shall be established from any observed blunt-nosed leopard lizard location. The buffer zones shall be demarcated by construction fencing (or similar) to ensure that construction crews do not enter the avoidance zone. CDFW and USFWS shall be notified immediately in the event of a detection of the species, and work shall not occur within the buffer zone until approved by both agencies and any other Mitigation Measures recommended by the agencies have been fully implemented.
- COA-17. Prior to installation of the crossing over Los Gatos Creek, all necessary permits shall be obtained for conducting work in and adjacent to jurisdictional waters, and may include an Army Corps of Engineers Section 404 permit, Regional Water Quality Control Board Section 401 Water Quality Certification, and California Department of Fish and Wildlife (CDFW) (Section 1602 Streambed Alteration Agreement) agreement.
- COA-18. If an elevated conveyor system is utilized spanning Los Gatos Creek, a containment system shall be designed and installed to catch and collect side-cast sands and gravels to prevent inadvertent fill of the jurisdictional waters. The containment system shall be regularly maintained as part of normal operations during the life of the Project.
- COA-19. Installation of the elevated conveyor system and associated infrastructure in the floodplain shall occur between April 1 – October 31 when flowing water is absent from the stream or at a minimum flow.
- COA-20. If cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. A professional archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.
- COA-21. In the event archaeological materials are encountered during grading or construction, the operator shall cease all ground-disturbing activities within 50 feet of the find. A professional archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures. Per CEQA Guidelines §15126.4(b)(3)(A). Consistent with CEQA Guidelines §15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the professional archaeologist shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures.

- COA-22. If paleontological resources are discovered during Project related activities, all work shall be stopped in the area of the find and a qualified paleontologist shall be called to assess the find. The paleontologist shall make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.
- COA-23. Prior to any production mining in the project area or County project area as identified in County CUP 35-12, the Applicant shall be responsible for completing upgrades to the impacted segments on Phelps Avenue between SR 33 and Calaveras Avenue (SR33 to the City Limits). No less than one (1) year prior to production mining in the project area, the Applicant shall provide plans for review and approval by the City of Coalinga Public Works Department. Upon receipt of approval of the plans, the Applicant shall immediately obtain all necessary permits and construct the necessary upgrades. The Applicant is responsible for all permits and fees including staff time. If improvements have been completed by the City prior to project area production, the applicant shall pay a fair share maintenance fee determined by the City Engineer based on the VRPA traffic analysis one (1) year or less prior to production mining.
- COA-24. Prior to mining within 2,300 ft. of the Elks Lodge property line, 6 ft. high earthen berms shall be constructed along the Project mine boundary in the eastern pit. (See July 23, 2015 Noise Assessment Study Prepared by Edward L. Pack and Associates, Inc., Figure 4, for the approximate locations of the noise control berms).
- COA-25. Prior to mining within 2,200 ft. of the school/residential property lines on the south side of Cambridge Avenue, 6 ft. high earthen berms shall be constructed along the expansion boundary to the south parallel with Cambridge Avenue. The berms will extend from the west boundary and turn along the flood plain/mining boundary to the west of Los Gatos Creek to terminate at a distance of 2,200 ft. from the school/residential property lines on the south side of Cambridge Avenue. (See July 23, 2015 Noise Assessment Study Prepared by Edward L. Pack and Associates, Inc., Figure 4, for the approximate locations of the noise control berms).
- COA-26. If tribal cultural materials (i.e., flaked stone artifacts, ground stone, historical glass, bone, etc.) or features (e.g., hearths, structural foundations, privies, etc.) are discovered during Project-related activities, all work will stop in the area of the find and a professional archeologist shall assess and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law. If the cultural resource is associated with the past lifeways of California Native Americans, evaluation, recommendations for further investigation, and/or mitigation shall be determined in consultation with the most likely descendent.

COA-27. If unanticipated human remains are discovered:

- Work will immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Sheriff-Coroner shall immediately be contacted to determine if the cause of death must be investigated. If the Sheriff-Coroner has reason to believe that the remains are of Native American origin, he or she will contact NAHC by telephone within 24 hours (PRC § 7050.5).
- The NAHC and landowner will follow prescribed steps in PRC Section 5097.98, which include, but are not limited to, the following: The NAHC will notify those persons it believes to be the most likely descended from the deceased Native American. The most likely descendant 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. The Applicant 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 will be treated or disposed, with appropriate dignity.