



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617  
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Planning Department  
Fax (530) 265-9851

Environmental Health  
Fax (530) 265-9853

Building Department  
Fax (530) 265-9854

Code Compliance  
Fax (530) 265-9851

Housing Division  
Phone (530) 265-1388  
Fax (530) 265-9845

Agricultural Commissioner  
255 S. Auburn Street  
Grass Valley, CA  
Phone (530) 273-2648  
Fax (530) 273-1713

July 30, 2007

**REVISED NOTICE OF CONDITIONAL APPROVAL**  
**DEVELOPMENT/USE PERMIT APPLICATION**

Teichert Aggregates  
3500 American River Drive  
Sacramento, CA 95864

File No. U06-012, RP06-001; EIS06-031  
AP# 48-090-12 & 48-200-03

You are hereby notified that the Nevada County Planning Commission, at their regular meeting held on July 26, 2007, after public hearing, did duly consider and approve your application filed on December 22, 2006. This Use Permit authorizes the expansion of the Hirschdale Cinder Quarry operation (now known as Boca Quarry) to expand the quarry size from approximately 15 acres to approximately 40 acres (including the processing area) with a total production yield of 2.75 million yards (approximately 4 million tons). The approval of this Use Permit U06-012 and Reclamation Plan RP06-001) supersedes the prior mining Use Permit (U83-036) located at 16774 & 16616 Hinton Road, Truckee, CA.

After said hearing, and upon the evidence submitted, the Planning Commission hereby notify you that your Use Permit is granted, subject to the following Mitigation Measures and Conditions:

**MITIGATION MEASURES**

- 1. Land Use Impacts.** To offset the potential Land Use compatibility impacts, the following mitigation measure shall be required:

**Mitigation Measure 1A.** Within 30 days of approval, the property corners and line (south of the quarry pit) shall be clearly established in the field (staked and flagged). Any of the associated mining equipment (storage containers, scales, equipment) that encroaches into the USFS parcel (APN 48-090-13) shall be relocated and maintained on the subject parcel (APN 48-090-12) north of the USFS parcel and in compliance with the applicable Zoning setbacks (30 feet). Since there is no Use Permit for this adjacent parcel (APN 48-090-13) an easement for equipment storage will not resolve this land use issue. (Any existing legal access, if applicable, over APN 48-090-13 is excluded from this Mitigation Measure.)

- 3. Geology and Soils Impacts.** To offset the potential for excessive soil erosion to result from the daily mining operations, the following mitigation shall be required:

**Mitigation Measure 3A.** Any topsoil salvaged for later reclamation use, or imported for reclamation use, that is stored on site shall be contained by use of a berm or ridge of compacted soil used to contain any runoff or divert any water from erosion of the stockpiles.

**Mitigation Measure 3B.** Mulching may be used to temporarily and permanently stabilize cleared or freshly seeded areas. Types of mulches include organic materials, straw, wood chips, bark and other

wood fibers, decomposed granite, and gravel. Mulch material used for erosion control on site shall be acceptable to the Lahontan Region of the California Regional Water Quality Control Board.

**Mitigation Measure 3C.** Mulching may be used to temporarily and permanently stabilize cleared or freshly seeded areas. Types of mulches include organic materials, straw, wood chips, bark and other wood fibers, decomposed granite, and gravel.

**4. Hydrology and Water Quality Impacts:** To offset the potential water quality impacts, the following mitigation measures shall be required:

**Mitigation Measure 4A.** All run-off water collected in the quarry pit (operating area) shall be captured and contained within an impound area (located against the base of the quarry wall). If necessary, suitable disposal areas may include other areas within the project site and may not be directly disposed onto any adjacent properties. The exhaust ends of any necessary culverts and/or drainpipes should be fitted with an energy dissipater such as rip-rap boulders or concrete baffles. It will be the responsibility of the operator that the drain systems be inspected and cleaned on a regular basis to ensure that they are functioning correctly.

**Mitigation Measure 4B.** If any off-site stormwater waste discharge results from the surface water management plan, then an NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities shall be required.

**Mitigation Measure 4C.** During construction activity of the new haul road, there shall be no waste and/or waste water discharged into surface waters, drainage courses or wetlands. Grading plans shall note this requirement and shall be reviewed by the Regional Water Quality Control Board for compliance with waste discharge requirements or waivers, prior to grading permit approval.

**5. Air Quality Impact:** To minimize the potential air quality impacts associated with the new haul road construction, and the ongoing operation at this project site, the following mitigation is required:

**Mitigation Measure 5A.** During the construction of the new haul road joining the quarry pit with Stampede Meadows Road, the operator shall use alternatives to open burning of vegetative material on the project site unless deemed infeasible by the Air Pollution Control Officer. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.

**Mitigation Measure 5B.** During the construction of the new haul road joining the quarry pit with Stampede Meadows Road, the operator shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of new road development and construction.

**Mitigation Measure 5C.** Fugitive dust emissions resulting from site clearing and road construction shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved haul roads, etc. Control measures shall be noted on the grading plans.

**Mitigation Measure 5D.** When transporting any material during road construction, or during the sale of product at the quarry, measures shall be taken to prevent materials from spilling or blowing onto streets and highways. Earthen materials, if transported, shall be adequately sprayed with water prior to transport onto public roads. Vegetative material shall be tarped prior to transport.

**Mitigation Measure 5E.** All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with adequate coverage to control fugitive dust.

**Mitigation Measure 5F.** All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

**Mitigation Measure 5G.** All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds exceed 20 mph.

**Mitigation Measure 5H.** If a project is located in an area that has the geological potential to contain asbestos-containing material or asbestos parent minerals, as determined by a registered geologist, or the project has identified deposits of asbestos-containing material, serpentine, or asbestos parent-material, then no person shall engage in grading and construction operations unless a dust mitigation plan has been submitted and approved by the NSAQMD. Projects where grading activity lasts no more than four calendar days in total and disturbs less than 250 cubic yards of material may be exempted by the APCO, if conditions warrant. Dust mitigation plans must conform to District Rule 226 – Dust Control.

**6. Transportation and Circulation Impacts.** To offset the circulation impacts resulting from heavy truck use, the following mitigation measures are recommended:

**Mitigation Measure 6A.** The continued shipping from the quarry shall require the construction of the new access road, as proposed, to bypass the Hirschdale Road Bridges (17C-045 and 17C-046). The road shall be constructed in a timely manner, excepting for adverse weather conditions or extreme fire danger. This mitigation recognizes that a portion of the proposed haul road does require a special permit from the USFS for the temporary road over their property before connecting to Stampede Meadows Road. In the event the USFS denies the special permit, then an alternative access to Interstate 80 shall be required and a truck cap shall be required. If Hirschdale Road is used, then the truck cap established in Condition A.8 shall apply.

**Mitigation Measure 6B.** Upon completion of the new haul road, the operator shall post temporary signs at the east- and west-bound off-ramps of Interstate 80 and Hirschdale Road that direct the gravel trucks toward the new route over Stampede Meadows Road. These signs shall remain in place for a minimum of one year following the completion of the new road. The signs shall include the name of the operator and quarry, a direction arrow to follow, and the recommended CB channel to use along that route. Encroachment Permits for the signs shall be obtained from the Nevada County Department of Transportation.

**Mitigation Measure 6C.** Due to the potential significant impacts that this project could have on the public road system (Stampede Meadows Road), the road maintenance mitigation fee, currently in effect for the current operation (in the amount of \$0.05 per ton), shall remain in effect for the amended operation. This fee will be used to supplement road maintenance on Stampede Meadows Road. In the event a future alternative access to Interstate 80 is obtained (e.g., a direct on-ramp via Hinton Road under-crossing) that eliminates the regular use of the County-maintained roads, then this measure shall no longer apply.

**7. Biological Impacts.** To offset the potential biological impacts associated with the mining revegetation, the following mitigation shall be required:

**Mitigation Measure 7A.** Reclamation planning objectives and specifications shall include revegetation with species known to be used as browse or herbaceous forage by migrating or summer-resident mule deer.

**10. Noise Impacts.** To offset the potential noise impacts resulting from truck traffic along Hirschdale Road, the following mitigation measures shall apply:

**Mitigation Measure 10A.** Deleted, see Planning Condition A.6.a.

**Mitigation Measure 10B.** Upon completion of the new haul road over to Stampede Meadows Road, the existing haul route via Hinton Road may remain available to employee use (personal or corporate vehicles), off-season property access, and emergency use. All large truck traffic (empty or full) shall use the new route whenever it is available for use. Recognizing the operator cannot control the independent trucks, the Hinton Road gate shall be closed precluding non-essential (employee) traffic from using this access and the independent trucks shall be required to drive around and re-enter the site via Stampede Meadows Road.

**15. Cultural Resource Impacts.** To offset potentially adverse cultural or historical resources impacts associated with the activities on site, the following mitigation measure shall be required:

**Mitigation Measure 15A.** All equipment operators and employees involved in any form of ground disturbance shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Planning Department contacted. A professional archaeologist shall be consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

**Mitigation Monitoring Matrix:**

MEASURE	MONITORING AUTHORITY	WHEN IMPLEMENTED
1A	Planning Department	Within 30 days of approval.
3A, 3B, 3C	Planning Department	Annually with Reclamation Inspection.
4A, 4B	Planning / Lahontan (CRWQCB)	Annually / If applicable.
4C	Building Department	Approval of grading permit and during inspections of completed work.
5A	Planning Department	Approval of the grading permit.
5B, 5C	Building Department	Approval of grading permit and during inspections of completed work.
5D, 5E, 5F, 5G, 5H	Northern Sierra Air Quality Management District	Annually with Permit to Operate
6A	Planning Department	Within 6 months of approval.
6B	Planning Department	Upon Completion of the New Haul Road
6C	Department of Public Works	Ongoing.
7A	Planning Department	Annually with Revegetation Activities
10A	Planning Department	Within 6 Months of Project Approval
10B	Planning Department	Upon Completion of the New Haul Road
15A	Planning Department	Ongoing.

## Use Permit Conditions of Approval

### A. PLANNING DEPARTMENT:

1. This Use Permit authorizes the expansion of the former Hirschdale Cinder Quarry extraction pit, permitted by U83-036, and expands the pit size from approximately 15 acres to approximately 40 acres (including the processing area), with a total production yield of 2.75 million yards (approximately 4 million tons). The approval of Use Permit U06-012 (and Reclamation Plan RP06-001) supersedes the prior Use Permit U83-036. All mining activities shall be consistent with the approved December 2006 Mining Plan, as amended by the conditions herein.
2. This Use Permit shall remain valid for 20 years from the date of approval, including any periods of Idle Mine Status, as defined in PRC Section 2727.1.
3. The new access road grading and improvement plans shall be designed by a qualified professional engineer (e.g., geotechnical engineer).
4. Deleted during public hearing on 7-26-07.
5. Pursuant to Policy 17.7 of the Mineral Management Chapter, the Mining Use Permit shall return to the Nevada County Planning Commission for a compliance review. The review shall be every five years after the commencement of operation.
6. The hours of operation shall be limited to the following:
  - a. During the interim period (prior to the completion of the new haul road) no gravel trucks shall use Hirschdale Road. Quarry extraction and processing hours shall remain from 7:00 a.m. to 6:00 p.m., Monday through Saturday.
  - b. After completion of the new haul road, the interim period shall cease. The hours of operation for the quarry extraction and truck hauling shall then be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. During this period, the use the Hirschdale Road access shall be limited to employee use (personal or corporate vehicles), off-season property access, and emergency use. (Spring water collection trucks are encouraged to use the new access, but are not limited to that access.)
  - c. Emergency use shall be defined as periods when weather related acts of nature require the aggregate material to protect property or public resources, and when such emergencies occur while the new access road is not available for use by gravel trucks. Any such emergencies shall only be declared by a State, County, or local public agency, and the Office of Emergency Services is opened. During such periods, no truck cap or limitations on hours of operation shall apply.
7. The mine plan and conditions may not be changed without amending this permit except that minor adjustments to the project and conditions may be made if approved by the staff and if such changes do not result in a major departure from the approval either individually or cumulatively. The staff will report all such adjustments to the Planning Commission when applicable (or during the review hearing outlined in Condition A.5 above).
8. In the event that alternative access is unavailable, then the use of Hirschdale Road shall be limited (as the sole access to this site) to two loaded gravel trucks per hour. The hours of hauling

operation shall be restricted to 9:00 a.m. to 5:00 p.m. on weekdays only. No weekend gravel hauling is permitted during periods when Hirschdale Road is the only access to this site.

**B. DEPARTMENT OF PUBLIC WORKS:**

1. The approach of the new haul road onto Stampede Meadows Road shall be improved in conformance with Private Road Approach standards.
2. An Encroachment Permit, issued by the Nevada County Public Works Department, is required prior to any work within the Stampede Meadows right-of-way.

**C. ENVIRONMENTAL HEALTH:**

1. Upon approval of the Use Permit, make an application with this Department and pay permit fees for a sewage disposal permit. The system shall be installed and finalled by this Department within six (6) months of the approval of the Use Permit.
2. Upon approval of the Use Permit, provide the following for the proposed spring potable water supply:
  - a) Provide a letter from the property owner indicating approval of the proposed use.
  - b) Make application for a shared water supply permit and provide an easement agreement for review by this department. Record the approved easement agreement on the property title. A sample easement agreement document is available from this department.
  - c) Install distribution system under permit from the Nevada County Building Department.
  - d) Make application from this Department for a raw water certification.

**Reclamation Plan Conditions of Approval**

**D. PLANNING DEPARTMENT:**

1. The reclamation program approved for this quarry is defined in the June 2007 Reclamation Plan (RP06-001), and shall be consistent with the December 2006 Mining Plan (U06-012), as amended.
2. Prior to commencement of the operation, a financial assurance shall be posted with the County pursuant to Section 2773.1 of the Surface Mining and Reclamation Act of 1975 (SMARA). The amount of the financial assurance shall be 100% of the reclamation cost estimate plus 25% for contingency, pursuant to Section 2773.1 (a) (1), to reclaim the maximum area that is possible to be disturbed. The estimate shall include the cost of all drainage improvements and erosion control. The estimate shall be reviewed by the Nevada County Resource Conservation District (erosion control and revegetation), Nevada County Department of Transportation (equipment costs, operating time rates and volume of material to be moved), and approved by the Planning Department (proper form, SMARA compliance).

**NOTE:** Section 2773.1(1)(3) states that the bond amount shall be adjusted annually to account for new lands disturbed, inflation, and reclamation of lands accomplished in accordance with the approved plan.

3. An annual monitoring program report shall be submitted to the Planning Department no later than December 1, of each year. Said report shall include:
  - a. The amount of material mined in that year from both the terrace and the river (if applicable).
  - b. A summary of any reclamation and revegetation, which occurred in that year.
  - c. A discussion of the success of the previous years' revegetation (when applicable).
  - d. A discussion of the adequacy of the existing engineer's bond estimate (see NOTE above).
  - e. Any other information deemed to be pertinent or that is required by the County.

**NOTE:** In the event that Planning Department is unable to perform the inspections, the operator shall hire a qualified person (as defined in Section 2774 (b)) to perform the inspections and make the required recommendations.

4. All inspections of reclamation activities by Planning Department, or its assignee shall be funded by the applicant or his successor. All staff time, including inspections will be billed at actual costs in conformance with the adopted fee schedule approved by the Board of Supervisors and in effect at that time.
5. Pursuant to Policy 17.7 of the Mineral Management Chapter, the Reclamation Plan shall return to the Nevada County Planning Commission for a compliance review. The review shall be every five years after the commencement of operation.
6. If the operator plans to maintain an "Idle" mining status, pursuant to the definition in Section 2727.1 of SMARA, the Interim Management Plan (Section 7.0 of the approved Reclamation Plan) shall become applicable to this operation. The Interim Management Plan shall comply with the provisions in Public Resources Code Section 2770(h).
7. All conditions of the Reclamation Plan, approved by Nevada County, shall be incorporated into the approved Reclamation Plan (the conditions shall be placed in the Appendix.). The applicant shall furnish the County and the State Department of Conservation with a complete final copy of the approved Reclamation Plan within sixty (60) days of approval.
8. Upon completion of the mining activities on site, the new haul road (connecting to Stampede Meadows Road) shall either be fully reclaimed or, if permitted by the USFS, shall be restored to a self-maintaining manner (hydrologically invisible) and kept available for emergency access. The reclamation standards for the new haul road, in either instance, shall be pursuant Public Resources Code Section 2772(c)(5). The grading plans for the new haul road shall also be included in the approved Reclamation Plan as an appendix.

Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this permit is not valid until the expiration of ten (10) days from the date of the Planning Commission action (**Effective Date: August 07, 2007**). If the granting of the permit is appealed or submitted to the Board of Supervisors for final action, the effective date is stayed until final action by said Board. Any appeal must be submitted on the proper form which is available from the Clerk to the Board of Supervisors, Eric Rood Administrative Center, Nevada City, California 95959 (Deadline for appeal: Monday, August 06, 2007, at 5:00 p.m.).

Construction pursuant to this permit approval must be completed and the use commenced thereon within **three (3) years** from the effective date of the approval of the permit, which would be **August 07, 2010**, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by

Approval Letter for U06-012; RP06-001; EIS06-031Teichert Aggregates  
July 30, 2007

the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.

The Planning Commission considered the initial study and found that the project, with conditions imposed, will not have a significant effect on the environment and has directed staff to file a Notice of Determination for a Negative Declaration with the County.

**NEVADA COUNTY PLANNING COMMISSION**  
Randy Wilson, Ex-Officio Secretary

By: \_\_\_\_\_  
Janet Hayes, Clerk to the Planning Commission

RW;jh

cc: Department of Transportation & Sanitation  
Environmental Health Department  
Pamela Dobbas  
Jim Wiley-Taylor & Wiley



**PROOF OF SERVICE BY MAIL**

(Code of Civil Procedure Sections 1013a and 2015.5)

I am a resident of the United States and of the State of California, County of Nevada; I am over the age of eighteen years and not a party to the within action; my business address is:

ERIC ROOD ADMINISTRATIVE CENTER  
950 Maidu Avenue Nevada City, California 95959-8617

I am readily familiar with the Nevada County Planning Department's business practice for the collection and processing of correspondence for mailing with the United States Postal Service. The within documents will be deposited with the United States Mail on July 31, 2007, in the ordinary course of business.

The name(s) and address(es) of the person(s) served as shown on the envelope(s) are as follows:

Teichert Aggregates, 3500 American River Drive, Sacramento, CA 95862  
Pamela Dobbas, 2945 Bell PMB258, Auburn, CA 95603  
Jim Wiley, Taylor & Wiley, 2870 Gateway Oaks Drive #200, Sacramento, CA 95833

The foregoing person(s) were served with approval letter for Use Permit, File # U0-012 & EIS006-031, by placing same for collection and mailing on July 31, 2007, at Nevada City, California, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 31, 2007, at Nevada City, California.

\_\_\_\_\_  
Signature

**NOTICE OF DETERMINATION**

**TO:** \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

County Recorder  
County of Nevada

**FROM:** Nevada County Planning Department  
950 Maidu Avenue  
Nevada City, CA 95959-8617

**SUBJECT:** Filing of Notice of Determination in compliance  
with Section 21108 or 21152 of the Public  
Resources Code.

**Project Title: U06-012; RP06-001 & EIS06-031**

AP# 48-090-12 & 48-200-03

Teichert Aggregates, 3500 American River Dr., Sacramento, CA 95864

<u>State Clearinghouse</u>	<u>Contact Person</u>	<u>Telephone Number</u>
(If submitted to Clearinghouse)		
N/A		

**Project Location:** 16774 & 16616 Hinton Road, Truckee, CA

**Project Description:** This permit authorizes the expansion of the Hirschdale Cinder Quarry to expand the pit size from approximately 15 acres to approximately 40 acres (including the processing area) with a total production yield of 2.75 million yards (approximately 4 million tons) The approval of this Use Permit U06-012 (and reclamation plan RP06-001) supersedes the prior Use Permit U83-036

This is to advise that the Nevada County Planning Commission (Lead Agency) approved the above described project on July 26, 2007, and made the following determinations regarding the above described project:

1. The project \_\_\_\_\_ will,  will not, have a significant effect on the environment.
2. \_\_\_\_\_ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were, \_\_\_\_\_ were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations \_\_\_\_\_ was,  was not, adopted for this project.
5. Findings  were, \_\_\_\_\_ were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses, if applicable, and a record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California 95959.

_____ Signature (Public Agency)	_____ Date	<b><u>SENIOR PLANNER</u></b> Title
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FISH & GAME FEE: \$1,800.00  
ADM. FEE PD.  YES \_\_\_\_\_ N/A

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