



Planning Commission Staff Report

Meeting Date: February 2, 2016

Subject: Report on Golden Valley Aggregate Pit

Agenda Item No.: 10B

Item Summary: Report regarding issues of concern for Golden Valley Aggregate Pit operated by A&K Earth Movers

Recommendation: **Accept the report**

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Description

Golden Valley Aggregate Pit – Report from staff on the Golden Valley Aggregate Pit including (1) a summary of the process for reviewing and amending conditions of approval associated with aggregate special use permits; (2) correspondence with the owner/operator regarding issues of concern; and (3) next steps. Receipt of the report may include questions for further information from Planning Commission members about the report.

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Staff Report Attachments

Development Code - Article 332 <i>Aggregate Facilities</i>	Attachment A
Development Code - Interpretation 14-2 <i>Periodic Review of Conditions for Aggregate Facilities</i>	Attachment B
Conditions of Approval for SW01-015	Attachment C

November 10, 2015 Correspondence to A&K Earth Movers.....	Attachment D
November 17, 2015 Correspondence from A&K Earth Movers	Attachment E
Photos of the Golden Valley Aggregate Pit	Attachment F
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Washoe County Code Requirements

Aggregate facilities in Washoe County are governed by several sections of code as well as any conditions of approval associated with special use permits.

Article 332, *Aggregate Facilities* (Attachment A), of the Washoe County Development Code addresses aggregate facilities, specifically requiring the granting of a special use permit for open market aggregate facilities to operate in Washoe County. Article 332 defines operation requirements, review considerations, and the responsibilities of owners and operators. Article 332 also addresses noncompliance with special use permit conditions and the process for periodic review and possible modification of conditions of approval.

Interpretation 14-2 *Periodic Review of Conditions for Aggregate Facilities* (Attachment B) of the Development Code was adopted on November 10, 2014 to provide clarity concerning both the process and authority for the review of conditions of approval for aggregate facility special use permits. (A Development Code amendment in 2008 failed to capture and codify the intention of the Planning Commission in streamlining the review of conditions of approval for aggregate facilities.) Periodic reviews are typically conducted every five years and are the opportunity in the process for the approving body (Planning Commission or Board of Adjustment) to add, remove, or modify existing conditions of approval.

Conditions of approval for a special use permit govern the daily operation requirements of aggregate pits as well as the requirements for maintaining business licenses, required permits, plans and studies. Yearly compliance reports submitted by the owner/operator are a typical condition of approval for an aggregate facility special use permit. Required bond amounts are also typically included in the conditions of approval for aggregate facility special use permits. Section 110.332.10 of the Development Code states the Washoe County Engineer shall review the financial assurance as necessary, or at least every three (3) years, and adjust its amount as deemed appropriate by the Washoe County Engineering Division.

Compliance History for Golden Valley Aggregate Pit

The Action Order approving Special Use Permit Case No. SW01-015 (A&K Earth Movers) was issued April 3, 2002, and included 23 conditions (Attachment C). A&K Earth Movers have demonstrated compliance with their conditions of approval by submitting annual status reports

for Special Use Permit SW01-015. They are also in compliance with the required financial assurances.

As required by the Development Code, staff completed 5-year periodic reviews of Special Use Permit SW01-015 in 2007 and in 2012:

- August 14, 2007 – Action Order issued recommending modification to the original conditions of approval by adding a condition revising the bonding amount for the existing disturbed area.
- October 2, 2012 – Planning Commission accepted the 5-year SUP Review Report from staff on its Consent Agenda with a recommendation that there be no changes to the existing conditions of approval. There were no comments recorded in the meeting minutes.

The next periodic review for Special Use Permit SW01-015 is due to be completed by staff on or before April 1, 2017.

Issues of Concern

On November 10, 2015, staff wrote to A&K Earth Movers expressing the concerns of staff and Commissioner Edwards regarding Special Use Permit SW01-015 (Attachment D). A&K Earth Movers responded by email on November 17 (Attachment E).

On November 20, staff requested a site visit in order to determine the proper bond amount for the property. Planning and Engineering staff conducted a site visit on December 2, 2015. (Attachment F shows photos of the aggregate facility during the site visit.)

November 24, 2015 correspondence related to the site visit (Attachment G) describe A&K Earth Movers' plans to update their mining and reclamation plan, including an estimate of the remaining pit life. On December 29, 2015, A&K Earth Movers provided an executive summary related to their mining and reclamation plan update (Attachment H).

Next Steps

As A&K Earth Movers works with their consultants to complete an update to their existing mining and reclamation plan, information will be provided to the Washoe County Engineering Division so adjustments to the financial assurances covering the pit can be assessed.

The process for reviewing aggregate facilities and adding, modifying or deleting conditions of approval for Special Use Permit SW01-015 will take place during the next periodic review cycle which shall be completed by April 1, 2017.

xc: Bart Hiatt, President, A&K Earth Movers
Reed Tolotti, Aggregates Manager, A&K Earth Movers
Bill Whitney, Division Director, Planning & Development
Bob Webb, Planning Manager, Planning & Development
Alan Jones, Senior Licensed Engineer, Engineering & Capital Projects
Lydia Peri, Engineer, Engineering & Capital Projects

Article 332

AGGREGATE FACILITIES

Sections:

110.332.00	Purpose
110.332.05	Applicability
110.332.10	Aggregate Facility Types
110.332.15	Operation Requirements
110.332.20	Special Review Considerations
110.332.25	Responsibilities of Owner and/or Operator
110.332.30	Noncompliance with Conditions
110.332.35	Compliance with Article
110.332.40	Periodic Review of Conditions

Section 110.332.00 Purpose. The purpose of this article, Article 332, Aggregate Facilities, is to ensure compatibility between aggregate facilities and surrounding land uses, to promote the continued access to aggregate resources, and to minimize adverse impacts on the environment and surrounding areas.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.05 Applicability. Aggregate and borrow facilities are classified under the aggregate facilities use type in Section 110.304.30, Industrial Use Types, and as such may be permitted in those regulatory zones set forth in Table 110.302.05.4, Table of Uses. Restricted market temporary aggregate facilities are allowed in any regulatory zone. Uses ancillary to aggregate facilities include concrete and asphalt batch plants, crushers, and other uses deemed appropriate by the Director of Community Development.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.332.10 Aggregate Facility Types. Aggregate facilities shall require the granting of a special use permit. The special use permit application shall include a detailed mining plan in accordance with the provisions of this section.

- (a) **Open Market Aggregate Facilities.** An applicant for open market aggregate facilities on private or public lands shall be subject to the provisions of this subsection.
 - (1) The owner and/or operator shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to hours of operation and maintenance, fencing and signage, storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon completion of mining for each phase of the operation. This plan shall be submitted to the Washoe County Engineering Division and the District Health Department for approval.

- (2) Once the plan is approved, the owner and/or operator shall post adequate financial assurance to the satisfaction of the County Engineer.
 - (3) The Washoe County Engineer shall review the financial assurance as necessary, or at least every three (3) years, and adjust its amount as deemed appropriate by the Washoe County Engineering Division.
 - (4) On public lands, the application shall include confirmation that the public land manager has approved submittal of the application.
 - (5) On public lands, should a federal agency not require an adequate bond for complete restoration of the site, the owner and/or operator shall submit a detailed mining plan to include complete restoration of the site and provide adequate bonding to the satisfaction of the County Engineer.
- (b) Restricted Market Temporary Aggregate Facilities. Aggregate facilities subject to this subsection are allowed in any regulatory zone. Both private projects and public works construction projects are included in this type. An applicant for restricted market temporary aggregate facilities on public or private lands shall be subject to the provisions of subsection (a) and this subsection.
- (1) The temporary aggregate site shall identify the project that it is to serve and the project must be within a five (5) mile radius.
 - (2) No use permit for a temporary facility shall be effective until the project which it is to serve has received all necessary approvals. Concurrent processing of applications will be allowed.
 - (3) No outside sales of the materials will be allowed.
 - (4) The project size must indicate that a minimum of one hundred thousand (100,000) gross cubic yards and a maximum of ten million (10,000,000) gross cubic yards will be required.
 - (5) The temporary pit will remain open as long as the project is active and using aggregate from the pit.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.15 Operation Requirements. The operation of aggregate facilities shall conform to the provisions of this section.

- (a) Notice of Shutdown. During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
- (b) Drainage Preservation. During the period of operation, the mining plan shall allow for and conserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.

- (c) Dust Control. During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
- (d) Hauling Requirements. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation. Haul routes for all vehicles and equipment, to and from the site, shall be subject to approval by the Washoe County Engineering Division.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.20 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for aggregate operations, the following special review considerations are addressed in the record:

- (a) Conservation of topsoil;
- (b) Protection of surface and subsurface water;
- (c) Conservation of natural vegetation, wildlife habitats and fisheries;
- (d) Control of erosion;
- (e) Control of drainage and sedimentation;
- (f) Provision of visual and noise buffering;
- (g) Accommodation of heavy traffic on roadways;
- (h) Provision of restoration and/or reuse of the site;
- (i) Provision of a bonding program commensurate with the total costs of requirements imposed; and
- (j) Preservation of the recreation opportunities, air quality, archaeological resources, character of the area and other conditions as necessary.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.332.25 Responsibilities of Owner and/or Operator. The owner and/or operator are responsible for compliance with the provisions of this section.

- (a) Compliance with Applicable Laws. All plans shall be in compliance with all applicable local, state and federal statutes, ordinances, rules, regulations and policies in effect at the time of submittal for any required permit.
- (b) Compliance with Special Use Permit Conditions. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made part of the special use permit to the satisfaction of the Department of Community Development. A copy of the approved special use permit shall be attached to any application for a required permit.

- (c) Sale of Site. The owner and any successors shall direct any potential purchaser of the site or aggregate facility to meet with Department of Community Development staff to review the conditions of approval prior to final sale. Any subsequent purchaser or operator shall notify Community Development staff of the name, address and contact person of the new purchaser.
- (d) Cancellation of Special Use Permit. If the operation should cease for a period of twelve (12) months, the special use permit shall become null and void. The applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
- (e) Financial Assurances. The applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, the special use permit shall become null and void.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.30 Noncompliance with Conditions. Compliance with the conditions of the special use permit is the responsibility of the operator, its successors in interest, and all owners and occupants and their successors in interest. Compliance with conditions shall be reviewed on an annual basis. This review shall be based upon submittal of a report by the applicant detailing compliance with conditions of the special use permit. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and subject to the provisions of Article 910, Enforcement, of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.35 Compliance with Article. All active aggregate facilities shall comply with the provisions of Article 332, Aggregate Facilities, by December 31, 2001. Enforcement of this provision shall be accomplished as follows:

- (a) The Director of Community Development shall give written notice by certified mail to the owner and/or operator of all active aggregate facilities of the adoption of Article 332 within one hundred twenty (120) days from the effective date of this article (November 1, 1998).
- (b) Any aggregate facility not securing a new or renewed special use permit consistent with Article 332 by December 31, 2001 shall be scheduled for a revocation hearing before the Board of County Commissioners, or, if no special use permit has been issued therefor, to cease operation.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.40 Periodic Review of Conditions. For aggregate facilities approved for a period of more than five (5) years, a review of the conditions of approval shall occur at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. Enforcement of this provision shall be accomplished as follows:

- (a) The owner and/or operator of any aggregate facility approved without a review date shall submit a request to the Community Development Department for a

review of conditions within one hundred eighty (180) days of the effective date of this article (November 1, 1998). At this review hearing and at each hearing thereafter, a date shall be established for the next scheduled review of conditions. In no case shall the time between reviews be more than five (5) years. The owner and/or operator shall request these reviews prior to one hundred eighty (180) days of the date set at the previous review.

- (b) The owner and/or operator of any aggregate facility seeking an extension of an approved special use permit shall request an extension and review of conditions no less than one hundred eighty (180) days prior to the expiration of the special use permit. The extension shall consider the required findings and special considerations for aggregate operations to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Interpretation 14-2

PERIODIC REVIEW OF CONDITIONS FOR AGGREGATE FACILITIES

Washoe County Code (WCC) Section 110.914.05(c) gives the Director of the Planning & Development Division, Washoe County Community Services Department, (Director) "the authority to interpret the provisions of the Development Code" (Washoe County Code Chapter 110).

CODE SECTION IN QUESTION [Bold emphasis added]

Section 110.332.40 Periodic Review of Conditions. For aggregate facilities approved for a period of more than five (5) years, a review of the conditions of approval shall occur at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. Enforcement of this provision shall be accomplished as follows:

- (a) The owner and/or operator of any aggregate facility approved without a review date shall submit a request to the Planning & Development Division for a review of conditions within one hundred eighty (180) days of the effective date of this article (November 1, 1998). At this review hearing and at each hearing thereafter, a date shall be established for the next scheduled review of conditions. In no case shall the time between reviews be more than five (5) years. **The owner and/or operator shall request these reviews prior to one hundred eighty (180) days of the date set at the previous review.**
- (b) The owner and/or operator of any aggregate facility seeking an extension of an approved special use permit shall request an extension and review of conditions no less than one hundred eighty (180) days prior to the expiration of the special use permit. The extension shall consider the required findings and special considerations for aggregate operations to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses.

BACKGROUND

This section of the Development Code was amended by Ordinance 1378, effective on August 1, 2008, to remove text which stipulated that the Washoe County Planning Commission would hear the required review of conditions of approval for aggregate facilities. The amendment was initiated by the Planning Commission after several aggregate facility reviews resulted in a simple approval of the review with no modifications to the approved conditions of approval. The Planning Commission believed that a simple approval review was better suited for staff, and not for the Commission. However, the code amendment failed to capture and codify this direction from the Commission.

The Development Code no longer specifies how the review is to occur, nor does the Code specify which person or agency will approve the review with or without potential modification to the conditions of approval. This interpretation will provide a two-step process for the review of aggregate facility conditions of approval based on the Planning Commission's intent for the code amendment in 2008.

The Development Code currently requires that any new permanent aggregate facilities be granted a special use permit by the Washoe County Board of Adjustment (see Article 302, Table 110.302.05.4, Table of Uses, Industrial Use Types). However, any review requiring an amendment of conditions will be heard by the body which granted the original special use permit, either the Planning Commission or the Board of Adjustment.

INTERPRETATION

The periodic review of aggregate facility conditions required by WCC Section 110.914.05(c) will most likely occur in one of two ways. First, the aggregate facility owner and/or operator will approach the County based on a prior review which specified the next review time frame. Second, code compliance actions based on complaints will discover that an aggregate facility is past the time period without the required review of its conditions of approval.

In either case, the first step for the review process will be an administrative review hearing by the Director, Planning & Development Division. Division staff will evaluate the aggregate facility's existing conditions of approval in the context of compatibility between the aggregate facility's operations and surrounding land uses. The following will occur during this first step of the aggregate facility review process:

1. The Director will appoint a staff member to conduct the evaluation.
2. The assigned staff member will verify the most recent conditions of approval for the aggregate facility.
3. The staff member will research to determine if any complaints on the aggregate facility's operations were recorded by the following County agencies and, if a complaint was recorded, the outcome of that complaint.
 - a. Code compliance staff, Planning & Development Division, Community Services Department.
 - b. Engineering staff (traffic and grading), Engineering & Capital Projects Division, Community Services Department.
 - c. Air Quality Management Division, Washoe County Health District.
 - d. Environmental Health Services Division, Washoe County Health District.
 - e. Other agencies deemed appropriate due to special circumstances.
4. The review will include an analysis of WCC Section 110.332.20, Special Review Considerations. These considerations will be reviewed in the following contexts:
 - a. Complaints received concerning the aggregate facility's operations and the surrounding land uses, and actions taken on those complaints.
 - b. Site inspection for an evaluation of the special review considerations in the context of current operating conditions and physical appearance of the aggregate facility.

The review will include whether the aggregate facility's conditions of approval require modification in order to assure that future similar complaints are avoided or minimized, or to address matters viewed during the site inspection. Modification of conditions may include new or amended conditions, or removal of conditions.

5. The staff member will prepare an administrative review report for the Director with an evaluation of the aggregate facility's conditions of approval in the context of compatibility between the aggregate facility's operations and surrounding land uses, based on the review outlined in item 4 above. The report will determine whether the conditions of approval are adequate and can remain unchanged, if one or more of the conditions

require amendments, or if additional conditions are warranted. Based on the report's conclusions, the staff member will recommend one of the following:

- a. Aggregate facility conditions of approval should remain unchanged, and that a new required review date be established 5 years from the date the Director will approve the review; or,
 - b. One or more of the aggregate facility conditions of approval require amendment, and/or one or more conditions of approval must be added or deleted. The report must identify all proposed changed conditions.
6. The staff member will arrange a date and time for the administrative review hearing with the Director. Notice cards for the hearing will be prepared and mailed to property owners within 500 feet of the aggregate facilities property. The notice card will specify the date, time and location of the administrative review hearing, will provide information on the purpose and manner of the aggregate facility review, will specify how and when the administrative review report will be available for the public, and will solicit comments on the review.
- a. The report will be provided to the Director for review at least 10 days before the hearing date.
 - b. The administrative review report must be available to the public no less than 10 days before the hearing date.
 - c. Comments may be in person at the hearing, or in writing to the Director no less than three working days before the hearing date.
7. The Director will conduct the administrative review hearing in a manner conducive to listening to any public who attend and desire to comment on the aggregate facility's operations or conditions of approval. The Director will review any written comments in public during the hearing. The hearing is not subject to the Nevada Open Meeting Law. Based on a review of the report and any comments received, the Director will do one of the following:
- a. Determine whether the conditions of approval are to remain unchanged. If so, then the Director will outline the basis of this decision for the record. The staff member will prepare a letter to the aggregate facility owner and/or operator providing the Director's decision and the basis for the decision.

The letter, once signed by the Director, will be sent to any person who requests a copy. The letter will be posted to the Division's internet web page, and will be filed with the Secretary of the either the Planning Commission or the Board of Adjustment (whichever Board approved the original Special Use Permit).

The Director's approval is final unless appealed pursuant to WCC Article 912 (Establishment of Commissions, Boards and Hearing Examiners) or Article 914 (Establishment of Department).
 - b. Initiate an Amendment of Conditions if conditions of approval should be changed, added or deleted. The Director will outline the basis of this decision for the record, and this decision will form the basis for the Amendment of Conditions. The staff member will prepare a memorandum to either the Planning Commission or the Board of Adjustment (whichever Board approved the original Special Use Permit) providing the Director's decision and the basis for the decision.

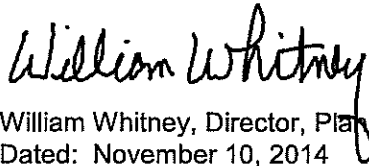
The Amendment of Conditions is based on the Special Use Permit originally approved for the aggregate facility, as amended, and constitutes the second step of the aggregate facility review process. The Amendment of Conditions will be processed at no charge to the aggregate facility owner and/or operator.

The second step of the aggregate facility review process is the Amendment of Conditions process before either the Planning Commission or the Board of Adjustment, whichever Board approved the original Special Use Permit. The staff member assigned to complete the report in the first step of the review process will be assigned the Amendment of Conditions case and follow the procedures outlined in Article 810 (Special Use Permits). The Planning Commission or Board of Adjustment's action will include a new required review date set for 5 years from the date of the Commission's action.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede all previous interpretations of the Development Code concerning this subject matter and will remain in effect until one of the following occurs:

1. A subsequent interpretation concerning this subject matter is made by the Director;
2. The interpretation is reversed through a successful appeal pursuant to WCC Article 912 (Establishment of Commissions, Boards and Hearing Examiners) or Article 914 (Establishment of Department);
3. The interpretation is otherwise invalidated pursuant to law; or,
4. The Development Code is amended to incorporate this subject matter.



William Whitney, Director, Planning & Development Division
Dated: November 10, 2014

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW01-015
A&K AGGREGATE PIT**
(As recommended by Department of Community Development
as approved by the Planning Commission on April 2, 2002)

*****IMPORTANT—PLEASE READ*****

Unless otherwise specified, all conditions must be met or financial assurances must be provided to satisfy the conditions prior to submittal for a building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurances. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Department of Community Development.

Compliance with the conditions of this special use permit is the responsibility of the applicant, its successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any conditions imposed in the issuance of the special use permit may result in the institution of revocation procedures.

Any operations conditions are subject to review by the Department of Community Development prior to the renewal of a business license each year. Failure to adhere to the conditions may result in withholding renewal of the business license until conditions are complied with to the satisfaction of the Department of Community Development.

Washoe County reserves the right to review and revise the conditions of this approval should it determine that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purposes of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
4. Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

5. During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
6. Applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
7. During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department. Applicant shall submit a copy of the air quality operations permit to the Community Development Department.
8. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
9. If the operation should cease for a period of twelve (12) months, the special use permit shall become null and void. The applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
10. Applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, the special use permit shall become null and void.
11. Applicant shall submit a yearly compliance report as required in Section 332.30 of the Development Code. In this report the applicant shall detail how they have complied with each condition of the special use permit. If not in compliance with a particular condition, applicant shall detail how compliance will be reached together with a fixed timeline to reach compliance. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and subject to the provisions of Article 910, Enforcement, of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners.
12. The Planning Commission shall review the conditions of approval at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. This review shall conform to the requirements of Section 332.40(a) of the Washoe County Development Code.
13. Exported materials shall not be sold without the proper business license. The Community Development Department shall determine compliance with this condition.
14. Hours of operation shall be from 6:00 A.M. to 6:00 P.M. on weekdays, exclusive of holidays. Hours may be extended or modified on a case-by-case basis, and upon written notice to and approval by the Department of Community Development.
15. In the event blasting becomes necessary, applicant shall notify the Department of Community Development, the County Engineer, and the Reno Fire Department at least two weeks prior to the occurrence. Applicant shall notify all property owners within 1000 feet of the pit at least one week in advance of the occurrence, stating the day and time blasting will take place. Blasting shall occur only during the weekdays between the hours of 10:00 am and 3:00 pm., holidays excluded.
16. Sound emissions, as measured from the closest property line external to the project, from any source or operations on the property shall not exceed any of the following noise levels. Noise levels shall be measured as A-weighted sound pressure levels, using fast response setting on a Type I or a Type 2 sound level meter:

- A. 65 dB $L_{eq(10)}$ during the hours of 7:00 a.m. to 7:00 p.m.
- B. 55 dB $L_{eq(10)}$ during the hours of 7:01 p.m. to 6:59 a.m.
- C. 120 dB instantaneous peak measures at any time.

Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred in the completion of two 24-hour monitoring of the operation to assure compliance with noise standards. If improvements or changes in operation are needed to assure compliance, the applicant shall implement the necessary measures. The Department of Community Development shall determine compliance with this condition.

Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code. Upon unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be obligated to compensate the County for all costs incurred to complete two 24-hour monitoring of the operation to assure compliance with noise standards. Failure to compensate the county within 30 days of presentation of the contract fee shall render the special use permit null and void.

Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

- 17. Under no circumstances shall excavation occur on land that is closer than 250 feet from the west property line along Wigwam Way.

Engineering

- 18. The following conditions shall be completed to the satisfaction of the County Engineer:
 - A. A complete mining and reclamation plan shall be submitted to the Engineering Division for review and approval. (The information submitted in the special use permit application may be used.)
 - B. The developer shall obtain from the Nevada Division of Environmental Protection a Storm Water Discharge Permit for Mining and submit a copy to the Engineering Division when available.
 - C. A mining and restoration bond shall be provided to the Engineering Division prior to any grading. The amount shall be as detailed in the SUP application.
 - D. All disturbed areas shall be reclaimed in accordance with the approved mining and reclamation plan.
 - E. Provide recorded documentation of access to the site that favors the applicant to the satisfaction of the County Engineer.
 - F. The proposed Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as haul routes and are not designated truck routes must be evaluated by a

geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.

- G. The residential streets of Wigwam Way, Indian Drive and Estates Drive and Running Bear Drive shall never be used as haul routes for the mining operations.
- H. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The information submitted in the SUP application may be used.
- I. The amount of the mining and restoration bond shall be revised to provide bonding at \$1,500/AC for the existing disturbed area and the area proposed to be disturbed within the next 5 years. The bond shall be reviewed and approved by the County Engineer.

Nevada Division of Environmental Protection

- 19. The project will require a storm water permit from the Bureau of Water Pollution Control. A copy of this permit shall be submitted to the Department of Community Development and to the Engineering Division.

Reclamation Landscaping

- 20. Applicant shall provide and maintain an undulating berm buffers along the north and west sides of the property as required by the Department of Community Development to mitigate sight and sound from nearby residences. These berms shall be reseed/replanted as part of the reclamation of the pit, and shall occur when activity on the west side of the pit is completed. The Department of Community Development shall determine compliance with this provision.
- 21. It will be the applicant's responsibility to import suitable growth medium to the site for use in reclamation if existing stockpiles do not provide sufficient depth for the reestablishment of vegetation.
- 22. In all phases of reclamation, applicant shall use a seed mix and manner of application that is recommended and approved by the Washoe-Storey Conservation District.



Community Services Department

Planning & Development Division

Planning

November 10, 2015

Bart Hiatt
A&K Earth Movers
515 Windmill Dr.
Fallon, NV 89406

Subject: Golden Valley Aggregate Facility - Special Use Permit SW01-015 and
Special Use Permit SW01-026

Dear Mr. Hiatt:

As required in Washoe County Code (WCC) Section 110.332.30, and Condition of Approval #11 for Special Use Permits SW01-015 and SW01-026, A&K Earth Movers is required to submit an annual report detailing compliance with each of the conditions of the special use permit(s). The last annual report submitted by A&K Earth Movers, reviewing calendar year 2013 operations against the special use permit(s) conditions, was received on October 6, 2014. A report reviewing calendar year 2014 operations was due in April of 2015 and a report reviewing calendar year 2015 operations against conditions of approval is due in April of 2016. A copy of the conditions of approval for the special use permits issued related to the Golden Valley Aggregate Facility is enclosed. Please submit the calendar year 2014 annual report at your earliest convenience in order to remain in compliance with the conditions of the special use permits.

As stated in WCC Section 110.332.10(a)(3), financial assurances for approved aggregate pits shall be reviewed at least every three years and required bond amounts may be adjusted by the Washoe County Engineering Division. Our records indicate that October 2012 was the last time the bond was reviewed. WCC Section 110.438.39 currently requires a bond amount of \$2,000 per disturbed acre. A copy of this letter is being forwarded to the Engineering Division for review and adjustment of your bond amount.

As a future reminder for you and described in Condition of Approval #12 for Special Use Permits SW01-015 and SW01-026, the Division of Planning and Development shall review the conditions of approval of the special use permit at least every five years to ensure they adequately provide for compatibility between aggregate operations and surrounding land uses. Five-year reviews for Special Use Permits SW01-015 and SW01-026 were completed in 2007 and 2012; the next five-year review for the Golden Valley

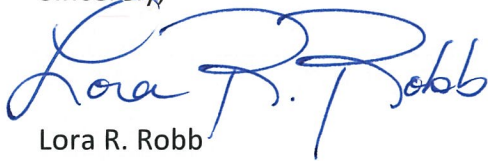
Letter to: Bart Hiatt, A&K Earth Movers
Subject: Golden Valley Aggregate Facility - Special Use Permits SW01-015 and SW01-026
Date: November 10, 2015
Page: 2

Aggregate Pit is due April 1, 2017. Please note it is the responsibility of the facility owner/operator to request these periodic reviews, and to do so at least 180 days prior to the required review date (**which is November 1, 2016**). Please refer to WCC Section 110.332.40 (enclosed) and Interpretation 14-2 (also enclosed) of the Development Code for more information on the periodic review process.

While Washoe County has not received any official complaints about the Golden Valley Aggregate Facility since the 2012 periodic review, please be advised the Planning and Development Division has received an inquiry of concern from a Washoe County Planning Commissioner. The Commissioner questioned if the Reclamation Plan submitted for the Golden Valley Aggregate Facility at the time of approval of the special use permits (April 3, 2002) is still valid and applicable given the current pit operations and its physical condition. The Reclamation Plan included with the original special use permit application estimated an approximate pit life of 15 years under Mining Plan A (operations limited to Assessor's Parcel Number 552-040-28). I anticipate concerns about reclamation and an update from you as to the anticipated life of the aggregate facility as components of the next periodic review due in April 2017. I hope this correspondence provides ample time for us to work together to address the reclamation concerns of the Planning Commission over the course of the next year and a half.

Please do not hesitate to contact me with questions or if you require additional information. My direct phone number is 775.954-4636 and my email address is lrobb@washoecounty.us.

Sincerely,



Lora R. Robb
Water Management Planner

Enclosures

cc: Bill Whitney, Director, Planning and Development Division
Bob Webb, Planning Manager, Planning and Development Division
Dwayne Smith, Director, Engineering and Capital Projects Division
Roger Edwards, Washoe County Planning Commissioner
Sarah Chvilicek, Washoe County Planning Commissioner

Robb, Lora R

From: Lisa Dayton <ldayton@akearthmovers.com>
Sent: Tuesday, November 17, 2015 4:32 PM
To: Robb, Lora R; Whitney, Bill
Cc: Bart Hiatt; Reed Tolotti; Bob Bennett
Subject: 2014 Annual Report

Attached please find A & K Earth Movers 2014 Annual Report.

Our records indicate that this was mailed on June 1, 2015, please accept our apologies for any inconvenience this may have caused.

Sincerely,

Lisa Dayton

Aggregates Administrator
A & K Earth Movers, Inc.
PO Box 1059
Fallon, NV 89407-1059
(775) 423-6085
(775) 997-7229 Direct
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www.akearthmovers.com

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Engineering Office
12251 Truckee Canyon Ct
Sparks, NV 89434
P: (775)825-1636
F: (775)825-6171



Main Office
515 Windmill Dr
Fallon, NV 89406
P: (775)423-6085
F: (775)423-8410

June 1, 2015

No.0123-485-01

Washoe County Department of Community Development
P.O. Box 11130
Reno, Nevada 89520

Attn: Mr. Bill Whitney
cc: Grace Sannazzaro

**RE: 2014 Annual Review; Status of Conditions on Special Use Permit
SW01-015 Golden Valley Aggregate Pit
A&K Earth Movers, Inc.**

Dear Sir(s):

The following is the status of A & K Earth Movers (A&K) conformance with the list of conditions for their Special Use Permit (SUP) for the Golden Valley Sand Pit. As you know, there were two SUP's proposed for the operation, the other being the BLM's Panther Pit (SW01-026). Two permits were necessary because of the separate ownership and zoning issues involved, even though both properties were intended to be mined as one. The Bureau of Land Management (BLM) has completed the Environmental Assessment (EA) on their old Panther Pit and A & K anticipated being allowed to start mining on this property providing they could do so economically. Unfortunately, A&K has not been successful to-date in negotiating an agreement with the private owners of Golden Valley that would allow us to economically extract material from the Panther Pit (access fee) and pay suggested BLM royalties. Until such time that a satisfactory agreement between all concerned parties may be achieved, the Panther Pit EA is formally approved by the BLM, and issuance of a BLM Material Sale is granted, no mining in the Panther Pit shall occur. The conditions for both properties are nearly identical, but this status report is only for the private property portion of the pit (Golden Valley; SW01-015). At this time, the status concerning the conditions for the Golden Valley SUP will be addressed.

The conditions identified below are numbered the same but may be somewhat abbreviated from the actual wording in the Conditions for the SUP and following "Action Order" dated August 14, 2007. Attachments to these conditions and this letter are as noted below.

Conditions of Special Use Permit Case No. SW01-015 (Golden Valley Pit)

1. Demonstration of substantial conformance to the plans approved as part of the Special Use Permit:

The Amended Mining and Reclamation Plan submitted with the initial SUP application has not changed and was included in The BLM's Environmental Assessment (EA). The other accompanying documentation is in response to this condition.

2. Copy of the Action Order stating conditional approval of the Special Use Permit shall be attached to all applications for administrative permits issued by the County:

A copy of the Action Order will be attached to all applications for administrative permits issued by the County.

3. In the event the operation is sold the applicant is to notify the County and make the buyer aware of these conditions:

The applicant has no intention of selling; however, if they do sell they will notify the County and make the new owner aware of all conditions.

4. Prehistoric or historic artifacts:

The applicant agrees that should any prehistoric or historic/artifacts be discovered during mining activities, work shall temporarily be halted and the State Historic Preservation Office and the BLM will be notified.

5. Operator shall notify the Department of Community Development of seasonal or permanent shutdown:

A & K will notify the Department if there is a seasonal or permanent shutdown. Adverse weather or economic downturns may result in temporary shot-term shutdowns.

6. Applicant shall in no way increase drainage and/or runoff water to or from any adjacent property

The applicant will not increase drainage and/or runoff water to or from any adjacent property. As described in the Mining and Reclamation Plan in the EA, all drainage is internal and berms were constructed to assure this. The state storm water inspector visited the site and was pleased with the inspection. The state determined that No Storm water Discharge Permit will be required at this time and a waiver was granted. A&K contained unanticipated runoff from the Panther Pit into the Golden Valley Pit in 2014 to avoid runoff onto downstream adjacent properties as per the recommendations of Washoe County engineers (See 18-B).

7. During operation the applicant shall provide dust control to the satisfaction of the District Health Department & applicant shall submit copy of air quality operations permit:

Dust control measures are addressed in the Special Use Permit application and the BLM's EA. Dust control is part of the permit to operate and the MSHA permit, I.D. No. 2602452. We complied and suppressed fugitive dust throughout 2014 and had no complaints from neighbors. There were no citations for dust emission violations. A water truck was assigned to the pit & access road full time from January to December in 2014. We conducted employee occupational dust & noise exposure tests in 2008 which were found to be below 30 CFR 62.101 levels. Current exposure levels are below previous levels (fewer hours of operation).

8. During the period of operation all loads of material exiting the site shall be tarped or treated for dust or loose material to the satisfaction of the District Health Department and the Department of Transportation:

Dust control measures for haul trucks are addressed in the Special Use Permit application and the EA. In addition dust control is part of the permit to operate and the MSHA permit. All exiting loads were wetted or tarped prior to leaving the property.

9. If the operation ceases for a period of 12 months this special use permit becomes null and void:

The operation has not ceased for a period of 12 months nor is it anticipated that it will ever do so during the life of the permit.

10. Applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division.

The applicant will provide financial assurances for the life of the project; to the satisfaction of the County Engineer (see also condition 18 C and I). Bonds are in place and were adjusted to reflect up-to-date costs.



11. Applicant shall submit a yearly compliance report detailing how they have complied with each of the conditions of the special use permit.

A&K submitted their thirteenth yearly compliance report in October of 2014 and were in compliance. If not in compliance with a particular condition, A&K shall detail how compliance will be reached together with a fixed timeline to reach compliance.

12. The Planning Commission shall review the conditions of approval at least every five years.

The applicant successfully completed a five year review in September of 2012 by the Washoe County Planning Commission. A&K has demonstrated with our past performance that no violations of the SUP were committed and we are not aware of any problems concerning our ongoing operation and the surrounding neighbors & community.

13. Exported Materials will not be sold without the proper business license.

A copy of A&K's current business license has been furnished.

14. Hours of Operation shall be from 6:00 a.m. to 6:00 p.m. on weekdays exclusive of holidays except as approved otherwise.

These are actual hours when equipment is running. It is understood that maintenance can be undertaken at any time as long as no noise, dust or truck traffic takes place.

15. If explosives are used the applicant will develop a plan for use and notification of affected property owners at least two weeks in advance, to the satisfaction of the applicable County agencies.

No blasting is anticipated but if blasting does become necessary a plan will be developed and submitted for approval per this condition.

16. Sound Emissions

Sound emissions as required in Article 414 of the Washoe County Development Code will be followed. In-house noise levels measured from the closest property line external to our project (west boundary) were shown to be below 65 dB $L_{eq(10)}$ during the hours of 6:00 a.m. to 6:00 p.m. and never exceeded 120 dB at any time. The pit did not operate between the hours of 6:01 p.m. and 5:59 a.m. (no noise associated with our operation). We are not aware of any noise complaints from surrounding property owners due to our operation, but agree to implement any changes in operating practice to ensure compliance to the Development Code standards as required by the Department of Community Development (see answer 7). Sound levels were well below required limits (see 2008 Industrial Hygienist report).

17. Under no circumstance shall excavation occur on land that is closer than 250 feet from the west property line along Wigwam Way.

Excavation will stay 250 feet back from Wigwam Way as shown on Figure 5 of the EA. The perimeter was re-staked at 250 feet at this location.

18. The following conditions shall be completed to the satisfaction of the County Engineer:

- A. A mining and reclamation plan shall be submitted

The EA submitted has the amended Mining and Reclamation Plan.



Storm water Discharge Permit

The Storm water Discharge Permit was obtained. A storm water pollution prevention plan was developed and submitted to NDEP within seven months of November 6, 2002, (June 6, 2003). Site visits from the state inspector since that time has ensured all drainage was internal. We applied for and received a No Exposure Permit waiver from NDEP (#ISW-844) on 3/27/08 to satisfy the Storm water Discharge Permit requirement.

- B. A mining and restoration bond will be provided to the Engineering Division

A revised reclamation cost estimate was submitted in 2007; please refer to Table 1 – Reclamation Cost Estimate Summary (Private Land). The previous cost estimate as presented in Appendix C of the SUP application is no longer applicable as there were changes incorporated into the Mining and Reclamation Plan per these conditions. An updated RCE has been bonded for at the requested \$1,500 per disturbed acre for the Golden Valley property and a copy of the bond was attached with the 2007 annual report. Pit disturbance did not increase in 2014, and the current RCE was determined to be adequate to cover current bonding requirements. As we have no intention to do any mining or disturbance of the Panther Pit, no reclamation bond would be required for the Panther Pit until such time that we successfully negotiate a contract with the BLM and Golden Valley Property owners for the future mining of the Panther Pit area.

- C. All disturbed areas shall be reclaimed in accordance with the approved mining and reclamation plan.

Reclamation will be in accordance with the reclamation plan.

- D. Provide evidence of access to the site.

The special use permit application provides the documentation for the access to the site. The access road to Golden Valley Road is included in the lease agreement for the Golden Valley Pit.

- E. The proposed traffic haul route shall be submitted to the Engineering Division for review and approval.

The haul route is as described in the special use permit application. This was a grandfathered use prior to obtaining the SUP. The sand pit has been in use for over thirty-eight years utilizing the same haul route. The private access route from the pit empties directly onto Golden Valley Road; see Figure 3 in the EA. There is no pavement section of the access road, however loads leaving the site are weighed prior to leaving the site to ensure compliance to highway weight limits.

- F. The residential streets of Wigwam Way, Indian Drive, Estates Drive and Running Bear Drive shall never be used as haul routes for the mining operation.

The only occasion to use these streets for a haul route would be if there would be a local delivery to a residence within Golden Valley.

- G. A detailed hydrology report shall be submitted.

The hydrologic/hydraulic report is found in Appendix D of the special use permit application.

- H. The amount of the mining and restoration bond shall be revised to provide



bonding at \$1,500 per disturbed acre (no new disturbance is planned within the next five years). The bond will be submitted for review and approval by the County Engineer.

The total area for the entire Golden Valley Pit is approximately 62.2 acres. Thus, a mining and restoration bond for \$93,300 has been acquired (see 2008 attached copy) which would cover 100% of the total possible disturbed acreage.

19. The project will require a storm water permit.

See Condition 18 B. The state storm water inspector realized upon visitation to the site that all water flow was contained on-site. He said that he would write a recommendation to NOT require further storm water inspections unless the mineplan was changed to alter future water flow. The mine plan will not change and a storm water permit waiver was obtained (#ISW-844).

20. Berm buffers will be constructed along the north and west sides of the property to mitigate sight and sound from nearby residences.

Berms have been constructed on the west and on the remainder of the property will be constructed per the mining and reclamation plan and as outlined on Figure 4 in the EA.

21. Growth medium will have to be imported to the site if existing material on site is insufficient.

Growth medium will be imported if reserves on site are not adequate.

22. Applicant shall use a seed mix and manner of application that is recommended and approved by the Washoe-Storey County Conservation District, for the private lands, and by the BLM, for the public lands.

The Washoe-Storey Conservation District has endorsed the seed mixture and application procedures recommended by the BLM. Refer to Appendix E of the EA, which contains the BLM seed mixture recommendations and Washoe-Storey Conservation District's letter accepting BLM's recommendations.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,



**Bart Hiatt
President**



SOUTH END OF GOLDEN VALLEY AGGREGATE PIT



GOLDEN VALLEY AGGREGATE PIT - ATTACHMENT F

EAST WALL OF GOLDEN VALLEY AGGREGATE PIT



GOLDEN VALLEY AGGREGATE PIT - ATTACHMENT F

NORTHEAST SIDE OF GOLDEN VALLEY AGGREGATE PIT



GOLDEN VALLEY AGGREGATE PIT - ATTACHMENT F

WEST WALL OF GOLDEN VALLEY AGGREGATE PIT



NORTH SIDE OF GOLDEN VALLEY AGGREGATE PIT



NORTHWEST SIDE OF GOLDEN VALLEY AGGREGATE PIT



Robb, Lora R

From: Robb, Lora R
Sent: Tuesday, November 24, 2015 4:41 PM
To: Bart Hiatt; Lisa Dayton
Cc: Reed Tolotti; Bob Bennett; Whitney, Bill; Jones, Alan; Peri, Lydia; Kevin Atkins; Mike Hiatt; Marlene Black
Subject: RE: 2014 Annual Report - with attachment

Hi Mr. Hiatt,

Thank you very much for the informative email – yes it is helpful. I was not aware of your plans to update the mining and reclamation plan so I appreciate you letting me know.

Would it work to meet you at the pit on Wednesday, December 2 at 11:00 a.m.? We have some conflicts on our calendars here at the County that may not allow us to come out December 3 or 4. Another possibility is the afternoon of Monday, December 7 or anytime on Tuesday, December 8.

Thanks again,
Lora

From: Bart Hiatt [mailto:bhiatt@akearthmovers.com]
Sent: Tuesday, November 24, 2015 4:30 PM
To: Robb, Lora R; Lisa Dayton
Cc: Reed Tolotti; Bob Bennett; Whitney, Bill; Jones, Alan; Peri, Lydia; Kevin Atkins; Mike Hiatt; Marlene Black
Subject: RE: 2014 Annual Report - with attachment

Good afternoon Lora,

Sorry for the delay in getting back to you I've had many changes going on in my aggregate department the last 60 days or so and I'm a little behind. I can be available next week Wednesday, Thursday, or Friday my preference would be in the mornings or afternoon if possible. Give me some times and we can go from there.

Let me share with everyone what's gone on thus far. Prior to your letter of November 10th the last contact I had regarding the pit was with Bill Whitney in late June. Bill put me with Roger Edwards, I sent him a topography of the original pit done in 2001 and mentioned to him that I was contracting Tri-State surveyors to do another flyover so we could work off current information to update the mining and reclamation plans. The flyover was done in in late July or early August. I met with Steve Moon with Lumos and Associates and gave him the topography to develop a revised mining and reclamation plan. I expect to have something on that by mid-December. I hope this information is helpful.

Thanks,

K. Bart Hiatt
President
A&K Earth Movers Inc.
515 Windmill Drive
Fallon, NV 89407

From: Robb, Lora R [mailto:LRobb@washoecounty.us]
Sent: Friday, November 20, 2015 9:41 AM
To: Lisa Dayton
Cc: Bart Hiatt; Reed Tolotti; Bob Bennett; Whitney, Bill; Jones, Alan; Peri, Lydia
Subject: RE: 2014 Annual Report - with attachment

Good morning Lisa,

I have been in contact with our Engineering Department about reviewing the financial assurances associated with the Golden Valley Aggregate Pit (as described in my letter dated November 10, 2015).

We would like to arrange a site visit so the engineers can estimate what bond amount is needed. Can you help me schedule the visit? Next week is Thanksgiving so perhaps we could target the following week – the first week of December. Please let me know what works for your team. I don't imagine we'd need any more than an hour of time to take a look.

Thank you,
Lora

Lora R. Robb

Water Management Planner | Washoe County Community Services Department
lrobb@washoecounty.us | o 775.954.4636 | 1001 E. Ninth St., Bldg. A | PO Box 11130, Reno NV 89520



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From: Lisa Dayton [<mailto:ldayton@akearthmovers.com>]
Sent: Tuesday, November 17, 2015 5:33 PM
To: Robb, Lora R; Whitney, Bill
Cc: Bart Hiatt; Reed Tolotti; Bob Bennett
Subject: RE: 2014 Annual Report - with attachment

Lora,
Thank you for bringing that to my attention.
Here it is for your review.
Thank you,

Lisa Dayton
Aggregates Administrator
A & K Earth Movers, Inc.
PO Box 1059
Fallon, NV 89407-1059
(775) 423-6085
(775) 997-7229 Direct
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Robb, Lora R

From: Reed Tolotti <rtolotti@akearthmovers.com>
Sent: Tuesday, December 29, 2015 12:22 PM
To: Robb, Lora R
Cc: Bart Hiatt
Subject: Executive Summary for Golden Valley Pit Mining and Reclamation
Attachments: Golden_Valley_Pit_Mining_and_reclamation_plan.pdf

Lora,
Attached, please find a summary of the current and proposed future mining and reclamation plans for the Golden Valley Pit. This is meant to open the dialogue in advance of our 5 year review in 2017. Please feel free to contact me with any questions or concerns. I look forward to working with you. Happy New Year!

Reed Tolotti
Aggregates Manager
A & K Earth Movers, Inc.
PO Box 1059
Fallon, NV 89407-1059
(775) 997-7224 Direct
(775) 666-7828 Cell
(775) 423-8410 Fax



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Golden Valley Pit Executive Summary

A&K Earthmovers has operated the Golden Valley aggregate pit since 2002 and this summary outlines the current and proposed future plans for the Golden Valley pit in advance of the 5-year review which is to take place in April 2017. This summary includes both the mining and reclamation plans for the site.

1.0 Current Mining Plan

The current mining plan is to continue to mine the current pit floor down to the 5,170 ft. elevation. This plan yields 10-30 feet of mining depth from the current mining location in the south end of the pit, all the way to the north end of the current pit. All mining is currently being done in accordance with the special use permits (SW01-015 and SW01-026). The enclosed map shows the current pit and where mining is currently taking place.

2.0 Future Mining Plan (Option A)

Once the current pit floor has been mined to the 5,170 ft. elevation, material will begin to be mined from the area where the weigh scales currently sit. The weigh scales will need to be relocated to an out of the way area. The current haul road will also need to be moved. The enclosed map shows the haul road moving to the east side of the pit while mining takes place on the western portion. Once all mineable material is taken from this area, mining activity will cease and any remaining reclamation will begin. In this plan, the material would last 4-6 years depending on material quality, demand of the market, etc.

3.0 Future Mining Plan (Option B)

In this option, the mining plan will be identical to that outlined in Option A, however, once the material is mined on the western portion where the weigh scales currently sit, mining activity will

move to the hill on the northeast side of the pit. This portion of property is currently under the jurisdiction of the BLM. For mining to occur in this area, the material will need to be drilled and blasted. All drilling and blasting will be done in accordance with the guidelines stated in the special use permits. In this plan, the material would last 6-15 years depending on material quality, demand of the market, etc.

4.0 Reclamation Plan (For Option A)

Once mining activity is completed in the Option A mining plan, the pit will be reclaimed in the following manner:

- The southern portion of the current pit will be filled in to the 5,170 ft. level, as the current elevation is at or around 5,158 ft.
- All applicable areas of the pit will be reclaimed to a 3:1 slope
- All sloped areas will be reseeded according to the guidelines set in the special use permits
- The areas where a 3:1 slope is not applicable (mainly the western and southeastern walls) will be left in their current state as 20' high rock benches.

5.0 Reclamation Plan (For Option B)

The reclamation plan for the Option B mining plan will be identical to that of Option A. In addition to this, the additional mining area on BLM property will be reclaimed in the following manner:

- All applicable areas will be reclaimed to a 3:1 slope
- All sloped areas will be reseeded according to the guidelines set in the special use permits
- Any areas where a 3:1 slope is not applicable will be benched. These areas will be subject to the hardness of the rock and the quality of the material.

- In this option, the available material would last anywhere from 6-15 years depending on material quality, demand of the market, etc.

A&K earthmovers is willing to work with all involved parties to make sure the mining and reclamation plan is suitable for the pit and its nearby residents.