

EXHIBIT "E"

CONDITIONS OF APPROVAL

Conditional Use Permit Case No. 41, Map No. 213

Conditional Use Permit Case No. 22, Map No. 214

- (1) The surface mining and reclamation plan shall consist of the staff report, the Environmental impact Report, and the resolution adopted for the request. Mining and reclamation shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (2) Surface mining operation shall be in accordance with Chapter 19.100 of the Zoning Ordinance.
- (3) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (4) Future expansion or construction associated with this use shall occur only upon approval of another conditional use permit or an amendment to the conditions of this permit.
- *(5) Exploration activity, consisting of drilling boreholes and analysis of rock samples. has been conducted to ensure mineral resources will not be covered **by** overburden or heap piles.
- *(6) During final reclamation, overburden **will** be graded to break up the unnatural angles at the top edges.
- *(7) Mine pit slopes will be evaluated by the applicant throughout operations to assure that excavation occurs at a slope angle that is safe, considering actual rock strength and structural conditions encountered.
- *(8) Old underground mining areas will be excavated or remediated.
- *(9) Historical structures will be stabilized or removed by the applicant prior to site disturbance.
- *(10) Surface disturbance outside the project area will be kept to a minimum by clearly delineating operating areas to limit roads and vehicle **traffic** outside designated areas.
- *(11) Growth media stockpiles will be stabilized by allowing germination of seeds naturally contained in the soil.
- *(12) The feasibility of inoculation of soil with biological components will be investigated in test plots.
- *(13) Site drainage will be inspected periodically to assure that excessive erosion is not occurring. In the event excessive erosion is identified, the drainage plan will be revised in consultation with the Kern County Planning Department.

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Additional erosion prevention techniques include: (a) Site drainage will be retained **onsite**; (b) Site roads and **drainages** will be inspected by Golden Queen personnel after rainfall events which result in surface flow to ensure erosion prevention is maintained and upgraded as needed; (c) **Drainage** from the tops of overburden piles will be directed away from the slopes toward the pit; (d) Salvaged growth media will be stockpiled away from areas of concentrated drainage; (e) Reclamation of disturbed areas will occur as soon as possible.

- *(15) The overliner protective material placed in direct contact with the HDPE liner will not exceed 1 1/2 inches in diameter, and **will** not contain hard, sharp, angular pieces.
- *(16) A cyanide destructing compound (**e.g.**, hydrogen peroxide or calcium hypochlorite) will be maintained **onsite** for use in the event that a spill occurs.
- *(17) Historical mining wastes and tailings will be tested and processed with the ore **on** the heap leach pad or, if indicated, disposed of at an **offsite** permitted disposal facility, removing any future threat of surface water contamination.
- *(18) The **Lahontan** Regional Board will **be** consulted prior to the use of dust suppression or soil stabilization chemicals.
- *(19) The evaporation **of water** and, therefore, the need for makeup water will be minimized by the use of enclosed solution storage.
- *(20) Golden Queen will monitor the groundwater level on a **monthly** basis and compare the water level data collected by the monitoring program to water levels predicted **by** the groundwater **drawdown model**. In the event that the monitoring program shows that the actual water **drawdown** in **the** well when corrected for well conditions exceeds **the** predicted model for six consecutive months, Golden Queen will supplement the water supplied by the production wells with up to 300 **g.p.m.** of water from Antelope Valley - East Kern Water Agency.
- *(21) **Onsite** equipment and vehicles will be maintained on a routine **basis**, as **recommended by** manufacturer manuals, to reduce exhaust emissions.
- *(22) Monitoring stations for PM₁₀, **will** be established **upwind** and downwind from the processing facilities.
- *(23) A mercury retort will be installed to control mercury emissions
- *(24) The size and number of blasts in the mine will be limited by good engineering design
- *(25) The existing tailings piles will **be** removed, thereby reducing the long-term fugitive emissions from the site.
- *(26) The adopted reclamation plan shall include reclamation of previously disturbed areas.
- *(27) Project disturbance will be minimized to that necessary for safe and **efficient** operation. The limits of the construction areas will be clearly marked and vehicles and equipment **will** be confined to these areas.

- *(28) Mature Joshua trees which may **be** disturbed will be salvaged and replanted in undisturbed areas within the property boundary.
- *(29) The use of seedlings for revegetation will be investigated in test plots.
- '(30) Fencing around the heap leach pile will remain in place until vegetation is established or as otherwise specified in the Reclamation Plan.
- *(31) Grading for the project will be minimized to the extent consistent **with** safe and **efficient** operations to limit the total **area** of surface disturbance.
- *(32) Routine distribution **of cyanide** solution on the top of the heap leach pad will occur via a drip irrigation system and the heap leach pads will be contoured to prevent surface ponding which could attract birds and small animals.
- '(33) Containers of reagents will **be** stored within controlled reagent storage areas and kept closed, stored in enclosed **areas**, or otherwise managed to prevent access by wildlife.
- '(34) Project waste will be properly managed at the site to control garbage that could attract wildlife.
- '(35) The maximum vehicle speed will be 25 mph.
- '(36) Wildlife habitat awareness will be included in the workers education program.
- '(37) Some of the mine **adits** will be retained and gated and some of the mine **shafts** will be covered by grates to allow access by bats, while excluding people.
- '(38) Artifacts from the historical sites will be used to establish a small display of historical mining activities **onsite**. **After** conclusion of the project. the items on display will be donated to a museum located in Kern County.
- *(39) As part of the worker education program, construction contractors and operations personnel will **be** instructed regarding the sensitivity of cultural resources and the presence of laws against unauthorized collection and disturbance.
- *(40) If any unknown **archaeological/cultural** resources are discovered on private land during the course of the mining or reclamation, work in the area **of discovery** shall be stopped and a qualified archeologist contacted to evaluate the find and. if necessary. mitigate impacts prior to resumption of work.
- *(41) A Phase III Data **Recovery** (salvage excavation and architectural recording) will be conducted at four sites.
- *(42) Seven sites will have an archaeological monitor review the areas during grading activity
- *(43) Surface disturbance will be minimized to that required for safe and efficient operation.

- *(44) Historical mining disturbance will **be** reclaimed.
- *(45) Buildings and structures will **be** painted with nonreflective **earthtone** colors to blend with the predominant background.
- *(46) Outdoor lighting for the mine pit and other areas of nighttime activities will **be** shielded and directed downward to reduce fugitive light. Light poles will be no higher than necessary for safe and **efficient** lighting. Low-pressure sodium bulbs or other appropriate technology will be used for outdoor lighting.
- *(47) Approximately **75** to 80 percent of construction activities will take place during daylight.
- *(48) Blasting will occur during daylight, one time per day, and will **be** engineered to minimize the amount of explosives used, according to United States **Bureau** of Mines guidelines.
- (49) Upon cessation of mining activities, the applicant shall re-establish access, either public or private, to all parcels affected by the vacation of New Eagle Road prior to deeming reclamation complete.
- *(50) Golden Queen has committed to hiring from the local population.
- *(51) Fences will be erected around potentially hazardous areas to discourage entry by unauthorized mine personnel or visitors.
- *(52) Historical mining operations will be removed or closed to the extent **feasible**.
- *(53) Former mine waste will be removed.
- *(54) Project design will be in accordance with a preconstruction design study.
- *(55) The entrance road from Silver Queen Road to the office area will be paved
- *(56) Provide a left-turn lane on Silver Queen Road at the entrance **to** the project site.
- (57) Prior to commencement of mining operations, the applicant shall post or establish and maintain with **the** Director of Kern County Engineering and **Survey** Services Department one of the following:
 - (a) An **irrevocable** letter of credit.
 - (b) A surety bond.
 - (c) **A** trust **fund** in accordance with the approved financial assurances to guarantee the reclamation work will **be** completed in **accordance** with **the** approved reclamation plan.

The financial institution or surety company shall give the County **at** least 120 days notice of intent to **terminate** the letter of **credit** or bond. Financial assurances shall be reviewed annually and adjusted in accordance with the Surface Mining and Reclamation Act of **1975** (SMARA) requirements to substantiate that adequate funds **exist** to ensure

reclamation of all existing disturbed acreage and the maximum amount of acreage expected to be disturbed during each coming calendar year.

- (58) Prior to commencement of mining operations, permanent bench marks shall be established to verify the maximum **permitted** depths of mining authorized by this permit.
- (59) Prior to commencement of smelting operations, the applicant shall cause a baseline soil analysis for mercury to **be prepared** around the proposed smelter facility and submit it to the **Kern** County Planning Department for placement in the applicable case file.
- (60) **The** applicant shall comply with all requirements of **the** California Regional Water Quality Control Board. Any approvals or **permits** issued by that agency shall be submitted to the **Kern** County Planning Department and incorporated into the approved surface mining and reclamation plan by reference.
- (61) The project shall comply with the goals and objectives of the Noise Element of the Kern County General Plan.
- (62) If a single-family residence is constructed on private land which lies within the projected 65 dB contour line **northeast** of the project area as shown in Exhibit 3.9-1 of the Environmental Impact Report, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:
 - (a) Noise levels will be monitored to determine if the noise levels are above the recommended limits.
 - (b) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels.

The measures will include the **construction** of berms using overburden material to shield the noise and will include reduction of work in the **area** of the residence during the **hours** of **10:00 p.m.** to 7:00 a.m..

- (63) The applicant shall make available for public review mine sampling and analytical data for mercury and cyanide during regular business hours.
- (64) All wastes including smelter slag will be handled in accordance with federal, State, and local regulations, including proper characterization and disposal in a permitted facility or recycled where appropriate.
- (65) In the event of a commercial power outage, backup power **shall** be provided for heap leach pumping operations in the form of **diesel** powered electric generators. The applicant shall notify the California Regional Water Quality Control Board in the event of a commercial power outage and at such times when commercial power is restored.

- (66) If during the course of **development** any previously unknown oil, gas, or injection wells are discovered, work in the area of discovery shall be stopped and the **Department of Conservation/Division of Oil, Gas, and Geothermal Resources** contacted to evaluate the find and, if necessary, remedial operations implemented prior to resumption of work.
- (67) The following conditions of approval, (a) through (f), shall apply only to surface mining operations conducted outside of nonjurisdictional or federal lands:
- (a) All necessary building **permits** must be obtained. Permits may include, but are not limited to, the following: commercial coaches, buildings, cargo containers, equipment foundations as required by the **Kern County Code of Building Regulations**, water ~~tanks~~, pressure vessels, and appurtenant equipment as required by the Uniform Building Code.
 - (b) ~~Prior to the issuance of building permits~~, the method of water supply and sewage disposal shall be as required and approved by the Kern County Environmental Health Services Department.
 - (c) ~~Prior to the issuance of building permits~~, fire flows and fire protection facilities shall be as required and approved by the Kern County Fire Department.
 - (d) Parking spaces shall be provided in accordance with Section 19.82 of the Kern County Zoning Ordinance.
 - (e) All signs shall be approved by the Director of the **Kern County Planning Department** prior to installation.
 - (f) All used oil (as defined in Section 25250.1 of the **California Health and Safety Code**) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Environmental Health Services **Department/Hazardous Materials Section**, State of **California** Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (68) All stockpiles shall be limited to the confines of the subject site unless expansion is approved in accordance **with** conditions of approval of this permit.
- (69) The operator shall notify the County within 30 days of the final cessation of all mining activities.
- (70) Where surface mining operations result in the compaction of the soil, ripping, disking, or other means shall be used prior to revegetation in accordance with the approved reclamation plan.
- (71) Topsoil shall be separated and immediately reapplied or stockpiled as necessary for use in reclamation of the site. Reclamation shall require the reapplication of a minimum of

four inches of topsoil prior to **reseeding**. In the event that **stockpiled** topsoil is **insufficient** to provide this uniform depth, imported top soil or soil amendments shall **be** utilized. Depth of topsoil may be **decreased** or eliminated altogether if ten plots demonstrate to the satisfaction of the Kern County Planning Department that revegetation will occur in accordance with the **performance** standards identified in the approved reclamation plan.

- (72) Upon **completion** of all mining activity, all mined slopes shall be finished to a final overall slope not to exceed .5:1 (horizontal to **vertical**)/63.4 degrees. Steeper slopes will be deemed acceptable if a slope stability analysis **has** been certified by a California registered engineering geologist or **professional** civil engineer and submitted to the Kern County Planning **Department** for review and approval in accordance with SMARA and Section 19.100 of the Kern County Zoning Ordinance.
- (73) Upon completion of mining, waste rock stockpiles shall be recontoured to a final overall slope of 1.8:1 (horizontal to vertical) and revegetated in accordance with the approved reclamation plan.
- (74) **Site** reclamation shall include the shaping of waste materials followed **by** an application of topsoil to heap and waste rock stockpiles where necessary to achieve final grade slopes in **conformance** with the approved reclamation plan. Reclamation shall also include the revegetation of the pit floors. Revegetation of pit floors shall not be required until final cessation of all mining activities as authorized by this approval. Revegetation of final pit floors shall not be required if subsequent discretionary approvals expanding or intensifying the permitted mining operation are approved before cessation of mining activities authorized by this **permit** or expiration of an Interim Management Plan approved pursuant to Section 2770(h) of SMARA.
- (75) Prior to deeming reclamation complete, all structures and equipment, excluding utilities, shall be removed or converted to other permitted uses compatible with the existing zone. No abandoned structures, abandoned equipment, or unused stockpiles of material are to be left on the mining site.
- (76) **Prior to deeming reclamation complete**, all drill holes, water wells, and monitoring wells shall either **be** converted to **an** allowable use or abandoned in accordance with applicable State and local requirements in effect at the time of abandonment
- (77) Final reclamation shall not be considered complete until all excavated areas have been graded **and/or** fenced as noted in the approved reclamation plan, and accompanying cross sections and all disturbed **areas** replanted or reseeded using **plantings** or a seed mixture and rate of application as specified in the approved reclamation plan.
- (78) Final reclamation, as specified in **the** approved reclamation plan, shall be completed within the **time** constraints provided in the approved plan. **If this conditional use permit is terminated**, or if mining operations on the property cease for 12 consecutive months without the submittal and **subsequent** approval of an Interim Management Plan in

accordance with SMARA provisions (Section 2770(h)), the operation shall be considered completed, and reclamation work shall begin within 12 months.

- (79) At such time as the proposed use of subject property is vacated or abandoned, the owner shall be held responsible for removing **all** abandoned structures, abandoned equipment, and unused stockpiles.
- (80) The operator shall notify the County within 30 days after the completion of all reclamation work. as **required** by the approved reclamation plan.
- (81) The Board of Supervisors shall have the authority to authorize County or private personnel to go on **the** site of the mine and any adjacent property of the permittee for the purpose of performing work to accomplish the reclamation plan, if the **permittee** fails to perform or **conform** to requirements imposed by any order made under Sections 19.100.070 through 19.100.090 of the **Kern** County Zoning Ordinance within a fixed or reasonable time.
- (82) The person conducting or in charge of all surface mining operations shall make the same open and available for such inspection during regular County business hours, or at such other times as may be **mutually** agreed upon by him and the Zoning Enforcement **Officer**.
- (83) The property owner shall **be** fully responsible for compliance by any lessee of the site to all conditions of this **permit**, and failure to **comply** or conform thereto may be cause for immediate revocation of this **permit** by the Board of Zoning Adjustment.
- (84) The owner or operator shall submit an initial report and reporting fee to the **Department of Conservation/Office** of Mine Reporting and Reclamation Compliance no later than 30 days from the date of this approval.
- (85) All of the above conditions shall apply to all areas mined after January 1, 1976.
- (86) Any change of operator shall require the submittal of a new **statement** of responsibility by the new operator to the Director of the Kern County Planning Department.
- (87) Noncompliance with the adopted conditions of approval may result in enforcement action **and/or** the imposition of penalty fees in accordance with the procedures set out in Sections 19.100.070 through 19.100.090 of the Kern County Zoning Ordinance.

*** DENOTES MITIGATION MEASURE**

EXHIBIT E