LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

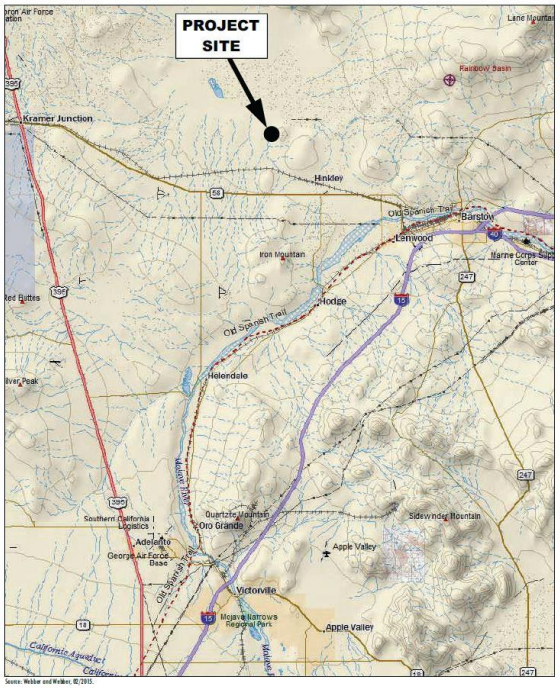
HEARING DATE: July 17, 2025 **AGENDA ITEM 2**

Project Description

APN: 0496-011-75 and 76
Applicant: MATCON Corporation
Community: Hinkley
Project No: PROJ-2024-00173
Location Located five miles north of State Route 58 (SR 58) and four miles northwest of Hinkley

Staff: Derek Newland
Rep: Joe Mathewson
Proposal: Conditional Use Permit PROJ-2024-00173 to allow 1) a phased quarry expansion to continue mining the current original quarry 48.2 acres for Phase I, the additional 33.5 acres to the north for Phase II, and adjacent 80 acres to the west for Phase III, 2) to increase mining depth from 250 to 500 feet, 3) to expand the crushing, screening, processing, and product stockpile areas onto the west adjoining 80 acres, and 4) to extend the operation life of the mine for additional 50 years from March 16, 2027 to December 31, 2077.

Vicinity Map



4 Public Hearing Notices Sent on: July 3, 2025

Report Prepared By: Derek Newland, Planner

SITE INFORMATION:
Quarry Parcel Size: 161.7 acres (three phases)
Total Mining Operations Parcel Size (which includes the quarry): 241.7 acres
Vegetation: Scattered desert native vegetation

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Mine Quarry	Resource Land Management (RLM)	Resource Conservation (RC)
North	Vacant Properties	Resource Land Management (RLM)	Resource Conservation (RC)
South	Vacant Properties	Resource Land Management (RLM)	Resource Conservation (RC)
East	Vacant Properties	Resource Land Management (RLM))	Resource Conservation (RC)
West	Vacant Properties	Resource Land Management (RLM)	Resource Conservation (RC)

	Agency	Comments
City Sphere of Influence:	Hinkley	N/A
Water Service:	Private Well/Imported bottle potable water	N/A
Sewer Service:	Portable Toilets	N/A

STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the Findings; **APPROVE** the Conditional Use Permit and Revised Reclamation Plan 90M-010, subject to the Conditions of Approval; and **DIRECT** Staff to file a Notice of Determination in accordance with California Environmental Quality Act[1].

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission's action may be appealed to the Board of Supervisors.

FIGURE 1
REGIONAL LOCATION MAP

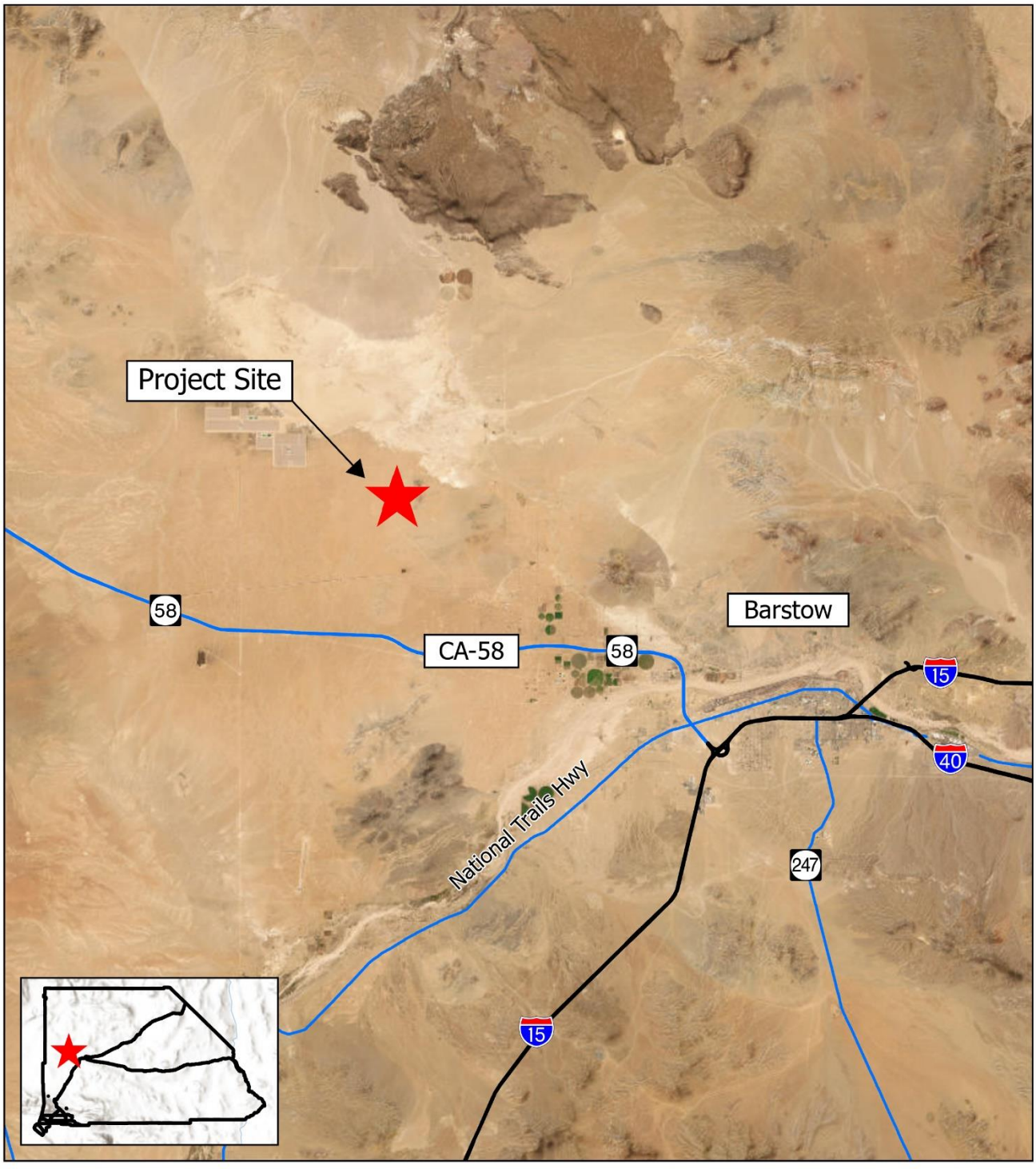


FIGURE 2
VICINITY MAP

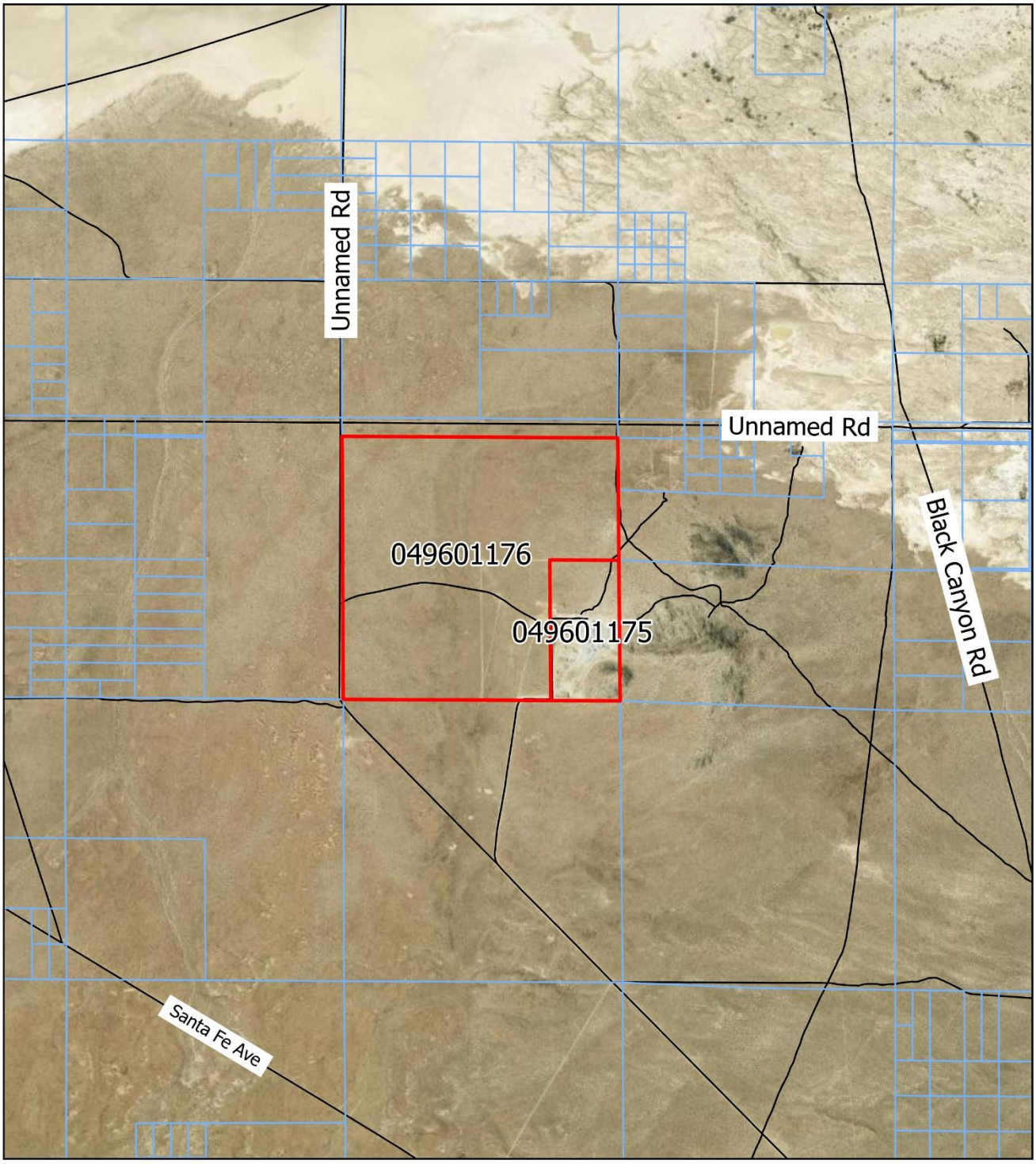


FIGURE 3
LAND USE CATEGORY MAP
Rural Land Management (RLM)

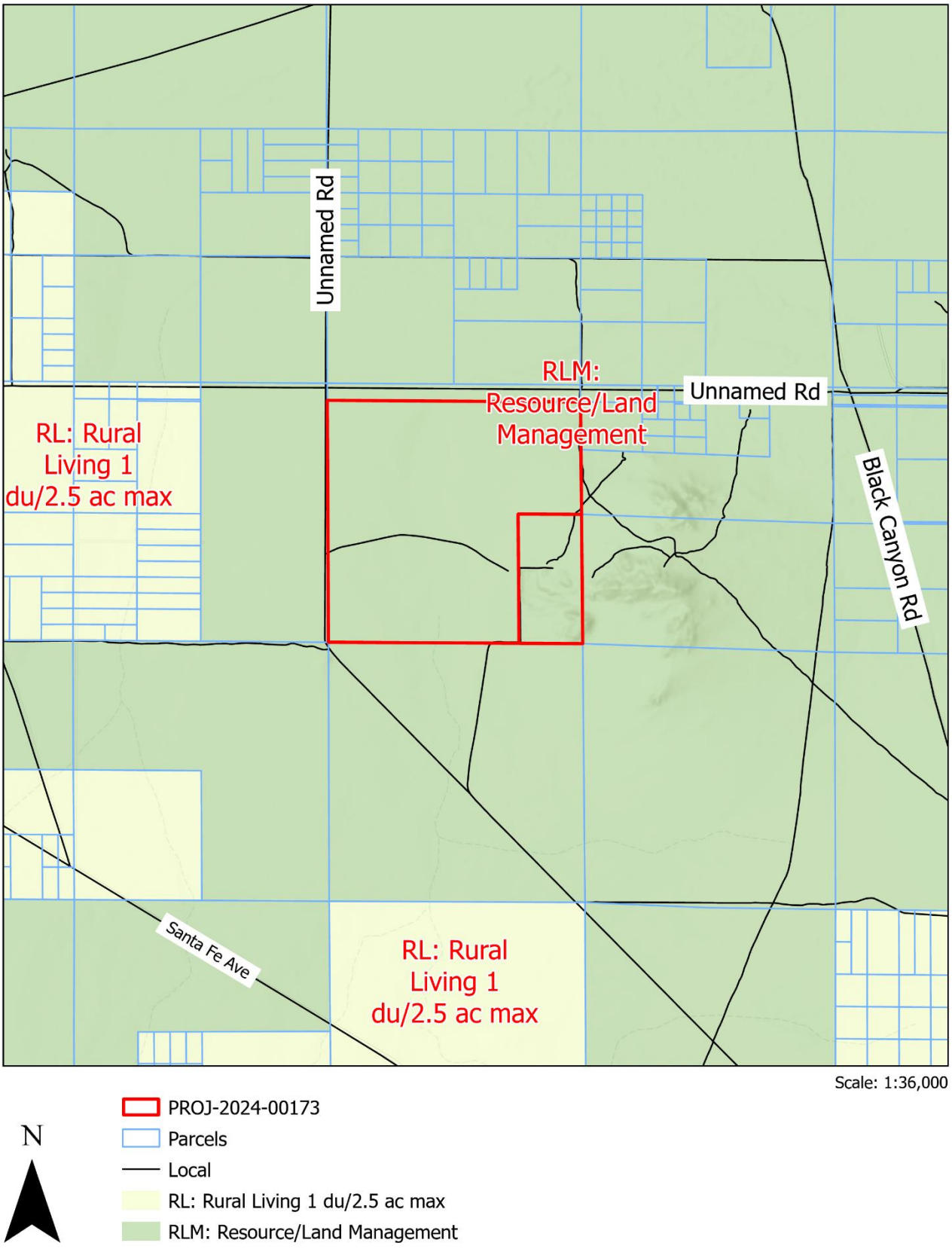


FIGURE 4
ZONING MAP
Resource Conservation (RC)

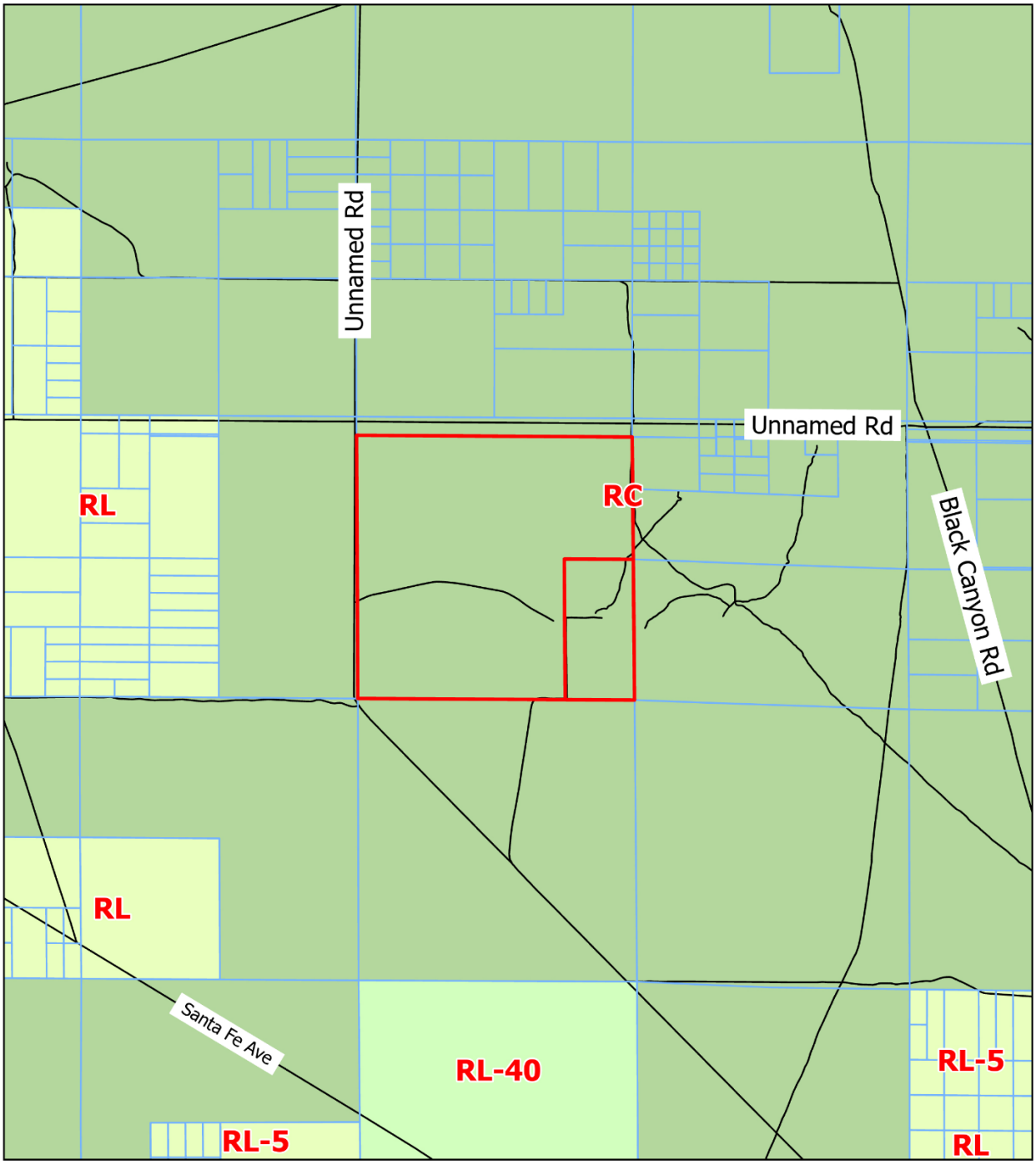


FIGURE 5
TYPICAL MINING QUARRY FACE

FIGURE 6
QUARRY EXCAVATION
Excavation and Rock Breaking Quarry Face

FIGURE 7
MINING HEAVY EQUIPMENT EXCACVATION

FIGURE 8
MINING ROCK CRUSHING

Figure 9
Lynx Cat Mining Plan

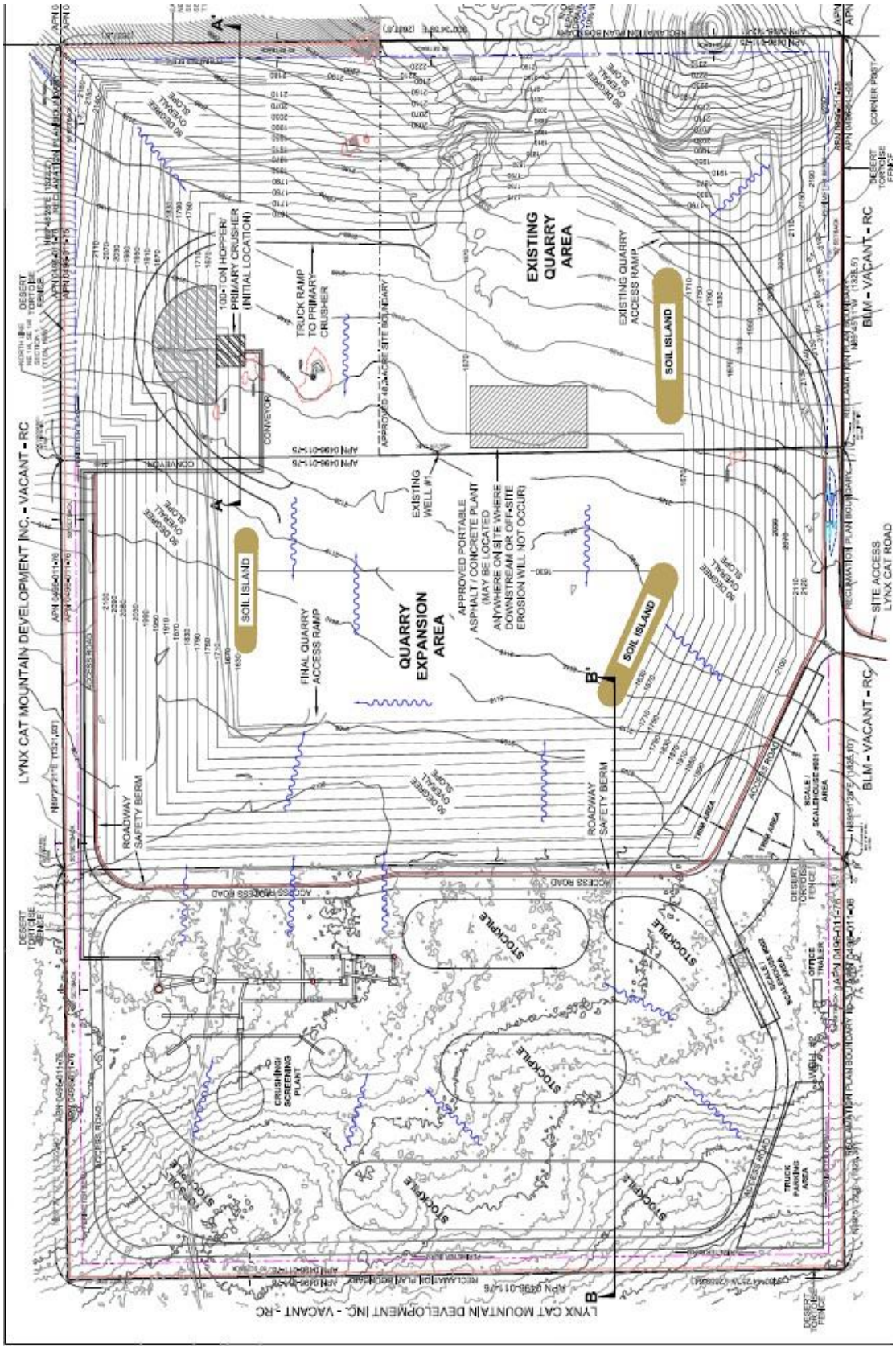


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Figure 10
CURRENT LYNX CAT QUARRY LAYOUT

FIGURE 11
LYNX CAT RECLAMATION PLAN

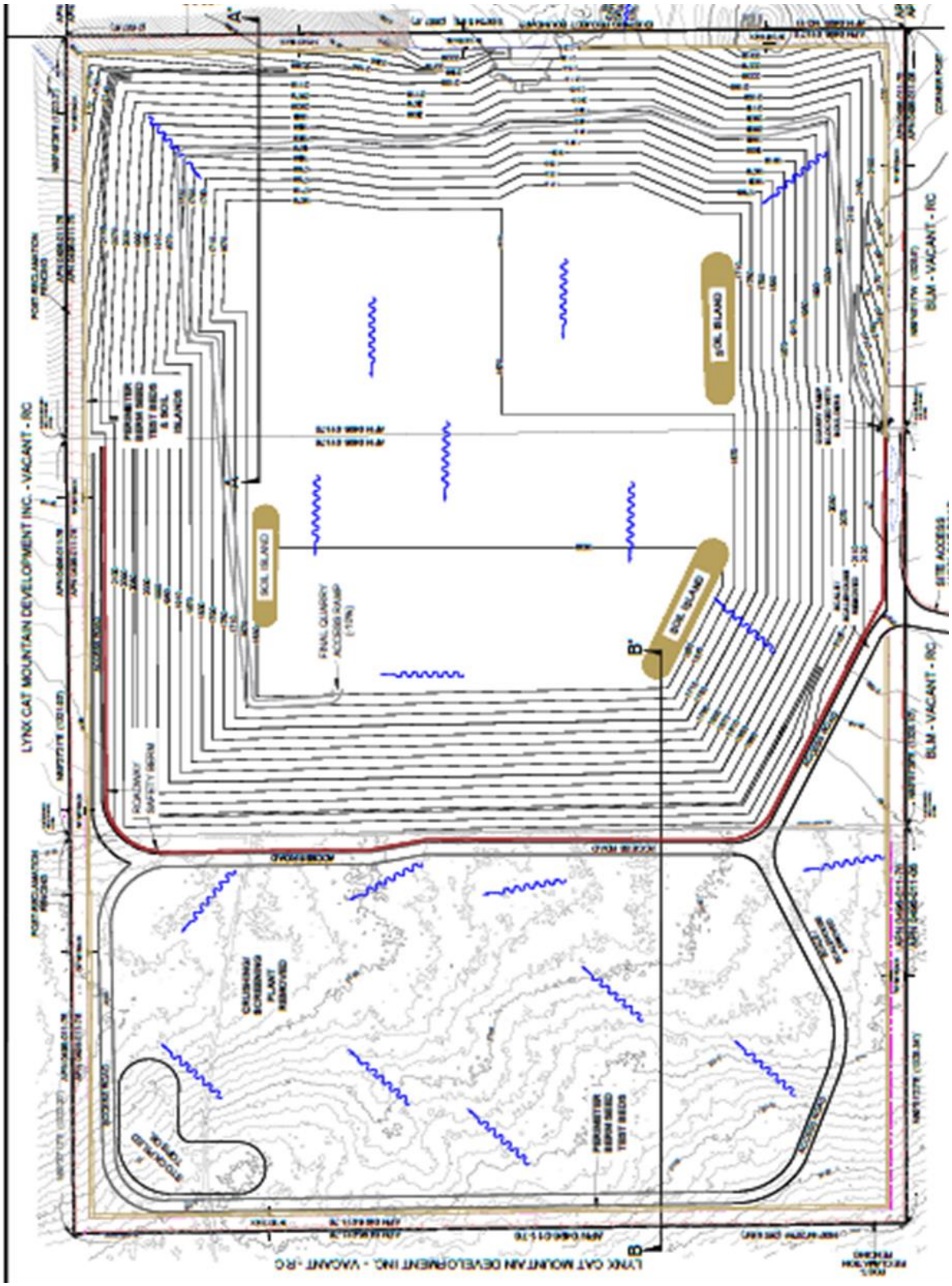
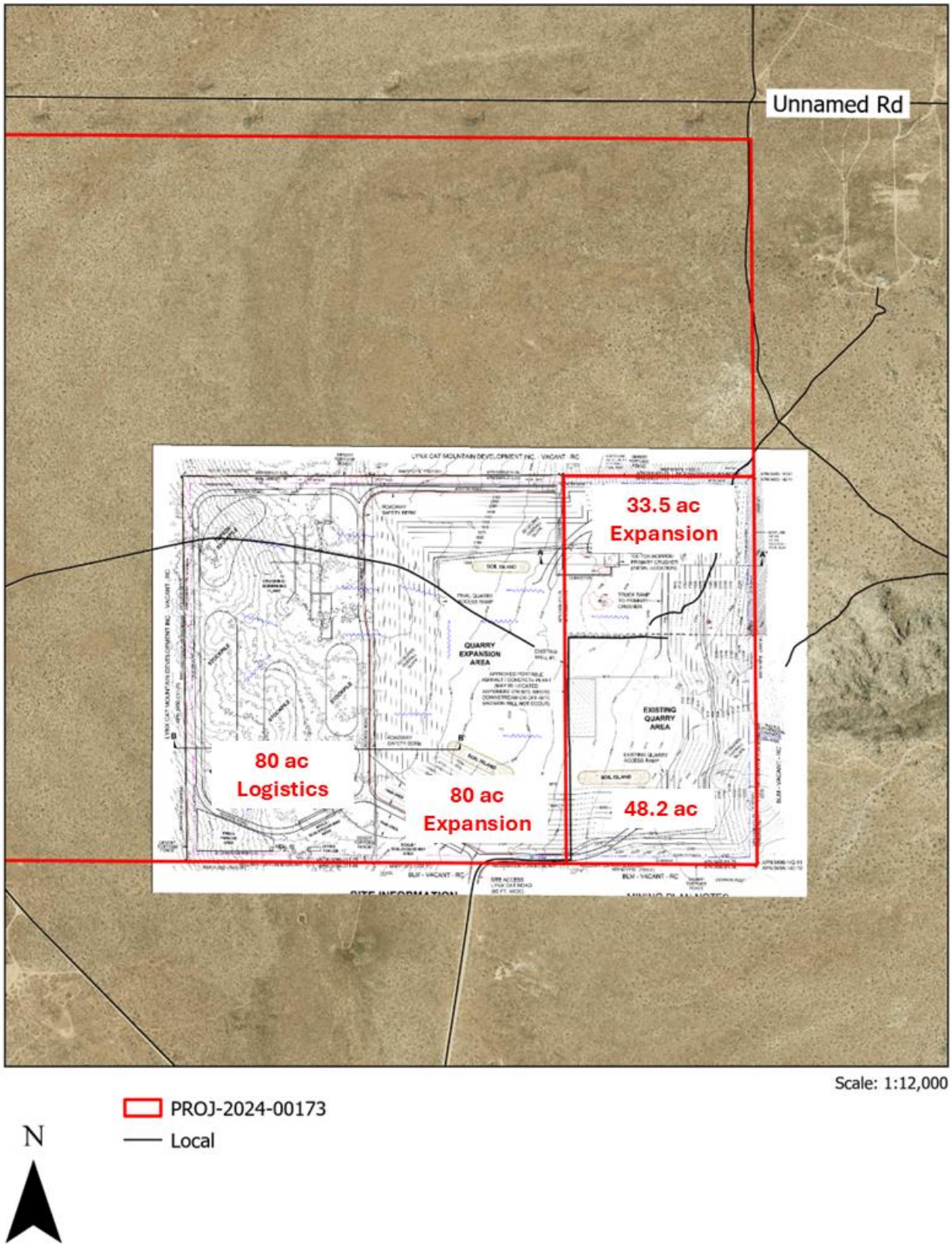


FIGURE 12
PROPOSED QUARRY EXPANSION WITHIN MATCON PROPERTIES



PROJECT DESCRIPTION/BACKGROUND

The Lynx Cat Mountain Quarry is requesting approval of Conditional Use Permit PROJ-2024-00173 and a revision to Reclamation Plan 90M-010, CA Mine ID# 91-36-0049 for the following:

- Extend the operational life of the mine for an additional 50 years until December 31, 2077, to provide a long-term solution for aggregate supply in the High Desert and Southern California;

- Permit a phased quarry expansion from the current original quarry of 48.2 acres to 161.7 acres (48.2 acres original quarry + 33.5 acres northerly + 80 acres westerly = 161.7 acres);

- Expand the crushing, screening, processing, and product stockpile areas onto the adjoining 80 acres of contiguous adjacent vacant property privately owned by Lynx Cat Mountain Development on the west side of the expanded quarry (80 acres + 161.7 acres = 241.7 acres); and

- Increase the quarry depth from 250 to 500 feet below the ground surface (bgs) with an average pit floor depth of +/- 485 feet bgs.

Mining Statute/Code Compliance

In 1975, the Surface Mining and Reclamation Act (SMARA) (Public Resources Code, Sections 2710-2796.5) was enacted by the California Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. SMARA is implemented by San Bernardino County's (County) mining ordinance through County Development Code Chapter 88.03 – Surface Mining and Land Reclamation.

The Lynx Cat Mountain Quarry is an existing vested mine site operating under the authority of Mining Reclamation Plan 90M-010 as approved by San Bernardino County on June 29, 1990, and subsequently revised in 2015 and 2017. A Conditional Use Approval is required pursuant to Development Code Section 85.06.020 when any disturbance of land is associated with any use. Pursuant to SMARA (Public Resources Code Section 2774), every lead agency shall adopt ordinances in accordance with state policy that establish procedures for review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA (Section 2735) defines surface mining operations as all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from mineral deposits, open-pit mining of minerals, naturally exposed dredging, quarrying, or surface work. The Lynx Cat Mountain Quarry is also currently approved for the location and operation of an asphalt and concrete batch plant on the site.

Geology/Material

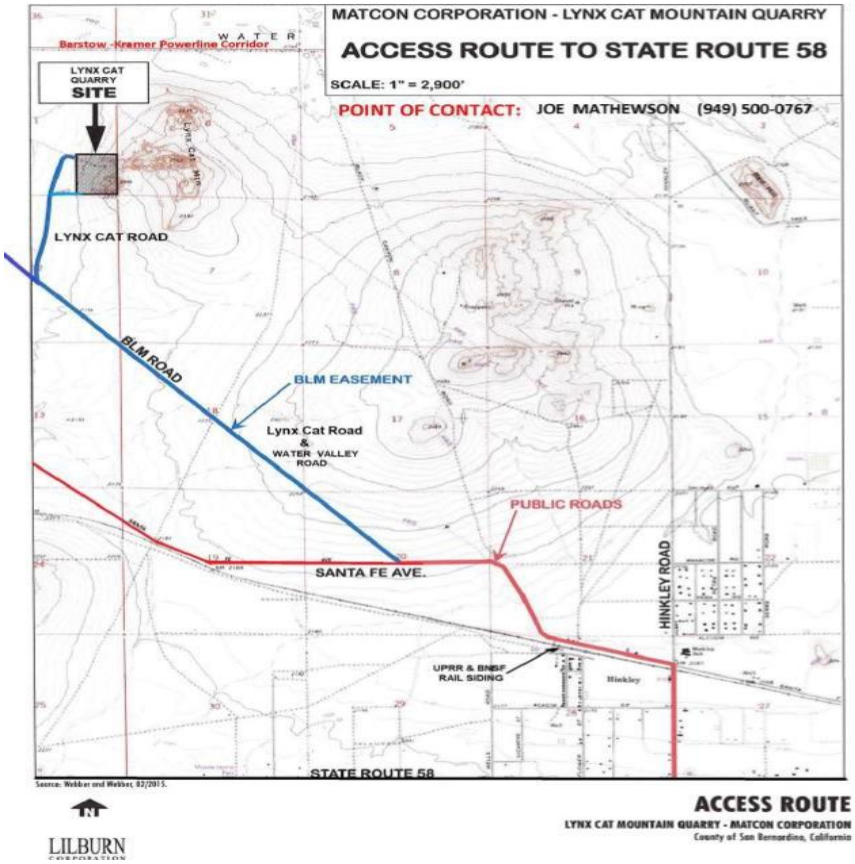
The State Mining and Geology Board has classified land in California based on the availability of mineral resources. The Lynx Cat Mountain Quarry mining site is classified as an MRZ-3a, MRZ-4 site containing specialty stone deposits. Under SMARA, aggregate materials are classified as reserves or resources. Reserves are defined as aggregate materials believed to be acceptable for commercial use that exist within property boundaries owned or leased by an aggregate-producing company, and for which permission allowing extraction and processing has been granted by the proper authorities. Aggregate resources include reserves and similar potentially usable aggregate materials. The Lynx Cat Mountain quarry contains high-quality granite (as noted in Figures 5 and 6), rock intended for a variety of aggregate products, including railroad grade ballast rock, construction aggregates, paving stone, riprap, rock dust, road base, and sand. The mine is also currently permitted for the acceptance and processing for recycling of broken concrete and asphalt rubble, broken tile, brick, and other recyclable materials, as well as the receipt and reuse of non-hazardous drill cuttings and brine waters.

The Lynx Cat Mountain Quarry is a quality aggregate source that meets the stringent Class I railroad ballast specifications, such as those of BNSF, and qualifies for use on the high-speed rail for both ballast and construction aggregates.

Project Location and Land Holdings Characteristics

As noted in Figure 1, the Lynx Cat Mountain Quarry is located in northwestern San Bernardino County, approximately four miles northwest of Hinkley and 13 miles northwest of Barstow. It is located north of SR 58. The site's elevation ranges from 2,099 feet above mean sea level (amsl) to 2,142 feet amsl. Most of the site averages between 2,100 and 2,150 feet amsl. Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a Bureau of Land Management (BLM)-managed dirt road designated as Linx Cat Road (see Access Route to State Route 58 inset below, Figure 13). Use of this road through the BLM-managed properties is pursuant to a right-of-way (ROW) grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter. The actual street address of the quarry is 19120 Linx Cat Road, Hinkley, CA 92347.

Figure 13
Mining Route Access



The Project site is located in the Resource Conservation (RC) zoning and is encompassed by similarly zoned parcels as noted in Figure 4 (Zoning Map). Parcels surrounding and adjacent to the site are vacant and undeveloped, mostly under public ownership administered by the Bureau of Land Management (BLM. Areas to the west of the expansion are within lands owned by Lynx Cat Mountain Development Inc. The site is remote, with no schools, hospitals, or public facilities located proximate to the site. The nearest residential dwelling is located three (3) miles east of the site. The Lynx Cat Mountain Quarry is located within the BLM Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA). The project is also located within the BLM Superior-Cronese Area of Critical Environmental Concern (ACEC). However, the proposed quarry expansion occurs within private lands and according to the DRECP, "Nonfederal lands within the boundaries of BLM LUPA land use allocations are not affected by the LUPA" (LUPA- LANDS-4). There are no state or County conservation plans in the area. Therefore, the proposed project would not be anticipated to conflict with the provisions of an adopted Habitat

Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Matcon Corporation and Lynx Cat Mountain Development's private holdings include the existing quarry processing area, including the entire 528 acres as noted in Figure 2. The proposed expansion areas of the quarry and operations include the north 33.5 acres of APN 0496-011-75 and the contiguous 160 acres west in APN 0496-011-76 as noted in Figure 12. Table 2 below lists APNs' existing and proposed uses and section location, noting mine site total area of 609.84 acres, as also cited in Figure 9 Mine Site Plan.

Table 2 Matcon & Lynx Cat Holdings and Plan Areas

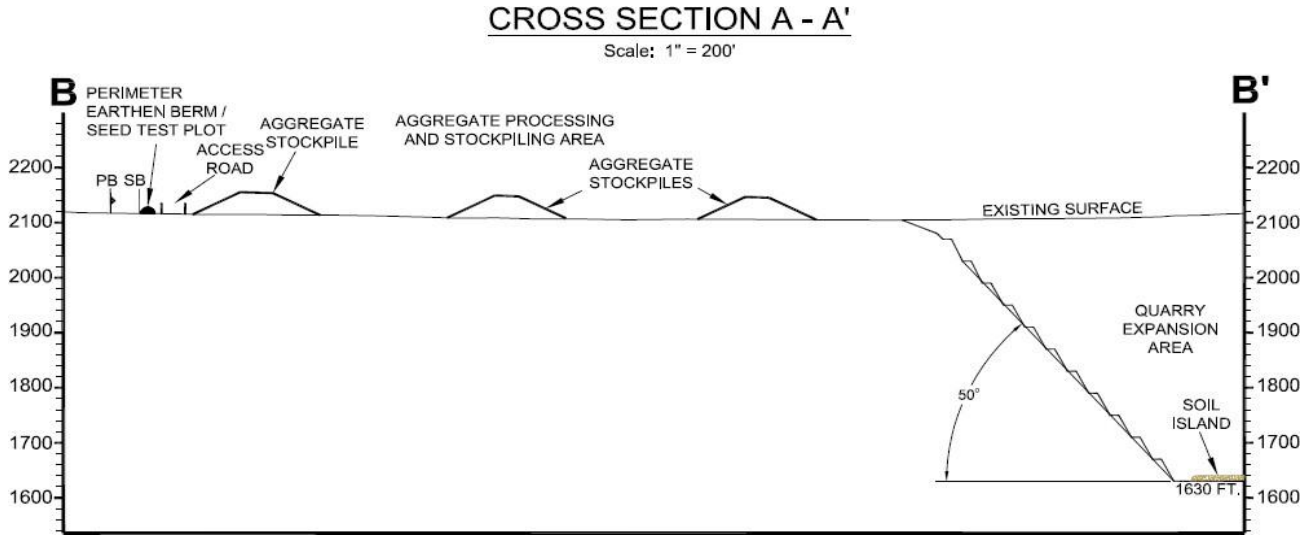
Assessor's Parcel Number	Total Parcel Area (Acres)	Mine & Facilities Areas (Acres)	Existing and Proposed Uses	Section Within T10N, R4W, SBBM
0496-011-75	81.69	48.2[1] 33.5[2]	- Existing approved Quarry (Phase 1) - Proposed Phase 2 Quarry	1
0496-001-76	528.15 (total parcel)	80[2] 80[2]	Proposed Quarry (Phase 3) Proposed Processing Areas	1
Quarry Area	---	161.7	Existing and Proposed Quarry	1
Mine Site Total	**609.84**	**241.7**		1
Total Mining & Reclamation Plan Area		**241.7**		**1**

Sources: SB County APN information, Lynx Cat Mountain Development; Merrell Johnson Record of Survey (April 2010)
1 – Mine Reclamation Plan area approved in 2015 (Phase 1 mining).
2 – Proposed Expansion Areas subject of this Revision.

LYNX CAT QUARRY MINING OPERATIONS

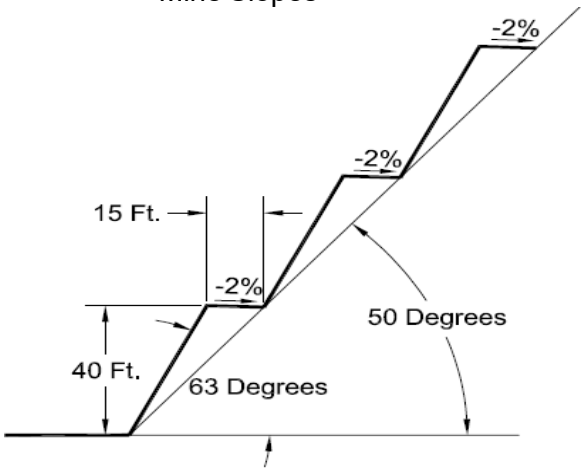
Overview
The total areas of actual mine quarry disturbance will total approximately 161.7 acres of mining and the adjacent 80 acres of additional crushing, screening, and production of crushed rock as well as product stockpiles and staging area as shown in Figure 9. The existing access and haul road is part of the currently approved and contracted BLM ROW as noted in the access route Map (Figure 13). Currently 48.2 acres are permitted for mining and processing. In total, 161.7 acres will be utilized for active mining and 80 acres utilized for processing and product stockpiles for a total of 241.7 acres. The currently permitted mining depth is 250 feet below ground surface (bgs) (average depth is approximately 150 feet bgs) with a quarry floor of approximately 2,030 feet msl. Due to the uniform, deep seated, and continuous nature of the granite strata, the quarry floor would be increased to a depth of up to 500 feet bgs with an average depth of 485 feet bgs and an average quarry floor of approximately 1,630 feet msl, as shown in Cross Section A-A, Figure 14.

Figure 14



A Slope Stability Investigation Analysis was conducted by CHP Consultants. Their June 30, 2014, report (updated October 10, 2024) determined the configuration of final cut quarry slopes (including wall height, wall angle and bench width) controlled primarily by the type of mining equipment used and bench face angles to be achieved. Typical recommended wall heights in hard rock mines range from 40 to 50 feet, a bench face angle (the inclination of individual bench faces) of 63 degrees, separated by 15-foot-wide benches as noted in Figure 15.

Figure 15
Mine Slopes



Mining is expected to reach maximum production over the next three to five years, and thereafter, production will fluctuate with market and customer demand. Ultimately, the quarry will be expanded onto the 80 acres to the immediate west (Phase 3). The quarry is planned to operate continuously. In the unlikely event of an unforeseen interruption in operation resulting in any extended period of non-operation of one year or more, the operator will secure the site and conduct regular inspections of the entire quarry site to ensure that all gates are locked, berms have not been disturbed, and that the Site is secure from public entry. Upon mine operations ceasing for one year or more, processing equipment will be demobilized and removed from the quarry, and stockpiles of aggregate products will be sold based on demand. The expanded quarry footprint will be positioned to reduce visibility of ongoing operations. The nearest publicly dedicated road is Santa Fe Avenue, approximately two miles to the southwest, which is the primary potential viewpoint by the greatest number of individuals in the immediate vicinity, as noted in

Figure 13. Santa Fe Avenue is a dirt road that is lightly traveled, so only a small number of individuals will typically have the potential to view the mine site. There are no residences, commercial developments, or developed recreation areas in the vicinity of the proposed project.

Mining Methods

Quarrying methods will include drilling and blasting when necessary to extract mined material. Mining of the high-quality granite rock will be performed by initial site clearing, drilling, blasting, loading, transporting, and crushing of the material onsite into a variety of aggregate products including railroad grade ballast rock, construction aggregates, paving stone, riprap, rock dust, road base, and sand. Blasting of rock material is required for extraction of the heavy, dense, granite rock. This method will continue to be used during the length of the permitted mining operation. Therefore, it is proposed to continue the use of blasting during future quarry expansion activities. During the continued and expanded quarry mining, processing, stockpile, and storage operations, the perimeter earthen berms will serve not only as a barrier and windbreak, but also as containment for the collection and control of stormwater that will fall on the site over the operational period. The proposed drainage is self-contained with virtually 100% water/sediment retention until completion of reclamation. Any retained stormwater will be used on-site for dust control if feasible and/ allowed to percolate into the natural groundwater.

Figure 16: Blasting Quarry Methods

Typical Explosive Loading by Off-Site Vendor *Typical Quarry Blast*

Hours of Operation

The project is allowed to operate 24 hours a day, 7 days a week. However, it is expected that the typical operating hours will be 6 days per week, 16 hours per day. The processing plant would operate approximately 10 – 20 hours/day, as not all mined material requires onsite crushing and screening, and processing will vary based on the raw material size and other specifications. Based on 6 days a week, with limited operations on Sundays and holidays, there are approximately 300 working days per calendar year.

Mine Waste Management

Mining activities at the Lynx Cat Mountain Quarry site produce three types of waste: 1) overburden (topsoil), 2) waste oils/solvents, and 3) domestic garbage. Overburden on the project site primarily consists of seed-containing “topsoil”, silty-sand, rock dust, and rubble, and generally comprises the top 0”-12” of surface material. The overburden material is not consistent throughout the site, especially in the hard rock-exposed areas. This material will be removed from the surface where it exists and stockpiled in the perimeter earth berms which will serve as a windbreak, stormwater containment, and as seed test beds and soil islands for subsequent use during revegetation. The total quantity of actual topsoil material and seedbed material qualifying as capable growth medium is expected to be low.

Trucking Plan and Schedule

The quarry produces approximately 1.2 million tons (mt) per year, with the ability to ramp up to 3 mt/year. This equates to approximately 250,000 tons/per month or 10,000 tons/day (based on 25 working days per month for 300 days/year). To accommodate the delivery of this typical production to regular customers, it is expected that the quarry will ship up to approximately 400 truckloads per day or 120,000 truckloads per

year (based on 25 tons per truck) with street-legal over-the-highway end dump or super-10 dump trucks.

RECLAMATION AND REVEGETATION

Article 9, Section 3700 of SMARA (14 CCR § 3700) states the following:

"Reclamation of mined lands shall be implemented in conformance with standards in this Article (Reclamation Standards). The standards shall apply to each surface mining operation to the extent that:

- They are consistent with the required mitigation identified in conformance with CEQA; and
- They are consistent with the planned or actual subsequent use or uses of the mining site."

As Table 3 denotes, SMARA requires that reclaimed sites provide wildlife habitat "at least as good as that which existed before … mining," and that reclaimed sites must be "similar to naturally occurring habitats in the surrounding area." (14 CCR § 3703.) SMARA requires the operator to demonstrate that vegetation on reclaimed sites has been self-sustaining without irrigation, fertilization, or weeding for a minimum of two years prior to release of performance bond.

The goal of reclamation for the Lynx Cat Mountain Quarry as noted in Figure 11 (Reclamation Site Plan) is to return the site to privately-owned vacant open space consistent with the Resource Conservation zoning. Preparation of the Lynx Cat Mountain Quarry and expanded acreage for reclamation will commence once the quarry, stockpile, and storage areas are no longer viable, economical, or needed. Complete reclamation of the Lynx Cat Quarry site will include:

- Complete removal of all crushing, processing, miscellaneous equipment, scale/scale house, and refuse;
- Final grading of the entire area for slope stability, safety, and erosion control;
- Mitigation of any potential safety hazards;
- Ripping compacted surface area and spreading of the salvaged topsoil and growth media across the bare and disturbed areas; and
- Revegetation seeding with indigenous species, followed by monitoring and remediation to meet revegetation success criteria.

The development of the timing for reclamation is linked to operational requirements, product demand, and the phased delivery schedule of customer projects. Reclamation operations will likely experience unscheduled development or implementation changes due to market/economic demands and opportunities within the quarry that can be reclaimed more easily as operations progress over time. The County will be updated in the annual mine report on the status of both operational and reclamation timing. Final reclamation of the entire quarry and disturbed areas will commence immediately after the need for the expanded area or areas is complete. Final reclamation will occur within five years of the termination of quarry mining activities, followed by revegetation monitoring and remediation until the revegetation is deemed successful.

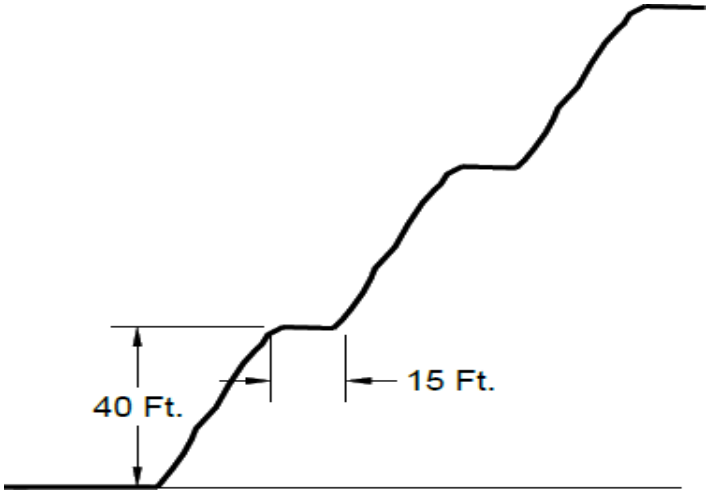
Any gravel or road base material on temporary roads to be closed will be removed where applicable. In those project areas where soil compaction has occurred, such as haul roads, processing areas, and stockpiles, ripping those areas to a depth of 1 foot below grade will ensure decompaction to the depth of undisturbed natural soils.

Slopes and Slope Treatment

All excavated benches and quarry cut slopes will remain after cessation of mining activities, upon acceptable factor of safety. Final quarry walls will remain stable both statically and dynamically pursuant to the recommendations of the Slope Stability Report. Should any final quarry slopes fail to attain the minimum factor of safety standards, the operator will implement such measures necessary to bring the slopes into compliance. No fill slopes or waste/tailings stockpiles will remain subsequent to reclamation.

Final quarry slopes are planned at an overall angle of approximately 50 degrees. This is obtained using 63-degree bench face slopes with a benching scheme of 40-foot-high cuts and 15-foot-wide benches as shown in Figure 17. Pursuant to the Slope Stability Study updated October 10, 2024, an overall 50-degree slope up to approximately 580 feet in height is suitably stable against gross failure for the anticipated long-term conditions, including the effects of seismic shaking. Excavation of the bench faces at the proposed approximate 63-degree angle may aid in overall stability of final slopes. The inclusion of safety benches and access ramps in the overall slope profiles, together with scaling of finished bench faces, is anticipated to mitigate raveling or rockfall.

Figure 17 Typical Reclaimed Benches



Site Revegetation

The Revegetation Plan is in conformance with SMARA regulations Section 3705 in that it complies with the following SMARA Revegetation performance standards:

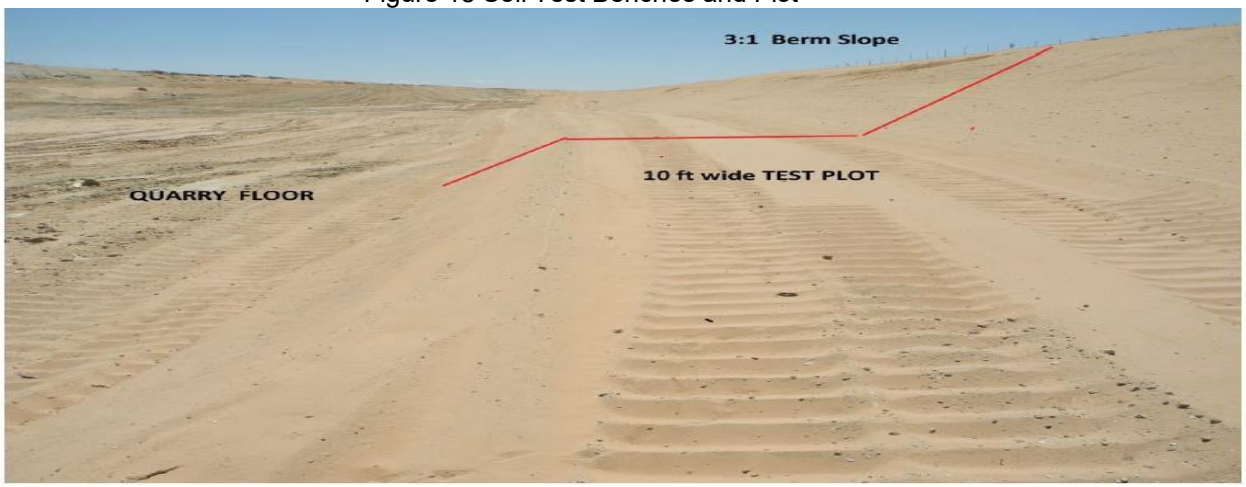
- Revegetation shall be part of the approved plan.
- Apply vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation.
- Test plots conducted simultaneously with mining shall be required to determine the most appropriate planting procedures.
- Soil analysis is required to determine the presence or absence of elements essential for plant growth and to determine soluble elements that may be toxic to plants.
- Native plant species shall be used for revegetation, except when introduced species are necessary to meet the end uses specified in the approved reclamation plan.
- Planting shall be conducted during the most favorable period of the year for plant establishment.

The Revegetation Plan relies on the establishment of separate, subdivided, and seeded “test plot benches” as shown in Figure 18 and “soil islands” located at designated areas along the outside perimeter of the quarry floor. Once quarry operations resume, there will also be additional residual “topsoil stockpiles” and “mixed media stockpiles” consisting of sand, crusher fines, and overburden subsoil set aside and placed at strategic locations along the perimeter of the quarry outside the active area of mine operations but within the “disturbed footprint” of the mine.

Table 3: Reclamation Schedule

Timeline	Activity
Continue to 2077	Salvage cacti, seeds, and soils as open new undisturbed areas; Place soil islands within the initial revegetation test plot area as shown on the Reclamation Plan Map.
2025 – 2077	Monitor/evaluate revegetation test plot activities and make adjustments, if required, per recommendations of the designated Revegetation Manager.
2025 – 2077	Continue to place soil islands and seed on 25% of all disturbed quarry areas; implement weed control as needed, monitor revegetation activities and adopt successful results.
No later than Spring 2077	Mining excavations cease. Rip compacted areas and place growth media soil islands on 25% of any finished, horizontal disturbed project areas. Revegetate based on results of initial test plots and ongoing revegetation activities.
2082 or until Success Criteria Achieved	Finalize revegetation activities. Site closure upon revegetation deemed successful.

Figure 18 Soil Test Benches and Plot



Test Plot and Soil Islands

“Soil islands” as noted in Figure 18 and perimeter “test bed benches” will consist of vegetative growth media, including any site collected topsoil, and site collected organic materials (shrubs, bushes, grasses). The soil islands are designed to initially cover approximately 25% - 50% of the initial revegetation area and will average 4-6 inches in thickness, depending on available soil/organics. These islands will be seeded prior to the onset of the winter storm season. Initial revegetation efforts will not include any irrigation, fertilizers, mulch, lime, or other non-native constituents unless recommended by a qualified botanist or agronomist based upon the unsatisfactory results of the Test Plot study.

SMARA Section 3711 (d) requires topsoil stockpiles to be clearly identified. The Revegetation Plan has been amended to include the posting of signage that segregates and identifies each of the test plot benches, topsoil islands, subsoil islands, soil stockpiles, and mixed media stockpiles areas as being reserved for use during the Reclamation activity. This provision is now included in both the Mining and Reclamation plan and the Revegetation plan.

As recommended by the California Department of Conservation Division of Mine Reclamation (DMR), Table 4 notes the seed mix the vegetation plan proposes to apply.

Table 4 Seed Mixture and Application Rate

Species		Application Rate (lbs PLS/acre)
Burro Bush	*(Ambrosia dumosa)*	2.0
Cheesebush	*(Ambrosia Salsola / Hymenoclea Salsola)*	3.0
Allscale	*(Atriplex polycarpa)*	2.0
Nevada Joint –Fir	*(Ephedra nevadensis)*	2.0
Rubber Rabbitbush	*(Ericameria nauseosa)*	2.0
California Buckwheat	*(Eriogonum fasciculatum)*	3.0
Big Galleta	*(Hilaria rigida / Pleuraphis rigida)*	2.0
Creosote bush	*(Larrea tridentate)*	2.0
Peach Thorn	*(Lycium cooperi)*	3.0
Desert Needlegrass	*(Stipa speciose)*	3.0
Mojave Aster	*(Xylorhiza tortifolia)*	1.0
Total Seed Mix:		**25.0 lbs**

The Revegetation Plan directs that each Fall, in every subsequent operating year, additional soil islands will be constructed and located in areas of the quarry site that will not be impacted by further mining activities. This process will continue until the entire site has been revegetated and monitored annually for five years to verify that the revegetation success criteria described in the Revegetation Plan have been achieved. Moreover, revegetated areas will be sampled by a qualified botanist or agronomist, using the same methodology used in the vegetation analysis, with the addition of Daubenmire plots to sample annual densities. The proposed and recommended Revegetation success criteria include perennial cover of at least 40-60% of that found in pre mining undisturbed areas, (6%) cover of native perennials with a density of at least 80% of that found in undisturbed areas, and a perennial species richness of at least 40-60% of that found in undisturbed areas

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PROJECT ANALYSIS

The Countywide Plan and Development Code recognizes that the extraction of minerals is essential to the continued economic well-being of the County and its residents and to societal needs and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect public health and safety. Moreover, Development Section 88.020.010 provides that the County recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and their related specifications may vary accordingly, as such approval of Conditional Use Permit (CUP), Reclamation Plan, and Financial Assurance is required, unless exempted by SMARA, State regulations, or Subdivision. Consequently, the code provides that applications for a Conditional Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department and filed in compliance with Chapter 85.03 (Application Procedures).

Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Public Resources Code §§ 2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the DMR. All documentation for the Reclamation Plan shall be submitted to the County at one time.

The Planning Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan, and to approve the financial assurances in compliance with Public Resources Code § 2770(d). The approved Conditional Use Permit and Reclamation Plan copies shall be provided to the State. The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days of approval.

The following are the enumerated project objectives:

1. To provide a long-term aggregate solution for aggregate supply in the High Desert and Southern California and extend the operation life of the mine for an additional 50 years until December 31, 2077;

2. To continue the mining and production of high-quality granite railroad ballast rock, rip rap, and construction aggregates to supply ongoing and future construction projects in the High Desert and Southern California for up to 50 years;

3. To utilize both truck and rail transportation for future projects in the High Desert and to reduce truck traffic, fuel consumption, and air pollutant and GHG emissions in the region;

4. To increase the operating depth of the quarry floor to -500 feet below ground surface with an average depth of -485 feet; To minimize land disturbance through the expansion and development of the contiguous existing rock resources and product processing and stockpiles;

5. To meet the State's and County's SMARA reclamation requirements;

6. To minimize impacts on wildlife through the implementation of wildlife protection measures especially for the protection of the desert tortoise;

7. To reclaim the site for open space habitat when mining operations are concluded; and

8. Upon closure of the site, contour mining features and revegetating disturbed areas to minimize aesthetic and erosion impacts.

California Environmental Quality Act Compliance

In compliance with the California Environmental Quality Act (CEQA), an Initial Study (IS) attached as Exhibit A was completed and routed to the State Clearinghouse for circulation (SCH# 2025041056) and posted on the County's environmental website for review. Notices of Intent and Notices of Availability were also mailed to property owners and responsible agencies to inform them of the initiation of the environmental posting. The 30-day comment period commenced on April 25, 2025, and concluded on May 27, 2025. The Initial study concluded that the Project will not have a significant adverse impact on the environment with the implementation of specific mitigation measures, as recommended by the environmental studies. These mitigation measures have been incorporated in the project's Conditions of Approval and the Project's Mitigation Monitoring and Reporting Program (MMRP).

One comment letter was received from the California Department of Fish and Wildlife (CDFW) dated 5/23/2025 (Exhibit F). Responses were provided (Exhibit G). The concern raised by CDFW is that the project will impact nesting birds, including CESA-listed birds, Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918. CDFW also raised concerns about impacts to Desert Tortoise, American Badger, Mohave Ground Squirrel, and special-status Plant species. To address CDFW concerns, the agency recommended revisions to current Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and included three (3) new additional Mitigation Measures BIO-5 (Special Status Plants), BIO-6 (Burrowing Owl), and BIO-7 (Lake Streambed Alteration Agreement).

The CDFW comments did not provide any new or site-specific information on occurrence or potential impact to specific species that the Biological study had not already thoroughly examined. While new Mitigation Measures and revisions are specified, the General Biological Assessment Study, attached as Exhibit H dated February and September 2024, concluded that the mitigation measures will minimize impacts to nesting birds, especially, during nesting season, and that a biological monitor must be present on site during all initial ground disturbing work to ensure no impacts to the American badger, desert tortoise, and Mohave ground squirrel.

Moreover, the biological assessment determined that to establish appropriate avoidance and minimization measures for the desert tortoise, consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any ground-disturbing activities in the project area. Any impacts to the desert tortoise would require a Federal Endangered Species Act Section 10 ITP and CESA 2081 ITP. Likewise, the study cites that the project is not located within or directly adjacent to designated federal critical habitat, nor does it impact jurisdictional waters as CDFW contends. While ephemeral streams may occur within the Project area, this issue was addressed in the Hydrology Study prepared for this project, which concluded that no jurisdictional waters were evident, and the site drainage design included the collection, management, accommodation and retainage of any influent surface waters within the quarry expansion footprint consistent with the previously issued Notice of Non-Applicability by the State Water Resources Board. To satisfy CDFW recommendations, BIO-7 MM shall be included which requires the applicant to conduct jurisdictional determinations prior to construction activities, and if jurisdictional streams are identified, a Streambed Alteration Agreement will be required. The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

Based upon the inclusion of the revised and recommended MM by CDFW, biological impacts will not be significantly impacted. The suggested revisions to BIO-1 thru -4 and the addition of BIO-5 thru 7 as raised by CDFW, will be incorporated into the Final IS/MND.

<u>No Recirculation of IS/MND Required</u>

CEQA Guidelines Section 15073.5 (c) describes the conditions under which a IS/MND that was circulated for public review is not required to be re-circulated under the following circumstances:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
2. New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Based on the CDFW comments and the responses, no significant changes have been made to the information contained in the IS/MND as a result of the CDFW's comments. There are no new, avoidable significant effects identified or new mitigation measures to reduce the effect to insignificant. The modified and added mitigation recommended by CDFW are equally or more effective measures as those identified in the IS/MND circulated for public review.. Based on the foregoing, recirculation of the IS/MND is not warranted and findings for the substitution of mitigation measures have been included pursuant to Cal. Code Regs. Tit. 14, Section 15074.1.

Division of Mine Reclamation (DMR)

On November 13, 2024, the County Mining Division transmitted and notified the California Division of Mine Reclamation (DMR) of the Lynx Cat CUP and Reclamation Plan mining application submittal. The County Mining Division deemed the application complete on November 18, 2024. On January 14, 2025, DMR notified the County Mining Division of a complete reclamation plan submittal pursuant to SMARA 2772.1 and that DMR provides no substantial comments on the contents of the project's Reclamation Plan Amendment.

Tribal Comments

In Accordance with AB-52, the Indian Tribes received Notices of Opportunity to Consult with the County Mining Division on December 5, 2024, concerning the proposed Lynx Cat. On December 12, 2024, Kristen Tuosto with the San Manuel Band of Mission Indians (YSMN) contacted the Mining Division and requested a review of the project's cultural study and project plans. Upon transmittal of the Project's cultural study and other requested documents on January 9, 2025, Ms. Tuosto stated the following: "After reviewing the cultural report and our knowledge of the area, YSMN determined the project has a moderate potential for inadvertent discoveries of Tribal Cultural Resources (TCRs). Therefore, YSMN requests the following mitigation measures be made part of the project's mitigation measures (MM) that include:"

Cultural-1: Monitoring and Treatment Plan
Cultural-2: Archaeological Monitoring
Cultural-3: Worker Environmental Awareness Program
TCR-1: Tribal Monitoring
TCR-2: Treatment of Cultural Resources During Project Implementation
The San Manuel Band of Mission Indians MM will be incorporated into the project Mitigation Monitoring and Reporting Program (MMRP)

Public Comments:

On April 25, 2025, Project Notices were mailed to the surrounding property owners within 700 feet of the project site, as required by Section 85.03.080. No public comments were received.

RECOMMENDATION: That the Planning Commission:

1) **ADOPT** the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B);

2) **ADOPT** the Findings in support of the Conditional Use Permits PROJ-2024-00173 and revision to Reclamation Plan 90M-010 (Exhibit C);

3) **APPROVE** Conditional Use Permit PROJ-2024-00173 to allow 1) a phased quarry expansion to continue mining the current original quarry 48.2 acres for Phase 1, the additional 33.5 acres to the north for Phase 2, and adjacent 80 acres to the west for Phase 3, 2) to increase mining depth from 250 to 500 feet, 3) to expand the crushing, screening, processing, and product stockpile areas onto the west adjoining 80 acres, 4) to extend the operation life of the mine for additional 50 years from March 16, 2027, to December 31, 2077, subject to the Conditions of Approval (Exhibit D); and Revised and updated Lynx Cat Reclamation Plan amending the Lynx Cat Reclamation Plan 90M-010.

4) **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Mitigated Negative Declaration, link: https://lus.sbcounty.gov/wp-content/uploads/sites/48/Lynx-Cat-Mtn-Quarry-Expansion-Final-IS-MND-4-10-2025-Final_-1.pdf
EXHIBIT B: Mitigation Monitoring and Reporting Program (MMRP)
EXHIBIT C: Findings for Conditional Use Permits PROJ-2024-00173 and Reclamation Plan
EXHIBIT D: Conditions of Approval PROJ-2024-00173
EXHIBIT E: Lynx Cat Mining and Reclamation Site Plans
EXHIBIT F CDFW Comments letter, dated 5/23/2024
EXHIBIT G CEQA Responses
EXHIBIT H Biological Study

EXHIBIT A

SAN BERNARDINO COUNTY
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

APNs:	0496-011-75 & 0496-011-76	***USGS Quad:***	Hinkley; 34.9848N; -117.245W
Applicant:	MATCON Corporation	***T, R, Section:***	T10N, R4W, Sec. 1
Location	4 miles northwest of Hinkley	***Thomas Bros***	Map F; San Bernardino and Riverside Counties (2013)
Project No:	PROJ-2024-00173; Revision to 90M-010	***Community***	None
Rep	Joseph Mathewson	***LUC:*** ***Zone:***	Resource Land Management Resource Conservation
Proposal:	Reclamation Plan Revision (Revised Plan) to allow the expansion of the current quarry from 48.2 acres to 161.7 acres of actual quarry (an increase of 113.5 acres), expand the crushing, screening, processing and product stockpile areas onto the adjoining 80 acres to the west, and extend the operation life of the mine for additional **50 years** until December 31, 2077.	***Overlays:***	Mineral Resources

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Contact person: Derek Newland, Planner
Phone No: 909-387-4110 ***Fax No:*** (909) 387-3223
E-mail: *Derek.newland@lus.sbcounty.gov*

PROJECT DESCRIPTION:

Summary

The Lynx Cat Mountain Quarry is an existing vested mine under the authority of Mining and Reclamation Plan #90M-010, as approved by San Bernardino County on June 28, 1990, and subsequently revised in 2015 and 2017. The quarry is located approximately 4 to 5 miles north of State Route 58 (SR-58) and four miles northwest of the community of Hinkley, California (see Figure 1 – Regional Location and Figure 2 – Project Vicinity). The mine consists of 48.2 acres and is designated by the State of California as CA Mine ID# 90-36-0049. The current land and mine owner is Matcon Corporation. The current status of the Conditional Use Permit (CUP) and Reclamation Plan #90M-010 is "active" and “operational” with a financial assurance bond of $52,000. The 2017 revision extended operations until March 28, 2027, with another five years of reclamation until March 28, 2032.

The purpose of the proposed 2024 Reclamation Plan Revision (Revised Plan) is to revise the approved Mining CUP and Mine and Reclamation Plan 90M-010 to include the following:

- To expand the current quarry from 48.2 acres to 161.7 acres of actual quarry to the north 33.5 acres and to the west by approximately 80 acres (an increase of 113.5 acres)

- To expand the crushing, screening, processing, and product stockpile areas onto the adjoining 80 acres of contiguous adjacent vacant property privately owned by Lynx Cat Mountain Development on the west side of the expanded quarry;

- To increase the quarry depth from 250 to 500 feet below the ground surface (bgs) with an average pit floor depth of +/- 485 feet bgs; and

- To extend the operation life of the mine for additional **50 years** until December 31, 2077.

Refer to Appendix A, CUP and Minor Revision to Mining and Reclamation Plan #90M-010

Summary of Mining Operations
The Revised Plan would require a Conditional Use Permit (CUP) for a phased quarry expansion to continue mining the current original 48.2 acre quarry (Phase 1), the additional 33.5 acres to the north (Phase 2), and the adjacent 80 acres to the west (Phase 3) to provide high volumes of high quality granite aggregate materials to support construction and development projects in the High Desert and Southern California (see Figure 3 – Expansion Areas and Figure 4 - Mine Plan sheet). The area of actual mine / quarry disturbance would total approximately 161.7 acres of mining; the adjacent 80 acres would be for additional crushing, screening, and production of crushed rock as well as product stockpiles and staging area. The existing access and haul road is part of the currently approved and contracted Bureau of Land Management (BLM) Right-of-Way (ROW). Currently, 48.2 acres are permitted for mining and processing. In total, 161.7 acres would be utilized for active mining and 80 acres utilized for processing and product stockpiles for a total of 241.7 acres.

The currently permitted mining depth is 250 feet bgs (average depth is approximately 150 feet bgs) with a quarry floor of approximately 2,030 feet mean seal level (msl). Due to the uniform, deep seated, and continuous nature of the granite strata, the quarry floor would be increased to a depth of up to 500 feet bgs with an average depth of 485 feet bgs and a quarry floor of approximately 1,630 to 1,670 feet msl.

Slopes would be developed similar to those currently approved in the hardest rock; 40-foot vertical heights with faces of 0.5 horizontal:1 vertical (0.5H:1V) or 63°. Horizontal benches 15 feet in width would be developed for every 40 feet of vertical and inclined towards the slope face at 2% to catch water. Thus, the overall excavated and reclaimed slopes would be 35 feet horizontal and 40 feet vertical for a slope of 0.875H:1V or 50° (see Figure 5 for cross sections and slope detail). Bench excavations would adhere to standard hillside mining techniques and would comply with Mine Safety and Health Administration (MSHA) requirements. In the remainder of the site, sloping of project areas would be graded to no steeper than 2H:1V.

All mining activity and excavations would occur within the newly revised mining boundary, as shown in Figure 4. The quarry design provides for a total reserve of approximately 140 million tons. Approved production is 3.0 million tons (MT) per year with a requested production of 4 MT

per year with occasional higher peak production needed to satisfy project demand and commercial development of the general Barstow and Hinkley area. A Temporary Use Permit (TUP) will be required if the annual production is expected to exceed 4 MT due to specific contract.

Quarry operations would continue with the contracted professional drilling and blasting of the granite rock strata creating a solid working face and benches. Not all areas of the quarry would need to be drilled and blasted as some areas west of the hard rock slopes may be excavated with loaders and excavator only. Following drilling and the carefully controlled blasting activity, the granite shot rock material would be loaded by excavators and/or loaders directly onto 65-ton rock haul trucks and transported to the primary jaw-type rock crushing equipment located within the quarry floor where it would be reduced to 6 inches. The crushed feed material from the primary crusher would then be conveyed through a series of conveyors to the adjacent processing area to the west where it would be further crushed and screened into the various aggregate products needed by customers.

The primary jaw crusher and feed hopper would be near the northwestern edge of the working quarry to allow direct feeding of raw material while the portable secondary crushing and screening requirements and the feed conveyors would be located on the adjacent 160-acre parcel as near as practical to the primary jaw crusher. The crushed, screened, and properly sized aggregate products would be placed in stockpiles by conveyors and radial stackers and held on-site until needed or orders are placed. Various conveyors would be used to minimize equipment movement and dust emissions. All portable processing plants and generators brought on-site would follow Mojave Desert Air Quality Management District (MDAQMD) rules and permits.

Upon receipt of customer orders, CAT 988 size loaders (typical) would load 25-ton, street-legal, haul trucks from the product stockpiles. Trucks would be weighed at the on-site scale-house to ensure that all loads are tracked and accounted for. Upon construction of the planned rail loop aggregate loading facility (under a separate CUP), ballast rock products would be loaded into 65-ton haul trucks and transported on a dedicated privately owned haul road to the rail loop facility and placed in stockpiles for loading into rail cars.

As a condition of approval, production shall be limited to the existing permitted amount of 3.0 MT per year until the rail loadout facility is permitted.

The mine may operate up to 24 hours per day and 7 days per week to maintain project schedules. Typical operation, however, is expected to be 6 days per week and 16 hours per day. Blasting would be restricted to daylight hours, Monday to Friday.

The typical plant and mine equipment listed in **Table 1** would be utilized for mining, hauling, crushing, screening, conveying, stacking, and road maintenance activities.

Table 1
Lynx Cat Mountain Quarry
Equipment List (Typical)

Number	Equipment Description	Hrs/day (total)	Load Factor	HP	Net HP	Equipment Uses
3-4	3- CAT 980 (loads trucks/ occasionally feeder) 1-CAT 988 (loads feeder)	16 (exist) 24 (prop) 8 (exist) 10 (prop)	0.36	393 538	141.5 194	2-3 load trucks at 8 hrs/day each; one loads feeder at plant. Loading of excavated material into trucks for transport to plants and/or rail loadout and loading of product into trucks.
2-3	Excavators CAT 349	16 (exist) 24 (prop) 8 hrs/day; daylight only	0.38	413	157	Mining and some direct loading into trucks.
3	CAT 773 Off-Road Trucks (65-ton capacity typ.)	8 (exist) 24 (prop)	0.39	727	283.5	Transportation of excavated material to the plants and/or the rail loadout staging area.
1	CAT D9T Dozer – as needed	6 (exist) 8 (prop)	0.43	452	194	Mining and stockpiling of material; construction and maintenance of roads and pit benches.
1	CAT 14H Motor grader	4 (exist) 6 (Prop)	0.41	238	98	Construction and maintenance of roads.
1	CAT 730 6000-gal. Water Pull or Truck-	6 (exist) 8 (prop)	0.38	370	141	Water spray haul roads, active mine areas, stockpiles, and general dust control.
1	Service Truck	---	---	---	---	Servicing and fueling onsite equipment.
Varies per contract	25-ton street legal trucks	---	---	---	---	Transportation of material off-site to project sites.
1	Processing plant (portable):	---	---	---	---	Crushing/ screening/ washing plant for material as needed per contract specifications.
1-2	1000 kW Generator sets	8 (exist) 12 (prop)	0.74	535	396	Supplies power for plant facilities.
1	25kW gen set	24	0.74	15	11	Trailer and well
1-2	Atlas T-45 Drill rig	8 (exist) 12 (prop)	0.50	325	162.5	Drill holes for placement of explosives.

Source: Lynx Cat Mountain Quarry Operations, LLC, 2024.

Reclamation
The goal of reclamation for the Lynx Cat Mountain Quarry is to return the site to privately-owned vacant open space consistent with the County's Resource Conservation zoning. Preparation of the Lynx Cat Mountain Quarry and expanded acreage for reclamation would commence once the quarry, stockpile and storage areas are no longer viable, economical, or needed. Complete reclamation of the Lynx Cat Quarry site would include:

- Complete removal of all crushing, processing, miscellaneous equipment, scale/scale house, and refuse;
- Final grading of entire area for slope stability, safety, and erosion control;
- Mitigation of any potential safety hazards;
- Ripping compacted surface area and spreading of the salvaged topsoil and growth media across the bare and disturbed areas of the footprint; and,
- Revegetation seeding with indigenous species to meet success criteria

The development of the timing for reclamation is linked to operational requirements, product demand, and phased delivery schedule of customer projects. Reclamation operations would likely experience unscheduled development, or implementation changes due to market / economic demands and opportunities within the quarry that can be more easily be reclaimed as operations progress over time. The County would be updated in the annual mine report on the status of both operational and reclamation timing.

Because of the phased nature of quarry operations, aggregate markets, customer demand, and the fluctuating delivery schedule of materials, reclamation can only occur when the quarry is no longer commercially viable and needed.

Final reclamation of the entire quarry and disturbed areas would commence immediately after the need for the expanded area or areas is complete. Final reclamation would occur within five years of the termination of quarry mining activities followed by revegetation monitoring and remediation until the revegetation is deemed successful.

Any gravel or road base material on temporary roads to be closed would be removed where applicable. In those project areas where soil compaction has occurred, such as haul roads, processing areas, and stockpiles, ripping those areas to a depth of 1-foot below grade would ensure decompaction to the depth of undisturbed natural soils.

Surrounding Land Uses and Setting
Parcels surrounding and adjacent to the Project Site are vacant and undeveloped property in mostly public ownership under the jurisdiction of the BLM. The area to the west of the proposed expansion area is within lands owned by Lynx Cat Mountain Development Inc. Parcels to the east and south are owned and managed by the BLM as Open Space and indicate significant usage by public recreational off-road activities. The land use designations, zoning, and existing land uses for the Project Site and adjacent properties are shown below.

Existing Land Use and Land Use Category			
Location	**Existing Land Use**	**Land Use Category**	**Zoning**
Project Site (241.7)	Vacant; partially disturbed by mining	Resource/Land Management	Resource Conservation
North	Vacant desert	Resource/Land Management	Resource Conservation
South	Vacant desert; BLM land	Resource/Land Management	Resource Conservation
East	Vacant desert; BLM land	Resource/Land Management	Resource Conservation
West	Vacant desert; BLM land	Resource/Land Management	Resource Conservation

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: Bureau of Land Management (previous approval of ROW); Incidental Take Permits with the U.S. Fish and Wildlife Service as applicable

State of California: Air quality permits for on-site processing from Mojave Desert Air Quality Management District (annual renewals), Incidental Take Permits with California Department of Fish and Wildlife (CDFW) as applicable.

San Bernardino County: Land Use Services Department, and Public Health-Environmental Health Services.

Regional: None known

Local: None known

0 1.5 Mile

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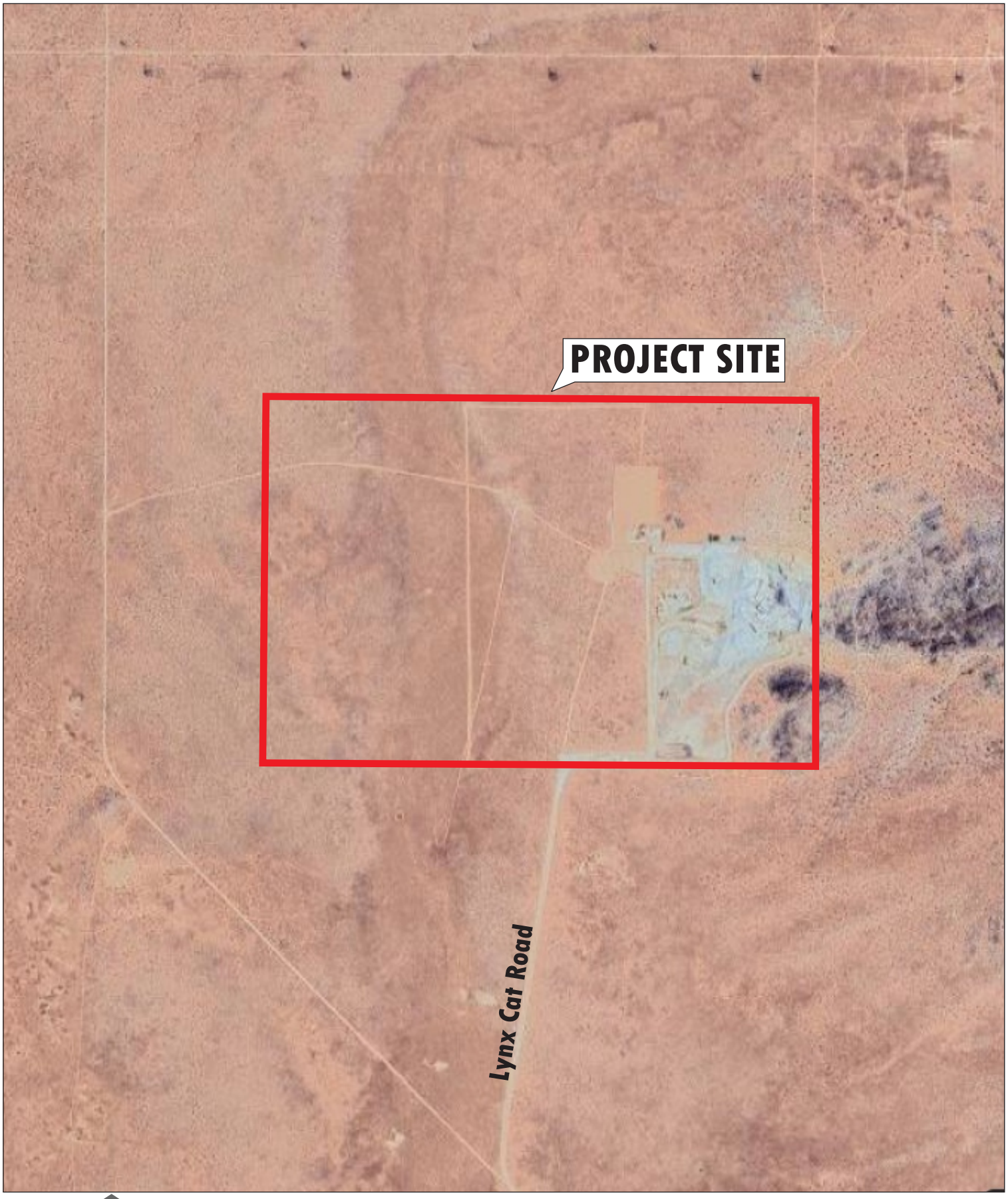
REGIONAL LOCATION

Lynx Cat Mountain Quarry Expansion

San Bernardino County, California

FIGURE 1



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Feet

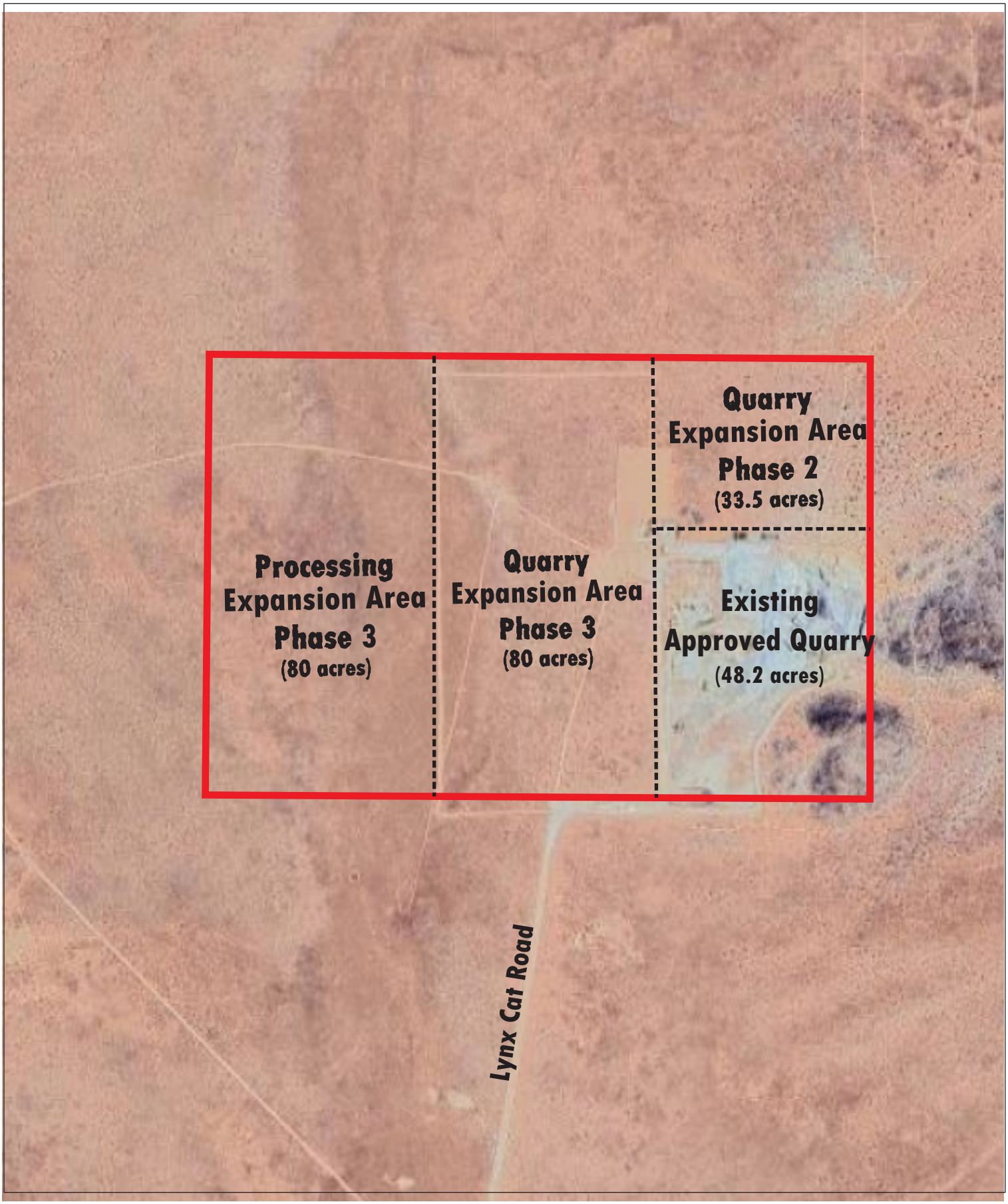
LILBURN CORPORATION

PROJECT VICINITY

Lynx Cat Mountain Quarry Expansion

San Bernardino County, California

FIGURE 2

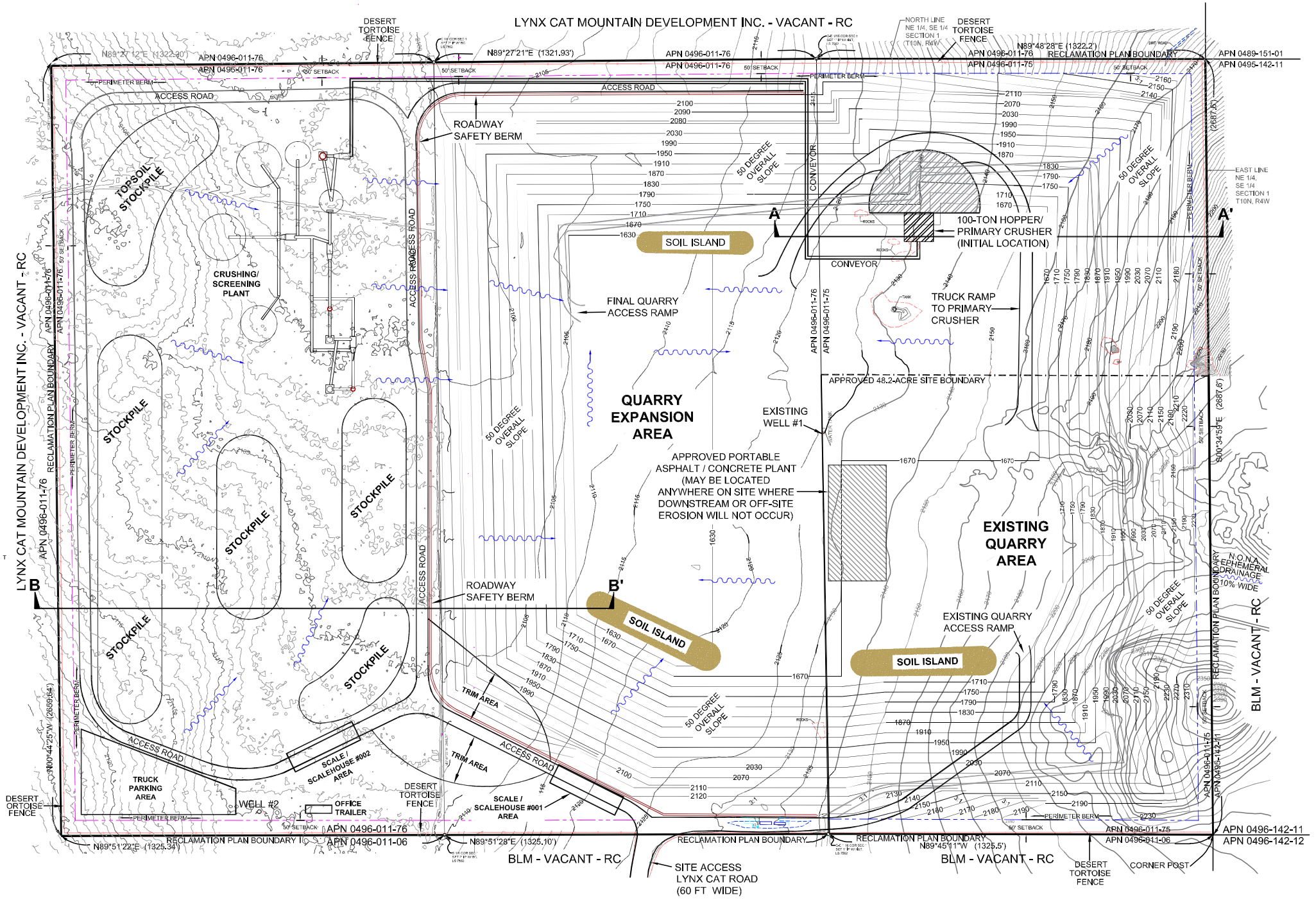


EXPANSION AREAS

Lynx Cat Mountain Quarry Expansion
San Bernardino County, California

LILBURN
CORPORATION

FIGURE 3



MINE PLAN

Lynx Cat Mountain Quarry Expansion

San Bernardino County, California

FIGURE 4

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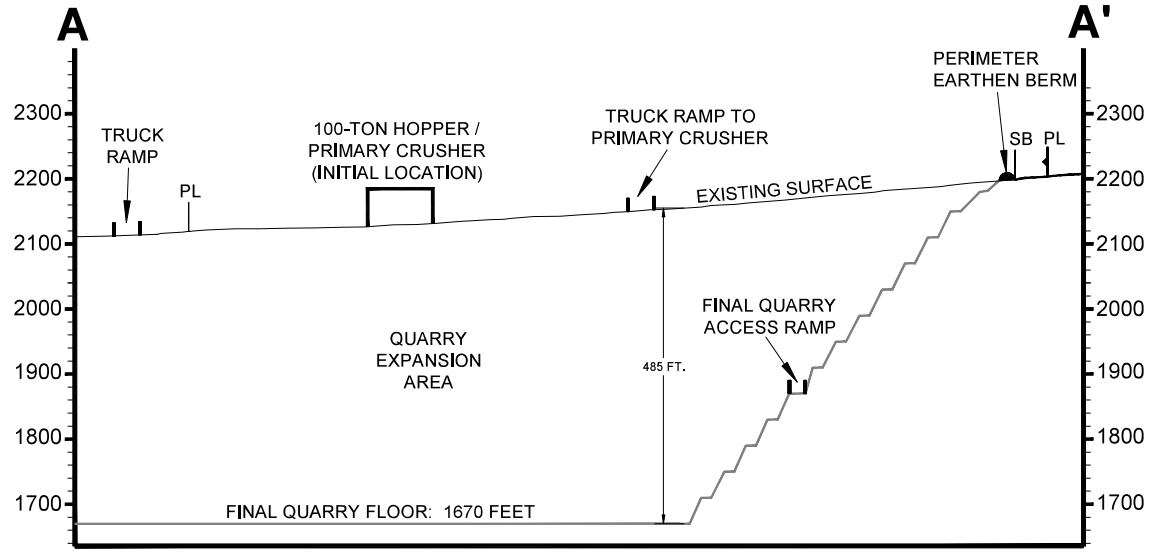
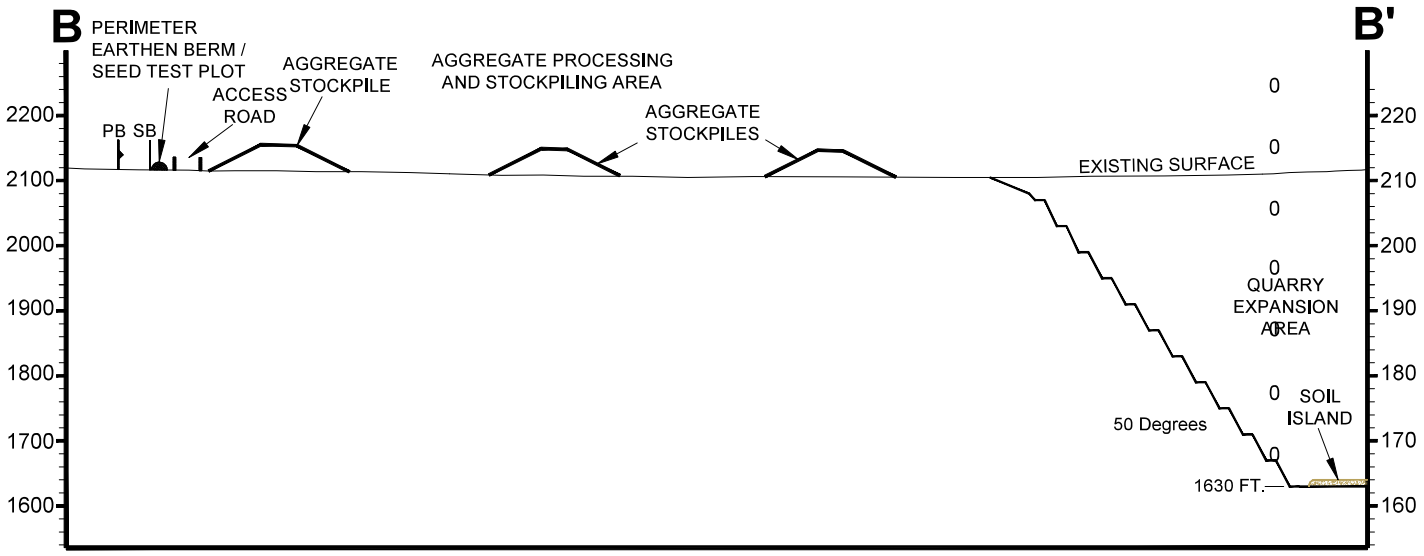


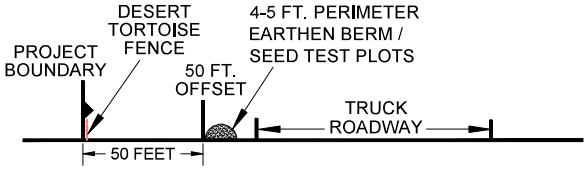
CROSS SECTION A - A'

Scale: 1" = 200'



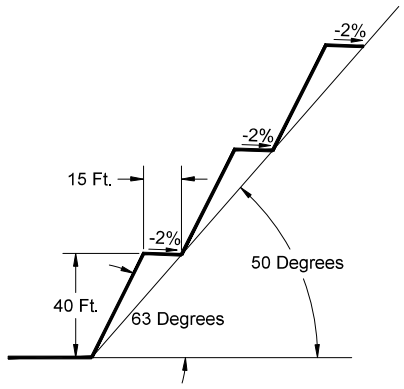
CROSS SECTION B - B'

Scale: 1" = 200'



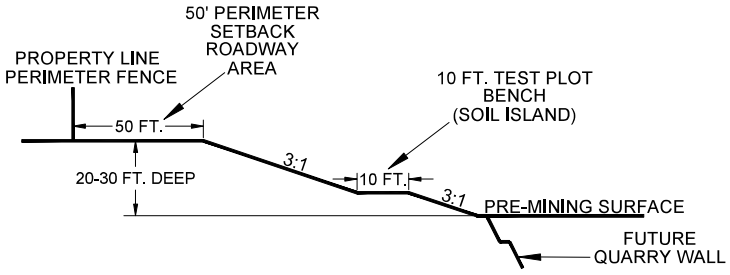
PROJECT BOUNDARY DETAIL

Scale: N.T.S.



TYPICAL QUARRY BENCH

Scale: 1" = 50'



TYPICAL QUARRY SLOPE

Scale: N.T.S.

CROSS SECTIONS

Lynx Cat Mountain Quarry Expansion
San Bernardino County, California

FIGURE 5

LILBURN
CORPORATION

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentially, etc.?

On December 5, 2024, San Bernardino County mailed notification pursuant to AB52 to the following tribes: Twenty-Nine Palms Band of Mission Indians, Colorado River Indian Tribe, Fort Mojave Indian Tribe, San Gabriel Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, Soboba Band of Luiseno Indians, Yuhaaviatam of San Manuel Nation (YSMN), and Morongo Band of Mission Indians. Responses and requests are listed in the table below.

AB 52 Consultation

Tribe	Comment Letter Received	Summary of Response	Conclusion
Twenty-Nine Palms Band of Mission Indians	December 5, 2024	No response received.	No request for consultation.
Colorado River Indian Tribe	December 5, 2024	No response received.	No request for consultation.
Fort Mojave Indian Tribe	December 5, 2024	No response received.	No request for consultation.
San Gabriel Band of Mission Indians	December 5, 2024	No response received.	No request for consultation.
Gabrieleno Band of Mission Indians – Kizh Nation	December 5, 2024	No response received.	No request for consultation.
Soboba Band of Luiseno Indians	December 5, 2024	No response received.	No request for consultation.
Yuhaaviatam of San Manuel Nation (YSMN)	December 5, 2024	Interested in project area	Requested Mitigation Measures added to IS/MND & Conditions
Morongo Band of Mission Indians	No	No response received.	No request for consultation.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact**: No impacts are identified or anticipated, and no mitigation measures are required.

2. **Less than Significant Impact**: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

3. **Less than Significant Impact with Mitigation Incorporated**: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

DETERMINATION: Based on this initial evaluation, the following finding is made:

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
☐	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ Date_____
Signature: Dan Walsh, Chief Engineering Geologist

_____ Date_____
Signature: Aron Liang, Planning Manager

_____
Signature: Derek Newland, Planner Date_____

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
I.	***AESTHETICS*** – Except as provided in Public Resources Code Section 21099, would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SUBSTANTIATION: *(Check ☐ if project is located within the view-shed of any Scenic Route listed in the Countywide Policy Plan):*

San Bernardino Countywide Policy Plan, approved October 27, 2020, adopted November 27, 2020*; *San Bernardino Countywide Policy Plan Draft EIR; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) Have a substantial adverse effect on a scenic vista?

The Project Site is within the North Desert Region of San Bernardino County. The region provides numerous scenic vistas. No residences, commercial development or recreation areas have visibility to the site. The nearest publicly dedicated road is Santa Fe Avenue approximately 2 miles to the southwest, which is the primary potential viewpoint by the greatest number of individuals in the immediate vicinity. Santa Fe Avenue is a dirt road that is lightly traveled, so only a small number of individuals would typically have the potential to view the mine site. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

The Lynx Cat Mountain Quarry is located approximately 4 to 5 miles north of State Route 58 (SR-58), four miles northwest of the community of Hinkley, California. SR-58 is a County Scenic Route and Eligible State Scenic Highway.[1] The Project Site is not viewable from SR-58. Furthermore, there are no known scenic resources on the Project Site that would be impacted by mining operations. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Project Site is located in a non-urbanized area. Visibility of the Lynx Cat Mountain Quarry is limited to the immediate vicinity west of the site. The existing quarry is on the western portion of a group of small hills, limiting any visibility of the site from the east. The expanded quarry footprint would continue to be positioned to reduce visibility of ongoing operations. The nearest publicly dedicated road is Santa Fe Avenue approximately 2 miles to the southwest, which is the primary potential viewpoint by the greatest number of individuals in the immediate vicinity. Santa Fe Avenue is a dirt road that is lightly traveled, so only a small number of individuals would typically have the potential to view the mine site. There are no residences, commercial developments or developed recreation areas in the vicinity of the Project Site.

The Lynx Cat Mountain Quarry Revision would increase the overall size of mining operations but would remain confined to the western hillside of one of the many small hills in the region. The rock quarry granite deposit would be quickly mined below the existing surface elevation, which would minimize exposure of quarry activities visually. Secondly, the 3 to 4-foot-high perimeter earthen berms along the border of the quarry would also help to obscure the visibility of the quarry during its operational life. As each new level is mined, the westernmost portion of that level would be last to be removed, keeping most activities relatively hidden from view. All other project activities such as crushing, screening, loading, maintenance of equipment, etc. would be minimally noticeable visibly to only the few travelers of Santa Fe Avenue. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

[1] San Bernardino County. Policy Plan web maps. NR-3 “Scenic Routes and Highways.” Accessed August 2, 2024.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The mine may operate up to 24 hours per day and 7 days per week to maintain project schedules. Typical operation, however, is expected to be 6 days per week and 16 hours per day. Blasting would be restricted to daylight hours, Monday to Friday. In the event lighting is needed, the operator shall comply with the requirements outlined in the San Bernardino County Development Code, Section 83.07.040(a) Glare and Outdoor Lighting – Mountain and Desert Regions, permitted lighting for new construction, unless exempt. The purpose is to preclude light pollution or light trespass on an abutting residential land use zoning district, a residential parcel, or public right-of-way. Proposed light sources are anticipated to be local in nature and would not impact the region's overall light environment. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
II.	**AGRICULTURE AND FORESTRY RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

SUBSTANTIATION: *(Check ☐ if project is located in the Important Farmlands Overlay):*

Countywide Policy Plan*; *San Bernardino Countywide Policy Plan web maps

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity.[2] The nearest farmland to the Project Site occurs approximately 4.2 miles southeast of the property.[3] The Proposed Project would not convert farmland to non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Project Site is not under or adjacent to any lands under a Williamson Contract.[4] It has a current zoning of Resource Conservation. The Proposed Project would be consistent with the Countywide Policy Plan and would not conflict with existing zoning for agricultural uses or a Williamson Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code

[2] San Bernardino County. Policy Plan web maps. NR-5 “Agricultural Resources.” Accessed August 26, 2024.
[3] San Bernardino County. Policy Plan web maps. NR-5 “Agricultural Resources.” Accessed August 26, 2024.
[4] San Bernardino County Assessor. “Parcels Under Open Space Contract Report.” Accessed August 26, 2024.

section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Project Site is currently zoned Resource Conservation. Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for timberland production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The Project Site does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The Project Site contains no agricultural resources or farmland that would be converted as a result of the Proposed Project. The Project Site is currently zoned Resource Conservation; it is not zoned for agriculture or considered farmland. Therefore, no impacts involving other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agriculture use would occur. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

No impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
III.	**AIR QUALITY -** Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an	☐	☒	☐	☐

	applicable federal or state ambient air quality standard?				
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

SUBSTANTIATION: *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

San Bernardino Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan; Lilburn Corporation, Air Quality Assessment for Lynx Cat Mountain Quarry CUP and Revision to the Mine and Reclamation Plan, November 2024

a) Conflict with or obstruct implementation of the applicable air quality plan?

The total area of the proposed Revised Plan will be approximately 241.7 acres, an increase of about 193.5 acres from the approved 48.2 acres. The Revised Plan incorporates the existing 48.2 acres of permitted quarry with an additional 33.5 acres directly north and 160 acres to the west into the overall Mine and Reclamation Plan area and boundary. The proposed Revised Plan will expand rock and aggregate reserves up to approximately 140 MT and will include an additional 80 acres to crush, screen, process, and store the large volumes of ballast rock, rip rap, and construction aggregates needed the anticipated long-term demand for materials in the High Desert and Southern California over the next 50 years. The reclaimed end use of the site would be open space. The Countywide Policy Plan Land Use Category (LUC) designation is Resources Land Management (RLM) with a zoning of Resource Conservation – RC. Mining is an allowable use on BLM-managed lands with BLM approval of a Plan of Operations, and County approval of a reclamation plan.

The Project Site is within the Mojave Desert Air Basin (MDAB) and under the jurisdiction of the MDAQMD. The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. Since no change in land use type is proposed, the Proposed Project would not conflict with or obstruct implementation of the plan. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

An Air Quality Assessment report was prepared for the Proposed Project by Lilburn Corporation in November 2024 (see Appendix B). Air quality analyses for the Proposed Project have been conducted in accordance with the CEQA and Federal Conformity

Guidelines (MDAQMD 2020) and the South Coast Air Quality Management District (SCAQMD) Air Quality Handbook with revisions through 2024.

The existing approved mining and processing operations provide rock and construction aggregate to markets in the upper Mojave Desert area. Three (3) million tons of material is permitted to be loaded by excavators and loaders either directly onto street legal 25-ton haul trucks for export to various construction projects (approximately 1.5 million tons per year (mtpy)) and/or transported to the on-site processing plants (approximately 1.5 mtpy).

The Proposed Project is being proposed to also provide ballast and rock for projects planned in the High Desert. In conjunction with these projects, a rail loop load-out project is being proposed approximately two miles to the south of the Lynx Cat Mountain Quarry. As discussed above, once the nearby rail loading facility is approved and constructed, off-road 65-ton haul trucks would transport the rock and aggregate material from the quarry to this new rail loop loading facility which would be connected to the main line of the BNSF Railway for rail shipment to the various projects across the southwestern U.S. This facility is part of a separate CUP under review by the County. As a condition of approval, production shall be limited to the existing permitted amount of 3.0 MT per year until the rail loadout facility is permitted.

Operational Assumptions for Air Quality Assessment

Same operational hours assumed:
Mining and processing; up to 300 days/year and 16 hours/day; shipping up to 24 hours/day, 7 days/week. All mining and shipping estimates below are based on 300 days/year and up to 16 hours/day.

Existing Mining and Shipping: 3.0 million tons per year (mtpy)

- 3 mtpy mined; 250,000 tons/month; 10,000 tons/day.
- Approximately 1.5 mtpy processed through plant and 1.5 mtpy shipped directly off-site.
- 25-ton street-legal haul trucks: 120,000 trucks/year; 400 trucks/day; 25 trucks/hour.
- On-site: 400 trucks x 0.5 miles round trip (RT) = 200 miles/day.
- Off-site: 400 trucks x 60 miles RT = 24,000 mi/day.

Proposed Mining and Shipping: 4.0 mtpy

- 4 mtpy mined; 333,335 tons/month; 13,335 tons/day.
- Approximately 2 mtpy processed through plant and trucked off-site by 25-ton haul trucks for a 60-mile one way trip estimate.80,000 25-ton trucks/year; 267 trucks/day; 17 trucks/hour.
- On-site trucks: 267 trucks x 0.5 miles RT = 134 mi/day
- Off-site: 267 trucks x 60 miles RT = 16,020 mi/day
- **Decrease of 133 trucks/day and 8,000 miles/day.**

- **NEW**: Assume 2 mtpy to be trucked by 65-ton haul trucks directly to rail loop loadout (4.5 miles RT). 30,770 trucks/year; 103 trucks/day; 10 trucks/hour. 103 trucks/day x 4.5 miles RT = 464 mi/day.

For the existing project, onsite processing, mobile criteria, and dust emissions were screened using CALEEMOD App. G, Version 2022, 1.1.3, Table G-13, Off-Road Equipment Emissions Factors; the MDAQMD Emissions Inventory Guidance; SCAQMD "Air Quality Handbook"; Emission Factors for On-Road Heavy-Heavy Duty Diesel Trucks (EMFAC2021(v1.0.2) CARB website (October 2024); AP-42 Chapters 11.19 and 13.2.2; and SCAQMD Particulate Matter Emission Factors.

Operational emissions were analyzed with the following assumptions:

- All mobile equipment will meet Tier 4 Final diesel emission standards.
- Annual emissions were estimated based on 300 working days per calendar year.
- Mining equipment and the process plant would operate approximately as estimated in Table 1 subject to change on occasion due to construction demand.
- Off-road 65-ton capacity haul trucks will transport material to the rail loadout 16 hours/day - 103 trips per day.
- Existing on-road 25-ton haul truck trips average 400 trips per operating day for existing conditions; with material proposed to be trucked to the rail loadout, these truck trips decrease to approximately 267 trips/day with the proposed project.
- MDAQMD process plant dust control requirements and Rule 403.1 for fugitive dust control measures are included in the emissions' estimates.
- Air and dust control measures required by MDAQMD and County conditions of approval are incorporated.

The estimated change in air pollutant emissions compared to existing and the proposed projects and their significance as compared to the thresholds above are summarized in Table 2. As shown, the net increase in air emissions from the Proposed Project are less than the annual thresholds of significance. With implementation of the MDAQMD rules, California Air Resources Board's (CARB) Off-Road Diesel Vehicle regulations, and existing Conditions of Approval listed below, air quality impacts are expected to be less than significant.

Table 2
Lynx Cat Mountain Quarry
Estimated Air Pollutant Emissions and Significance (Existing vs. Proposed)
Tons/Year

	ROG		NO_x		CO		PM_{10}		$PM_{2.5}$	
Equipment / Plant	**Exist.**	**Prop.**	**Exist.**	**Prop.**	**Exist.**	**Prop.**	**Exist.**	**Prop.**	**Exist.**	**Prop.**
Site Equipment & Off-Road Trucks Exhaust including trucks to rail loadout	0.33	0.54	1.46	2.35	14.59	23.50	0.12	0.17	0.11	0.16
Processing Plant	---	---	---	---	---	---	2.29	2.95	0.69	0.88
Trucks, Vendors & Employees' Vehicles on-site dust	---	---	---	---	---	---	0.01[1] 5.3[2]	0.01[1] 5.8[2]	0.01[1] 1.1[2]	0.01[1] 1.2[2]
Drilling & Blasting			10.2	13.6	40.2	53.6	2.67	3.56	0.55	0.73
Fugitive Dust (loading, un-loading, & stockpiles)	---	---	---	---	---	---	0.24	0.22	0.050	0.045
On-Road trucks, Vendors, & Employees Exhaust (on and off-site)	0.22	0.22	13.24	9.07	1.58	1.70	0.29	0.21	0.26	0.19
Emissions Totals	**0.55**	**0.76**	**24.9**	**25.0**	**56.4**	**78.8**	**10.92**	**12.92**	**2.77**	**3.22**
Change in Emissions	**+0.21**		**+0.1**		**+22.4**		**+2.0**		**+0.45**	
MDAQMD CEQA Thresholds (Tons/year)	25		25		100		15		15	
Significant	**No**		**No**		**No**		**No**		**No**	

Scenario Year for Emissions: Existing Permitted (2024) & Proposed (2025 and thereafter) depending on demand.
Emission Sources: EMFAC2021(v1.0.2) CARB website (October 2024) for off-road equipment including off-road trucks; SCAQMD Emission Factors for on-road mobile vehicles; Particulate Matter Emission Factors SCAQMD, July 2010); and AP-42 Section 13.2.2 EPA, November 2006)

Notes/Assumptions:
Mining: Existing - 3 mtpy; Proposed - 4 mtpy.
Processing: Existing – 1.5 mtpy; Proposed – 2 mtpy.
Trucking: Existing – 3 mtpy by 25-ton street legal trucks; Proposed – 2 mtpy by 25-ton street legal trucks and 2mtpy by 65-ton off-highway trucks to rail loadout.
Operations based on 300 days/year with trucking up to 7 days week based on demand.
[1] Exhaust emissions
[2] Road dust emissions.
Dust related PM2.5 = 0.208 of PM10 (CEIDARS List).

The following existing County approved conditions of approval and mitigation measures (AP20170004 - Conditions of Approval) are currently required to be implemented by Lynx Cat Mountain Quarry Operations. **Additional or updated measures in bold have been incorporated into these conditions.**

25. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. ***The operator shall obtain permits to construct and annually renew permits to operate the process plant, ready mix and asphalt facilities, and generators from the MDAQMD and be in compliance with such permits.*** *To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures.*

26. Wind. The Project proponent shall ensure that all disturbance activities are suspended when winds exceed 25 miles per hour; however, measures to mitigate fugitive dust shall be maintained at all times.

27. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks ***and equipment****, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.*

55. AQ-1 Exhaust Emissions. The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. Production shall be scheduled to minimize daily equipment operations. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions. ***Trucks in loading queues will have their engines turned off when not in use for more than 5 minutes to reduce idling and vehicle emissions in compliance with Title 13, California Code of Regulations, Section 2485 (Anti-Idling Policy).***

56. AQ-2: Vehicle Maintenance. The mine operator shall ensure that all equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

57. AQ-3: Fuel Sources. The mine operator shall ensure use on-site mobile equipment powered by alternative fuel sources (i.e., methanol, ***bio-diesel****, natural gas, propane, or butane) as feasible.*

58. AQ-4 Dust Control Measures. The mine operator shall ensure that periodic watering for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions occurs. For purposes of this requirement, use of a water truck to maintain moist

disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance. ***Additional measures shall include:***

- ***Roads shall be treated with EPA approved dust suppressants to prevent dust as needed.***
- ***Speed limits on unpaved roads shall be 25 mph.***
- ***All loaded trucks leaving from the site onto public roads shall be properly trimmed with a 6-inch freeboard height and/or covered and sprayed with water so as to minimize dust and prevent spillage onto a public roadway per California Vehicle Code 23114.***

59. AQ-5: Track out. The mine operator shall take actions sufficient to prevent project-related track out onto paved surfaces and cover loaded haul vehicles while operating on publicly maintained paved surfaces.

60. AQ-6: Graded Surfaces. The mine operator shall stabilize graded site surfaces upon completion of earth moving activity when subsequent earth moving activity is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.

61. AQ-7: Cleanup. The mine operator shall clean-up project-related track-out or spills on publicly maintained paved surfaces within 24 hours of notification of track-out occurrences.

62. AQ-8: Earthmoving Activity. The mine operator shall reduce nonessential earth-moving activity under high wind conditions. For purposes of this requirement, a reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.

Compliance with MDAQMD Regulation and Rules

During on-going mining activities, the mine operator is required to comply with all applicable MDAQMD rules and regulations as the MDAB is in non-attainment status for ozone and suspended particulates (PM_{10} and $PM_{2.5}$ (state)). The Proposed Project shall comply with Regulation II which requires the Applicant to obtain and implement conditions for a Permit to Construct and a Permit to Operate the proposed crushing/screening plant and power generator. To limit dust production, the mine operator shall comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACM) for each fugitive dust source. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_X and PM_{10} levels in the area. The mine operator shall implement the following conditions as required by MDAQMD:

1. All equipment used for mining shall be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks to minimize exhaust emissions from truck idling.

3. The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

4. The aggregate crusher shall obtain authority to construct and annually renew permits to operate from the MDAQMD and be in compliance with such permits.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Diesel Reduction Plan. These measures would be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact with Mitigation

c) Expose sensitive receptors to substantial pollutant concentrations?

The Proposed Project is located in the desert region within a remote area of San Bernardino County with no residences or recreational areas in the immediate vicinity. No residential uses, schools, hospitals, or public facilities are located anywhere near the site. The nearest residence is located approximately 3 miles easterly of the site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The generation of objectionable odors is typically not associated with mining operations. Moreover, there are no sensitive receptors in the immediate vicinity. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

Therefore, less than significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
IV.	**BIOLOGICAL RESOURCES -** Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☒	☐

SUBSTANTIATION: *(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☒):*

Countywide Policy Plan Draft EIR*; *Hernandez Environmental Services, General Biological Assessment for Assessor's Parcel Number 0496-011-75, February 2024; Hernandez Environmental Services, General Biological Assessment for Assessor's

Parcel Number 0496-011-76, February 2024; Hernandez Environmental Services, General Biological Assessment for Expansion Area 3 Assessor's Parcel Number 0496-011-76, September 2024;

a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

A General Biological Assessment report was prepared for each of the expansion areas (refer to Figure 3 above) by Hernandez Environmental Services (February 2024 and September 2024 (see Appendices C1, C2, and C3).

Expansion Areas 1 and 2

Nesting Birds

Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act. Additionally, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests. The Project Site contains shrubs that can be utilized by nesting birds and raptors during the nesting bird season of February 1 through September 15. Mitigation Measure BIO-1 shall address potential impacts to nesting birds.

Sensitive Biological Resources

According to the California Natural Diversity Data Base (CNDDB) and the California Native Plant Society (CNPS), a total of 16 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of the expansion areas. These include those species listed or candidates for listing by the U. S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and CNPS.

Sensitive Plant Resources:

Based on the biological surveys, three special status plant species as described below have a potential to occur on-site:

- Chaparral sand-verbena (*Abronia villosa var. aurita*) is ranked 1B.1 in the CNPS Rare Plant Inventory. No habitat for this species is present on the expansion areas. This species is not present.
- Lane Mountain milk-vetch (*Astragalus jaegerianus*) is a federally listed Endangered species and is ranked 1B.1 in the CNPS Rare Plant Inventory. The expansion areas are below the elevation range for this species. This species is not present.
- Parish's phacelia (*Phacelia parishii*) is ranked 1B.1 in the CNPS Rare Plant Inventory. No suitable habitat for this species is present on the expansion areas. This species is not present.

Sensitive Wildlife Resources:

According to CNDDB a total of four wildlife species listed as state and/or federal Threatened, Endangered, or Candidate species have a potential to occur on site. Below are descriptions of these species and other special status species found to have a potential to occur on site or determined to be "not present" based on the field surveys:

- Desert tortoise (*Gopherus agassizii*) is a federally and state-listed Threatened Species. Focused desert tortoise surveys were performed on the site in 2023. During the focused surveys, suitable desert tortoise burrows and desert tortoise signs were found in both Expansion Areas 1 and 2. A live desert tortoise was found in Expansion area 2. This species is present. Implementation of Mitigation Measure BIO-2 would address potential impacts to desert tortoise.
- Loggerhead shrike (*Lanius ludovicianus*) is a CDFW Species of Special Concern. There is suitable habitat present on site for this species. This species has the potential to occur on-site. Implementation of Mitigation Measure BIO-1 would ensure no significant impacts to loggerhead shrike occur.
- American badger (*Taxidea taxus*) is a CDFW Species of Special Concern. This species has the potential to be present. Implementation of Mitigation Measure BIO-3 would ensure no impacts to American Badger occur.
- Le Conte's thrasher (*Toxostoma lecontei*) is a CDFW Species of Special Concern. Suitable habitat occurs on-site. This species has the potential to be present. Implementation of Mitigation Measure BIO-1 would ensure no impacts to Le Conte's thrasher occur.
- Arroyo Toad (*Anaxyrus californicus*) is a federally listed Endangered Species and a CDFW Species of Special Concern. There is no habitat for this species on the expansion areas. This species is not present.
- Western Burrowing Owl (*Athene cunicularia*) (State candidate species): In October 2024, the burrowing owl was officially designated as a State Candidate Species under the California Endangered Species Act (CESA) by the California Fish and Game Commission. For the next 12-18 months, while the CDFW assesses whether this species should be officially listed at the State level, the burrowing owl has all of the same CESA protections as any other State listed species.

  No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys. No burrowing mammals were observed on-site. This species is not present.
- Western snowy plover (*Charadrius alexandrinus nivosus*) is federally listed Threatened Species and a CDFW Species of Special Concern. The expansion areas do not contain suitable habitat for this species. This species is not present.
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a federally listed Threatened and state listed Endangered Species. The expansion areas do not contain suitable habitat for this species. This species is not present.

- Yuma Ridgway's rail (*Rallus obsoletus yumanensis*) is a federal listed Endangered and state listed Threatened Species. The expansion areas do not contain suitable habitat for this species. This species is not present.
- Mohave tui chub (*Siphateles bicolor mohavensis*) is a federal and state listed Endangered Species. There is no habitat for this species on the expansion areas. This species is not present.
- Mohave ground squirrel (*Xerospermophilus mohavensis*) is a state listed Threatened species. The expansion areas do not provide suitable habitat for this species. This species is not present.

Expansion Area 3

Nesting Birds

Expansion Area 3 contains shrubs that can be utilized by nesting birds and raptors during the nesting bird season of February 1 through September 15. Mitigation Measure BIO-1 shall address potential impacts to nesting birds.

Sensitive Biological Resources

According to the CNDDB and the CNPS, a total of 5 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of the project area. According to CNDDB a total of 18 sensitive species of wildlife have the potential to occur on or within the vicinity of the project area.

Sensitive Plant Resources

White pygmy-poppy have the potential to occur on-site. There is suitable habitat present on Expansion Area 3. This species has the potential to be present. However, this species is not a federal or state listed species and is therefore not regulated under the federal or state Endangered Species Acts. Furthermore, white pygmy-poppy is not a BLM Sensitive species. The nearest recorded occurrence on CNDDB is over 15 miles from the site. This species is only listed as a 4.2 ranked species on the CNPS Rare Plant List. A California Rare Plant Rank of 4 is for species of limited distribution that do not meet the criteria of rare, threatened, or endangered under CEQA Guidelines §15380. The white bursage scrub habitat on-site that has the potential to support this species is not sensitive or rare. Therefore, potential impacts to this species with a Rare Plant Rank of 4 would not be considered substantial impacts under CEQA and no mitigation would be required.

Sensitive Wildlife Resources

The following sensitive wildlife species have a potential to occur on-site:

- Desert tortoise burrows and sign were found on-site during focused desert tortoise surveys performed in 2024. Implementation of Mitigation Measure BIO-2 would address potential impacts to desert tortoise.
- There is potential habitat for the Loggerhead shrike and Le Conte's thrasher on-site. These species have the potential to be present. Implementation of Mitigation Measure BIO-1 would ensure no impacts to loggerhead shrike and Le Conte's thrasher occur.

- American badger has the potential to occur on-site. Implementation of Mitigation Measure BIO-3 would ensure no impacts to American Badger occur.
- Mohave ground squirrel habitat include chenopod scrub, Joshua tree woodland, and Mojavean desert scrub. A focused survey would need to be performed by an approved biologist to determine the presence or absence of this species on-site. The proposed mine expansion may result in impacts to this species. Mitigation Measure BIO-4 shall address potential impacts to Mohave ground squirrel.

- No burrowing owl or burrowing owl sign were observed on site during the general biological survey or focused desert tortoise surveys. This species is not present.

Mitigation Measure BIO-1:

Prior to disturbing soil or vegetation between February 1 and September 15, a qualified biologist shall survey all shrubs within the Project Site for nesting birds including loggerhead shrike and Le Conte's thrasher. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the plant in which it occurs should be left in place until the birds leave the nest. If active nests are found during nesting bird surveys, they shall be flagged. A 250-foot buffer shall be marked around songbird nests, and a 500-foot buffer shall be marked around raptor nests.

Mitigation Measure BIO-2:

To establish appropriate avoidance and minimization measures and/or mitigation measures for desert tortoise, the mine operator or its qualified biologist shall consult with the BLM, USFWS, and the CDFW prior to commencing any ground disturbing activities in the project area. (Note that an Incidental Take Permit (ITP) application for desert tortoise and Mojave ground squirrel has been submitted to CDFW in January 2025 and the CDFW determined that the application was complete on February 25, 2025.)

Mitigation Measure BIO-3:

A biological monitor shall be present on-site during all initial ground disturbing activities to ensure no impacts to American badger occur. If American badger is found on-site, the biological monitor shall stop all work and allow the sensitive wildlife to leave the site.

Mitigation Measure BIO-4:

To establish appropriate avoidance and minimization measures and/or mitigation measures for Mohave ground squirrel focused surveys shall be performed by a qualified biologist in Expansion Area 3 during the appropriate season to determine presence or absence on-site. If this species is determined to be present on-site,

consultation shall be initiated with the CDFW prior to commencing any ground disturbing activities in the project area. Any impacts to Mohave ground squirrel would require a CESA 2081 ITP. (Note that an ITP application for desert tortoise and Mojave ground squirrel has been submitted to CDFW in January 2025 and the CDFW determined that the application was complete on February 25, 2025.)

Less than Significant with Mitigation

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Critical habitat is designated by USFWS for endangered and threatened species per the federal ESA (16 U.S.C. § 1533 (a)(3)), and to the extent prudent and determinable. Special management of critical habitat, including measures for water quality and quantity, host animals and plants, food availability, pollinators, sunlight, and specific soil types is required to ensure the long-term survival and recovery of the identified species. Critical habitat designation delineates all suitable habitat for the species. The Project Site is not located within federally designated critical habitat.

No drainage features with a definable bed, bank, and channel were found on-site. No hydrophytic vegetation or hydric soils occur on-site. The Project Site does not contain CDFW, United States Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB) jurisdictional waters. Furthermore, no wetlands or vernal pools occur on-site.

Therefore, no impacts are identified or anticipated, and no mitigation measures are required for criteria b and c.

No Impact

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No wildlife movement corridors were found to be present on the Project Site. There is vacant open desert to the north and west of the Project Site, and rocky mountains to the east. There are no topographic features on the site that would function as a wildlife corridor. The Project Site does not serve a function in local wildlife movement. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The San Bernardino County Development Code Section 88.01.060 provides regulations for the removal or harvesting of specified desert native plants to preserve and protect the plants and to provide for the conservation and wise use of desert resources. Per Section 88.01.060 of the San Bernardino County Development Code the following desert native plants or any part of them, except the fruit shall not be removed except under a Tree or Plant Removal Permit:

- The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
  - Dalea spinosa (smoke tree).
  - All species of the genus Prosopis (mesquites).
- All species of the family Agavaceae (century plants, nolinas, yuccas).
- Creosote Rings, ten feet or greater in diameter.
- All Joshua trees.
- Any part of any of the following species, whether living or dead:
  - Olneya tesota (desert ironwood).
  - All species of the genus Prosopis (mesquites).
  - All species of the genus Cercidium (palos verdes).

Section 88.01 requires the issuance of a permit prior to the removal of regulated trees and plants. No desert native plants regulated under Section 88.01.060 of the San Bernardino Development Code are present on the site. No conflicts with local policies or ordinances are expected. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

The Project Site is located within the Desert Renewable Energy Conservation Plan (DRECP). It is located within the BLM Superior-Cronese Area of Critical Environmental Concern (ACEC). However, the Project Site occurs within private lands and according to the DRECP BLM Land Use Plan Amendment (LUPA), “Nonfederal lands within the boundaries of BLM LUPA land use allocations are not affected by the LUPA” (LUPA-LANDS-4). The Project Site is not located within a Community Conservation Plan or Habitat Conservation Plan. Therefore, the Proposed Project would not be anticipated to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Less than significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated with the implementation of mitigation measures.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
V.	**CULTURAL RESOURCES** - Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those outside of formal cemeteries?	☐	☒	☐	☐

SUBSTANTIATION: (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review):

BCR Consulting, LLC, Cultural Resources Assessment, October 9, 2024

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

A Cultural Resources Assessment report, dated October 9, 2024, was prepared for the Proposed Project by BCR Consulting LLC (see Appendix D for report). A cultural resources record search, intensive-level pedestrian field survey, presence/absence test excavation for buried archaeological materials, and Native American Heritage Commission (NAHC) Sacred Lands File Search were conducted for the Proposed Project. The cultural resources records search revealed that six previous cultural resource studies have taken place, and 13 cultural resources have been identified within one mile of the Project Site. One of the previous studies has assessed a portion of the Project Site and no cultural resources have been previously identified within its boundaries. During the field survey, BCR Consulting archaeologists identified 11 cultural resources within the Project Site boundaries, including two historic-period archaeological sites.

BCR Consulting recommends that none of the resources identified during the research and field survey are eligible for the California Register of Historical Resources (California Register). As such, these resources are not recommended historical resources under CEQA. No additional analysis is recommended. However, the prehistoric and historic-period resources recorded during the study, in addition to the cultural resources

identified in the surrounding area during the records search, indicate sensitivity for buried cultural resources within the Project Site. Therefore, Mitigation Measure CR-1 shall be implemented to avoid potential significant impacts to cultural resources.

Mitigation Measure CR-1:

A qualified archaeological monitor shall be present during all initial earthmoving activities related to development of the Project Site. The monitor would work under the direct supervision of a cultural resources professional who meets the U.S. Secretary of the Interior's Professional Qualification Standards for archaeology (the Project Archaeologist). The monitor shall be empowered to temporarily halt or redirect construction work in the vicinity of any find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting would be required. After initial earthmoving is complete, the Project Archaeologist shall have the authority to diminish, eliminate, or expand archaeological monitoring as conditions and findings warrant.

Less than Significant with Mitigation

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Findings were negative during the Sacred Lands File search with the NAHC. During the field survey, BCR Consulting archaeologists identified 11 cultural resources within the Project Site boundaries, including three prehistoric archaeological sites and six isolated prehistoric artifacts. Isolated finds are not considered "historical resources" under CEQA and as such do not require further consideration. BCR Consulting recommends that none of the resources identified during the research and field survey are eligible for the California Register of Historical Resources (California Register). No additional analysis is recommended. However, the prehistoric and historic-period resources recorded during the study, in addition to the cultural resources identified in the surrounding area during the records search, indicate sensitivity for buried cultural resources within the Project Site. Mitigation Measure CR-1 identified above shall be implemented to avoid potential significant impacts to cultural resources.

Less than Significant with Mitigation

c) Disturb any human remains, including those outside of formal cemeteries?

Mining activities could potentially disturb human remains outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during implementation of the Proposed Project. Therefore, Mitigation Measure CR-2, defined below, shall be implemented to ensure that less than significant impacts regarding human remains occur.

Mitigation Measure CR-2:

Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present

(suggested 100-ft radius area around the remains and project personnel shall be excluded from the area and no photographs shall be permitted), and the County of San Bernardino Coroner shall be notified. San Bernardino County and the Project Proponent shall also be informed of the discovery. The Coroner shall determine if the bones are historic/archaeological or a modern legal case. The Coroner shall immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

With implementation of Mitigation Measure CR-2, the Proposed Project would not have a significant impact on human remains.

Less than Significant with Mitigation

Therefore, less than significant adverse impacts are identified or anticipated with the implementation of mitigation measures.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VI.	**ENERGY** – Would the project:				
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

SUBSTANTIATION: ***Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan***

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Mining operations and reclamation activities would be limited to consumption of fuel. No natural gas or electricity would be used.

Energy consumption is dependent on the type of vehicles used, number of vehicle trips, vehicle miles traveled, fuel efficiency of vehicles and generators, and travel mode. Temporary transportation fuel use such as gasoline and diesel during mining operations would result from the use of delivery vehicles and trucks, equipment, and employee vehicles. Additionally, most equipment during grading would be powered by diesel. Table 3 shows the modeled fuel consumption for all mining activities. Based on output from the annual production, the Lynx Cat Quarry activities would consume an estimated 964,897 gallons of diesel fuel per year for operation of heavy-duty equipment.

Table 3
Equipment Fuel Consumption Estimates

Number of Days	Offroad Equipment Type	Amount	Total Fuel Consumption (gal Diesel fuel)
300	Loader CAT 980	3	161,661
300	Loader CAT 988	1	30,737
300	Excavator	3	179,326
300	Off-road trucks	3	323,973
300	Dozer	1	24,676
300	Grader	1	9,292
300	Water Pull or truck	1	17,851
300	1000kW Gen Sets	2	150,790
300	25kW Gen Set	1	4,699
300	Atlas T-45 Drill Rig	2	61,893
	Totals	---	**964,897**

(1) United States Environmental Protection Agency. 2018. Exhaust and Crankcase Emission Factors for Nonroad Compression-Ignition Engines in MOVES2014b. July 2018. Available at: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100UXEN.pdf.
(2) Federal Highway Administration. Highway Statistics 2018, Table VM-1. Accessed 1/30/23 at fhwa.dot.gov/policy information/statistics/2018/pdf/vm1.pdf: Worksheet available at afdc.energy.gov/data. Last updated 02/11/2020
(3) CAT Performance Handbook Edition 48, June 2018.
(4) CalEEMod Load Factors Appendix D January 2023.

As stated previously in Section III, production shall be scheduled to minimize daily equipment operations. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use for more than 5 minutes to reduce idling and vehicle emissions in compliance with Title 13, California Code of Regulations, Section 2485 (Anti-Idling Policy). In addition, the mine operator shall ensure use of on-site mobile equipment powered by alternative fuel sources (i.e., methanol, **bio-diesel**, natural gas, propane, or butane) as feasible. All fuel would be provided locally. Therefore, the Proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As stated previously, the Lynx Cat Quarry activities would consume an estimated 964,897 gallons of diesel fuel for operation of heavy-duty equipment. In comparison, the California reported sale of diesel fuel was about 2,016 million gallons in 2023 with a state-wide total of taxable diesel fuel usage of 2,982 million gallons.[5] The Proposed Project's demand for diesel fuel would not be significant. In addition, the Proposed Project would not be connecting to electric power or natural gas lines and would therefore not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Less than significant impacts are anticipated, and no mitigation measures are recommended.

Less Than Significant Impact

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

[5] California Energy Commission. California Retail Fuel Outlet Annual Reporting. Accessed November 14, 2024.

c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

SUBSTANTIATION: *(Check ☐ if project is located in the Geologic Hazards Overlay District):*

Countywide Policy Plan; Submitted Project Materials; CHJ Consultants, Slope Stability Investigation Report, June 30, 2014; Terracon, 2024 Update to Slope Stability Study, October 9, 2024; revised March 14, 2025.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42

ii) Strong seismic ground shaking?

A Slope Stability Investigation Report (geologic report), dated June 30, 2014, was prepared for the Lynx Cat Mountain Quarry by CHJ Consultants (see Appendix E1 for report). Updates to the Slope Stability Study Report, dated October 9, 2024 and March 14, 2025, were prepared for the Proposed Project by Terracon (see Appendix E2 for report). These reports are summarized herein. The Lenwood-Lockhart fault is located approximately 4 miles northwest of the site. The Black Mountain fault of the Harper fault zone is located approximately 6 miles northeast of the site. The Helendale-Lockhart fault is located approximately 12 miles southwest of the site. These faults are part of the Eastern California shear zone system, which produced surface rupture during the magnitude 7.3 Landers earthquake in June 1992. The magnitude 7.1 Hector Mine earthquake in October 1999 produced surface rupture along the Lavic Lake, Pisgah-

Bullion and Mesquite Lake faults. Surface rupture was produced by a magnitude 5.2 earthquake along the Galway Lake fault in May 1975. Active faults were not identified within the mine area during CHJ Consultant's review of published and unpublished literature and maps, examination of aerial photographs or field mapping. Accordingly, surface fault rupture in the quarry area is not anticipated. The closest fault to the site, the Lenwood-Lockhart fault, is assigned a characteristic magnitude of 7.5.

Moderate to severe seismic shaking of the site can be expected to occur during the lifetime of the proposed mining and reclamation. The final quarry walls would remain stable both statically and dynamically pursuant to the Recommendations section of Terracon's 2025 report. These recommendations are incorporated in the project design by reference and include the following measures to be included as conditions of approval:

- Current COA #35. Slope monitoring. Slope monitoring and geological mapping shall be implemented to ensure that unnecessary hazards are not created with the active or final reclaimed slopes.
- Based on ongoing exaction and slope, individual bench face angles and widths shall be adjusted locally, if necessary, to accommodate the geologic structure exposed in future rock excavations and to produce stable working and final slope configurations
- Inclusion of safety benches (minimum width of 15 feet) and access ramps in the overall slope profiles as designed; and
- Scaling of loose or dislodged blocks from bench face cuts should be performed as necessary at any working level to reduce raveling or rockfall;

Should any final quarry slopes fail to attain the minimum factor of safety standards, the operator would implement such measures necessary to bring the slopes into compliance. No fill slopes or waste/tailings stockpiles would remain subsequent to reclamation. As such, less than significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

iii) Seismic-related ground failure, including liquefaction?

As stated previously, moderate to severe seismic shaking of the site can be expected to occur during the lifetime of the proposed mining and reclamation. Based on the presence of non-liquefiable bedrock, the potential for liquefaction and other shallow groundwater-related hazards at the site is considered to be very low.[6] Therefore, less than significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

iv) Landslides?

[6] CHJ Consultants. Slope Stability Investigation Lynx Cat Mountain Quarry. June 30, 2014.

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site is neither located in an area with mapped, existing landslides.[7] Furthermore, given that the Project Site is located in a relatively flat area, the risk of landslides is considered low. The final quarry walls would remain stable both statically and dynamically pursuant to the Recommendations section of the Terracon's Report. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

b) Result in substantial soil erosion or the loss of topsoil?

The Lynx Cat Mountain Quarry has been designed to provide for the complete collection and retention of any on-site water flows. The quarry has an approved Notice of Non-Applicability (NONA) General Permit To Discharge Storm Water (WQ Order No. 2014-0057-DWQ) issued by the State Water Resources Board that exempts the mine from Stormwater Pollution Prevention Plans (SWPPP) requirements. Additionally, the expanded quarry footprint area would have 3 to 4-foot-high earthen berms constructed along the outside perimeter of the entire site that would serve as a windbreak and containment barrier to prevent stormwater water from flowing into the site or discharging to off-site areas.

As quarry excavations progress, retention area(s) within the expanded quarry site would be graded and maintained to prevent water from discharging to off-site areas. No headward erosion from the quarry areas is anticipated due to the composition of the generally non-erodible gray granite material. Any erosion sediments would continue to be retained on-site and would not affect off-site properties. Occasional heavy rainfall is the only potential source of erosion and off-site sedimentation, and this occurrence has been anticipated and mitigated by the collection and containment of internal flows of all stormwater into the quarry. No discharge from the expanded footprint would occur once it becomes part of the quarry operation. Additionally, all other active project areas would continue to be graded and inspected monthly. Any rills and gullying would be repaired with compacted non-erodible rock materials to prevent erosion during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary would remain until evaporation and percolation have reduced the quantity of standing water on-site. Any accumulated sediments that may be deposited in the project retention area would be removed and utilized during reclamation activities.

Product stockpiles, quarry roads, and active quarry faces would continue to be periodically sprayed to reduce potential wind erosion. Any stockpiles or mined materials that may remain inactive for an extended period of time would be covered with coarse aggregate or planted with native vegetation to prevent wind/water erosion. Other potential project areas subject to wind/water erosion would receive the same treatment.

Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

[7]San Bernardino County. Policy Plan web maps. HZ-2 "Liquefaction and Landslide Hazards." Accessed August 27, 2024.

Less Than Significant Impact

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?*

As discussed above, the potential for liquefaction at the Project Site is very low. Moderate to severe seismic shaking of the site can be expected to occur during the lifetime of the proposed mining and reclamation. The final quarry walls would remain stable both statically and dynamically pursuant to the Recommendations section of the Terracon's report. The Project Site is neither located in an area with mapped, existing landslides[8] nor is it located in an area susceptible to landslides, as noted above. Although the Project Site's susceptibility to subsidence is unknown at this time, reclamation of the mine would be undertaken at the completion of mining operations. As the Project Site is not located in an area susceptible to liquefaction, the Proposed Project would not be susceptible to lateral spreading. Less than significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Expansive soils (shrink-swell) are fine-grained clay silts subject to swelling and contracting in relation to the amount of moisture present in the soil. The mine is located in a rocky hillside area mantled with and surrounded by aprons of unconsolidated alluvial and colluvial sediments, typical of the Mojave Desert province. The terrain in the mine area includes boulder outcrops and surface deposits/mantle of colluvium and alluvium. Bedrock types in the quarry area include Mesozoic-age quartz monzonite and quartz diorite (located off site to the east). The oldest rocks in the mine area consist of Mesozoic intrusive quartz monzonite while young colluvium and alluvium form a mantle on flatter slopes and low-lying areas of the site. One soil type occurs on the Project Site; The on-site soils are composed of Cajon sand (113), 2 to 9 percent slopes.[9] The Project Site does not contain expansive soil. In addition, no permanent structures are on or planned for the site. Therefore, less than significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Septic tanks and/or alternative wastewater supply systems do not exist at the mine site. Portable toilets are supplied for use by employees and are located on-site at the

[8] San Bernardino County. Policy Plan web maps. HZ-2 "Liquefaction and Landslide Hazards." Accessed August 27, 2024.
[9] United States Department of Agriculture. Web Soil Survey. Accessed November 14, 2024.

operations area. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Cultural Resources Assessment report includes a vertebrate paleontological resources overview. The geologic units underlying the Project Site are mapped as mixed-aged Pleistocene units, along with a portion of a Miocene-aged unit of biotite granite. Pleistocene units are considered to be highly paleontologically sensitive. Western Science Center does not have localities within the Project Site or within a 1 mile radius but does have localities within similarly mapped units in Southern California. Any fossil specimen from the Lynx Cat Mountain Quarry Expansion Project would be scientifically significant. Excavation activity associated with the development of the project area would impact the paleontologically sensitive Pleistocene alluvial units. Therefore, Mitigation Measure GEO-1 shall be implemented to ensure no significant impacts to paleontological resources occur.

Mitigation Measure GEO-1:

A paleontological resource mitigation program, with the mitigation monitoring procedures outlined below, shall be put in place to monitor, salvage, and curate any recovered fossils associated with the study area.

1. All mitigation programs should be performed by a qualified professional (project) paleontologist, defined as an individual with a master's or doctorate degree in paleontology or geology who has proven experience in San Bernardino County paleontology and who is knowledgeable in professional paleontological procedures and techniques. Fieldwork shall be conducted by a qualified paleontological monitor, defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor shall always work under the direction of a qualified paleontologist.
2. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources starting at three feet below the surface will be conducted in areas where grading, excavation, or drilling activities occur in undisturbed alluvium to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. Monitoring is not warranted in disturbed soils, such as artificial fill.
3. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface or, if they are present, are determined upon exposure and

examination by qualified paleontological personnel to have low potential to contain fossil resources.

4. In accordance with the "Microfossil Salvage" section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) shall be performed if the deposits are identified to possess indications of producing fossil "microvertebrates" to test the feasibility of the deposit to yield fossil bones and teeth.
5. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than preparation for accumulations of invertebrate fossils.
6. All fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution for fossils recovered within the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the Mine Operator.
7. Preparation of a final monitoring and mitigation report of findings and significance shall be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the County of San Bernardino), shall signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.

Implementation of Mitigation Measure GEO-1 would prevent potential impacts on significant paleontological resources or reduce such impacts to a level less than significant.

Less than Significant with Mitigation

Therefore, potential impacts can be reduced to a less than significant level with implementation of the Mitigation Measure above.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VIII.	**GREENHOUSE GAS EMISSIONS –** Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the	☐	☐	☒	☐

purpose of reducing the emissions of greenhouse gases?

SUBSTANTIATION:
Countywide Policy Plan; San Bernardino County Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011); Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the "lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use." Moreover, CEQA Guidelines section 15064.7(c) provides that "a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts" on the condition that "the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

In September 2011, San Bernardino County adopted the Greenhouse Gas Reduction Plan (GHGRP), which outlines a strategy to use energy more efficiently, harness renewable energy to power buildings, enhance access to sustainable transportation modes, and recycle waste. The 2015 update of the GHG Emissions Development Review Process updates the language the performance standard bringing it up to date with the then current code. In September 2021, the County adopted its GHGRP Update. Since the adoption of the County's GHGRP in 2011 and its update in 2015, the State has enacted new climate change regulations, most notably the Senate Bill (SB) 32, which provides statewide targets to reduce GHG emissions to 40 percent below 1990 levels by 2030. To ensure conformity with the latest State climate change regulations, the County has updated its 2011 and 2015 GHGRP. The 2021 GHGRP Update serves as a comprehensive roadmap to outline strategies that the County would implement to continue achieving its GHG emissions reductions into the year 2030 and beyond, thereby ensuring sustainable and healthy growth.

The 2021 GHGRP Update summarizes the County's historic and future GHG emissions, and the reduction targets the County has established; the local reduction strategies that would be implemented and benefit at the community level to meet the reduction targets; and the implementation of the measures, potential funding sources, and how the GHGRP Update would be monitored and updated over time.

However, specific requirements for mining projects to reduce emissions of GHGs have not been adopted and thus the Revised Plan would not conflict with the County's Greenhouse Gas Reduction Plan. GHG is inherently a cumulative issue, because no single project would be expected to result in a measurable change in global climate. The cumulative nature of GHG is considered by agencies in adopting significance

thresholds and adopted significance thresholds represents levels at which a project is considered cumulatively significant.

As a condition of approval, production shall be limited to the existing permitted amount of 3.0 MT per year until the rail loadout facility is permitted. The Proposed Project's increase in production will be conditional upon approval of the rail loadout facility. The Proposed Project's change in GHG emissions was compared to the existing project, the MDAQMD threshold of 100,000 tons/year and the screening threshold of 3,000 $MTCO_2e$ per year adopted by the County as potentially significant to global warming (see Appendix B). The change in the annual operational GHG emissions amount to a decrease of approximately 2,904 $MTCO_2e$ per year based on 300 days of operations per year. This is due to the reduction in the number of trips and milage traveled for the 25-ton street-legal haul trucks off-site due to the utilization of larger haul trucks shipping material to the nearby rail load-out facility (see Section III for breakdown of trips). The change in GHG would not exceed the MDAQMD's or the County's thresholds and no significant GHG impacts are expected.

Project-related GHG emissions from on-site equipment, power generators, and trucks are shown in Table 4. The CEQA threshold of 100,000 $MTCO_2e$ per year has been utilized by the MDAQMD as potentially significant to global warming. Utilizing this threshold, proposed operations of the mine project would likely decrease and therefore the change in GHG compared to existing conditions would be below the threshold. In addition, the GHG emissions generated from project activities are also less than the County's GHG Plan Screening Guidance Standard of 3,000 $MTCO_2e$.

In a broader sense, the Proposed Project is providing rock, ballast, and aggregate material to large-scale ongoing and future construction projects in the High Desert from a local source. Local-sourced material in conjunction with the utilization of an adjacent rail load-out facility, will substantially reduce truck trips, miles driven, fuel consumption, air pollutant and GHG emissions, and degradation of public roads. To the extent that a project reduces vehicle miles driven, GHG emissions, particularly CO2, may be reduced. GHG impacts for the operation of the proposed mine site is deemed to cause a less than significant impact to climate change.

Table 4
Lynx Cat Mountain Quarry
Greenhouse Gas Emissions
Operational Annual Emissions ($MTCO_2e$)

Source/Phase	**CO_2**		**CH_4**	
	Existing	**Proposed**	**Existing**	**Proposed**
Truck Trips	12,357	8,511	0.29	0.31
Onsite Equipment & Trucks	1,497	2,439	1.28	2.03
Total per Year	**13,854**	**10,950**	**1.57**	**2.34**
	Existing Total		**Proposed Total**	
Total $MTCO_2e$	**13,856**		**10,952**	
Change in GHG	**-2,904**			

MDAQMD Threshold	100,000
Significant	**No**
County's GHG Plan	3,000
Significant	**No**

The existing County condition of approval below will reduce GG emissions:

63. Green House Gas Monitoring and Mitigation. The mine operator shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:

a) Waste Stream Reduction. The mine operator shall provide to all project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.

b) Vehicle Trip Reduction. The mine operator shall provide to all project employees. County approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

c) Select construction equipment based on low-emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.

d) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The state and local regulatory programs for GHG emissions and climate change are described above. There are no existing GHG plans, policies, or regulations that have been adopted by CARB or MDAQMD that would apply to project emissions. If CARB does develop performance standards, these performance standards would be implemented and adhered to, and there would be no conflict with any applicable plan, policy, or regulation. Furthermore, as concluded above, the Proposed Project greenhouse gas emissions would be below MDQAMD thresholds and County's GHG Plan Screening Guidance Standard of 3,000 $MTCO_2e$. Therefore, impacts would be less than significant, and no mitigation would be required.

Less Than Significant Impact

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IX.	**HAZARDS AND HAZARDOUS MATERIALS –** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

SUBSTANTIATION:

EnviroStor Database; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Equipment and vehicle maintenance servicing may produce waste oils, lubricants and solvents. It is projected that maintenance of processing equipment would generally occur on-site during periods of maximum production and may require screen and jaw change-outs and replacements. When on-site maintenance does occur, all servicing of equipment would be performed consistent with San Bernardino County Department of Environmental Health Services and County Fire Department regulations for draining/collecting waste oils and other hazardous materials. All collected waste oils, lubricants and solvents shall be placed in covered containers and stored within secondary containment structures while on-site. These collected materials would continue to be transferred to a County-approved hazardous waste handler for proper disposal or to an approved re-use facility. Ordinary refuse would continue to be collected in standard 40-cubic-yard roll-off bins and disposed of at permitted landfills. The operator shall remove any soils that become chemically contaminated to a County-approved disposal site so as to preclude any chemical leaching into the local ground water supply over time. Other chemicals or hazardous materials are not proposed during normal operations at the Project Site, and no flotation, amalgamation, smelting, leaching or other processes would occur throughout the life of the Proposed Project. No on-site storage of explosives would occur throughout the life of the project. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Mine Operator maintains a business plan and spill prevention control and counter measure plan (SPCC) with Best Management Practices (BMPs) to ensure that on-site materials are stored appropriately and contained in the event uncontrolled release. The SPCC procedures would be adhered to and any releases would be reported to the County as required, based on the nature and extent of the release. Fuel storage specifications apply to all above ground fuel containers. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No existing school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site.[10] Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

[10] San Bernardino County. Policy Plan web maps. HW-1 “Education Facilities.” Accessed August 30, 2024.

No Impact

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project Site was not found on the list of hazardous materials sites complied pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system.[11] EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. The nearest cleanup site is inactive and located approximately 1.4 miles southeast of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The nearest airport to the Project Site is Barstow-Daggett Airport, located approximately 25 miles southeast. The Project Site is not located within an Airport Runway Protection Zone or Airport Noise Contours. However, the Project Site is located within the low-altitude/high speed military airspace (Airport Safety Review Area 4 [AR4]). An Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The quarry is located 5 miles north of SR-58, which is an evacuation route.[12] Approximately half of the quarry's annual material produced would be delivered via the new proposed rail load out facility (under a separate CUP). The Proposed Project would therefore minimize traffic congestion on the I-15 and SR-58. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

[11]California Department of Toxic Substances Control. EnviroStor. Accessed August 30, 2024.
[12] San Bernardino County Policy Plan web maps. PP-2 "Evacuation Routes." Accessed August 30, 2024.

The Project Site is not located within a High or Very High Fire Hazard Severity Zone.[13] Therefore, the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
X.	**HYDROLOGY AND WATER QUALITY -** Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;	☐	☐	☒	☐
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	☐	☐	☒	☐
	iv. impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐

[13] San Bernardino County. Policy Plan web maps. HZ-5 "Fire Hazard Severity Zones." Accessed August 30, 2024.

e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

SUBSTANTIATION:

Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan; Merrell Johnson Companies, Hydrology Study for Lynx Cat Mountain Quarry Operations, LLC, October 25, 2024; and Greg Hamer, P.G. 3878, C.Hg. 634, C.E.G. 1211, Sr. Geohydrologist; Lynx Cat Quarry Replacement Well Evaluation, January 2024.

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Lynx Cat Mountain Quarry has been designed to provide for the complete collection and retention of any on-site water flows. The quarry has an approved Notice of Non-Applicability (NONA) General Permit To Discharge Storm Water (WQ Order No. 2014-0057-DWQ) issued by the State Water Resources Board that exempts the mine from SWPPP requirements.

The site lies within the Harper Valley Groundwater Basin of the South Lahontan Hydrologic Region. The Harper Valley Groundwater Basin is a 640-square-mile basin drained by numerous ephemeral streams towards Harper (dry) Lake. Quaternary lacustrine and alluvial deposits, including unconsolidated younger alluvial fan material and unconsolidated to semi-consolidated older alluvium, can be water-bearing within the basin.

Water is supplied by the drilled well for on-site dust suppression. Groundwater-level measurements in the on-site well indicate groundwater elevation rises to a depth of between 200 – 820 feet bgs with a very low water yield of 5-30 gpm. The current well was drilled to a depth of 1,040 feet bgs. It is expected that the lowest mine elevation proposed of approximately 500 feet bgs at the end of 50 years of mining would still be well above the existing groundwater level. The quarry is situated in solid granite formation that extends well above a very deep regional aquifer. The quantity of water produced from the low flow on-site well would not permanently affect the quantity, quality, or depth of groundwater in the region.

The proposed operation would not introduce any toxic substances, contaminates, or degrade the quality of groundwater in any other way. The site is also not within, or upstream of, any State or County constructed ground water recharge area. There are no stream gauging stations within the site nor are any proposed.

The area does experience periodic heavy showers, occasionally subjecting the region to flash flooding. There are no large areas that drain into the site; water flows that occur on-site generally are from precipitation that falls directly onto the site. Throughout the proposed mining project, the only alteration of drainage patterns would be the maintenance of site- terminating flows. This would continue to result in complete

retention of erosion sediments on the site. Water flows would continue to be directed into depressions (or low spots) within the working quarry area. Further, the 3 to 4-foot-high earthen berm constructed along the outside perimeter of the quarry would serve not only as a windbreak and barrier from intrusion but also as containment to prevent stormwater flows into or out of the quarry and processing areas. By retaining flows on-site, adverse effects to adjacent properties would continue to be insignificant.

Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Water is supplied by the drilled well for on-site dust suppression. Groundwater-level measurements in the on-site well indicate groundwater elevation rises to a depth of between 200 – 820 feet bgs with a very low water yield of 5-30 gallons per minute. The current well was drilled to a depth of 1,040 feet bgs. It is expected that the lowest mine elevation proposed of approximately 500 feet bgs at the end of 50 years of mining would still be well above the existing groundwater level. The quarry is situated in solid granite formation that extends well above a very deep regional aquifer. The quantity of water produced from the low flow on-site well would not permanently affect the quantity, quality, or depth of groundwater in the region.

The site lies within the Harper Valley Groundwater Basin of the South Lahontan Hydrologic Region. The basin has a total storage capacity of approximately 7,000,000 acre-feet, and natural recharge is estimated at approximately 13,600 acre-feet per year.

The proposed operation would not introduce any toxic substances, contaminates, or degrade the quality of groundwater in any other way. The site is also not within, or upstream of, any State or County constructed ground water recharge area. There are no stream gauging stations within the site nor are any proposed. Therefore, the Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would**:***

i) Result in substantial erosion or siltation on- or off-site;

As quarry excavations progress, retention area(s) within the expanded quarry site would be expanded and maintained to prevent water from discharging to off-site areas. All drainage across the site from west to east would drain in the direction of the quarry to be collected for re-use as feasible.

No headward erosion from the quarry areas is anticipated due to the composition of the generally non-erodible gray granite material. Any erosion sediments would continue to be retained on-site and would not affect off-site properties. Occasional heavy rainfall is the only potential source of erosion and off-site sedimentation, and this occurrence has been anticipated and addressed by the internal flows of all stormwater into the quarry. No discharge from the expanded footprint would occur once it becomes part of the quarry operation. Additionally, all other active project areas would continue to be graded and inspected monthly. Any rills and gullying would be repaired with compacted non-erodible rock materials to prevent erosion during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary would remain until evaporation and percolation have reduced the quantity of standing water on-site. Any accumulated sediments that may be deposited in the project retention area would be removed and utilized during reclamation activities.

Product stockpiles, quarry roads, and active quarry faces would continue to be periodically sprayed to reduce potential wind erosion. Any stockpiles or mined materials that may remain inactive for an extended period of time would be covered with coarse aggregate or planted with native vegetation to prevent wind/water erosion. Other potential project areas subject to wind/water erosion would receive the same treatment.

Erosion occurring within the quarry area during and after reclamation would be limited by the non-erosional aspect of the granite rock. Any water retained within the quarry would not impact local roads or adjacent properties due to the lack of discharge from the Project Site.

Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or

iv) Impede or redirect flood flows?

A Hydrology Study, dated October 25, 2024, was prepared for the Lynx Cat Mountain Quarry by Merrel Johnson Companies (see Appendix F). There is evidence of minor runoff in the form of sheet flows across the Project Site, and evidence of scour within the tributary area from larger storm events that generally follows the existing swales. Under proposed conditions, the drainage flows would be captured as they enter the Project Site along the project boundaries. This storm runoff would flow into the excavated quarry and is captured for infiltration. Excess runoff is recycled and used in the crushing process and for on-site dust control. The locations of mining equipment within the quarry are situated to allow separation from storm water storage areas. It's anticipated that captured storm water runoff would not leave the Project Site.

The flow spreads at the blue line stream which crosses the southern project boundary due to the existing terrain. A drainage levee would be constructed along the western, downstream side of this flow path to direct runoff flows into the quarry area. This runoff would be used in the mining and dust control processes.

Throughout the proposed mining project, the only alteration of drainage patterns would be the maintenance of site-terminating flows. This would continue to result in complete retention of erosion sediments on the site. Water flows would continue to be directed into depressions (or low spots) within the working quarry area. Further, the 3 to 4-foot-high earthen berm constructed along the outside perimeter of the quarry would serve not only as a windbreak and barrier from intrusion but also as containment to prevent stormwater flows into or out of the quarry and processing areas. By retaining flows on-site, adverse effects to adjacent properties would be insignificant.

The Project Site is not located within a recognized floodway or 100-year floodplain but is occasionally subject to flash flooding. The project design to retain rainfall within the quarry would lessen any potential impacts of flash flooding. The Proposed Project activities would not intensify flooding effects on surrounding property as the quarry is designed to collect and retail stormwater within the site. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. Additionally, the site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone nor a 500-year FEMA flood zone.[14] A portion of the Project Site does lie within a Department of Water Resources 100-year flood awareness.[15] As stated previously, water flows would continue to be directed into depressions (or low spots) within the working quarry area. Further, the 3 to 4-foot-high earthen berm constructed along the outside perimeter of the quarry would serve not only as a windbreak and barrier from intrusion but also as containment to prevent stormwater flows into or out of the quarry and processing areas. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are anticipated and no mitigation measures are required.

[14] San Bernardino County. Policy Plan web maps. HZ-4 “Flood Hazards” web map. Accessed September 4, 2024.
[15] San Bernardino County. Policy Plan web maps. HZ-4 “Flood Hazards” web map. Accessed September 4, 2024

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XI.	**LAND USE AND PLANNING** - Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

SUBSTANTIATION:

Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) Physically divide an established community?

The total area of the Revised Plan will be approximately 241.7 acres, an increase of about 193.5 acres from the approved 48.2 acres. The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. Vehicle access to the site from SR-58 is provided by Hinkley Road, Santa Fe Avenue, and then a BLM-managed dirt road designated as Lynx Cat Road. Use of this road through the BLM-managed properties is pursuant to a Right-Of-Way (ROW) grant between the mine owner and the BLM currently approved through December 31, 2044, and renewable thereafter. Therefore, the Proposed Project would not require construction of any linear features. Furthermore, the site is surrounded by vacant, open desert lands. Therefore, the Proposed Project would not physically divide an established community. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b)

The Proposed Project is consistent with the Countywide Policy Plan zoning of Resource Conservation. Additionally, the Project Site is located in a Mineral Resource zone for aggregate resources.[16] The Project Site is not located within or near an environmental

[16] San Bernardino County. Policy Plan web maps. NR-4 “Mineral Resource zones” web map. Accessed September 4, 2024.

justice area.[17] The Project Site is surrounded by vacant land and the nearest residence is approximately 3 miles away from the mine site boundary. The Proposed Project would not cause a significant environmental impact due to conflict with any land use plans or policies. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XII.	**MINERAL RESOURCES** - Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

SUBSTANTIATION: *(Check ☒ if project is located within the Mineral Resource Zone Overlay):*

Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan; Countywide Policy Plan web maps

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*
The Project Site is located in a Mineral Resource zone for aggregate materials.[18] The purpose of the Revised Plan is to revise the approved Mining CUP and Mine and Reclamation Plan 90M-010 to include the following:

- To expand the current quarry from 48.2 acres to 161.7 acres of actual quarry to the north 33.5 acres and to the west by approximately 80 acres (an increase of 113.5 acres)

[17] San Bernardino County. Policy Plan web maps. HZ-10 "Environmental Justice & Legacy Communities" web map. Accessed September 4, 2024.
[18] San Bernardino County. Policy Plan web maps. NR-4 "Mineral Resource zones" web map. Accessed November 22, 2022.

- To expand the crushing, screening, processing and product stockpile areas onto the adjoining 80 acres of contiguous adjacent vacant property privately owned by Lynx Cat Mountain Development on the west side of the expanded quarry; and

- To increase the quarry depth from 250 to 600 feet below the ground surface (bgs) with an average pit floor depth of +/- 500 feet bgs; and

- To extend the operation life of the mine for additional **50 years** until December 31, 2077.

The Proposed Project would not result in lack of availability of a mineral resource, but rather, make use of it. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIII.	**NOISE** - Would the project result in:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b)	Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

SUBSTANTIATION: *(Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the Countywide Policy Plan Noise Element ☐):*

a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The County's approval of the Proposed Project would include Conditions of Approval for reclamation activities to conform to all applicable noise control regulations. Ambient noise levels are currently affected during drill blasting operations and when blasted rock is stockpiled. Drilling would be conducted up to 5 days a week, 8 hours per day as needed with depths of approximately 40 to 50 feet. Blasting activities would take place during daylight hours on weekdays (Monday through Friday). No blasting shall be allowed after dark. Per the Mine Safety and Health Administration (MSHA) regulations, all miners would be wearing hearing protectors.

The Project Site is surrounded by vacant land. Noise generated by the on-site equipment and trucks would not be audible from the nearest residences 3 miles away from the Project Site. Therefore, less than significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Generation of excessive ground borne vibration or ground borne noise levels?*

Vibration would be generated as a result of drilling and blasting. Drilling would be conducted up to 5 days a week, 8 hours per day as needed with depths of approximately 40 to 50 feet. Blasting activities would take place during daylight hours on weekdays (Monday through Friday). No blasting shall be allowed after dark. The Project Site is surrounded by vacant land. Any vibration generated would not be perceptible from the nearest residences 3 miles away from the Project Site. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The nearest airport to the Project Site is Barstow-Daggett Airport, located approximately 25 miles southeast. The Project Site is not located within an Airport Runway Protection Zone or Airport Noise Contours. However, the Project Site is located within the low-altitude/high speed military airspace AR4. An Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4. Although mine workers would be exposed to noise due to an occasional aircraft, it would not be significant as mining operations would also generate infrequent noise. In addition, aircraft noise would be short-term and temporary. Therefore, the Proposed Project would not expose people residing or working in the

project area to excessive noise levels. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIV.	**POPULATION AND HOUSING** - Would the project:				
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SUBSTANTIATION:

Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Project operations would require approximately 10 to 12 employees on-site per shift during the projected two shifts per day. Because of the low employment demand, the Proposed Project would not induce substantial unplanned population growth by creating new jobs. Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed uses would not displace any housing units, or require the construction of replacement housing, as no housing units are proposed to be demolished. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XV.	**PUBLIC SERVICES**				
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	Fire Protection?	☐	☐	☒	☐
	Police Protection?	☐	☐	☒	☐
	Schools?	☐	☐	☐	☒
	Parks?	☐	☐	☐	☒
	Other Public Facilities?	☐	☐	☐	☒

SUBSTANTIATION:

Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan; San Bernardino Countywide Policy Plan Draft EIR

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire Protection?

The Project Site is located within the service area of the San Bernardino County Fire Protection District. The Project Site is not located within a High or Very High Fire Hazard Severity Zone.[19] The Proposed Project does not involve operations that would induce or exacerbate fires. Therefore, the Proposed Project is not anticipated to result in the need for new or physically altered fire protection facilities. Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

[19] San Bernardino County. Policy Plan web maps. HZ-5 "Fire Hazard Severity Zones." Accessed August 30, 2024.

Police Protection?

The Project Site is located within the High Desert region of the County. It is within the jurisdiction of the Barstow Sheriff Service Agency. Given the rural nature of the Project Site and that the operations that would occur on-site are not crime-inducing, the Proposed Project is not anticipated to require police protection. Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Schools?

The Proposed Project would not create a direct demand for public school services as it does not include any type of residential use or other land use that would induce population growth. As such, the Proposed Project would not generate any new school-aged children and increase the demand for school facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Parks?

Operation of the Proposed Project would place no demands on parks because it would not involve the construction of housing. Furthermore, there are no parks in the vicinity of the Proposed Project that would be visited by project employees.[20] The reclamation activities would not involve the introduction of a new permanent human population into the area. Therefore, the Proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Other Public Facilities?

The Proposed Project would not result in a substantial increase in residential population. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

[20] San Bernardino County. Policy Plan web maps. NR-2 “Parks and Open Space Resources.” Accessed September 5, 2024.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XVI.	**RECREATION**				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

SUBSTANTIATION:

Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan; San Bernardino Countywide Policy Plan Draft EIR

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Project operations would require approximately 10 -12 employees on-site per shift during the projected two shifts per day. The Proposed Project does not include development of residential housing or other uses that would lead to substantial population growth. Moreover, there are no neighborhood or regional parks near the Project Site.[21] Therefore, the Proposed Project would not result in an increase in the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Proposed Project does not include the construction or expansion of recreational facilities. No recreational facilities would be removed, and the number of employees required would not create the need for additional facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

[21] San Bernardino County. Policy Plan web maps. NR-2 “Parks and Open Space Resources.” Accessed September 5, 2024.

No Impact

Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVII.	**TRANSPORTATION** – Would the project:				
a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☒	☐
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d)	Result in inadequate emergency access?	☐	☐	☒	☐

SUBSTANTIATION:

Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Future bicycle facilities are a mixture of Class I, Class II, Class III, and Class IV facilities. These facilities are consistent with San Bernardino County Transportation Authority's (SBCTA) Active Transportation Plan.[22] Transit in the County consists of Metrolink, bus rapid transit, and local bus routes. Major transit improvements include proposed bus rapid transit along several major arterials.[23]

[22] Placeworks. San Bernardino Countywide Policy Plan Draft EIR. Transportation and Traffic. June 2019.
[23] Placeworks. San Bernardino Countywide Policy Plan Draft EIR. Transportation and Traffic. June 2019.

There are no existing or planned transit, bicycle, or pedestrian facilities in the vicinity of the Project Site.[24] The nearest planned facility is a Class II bicycle path in Barstow approximately 7.3 miles southeast of the Project Site.[25]

The following details how the Proposed Project would be consistent with the applicable Countywide Policy Plan goals and policies:

Goal TM-2: Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.

Policy TM-2.2: We promote new development that would reduce household and employment Vehicle Miles Travelled (VMT) relative to existing conditions.

Consistent: Although the Proposed Project would not directly reduce VMT, any increase in VMT would be insignificant given the low employment demand.

Goal TM-4: On- and off-street improvements that provide functional alternatives to private car usage and promote active transportation in mobility focus areas

Policy TM-4.5: We support and work with local transit agencies to generate public transportation systems that provide access to job centers and reduce congestion in tourist destinations in unincorporated areas.

Consistent: The nature, function, and location of the Proposed Project does not provide opportunities to make on- or off-street improvements that would further Goal TM-4, but it does not preclude the development of these functional alternatives on adjacent areas outside of the project.

Goal TM-5: A road, rail, and air transportation system that supports the logistics industry and minimizes congestion in unincorporated areas.

Policy TM-5.5: We support SBCTA's establishment of regional truck routes that efficiently distribute regional truck traffic while minimizing impacts on residents. We support funding through the Regional Transportation Plan to build adequate truck route infrastructure.

Consistent: The Proposed Project's increase in production would be dependent on approval of the nearby rail loading facility. Once the nearby rail loading facility under a separate CUP is approved and constructed, trucks would transport approximately half of the aggregate material from the quarry approximately 2.2 miles to this new rail loop loading facility. The rail loop would be connected to the main line of the BNSF Railway for rail shipment to the various projects across the southwestern U.S. There are no residences between the quarry and the proposed nearby rail loading facility. The other half of the aggregate material would be shipped by street legal 25-ton trucks via the

[24] San Bernardino County. Policy Plan web maps. TM-4 "Bicycle and Pedestrian Planning." Accessed September 10, 2024.
[25] San Bernardino County. Policy Plan web maps. TM-4 "Bicycle and Pedestrian Planning." Accessed September 10, 2024.

SR-58. There are very few scattered residences between the quarry and SR-58. Therefore, the Proposed Project would not result in significant impacts to residents.

Policy TM-5.6: We may establish local truck routes in unincorporated areas to efficiently funnel truck traffic to freeways while minimizing impacts on residents. We establish routes where trucks are prohibited in unincorporated environmental justice focus areas and to avoid overlaps or conflicts with safe routes to schools.

Consistent: Trucks would transport approximately half of the aggregate material from the quarry to the new rail loop loading facility. The rail loop would be connected to the mainline of the BNSF Railway for rail shipment to the various projects across the southwest. The other half of the aggregate material would be shipped by street legal 25-ton trucks via the SR-58. There are very few scattered residences between the quarry and SR-58. Therefore, the Proposed Project is not anticipated to interfere with safe routes to school.

The Project Site is not located within or near an environmental justice area.[26] The nearest environmental justice focus area is located 3 miles south of the Project Site.[27] Haul trucks would not be passing through this environmental justice focus area.

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

Senate Bill 743 (SB 743), approved in 2013, endeavors to change the way transportation impacts would be determined according to the CEQA. In December 2018, the Natural Resources Agency finalized updates to CEQA Guidelines to incorporate SB 743 (i.e., Vehicle Miles Traveled [VMT]).

The mine may operate up to 24 hours per day and 7 days per week to maintain project schedules. Typical operation, however, is expected to be 6 days per week and 16 hours per day. Trucks would transport half of the aggregate material from the quarry approximately 2.2 miles to the new proposed rail loop loading facility which would be connected to the main line of the BNSF Railway for rail shipment to the various projects across the southwestern U.S. The other half of the aggregate material would be shipped by street legal 25-ton trucks via the SR-58. Note that as a condition of approval, production shall be limited to the existing permitted amount of 3.0 MT per year until the rail loadout facility is permitted.

The change in trips is as follows:

[26] San Bernardino County. Policy Plan web maps. HZ-10 “Environmental Justice & Legacy Communities” web map. Accessed September 4, 2024.
[27] San Bernardino County. Policy Plan web maps. HZ-10 “Environmental Justice & Legacy Communities” web map. Accessed September 4, 2024.

Existing Mining and Shipping: 3.0 million tons per year (mtpy)

- 3 mtpy mined; 250,000 tons/month; 10,000 tons/day.
- Approximately 1.5 mtpy processed through plant and 1.5 mtpy shipped directly off-site.
- 25-ton street-legal haul trucks: 120,000 trucks/year; 400 trucks/day; 25 trucks/hour.
- On-site: 400 trucks x 0.5 miles round trip (RT) = 200 miles/day.
- Off-site: 400 trucks x 60 miles RT = 24,000 mi/day.

Proposed Mining and Shipping: 4.0 mtpy

- 4 mtpy mined; 333,335 tons/month; 13,335 tons/day.
- Approximately 2 mtpy processed through plant and 2 mtpy shipped directly off-site.
- 2 mtpy trucked by 25-ton haul trucks and 2 mtpy to rail loop loadout by 65-ton off-road haul trucks.
- Assume 2 mtpy to be trucked by 25-ton haul trucks for a 60-mile one way trip estimate.
  6,667 tons/day.
- 80,000 25-ton trucks/year; 267 trucks/day; 17 trucks/hour.
- On-site: 267 trucks x 0.5 miles RT = 134 miles/day
- Off-site: 267 trucks x 60 miles RT = 16,020 miles/day
- **Decrease of 133 trucks/day and 8,000 miles/day.**

- **NEW**: Assume 2 mtpy to be trucked by 65-ton haul trucks to rail loop loadout (4.5 miles RT).
- 2 mtpy; 6,667 tons/day.
- 30,770 trucks/year; 103 trucks/day; 10 trucks/hour.
- 103 trucks/day x 4.5 miles RT = 464 miles/day.

With the Revised Plan, there would be a net decrease of 7,536 vehicle miles traveled of 25-ton and 65-ton haul trucks. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required. As a condition of approval, production shall be limited to the existing permitted amount of 3.0 MT per year until the rail loadout facility is permitted.

Less Than Significant Impact

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Vehicle access to the site from SR-58 is provided by Hinkley Road, Santa Fe Avenue, and then a BLM-managed dirt road designated as Lynx Cat Road. The Operator would construct safety benches with berms, and inactive ramps and roads in mining areas would be blocked to prevent access. Mining operations are conditionally permitted

within the Project Site zoning of Resource Conservation. Furthermore, the Project Site is surrounded by vacant and undeveloped land. The Proposed Project does not involve any changes to road design features that could substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *Result in inadequate emergency access?*

Vehicle access to the site from SR-58 is provided by Hinkley Road, Santa Fe Avenue, and a BLM-managed dirt road designated as Lynx Cat Road. The nearest publicly dedicated road is Santa Fe Avenue approximately 2 miles to the southwest. Santa Fe Avenue is a dirt road that is lightly traveled. Parcels surrounding and adjacent to the increased production site are vacant and undeveloped property in mostly public ownership under the jurisdiction of the BLM. No schools, hospitals, homes, or public facilities are located anywhere near the site, and the nearest residence is located approximately 3 miles easterly of the site. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, mining operations would not result in inadequate emergency access. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVIII. TRIBAL CULTURAL RESOURCES				
a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall	☐	☒	☐	☐

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
consider the significance of the resource to a California Native American tribe?				

SUBSTANTIATION:

AB52 Consultation; BCR Consulting, LLC, Cultural Resources Assessment, October 9, 2024

a) *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;

Findings were negative during the Sacred Lands File search with the NAHC. During the field survey, BCR Consulting archaeologists identified 11 cultural resources within the Project Site boundaries, including three prehistoric archaeological sites and six isolated prehistoric artifacts. Isolated finds are not considered "historical resources" under CEQA and as such do not require further consideration. BCR Consulting recommends that none of the resources identified during the research and field survey are eligible for the California Register of Historical Resources (California Register). No additional analysis is recommended. However, the prehistoric and historic-period resources recorded during the study, in addition to the cultural resources identified in the surrounding area during the records search, indicate sensitivity for buried cultural resources within the Project Site. Mitigation Measure CR-1 identified above shall be implemented to avoid potential significant impacts to cultural resources. No additional mitigation measures are required.

Less than Significant with Mitigation

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

California Assembly Bill 52 (AB52) was approved by Governor Brown on September 25, 2014. AB52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill requires lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead

agency, in writing, to be informed of proposed projects in that geographic area. The legislation further requires that the tribe-requested consultation be completed prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

The County, serving as the Lead Agency, is responsible for conducting government-to-government consultation with local tribes as requested per AB52. The County initiated consultation on December 5, 2024. Tribal letter public notice mailers were sent to the following tribes:

- Twenty-Nine Palms Band of Mission Indians
- Colorado River Indian Tribe
- Fort Mojave Indian Tribe
- San Gabriel Band of Mission Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Soboba Band of Luiseno Indians
- Yuhaaviatam of San Manuel Nation (YSMN)
- Morongo Band of Mission Indians

YSMN responded, starting that the project has moderate potential for inadvertent discoveries of TCRs. Therefore, they requested that the following Mitigation Measures be added:

Mitigation Measure CUL-1 Monitoring and Treatment Plan
A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

Mitigation Measure CUL-2 Archaeological Monitoring (similar to CR-1)
Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

Mitigation Measure CUL-3 Worker Environmental Awareness Program
Prior to project initiation, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Tribal representatives from the Consulting Tribes, such as Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians) will be allowed to attend and/or participate in the WEAP training should they elect to and will be given ten days' notice prior to the training. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

Mitigation Measure TCR-1 Tribal Monitoring
Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribe(s), Tribal monitor(s) authorized to represent YSMN shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

Mitigation Measure TCR-2 Treatment of Cultural Resources During Project Implementation
If a pre-contact cultural resource is discovered during project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.

The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal

monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project operator/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.

Mitigation Measure TCR-3 Inadvertent Discoveries of Human Remains (similar to CR-2)
If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Less than Significant with Mitigation

Less than significant impacts are anticipated with implementation of the applicable Mitigation Measures.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIX.	**UTILITIES AND SERVICE SYSTEMS -** Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

SUBSTANTIATION:

Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Water shall be provided for project operations by the on-site well. Bottled water is delivered to the site for drinking water. The Proposed Project would not require the relocation or construction of new or expanded water utilities.

Storm runoff water would continue to be directed into the on-site containment areas within the quarry excavations where it either evaporates or percolates back to the water table. Therefore, the Proposed Project would not require the relocation or construction of new storm water drainage facilities.

Only portable toilet facilities with handwashes would be used for the workers. No septic systems are, or would be, installed on-site. The Proposed Project would not require sewer collection or treatment services and therefore no off-site discharge of treated wastewater would occur.

Power for the Proposed Project would be supplied by 2 to 3 generators. There would be one diesel and one gasoline storage tanks at the mine along with a fuel truck all equipped with appropriate spill containment.

The Proposed Project would not require natural gas and would therefore not connect to natural gas facilities.

The Proposed Project would not require construction of telecommunications facilities as cellular service is not necessary.

Therefore, the Proposed Project would not require the relocation or construction of electric power, natural gas, or telecommunications facilities.

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The Project Site lies within the Harper Valley Groundwater Basin of the South Lahontan Hydrologic Region. The basin has a total storage capacity of approximately 7,000,000 acre-feet, and natural recharge is estimated at approximately 13,600 acre-feet per year. Water for the Lynx Cat Quarry is supplied by a drilled well. Groundwater-level measurements in the on-site well indicate groundwater elevation rises to a depth of between 200 – 820 feet bgs with a very low water yield of 5-30 gpm.

Fresh water would be used at the Project Site for dust suppression activities and aggregate washing. At maximum production of operations, up to 180,000 gallons per day (gpd) of water may be utilized for dust suppression and aggregates washing. Up to 70% of aggregate wash water (approximately 160,000 gpd when operational) would be recycled through a sedimentation retention pond system (if constructed), so approximately 68,000 gallons of fresh water per day would be consumed by project

operations (48,000 gpd for washing and 20,000 gpd for dust control). Annual use is estimated at approximately 60 acre-feet per year based on 250 to 300 days of operations. Water supplies are anticipated to sufficiently serve the Proposed Project into the future. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

There is no sewer service at the mine site and the Proposed Project would not require sewer collection or treatment services. Therefore, no off-site discharge of treated wastewater would occur. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Mining activities at the Lynx Cat Mountain Quarry site produce three types of waste: overburden (topsoil), waste oils/solvents, and domestic garbage.

Overburden on the Project Site primarily consists of seed-containing "topsoil", silty-sand, rock dust and rubble and generally comprises the top 0" to 12" of surface material. The overburden material is not consistent throughout the site, especially in the hard rock-exposed areas. This material would be removed from the surface where it exists, and stockpiled in the perimeter earth berms which would serve as a windbreak, stormwater containment, and as seed test beds and the soil islands for subsequent use during revegetation. The total quantity of actual topsoil material and seed bed material qualifying as capable growth medium is expected to be low.

Equipment and vehicle maintenance servicing may produce waste oils, lubricants and solvents. It is projected that maintenance of processing equipment would generally occur on-site during periods of maximum production and may require screen and jaw change-outs and replacements. All collected waste oils, lubricants and solvents shall be placed in covered containers and stored within secondary containment structures while on-site. These collected materials would continue to be transferred to a County-approved hazardous waste handler for proper disposal or to an approved re-use facility.

Ordinary refuse would continue to be collected in standard 40-cubic yard roll-off bins and disposed of at the Barstow landfill. The operator shall remove any soils that become chemically contaminated to a County approved disposal site.

Less than significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XX.	**WILDFIRE:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

SUBSTANTIATION:

Countywide Policy Plan; Lilburn Corporation, MATCON Corporation, and Webber & Webber Mining Consultants, Inc. Lynx Cat Mountain Quarry Revision to Mining and Reclamation Plan

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The quarry is located 5 miles north of SR-58, which is an evacuation route.[28] Approximately half of the quarried material would be delivered via the new proposed

[28] San Bernardino County Policy Plan web maps. PP-2 "Evacuation Routes." Accessed August 30, 2024.

rail load out facility (under a separate CUP), thereby minimizing traffic congestion on the I-15 and SR-58. No schools, hospitals, homes, or public facilities are located anywhere near the site and the nearest residence is located approximately 3 miles easterly of the site. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

The Project Site is not located within a High or Very High Fire Hazard Severity Zone.[29] Therefore, risks associated with exposing project employees to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, exacerbate wildfire risks is unlikely. Furthermore, the Proposed Project does not include construction of habitable structures nor are there any such existing structures. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The Proposed Project would not require the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, the Proposed Project is not anticipated to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project Site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone nor a 500-year FEMA flood zone.[30] A portion of the Project Site does lie within a Department of Water Resources 100-year flood awareness.[31] As stated previously, water flows would continue to be directed into depressions (or low spots) within the working quarry area. Further, the 3 to 4-foot-high earthen berm

[29] San Bernardino County. Policy Plan web maps. HZ-5 “Fire Hazard Severity Zones.” Accessed August 30, 2024.
[30] San Bernardino County. Policy Plan web maps. HZ-4 “Flood Hazards” web map. Accessed September 4, 2024.
[31] San Bernardino County. Policy Plan web maps. HZ-4 “Flood Hazards” web map. Accessed September 4, 2024

constructed along the outside perimeter of the quarry would prevent stormwater from flowing into or out of the quarry and processing areas. The Project Site is not located within a High or Very High Fire Hazard Severity Zone.[32] As stated previously, the Project Site is neither located in an area with mapped, existing landslides nor is it located in an area susceptible to landslides. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XXI.	**MANDATORY FINDINGS OF SIGNIFICANCE:**				
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c)	Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

[32] San Bernardino County. Policy Plan web maps. HZ-5 "Fire Hazard Severity Zones." Accessed August 30, 2024.

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The Project Site contains shrubs that can be utilized by nesting birds and raptors during the nesting bird season of February 1 through September 15. Mitigation Measure BIO-1 shall address potential impacts to nesting birds. According to the CNDDB and the California Native Plant Society CNPS, a total of 11 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of Expansion Areas 1 and 2. According to CNDDB a total of 16 sensitive species of wildlife have the potential to occur on or within the vicinity of Expansion Areas 1 and 2. According to the CNDDB and the CNPS, a total of 5 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of Expansion Area 3. According to CNDDB, a total of 18 sensitive species of wildlife have the potential to occur on or within the vicinity of Expansion Area 3. Suitable desert tortoise burrows, desert tortoise sign, and live desert tortoise were found during focused surveys. Implementation of Mitigation Measure BIO-2 would address potential impacts to desert tortoise. There is suitable habitat present on site for loggerhead shrike and Le Conte's thrasher. Implementation of Mitigation Measure BIO-1 would ensure no impacts to these species occur. American badger has the potential to be present. Implementation of Mitigation Measure BIO-3 would ensure no impacts to American Badger occur. The proposed mine expansion may result in impacts to Mohave ground squirrel. Mitigation Measure BIO-4 shall address potential impacts to this species.

The cultural resources records search conducted by BCR Consulting revealed that six previous cultural resource studies have taken place, and 13 cultural resources have been identified within one mile of the Project Site. One of the previous studies has assessed a portion of the project site and no cultural resources have been previously identified within its boundaries. During the field survey, BCR Consulting archaeologists identified 11 cultural resources within the Project Site boundaries, including three prehistoric archaeological sites, two historic-period archaeological sites, and six isolated prehistoric artifacts Mitigation Measures CR-1 & 2; CUL-1, 2, & 3; and TCR 1, 2, & 3, shall be implemented to ensure no adverse impacts to cultural resources and Tribal Cultural Resources occur.

Less than Significant with Mitigation

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely

related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

(a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

The increase in greenhouse emissions resulting from the Proposed Project would not exceed MDAQMD or County thresholds. Therefore, impacts from greenhouse gas emissions are not cumulatively considerable. In addition, the increase in criteria pollutant emissions would not exceed MDAQMD thresholds. Development of the Proposed Project would be conditioned to comply with current MDAQMD rules and regulations to minimize impacts to air quality.

The rail loadout facility would require a separate CUP and a separate CEQA analysis. As demonstrated in this Initial Study, with a production of 4 MT per year allowed with approval of the rail loadout facility, the Proposed Project would have less than significant impacts with regards to air quality, greenhouse gas, energy, and transportation. As a condition of approval, production shall be limited to the existing permitted amount of 3 MT per year until the rail loadout facility is permitted.

Cumulative impacts identified in this Initial Study are anticipated to be less than significant. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?

All blast related activities would be performed and managed by a blasting contractor licensed with the BATF&E for transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment. Equipment and vehicle maintenance servicing may produce waste oils, lubricants and solvents. When on-site maintenance does occur, all servicing of equipment would be performed consistent with San Bernardino County Department of Environmental Health Services and County Fire Department regulations for draining/collecting waste oils and other hazardous materials. All collected waste oils, lubricants and solvents shall be placed in covered containers and stored within secondary containment structures while on-site. These collected materials would continue to be transferred to a County-approved hazardous waste handler for proper disposal or to an approved re-use facility. The operator shall remove any soils that become chemically contaminated to a County approved disposal site.

The Mine Operator maintains a business plan and spill prevention control and counter measure plan with BMPs to ensure that on-site materials are stored appropriately and contained in the event uncontrolled release. The final quarry walls would remain stable both statically and dynamically pursuant to the Recommendations section of Terracon's report. Should any final quarry slopes fail to attain the minimum factor of safety standards, the operator would implement such measures necessary to bring the slopes into compliance.

The Applicant would be required to obtain air quality permits from MDAQMD to operate. All emission levels associated with the Proposed Project were less than adopted thresholds.

Therefore, less than significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

Therefore, less than significant adverse impacts are identified or anticipated with incorporation of mitigation measures.

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EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Lynx Cat Mountain Quarry

Prepared by:

County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor

San Bernardino, California 92415-0182

Contact: Derek Newland, Planner

MAY 2025

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the Lynx Cat Mountain Quarry (PROJ-2024-00173). The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for: Air Quality, Biological Resources, Cultural Resources, Geology & Soils, and Tribal Cultural Resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1
Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Air Quality				
Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures.	During ground disturbing activities	Project Applicant and Mining operator	San Bernardino County	
Wind. The Project proponent shall ensure that all disturbance activities are suspended when winds exceed 25 miles per hour; however, measures to mitigate fugitive dust shall be maintained at all times.	During ground disturbing activities	Project Applicant and Mining operator	San Bernardino County	
Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks and equipment, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.	During ground disturbing activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
AQ-1 Exhaust Emissions. The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. Production shall be scheduled to minimize daily equipment operations. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions. Trucks in loading queues will have their engines turned off when not in use for more than 5 minutes to reduce idling and vehicle emissions in compliance with Title 13, California Code of Regulations, Section 2485 (Anti-Idling Policy).	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-2: Vehicle Maintenance. The mine operator shall ensure that all equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-3: Fuel Sources. The mine operator shall ensure use on-site mobile equipment powered by alternative fuel sources (i.e., methanol, bio-diesel, natural gas, propane, or butane) as feasible.	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-4 Dust Control Measures. The mine operator shall ensure that periodic watering for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions occurs. For purposes of this requirement, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance. Additional measures shall include: • Roads shall be treated with EPA approved dust suppressants to prevent dust as needed. • Speed limits on unpaved roads shall be 25 mph. • All loaded trucks leaving from the site onto public roads shall be properly trimmed with a 6-inch freeboard height and/or covered and sprayed with water so as to minimize dust and prevent spillage onto a public roadway per California Vehicle Code 23114.	During ground disturbing activities	Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
AQ-5: Track out. The mine operator shall take actions sufficient to prevent project related track out onto paved surfaces and cover loaded haul vehicles while operating on publicly maintained paved surfaces.	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-6: Graded Surfaces. The mine operator shall stabilize graded site surfaces upon completion of earth moving activity when subsequent earth moving activity is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-7: Cleanup. The mine operator shall clean-up project-related track-out or spills on publicly maintained paved surfaces within 24 hours of notification of track-out occurrences.	During ground disturbing activities	Mining operator	San Bernardino County	
AQ-8: Earthmoving Activity. The mine operator shall reduce nonessential earth-moving activity under high wind conditions. For purposes of this requirement, a reduction in earthmoving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.	During ground disturbing activities	Mining operator	San Bernardino County	
GHG:. Green House Gas Monitoring and Mitigation. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:	During ground disturbing activities	Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
a) Waste Stream Reduction. The “developer” shall provide to all project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b) Vehicle Trip Reduction. The “developer” shall provide to all project employees County approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c) Select construction equipment based on low-emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. d) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Biological Resources				
BIO-1 To the extent feasible, construction activities shall avoid the migratory season to reduce any potentially significant impacts to birds that may be nesting in the Project site. Prior to disturbing soil or vegetation, regardless of the time of year, a qualified biologist shall survey all shrubs within the Project Site and within 500 feet of all impact areas for nesting birds including loggerhead shrike and Le Conte's thrasher. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the plant in which it occurs nest shall should be left in place and monitored by the qualified biologist until the birds leave the nest. If active nests are found during nesting bird surveys, they shall be flagged for avoidance. and a A 250-foot buffer shall be marked around song birdnests, and a 500-foot buffer shall be marked around raptor nests.	Prior to ground disturbing activities	Project Applicant and Mining operator – Surveys to be conducted by a Qualified Biologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
BIO-2 An Incidental Take Permit (ITP) for desert tortoise (Gopherus agassizii) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct and/or indirect impacts shall be fulfilled through conservation of suitable desert tortoise habitat through the purchase of mitigation bank credits or land acquisition as determined by CDFW in the ITP and as determined by BLM/USFWS. A pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol4 shall be conducted to evaluate locations of potential desert tortoise burrows within the Project limits. The pre-construction clearance survey shall be conducted on the Project site 14 to 21 days prior to the start of construction activities; or alternatively, pre-construction clearance surveys may be conducted at any time following the installation of desert tortoise exclusionary fencing encompassing the entire Project site, which would ensure that tortoises cannot enter the Project after clearance surveys are completed. Should there be any faults following the installation of the desert tortoise exclusionary fence that would compromise the efficiency, additional pre-construction clearance surveys shall be conducted throughout the Project site. Temporary desert tortoise exclusionary fencing shall remain in place until Project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocols. Should desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS protocol and Project-specific guidance contained in a habitat conservation plan and the ITP. No take of desert tortoise shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081 and a habitat conservation plan. The Project proponent shall adhere to measures and conditions set forth within the ITP. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS and CDFW. The area cleared and number of desert tortoises found within that area shall be reported to the local USFWS and CDFW. Notification shall be made in accordance with the conditions of the habitat conservation plan and ITP.	Prior to ground disturbing activities	Mining operator/Qualified Biologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
BIO-3 A biological monitor shall be present on-site during all initial ground disturbing activities to ensure no impacts to American badger occur. If American badger is found on-site, the biological monitor shall stop all work and allow the sensitive wildlife to leave the site, and/or shall follow measures in the American Badger Mitigation and Monitoring Plan (plan). The Project proponent shall develop and implement an American Badger Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the American badger as a result of Project activities. The final plan shall be reviewed and approved by CDFW. The final plan shall include, but not be limited to the following procedures and impact avoidance measures:	During initial ground disturbing activities	Project Applicant and Mining operator in coordination with Biological Monitor	San Bernardino County	

1) Identification. Describe pre-construction survey and clearance field protocol to determine the number and locations of single or paired badgers on the Project site that would need to be avoided or passively relocated and the number and locations of badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals. 2) Pre-Construction Surveys. Biological Monitors shall conduct preconstruction surveys for American badger no more than 30 days prior to initiation of construction activities, including pre-construction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including utility corridors and access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den. 3) Monitoring and Protection Measures, and Den Excavation. The plan will include details on monitoring requirements, types and methods of passive relocation, and methods and timing of den excavation, including, but not limited to the following: 4) Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den isn't deep and doesn't curve)that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse. 5) Potentially and definitely active dens. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from continued use. 6) Active natal/pupping dens. If an active natal den (a den with pups) is detected on the site during construction, CDFW shall be contacted within				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. If the den is active during the whelping season, even if pups are not seen, disturbance is not allowed. Active natal/pupping dens will not be excavated or passively relocated. 7) Address other factors and procedures that may affect the success of relocation offsite, such as: estimates of the distances badgers would need to travel across the Project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals willreturn to the Project site during construction.				
BIO-4 An Incidental Take Permit (ITP) for Mohave ground squirrel(Xerospermophilus mohavensis) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct, indirect, and/or cumulative impacts shall be fulfilled through conservation of suitable Mohave ground squirrel habitat through the purchase of mitigation bank credits or land	Prior to ground disturbing activities	Project Applicant and Mining operator – Surveys to be conducted by a Qualified Biologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
acquisition determined through coordination with, and approved by, CDFW. No more than thirty (3) calendar days prior to the start of ground disturbing activities a qualified biologist, approved by CDFW, shall perform a pre- construction survey for Mohave ground squirrel. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within 30 calendar days of completing the surveys. Should Mohave ground squirrel be located during the clearance survey, all methods used for handling Mohave ground squirrel during the clearance surveys must be in accordance with Project-specific guidance contained in the ITP. Anyone who handles Mohave ground squirrel during clearance activities must have the appropriate authorization from CDFW. No take of Mohave ground squirrel shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081. The Project proponent shall adhere to measures and conditions set forth within the ITP.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
BIO-5 (**NEW**) Prior to Project implementation, focused sensitive plant surveys shall be conducted during peak blooming periods within the year prior to the start of each phase of the Project. During the surveys, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018)5. The surveys shall be conducted by a qualified biologist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants are both evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Project proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging) determined by a qualified biologist. If complete avoidance is not feasible, the Project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project proponent should apply for a CESA ITP with CDFW.	Prior to ground disturbance	Project Applicant and Mining operator – Surveys to be conducted by a Qualified Biologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
BIO-6 (**NEW**) Prior to any ground disturbance, a habitat assessment according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) shall be conducted by a qualified biologist. Breeding season surveys of areas found to have suitable habitat for burrowing owl shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) prior to any ground disturbance. The surveys shall include 100 percent coverage and include a minimum 500-meter buffer in adjacent habitat. Burrowing owls may recolonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, the Project proponent shall fully avoid impacts to burrowing or should obtain a CESA ITP if impacts to burrowing owl are unavoidable.	Prior to any ground disturbance	Project Applicant and Mining operator – Surveys to be conducted by a Qualified Biologist	San Bernardino County	
BIO-7 (**NEW**) Lake and Streambed Alteration Agreement Notification. Prior to construction activities, mapping of stream resources on the Project site shall be conducted to identify streams on site. If Project construction activities occur within a stream or associated habitat, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to construction activties and Ground Disturbance	Project Applicant and Mining operator – Surveys to be conducted by a Qualified Biologist	San Bernardino County	
Cultural Resources				
CR-1 A qualified archaeological monitor shall be present during all initial earthmoving activities related to development of the Project Site. The monitor would work under the direct supervision of a cultural resources professional who meets the U.S. Secretary of the Interior's Professional Qualification Standards for archaeology (the Project Archaeologist). The monitor shall be empowered to temporarily halt or redirect construction work in the vicinity of any find until the project archaeologist can evaluate	During initial ground disturbing activities	Project Applicant and Mining operator in coordination with a Qualified Archaeologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
it. In the event of a new find, salvage excavation and reporting would be required. After initial earthmoving is complete, the Project Archaeologist shall have the authority to diminish, eliminate, or expand archaeological monitoring as conditions and findings warrant.				
CR-2 Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel shall be excluded from the area and no photographs shall be permitted), and the County of San Bernardino Coroner shall be notified. San Bernardino County and the Project Proponent shall also be informed of the discovery. The Coroner shall determine if the bones are historic/archaeological or a modern legal case. The Coroner shall immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98. All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.	Upon discovery of human remains	Project Applicant and Mining operator in coordination with County Coroner (if prompted)	San Bernardino County	
Hazardous Materials				
Hazardous 1 – Spills/Leakage.. All chemical spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and	*During ground disturbing activities* *During initial*	*Project Applicant and Mining operator* *Project Applicant and*	*San Bernardino County*	

Mitigation Measure					Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility. *Hazardous 2 – Groundwater Supply. Water may be supplied through the use of groundwater. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call*	*ground disturbing activities*	*Mining operator in coordination with San Bernardino County EHS.*	*San Bernardino County*					

Mitigation Measure					Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
DEHS/Water Section at (909) 387-4666.								
Hazardous 3 – Wells. Should an on-site or off-site well become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency to ensure compliance.	*During initial ground disturbing activities*	*Project Applicant and Mining operator in coordination with EHS.*	*San Bernardino County*					
Hazardous 4 – Well Condition. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to Section 115700 of the	*During initial ground disturbing activities*	*Project Applicant and Mining operator in coordination with San Bernardino County EHS.*	*San Bernardino County*					

Mitigation Measure					Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
California Health & Safety Code.								
Hazardous -5 Well Closure. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.	*During ground disturbing activities*	*Project Applicant and Mining operator in coordination with San Bernardino County EHS*	*San Bernardino County*					
Geology and Soils								
GEO-1 A paleontological resource mitigation program, with the mitigation monitoring procedures outlined below, shall be put in place to monitor, salvage, and curate any recovered fossils associated with the study area. **1.** All mitigation programs should be performed by a qualified professional (project) paleontologist, defined as an individual with a master's or doctorate degree in paleontology or geology who has proven experience in San Bernardino County paleontology and who is knowledgeable in professional paleontological procedures and techniques. Fieldwork shall be conducted by a qualified paleontological monitor, defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor shall always work under the direction of a qualified paleontologist.					During ground-disturbing activities	Project Applicant and Mining operator in coordination with Paleontological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
2. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources starting at three feet below the surface will be conducted in areas where grading, excavation, or drilling activities occur in undisturbed alluvium to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. Monitoring is not warranted in disturbed soils, such as artificial fill. **3.** Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface or, if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. **4.** In accordance with the "Microfossil Salvage" section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) shall be performed if the deposits are identified to possess indications of producing fossil "microvertebrates" to test the feasibility of the deposit to yield fossil bones and teeth. **5.** Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than preparation for accumulations of invertebrate fossils.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
6. All fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution for fossils recovered within the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the Mine Operator. **7.** Preparation of a final monitoring and mitigation report of findings and significance shall be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the County of San Bernardino), shall signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.				
Tribal Cultural Resources				
CUL-1 Monitoring and Treatment Plan A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Upon Completion of Monitoring and Treatment Plan	Project Applicant/Qualified Archaeologist	San Bernardino County	
CUL-2 Archaeological Monitoring (similar to CR-1) Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited	During ground disturbing activities	Project Applicant and Mining operator in coordination with a Qualified Archaeologist/Archaeological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.				
CUL-3 Worker Environmental Awareness Program Prior to project initiation, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Tribal representatives from the Consulting Tribes, such as Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians) will be allowed to attend and/or participate in the WEAP training should they elect to and will be given ten days' notice prior to the training. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Prior to ground disturbing activities	Project Applicant and Mining operator in coordination with a Qualified Archaeologist	San Bernardino County	
TCR-1 Tribal Monitoring Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribe(s), Tribal monitor(s) authorized to represent YSMN shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation	During ground disturbing activities	Tribal Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.				
TCR-2 Treatment of Cultural Resources During Project Implementation If a pre-contact cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and	Upon discovery of pre-contact cultural resource	Qualified Archaeologist/Archaeological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
YSMN outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts. Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project operator/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.				
TCR-3 Inadvertent Discoveries of Human Remains (similar to CR-2) If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Upon discovery of human remains	Project Applicant and Mining operator in coordination with County Coroner (if prompted)	San Bernardino County	

EXHIBIT C

EXHIBIT C

FINDINGS: CONDITIONAL USE PERMIT

The following are the required Findings, per the San Bernardino County Development Code ("Development Code") Section 85.06.040, and supporting facts for a Conditional Use Permit (CUP) for the expansion of the currently operating Lynx Cat Mountain quarry from 48.5 acres (Phase 1) to include mining in the adjoining north 33.5 acre site as Phase 2 and expanded mining in the west adjoining 80 acre parcel as Phase 3 for a total of 161.7 acres of actual quarry (an increase of 113.5 acres); an increased mining depth from 250 to 500 feet; the expansion of crushing, screening, processing and product stockpile areas onto the west adjoining 80 acres for a total operational area of 241.7 acres; and to extend the operational life of the mine for additional 50 years until December 31, 2077 (collectively Project), APN 0496-011-75 and -76.

1. **THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION**.

   All required features of the Project and proposed use are accommodated including crushing process, haul roads, material stockpiling, yards, and other required mining and excavation features pertaining to the CUP mining application. The quarry operation would be conducted as a multi-bench open pit mine. Several working levels would be operated at any one time to supply the quota of high-quality granite rock needed to meet production demands. The primary jaw crusher and feed hopper will be located in a fixed position in the western edge of the working quarry, while the portable secondary crushing and screening requirements and the feed conveyors will be located on the adjacent western 160-acre parcel as near as practical to the primary jaw crusher.

   The crushed, screened and properly sized aggregate products will be placed in stockpiles by conveyors and radial stackers and held onsite until needed or orders are placed. Various conveyors will be used to minimize equipment movement and dust emissions. Upon receipt of customer orders, CAT 988 size loaders (typical) will load 25-ton street-legal haul trucks from the product stockpiles and weighed at the onsite scale-house to ensure that all loads are tracked and accounted for. Upon construction of the planned rail loop aggregate loading facility (separately permitted action), railroad ballast rock products will be loaded into 65-ton haul trucks and transported on a dedicated privately owned haul road to the rail loop facility and placed in stockpiles for loading into rail cars. Moreover, the Project conforms to all the requirements of the Development Code for the proposed use and incorporates the necessary conditions to safeguard the public health, safety and welfare, including biological, hydrology, and reclamation conditioning to ensure the site is reclaimed in accordance with the adopted reclamation plan.

2. **THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE**.

   The Project site design incorporates appropriate street, haul roads, and highway characteristics to serve the proposed use. Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a BLM-managed dirt road designated as Lynx Cat Road. Use of this road through the BLM-managed properties

is pursuant to a ROW grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter. The site is remote. No schools, hospitals, homes, or public facilities are located anywhere near the site and the nearest residence is located approximately 3 miles easterly of the site.

3. **THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.**

   The proposed mining operation and project improvements have been designed to incorporate the necessary mitigation and improvements to comply with the County's Surface Mining and Reclamation Act (SMARA) Ordinance and recommendations by the State Division of Mining and Reclamation (DMR) and, therefore, will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, including but not limited to excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The Project has been routed for County Department Review and the State Department of Mining and Reclamation (DMR). The mining plans have been revised in accordance with County Department and DMR comments; moreover, the project incorporates each departments Conditions of Approval and mitigation measures recommended by the Project's Initial Study.

4. **THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY WIDE PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

   The proposed site plan together with the provisions for the Project's phased expansion, excavation, and reclamation are consistent with the Countywide Plan and Resource Conservation (RC) Land Use designation. The Project is consistent with and specifically implements the following Countywide Plan Goals and Policies.

   Goal NR-6 Mineral Resources: Mineral resource zones that allow extraction industries to continue supporting the regional and national economy while minimizing negative impacts on the public and natural environment.

   Policy NR-6.1 Mineral resource areas: We prioritize the conservation of land area with mineral resources by prohibiting or discouraging development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a.

   Policy NAR-6.2 Mining operations and reclamation: W e require and monitor mineral extraction activities to ensure that the operation and reclamation of mined lands is consistent with the State Surface Mining and Reclamation Act of 1975 (SMARA).

   Policy NR-6.3 Conservation of construction of aggregates: We encourage the continued operation of existing mining facilities and streamline the permitting of new mining facilities (consistent

with the Policy Plan and other local, state, and federal regulations) to establish aggregate resources that are sufficient to satisfy 50 years of county demand.

Goal LU-1 Fiscally Sustainable Growth. Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.

Policy LU-1.1 Growth. We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

Policy LU-1.2 Infill Development. We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

Goal TM-1 Roadway Capacity. Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists, and emergency services.

Policy TM -1.2 Interjurisdictional roadway consistency. Promote consistent cross-sections along roads traversing incorporated and unincorporated areas.

As detailed in the Project's Staff Report to the San Bernardino County Planning Commission and the Project's Initial Study, each of which are incorporated herein by reference, the Project is an expansion of an existing mining operation that will allow for the additional extraction of mineral resources while minimizing negative impacts on the public and natural environment.

5. **THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS**.

The mining site is in a remote rural location of the Hinkley Community significantly isolated from residential and commercial uses. The Lynx Cat Mountain Quarry is located in northwestern San Bernardino County approximately four miles northwest of Hinkley and 13 miles west of Barstow. The site has been disturbed by past authorized mining activities. The Lynx Cat Mountain Quarry is an existing Vested Mining site operating under the authority of Mining Reclamation Plan 90M-010 as approved by San Bernardino County on June 29, 1990 and subsequently revised in 2015 and 2017. Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a Bureau of Land Management (BLM)-managed dirt road designated as Lynx Cat Road, use of this road through the BLM- managed properties is pursuant to a right-of-way (ROW) grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter. The actual street address of the quarry is 19120 Lynx Cat Road, Hinkley, CA 92347. Accordingly, the existing and proposed improvements will accommodate the Project without significantly lowering service levels.

6. **THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.**

   The conditions of approval include measures to mitigate biological impacts, air quality impacts, cultural resources impacts, greenhouse gas impacts, hydrology and water impacts, including mining site reclamation and revegetation, while enforcing performance standards and are deemed reasonable and necessary to protect the overall public health, safety, and general welfare as determined by the County's environmental analysis of the Project.

7. **THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES**.

   The design of the Project site has and continues to explore the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, through the orientation and design with adequate building setbacks. Although solar was not proposed, there are opportunities to install solar and battery power in the future.

8. **ENVIRONMENTAL FINDINGS: THE ENVIRONMENTAL FINDINGS, IN ACCORDANCE WITH SECTION 85.03.040 OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE, ARE AS FOLLOWS:**

   Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and Mitigation Measures. As a result of the public review process for the Project's Initial Study, the California Department of Fish and Wildlife (CDFW) have proposed modifications to mitigation measures BIO-1 thru 4 and the addition of mitigation measures BIO-5 thru -7. As detailed in the Project's Staff Report and supporting documents, the County has agreed to CDFW's recommendations except with respect to BIO-5. Pursuant to Cal. Code Regs. Tit. 14, Section 15074.1(b)(2), the County finds that the modified and new mitigation measures are equivalent or more effective I mitigating or avoiding potential significant effects and that the measures themselves will not cause any potentially significant effect on the environment. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination (NOD) will be filed. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

Findings: Reclamation Plan

Amended Reclamation Plan No. 90M-010 to amend the Lynx Cat Quarry Reclamation Plan 90M-010 for expansion of the currently operating Lynx Cat Mountain Quarry from the current 48.5 acre Phase 1 into continued mining of the adjoining north 33.5 acre site for Phase 2 and mining in the west adjoining 80 acre site for Phase 3 totaling 161.7 acres of actual quarry (an increase of 113.5 acres); an increase in mining depth from 250 to 500 feet; relocation and expansion of the crushing, screening, processing and product stockpile areas onto the western adjoining 80 acres for a total expansion of 241.7 acres; and extension of the operational life of the mine for an

additional 50 years until December 31, 2077

Pursuant to Development Code Section 88.03.060(k)(1) and (2), the following findings must be made in the affirmative in order to approve the Project's Reclamation Plan:

1. **The Amended Reclamation Plan No 90M-010 (Reclamation Plan) complies with the California Surface Mining and Reclamation Act (SMARA)(Public Code Sections 2772-2773) and any other applicable provisions.**

The Reclamation Plan was reviewed and conditioned for compliance with SMARA. It has also been reviewed and accepted by the California Department of Conservation Division of Mine Reclamation (DMR). On November 13, 2024, the County Mining Division transmitted and notified DMR of the Lynx Cat CUP and Reclamation Plan mining application submittal. The County Mining Division deemed the application complete on November 18, 2024. On January 14, 2025, DMR notified the County Mining Division of a complete reclamation plan submittal pursuant to SMARA 2772.1 and that DMR provides no substantial comments on the contents of the project's Reclamation Plan Amendment.

2. **The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700- 3713).**

The Reclamation Plan was reviewed and conditioned for compliance with SMARA regulations. It has also been reviewed and accepted by DMR.

SMARA requires that reclaimed sites provide wildlife habitat "at least as good as that which existed before … mining," and that reclaimed sites must be "similar to naturally occurring habitats in the surrounding area." (14 CCR § 3703.) SMARA requires the operator to demonstrate that vegetation on reclaimed sites has been self-sustaining without irrigation, fertilization, or weeding for a minimum of two years prior to release of performance bond.

The goal of reclamation for the Lynx Cat Mountain Quarry is to return the site to privately-owned vacant open space consistent with the Resource Conservation (RC) zoning district. Preparation of the Lynx Cat Mountain Quarry and expanded acreage for reclamation will commence once the quarry, stockpile, and storage areas are no longer viable, economical, or needed. Complete reclamation of the Lynx Cat Quarry site will include:

- Complete removal of all crushing, processing, miscellaneous equipment, scale/scale house, and refuse;
- Final grading of entire area for slope stability, safety, and erosion control;
- Mitigation of any potential safety hazards;
- Ripping compacted surface area and spreading of the salvaged topsoil and growth media across the bare and disturbed areas; and
- Revegetation seeding with indigenous species followed by monitoring and remediation to meet revegetation success criteria.

3. **The Reclamation Plan and potential use of land reclaimed in compliance with the Reclamation Plan are consistent with the Development Code, General Plan and any applicable resource plan or element.**

The Reclamation Plan and potential end use of lands disturbed and reclaimed in compliance with the Plan, as conditioned, are consistent with the Development Code and Countywide Plan in that the Project's Revegetation Plan Report dated November 20, 2017, has been revised and updated in accordance with the comments obtained from the DMR on July 10, 2017, and October 4, 2017. The Revegetation Plan is in conformance SMARA regulations Section 3705 as it complies with SMARA Revegetation performances standards.

4. **The Reclamation Plan has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.**

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and Mitigation Measures. A Mitigated Negative Declaration (MND) has been adopted.

5. **The Project site and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other open space resources, or suitable off- site development will compensate for related disturbance to resource values.**

Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other open space resources as identified in the Reclamation Plan. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure this occurs. Groundwater resource will also be monitored and mitigated should related disturbance to this resource occur.

6. **The Reclamation Plan will reclaim the minded lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.**

The Reclamation Plan, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition (Open Space Habitat) that is readily adaptable for alternative land uses, which with regard to this Project, is open space.

7. **The County has responded to comments and recommendations raised by the Division of Mine Reclamation (DMR), a division of the State Department of Conservation, in its review of the Projects Reclamation Plan.**

On November 13, 2024, the County Mining Division transmitted and notified the California Division of Mine Reclamation (DMR) of the Lynx Cat CUP and Reclamation Plan mining application submittal. The County Mining Division deemed the application complete on November 18, 2024. On January 14, 2025, DMR notified the County Mining Division of a complete reclamation plan submittal pursuant to SMARA 2772.1 and that DMR provides no substantial comments on the contents of the project's Reclamation Plan Amendment.

EXHIBIT D

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT
Lynx Cat Mountain Quarry
CA MINE ID# 91-36-0049
MINING/RECLAMATION PLAN 90M-010

GENERAL REQUIREMENTS
Conditions of Operation and Procedures

LAND USE SERVICES – Planning (909) 387-8311

1. Project Description. This conditional approval is for Mining/Reclamation Plan No. 90M-010 for the Lynx Cat Mountain Quarry, CA ID# 91-36-0049 to allow the expansion of the current quarry from 48.5 acres Phase 1; mine adjoining north 33.5 acre site for Phase 2; mine west adjoining 80 acre lot for Phase 3; totaling 161.7 acres of actual quarry, increase mining depth from 250 to 500 feet, expand the crushing, screening, processing and product stockpile areas onto the west adjoining 80 acres, and extend the operation life of the mine for additional 50 years until December 31, 2077 and amend the Lynx Cat Reclamation Plan 90M-010.

2. Location. The Lynx Cat Mountain Quarry is located approximately five (5) miles north of State Route 58, northwest of the community of Hinkley, California. A copy of Mining/Reclamation Plan No. 90M-010 shall be kept on site during active operations at all times. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the final approved plot plans may require submission of an additional application for review and approval.

3. Effective Dates. The Lynx Cat Mountain Quarry Reclamation Plan approval (project account No. PROJ-2024-00173) shall be effective from the time of approval until December 31, 2077. At the conclusion of all mining activities, the site will be reclaimed to vacant open space and wildlife habitat.

4. Reclamation Plan Recordation. Pursuant to Public Resources Code Section 2772.7, Planning will prepare a “Notice of Reclamation Plan Approval” on a form to be approved by the County Recorder’s Office. The operator shall be responsible for review costs and recording fees.

5. Revisions/Amendments. Any substantial deviation or increase in the developed area of the site from that shown on the final approved Mining and Reclamation Plan will require submission of an additional application for review and approval. If Mining and Reclamation Plan procedures change from those outlined in the

Amended Reclamation Plan for Oro Grande dated January 10, 2005 the applicant/operator shall file an amendment and secure approval before such changes can be made effective.

6. Written Notification. The Land Use Services Department shall be notified in writing, within 30 days, regarding any:
   a. Change in operating procedures, or inactive periods of operation for one (1) year or more.
   b. Changes of Company ownership, address, or telephone number during the life of the Reclamation Plan.
   c. Changes to provisions in lease agreements or real property having any effect on the approved.

7. SMARA and State Regulations. The provisions of the California Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing SMARA ("State Regulations", California Code of Regulations Section 3500 et seq.) are made a part of the Reclamation Plan. In the event that the State amends SMARA to the extent it adds to or conflicts with the Conditions of Approval, State law shall prevail.

8. The revised Mining/Reclamation Plan No. 90M-010. Amends the Lynx Cat Quarry COA approved in 2015 under Project No. AP20150002 and shall be effective for fifty 50 years until December 31, 2077, with an estimated reclamation in five (5) years upon mining completion on December 31, 2082. After the mining activities have been completed, the site will be reclaimed to vacant open space habitat managed by the legal owners.

9. The San Bernardino County Land Use Services Department shall be notified in writing, within 30 days, about any:

   A) Change in operating procedures, or inactive periods of operation for one (1) year or more.
   B) Changes of Company ownership, address, or telephone during the life of the Conditional Use Permit or Reclamation Plan.
   C) Any changes to provisions in lease agreements or real property that will affect the approved Mining/Reclamation Plan.

10. The approved Mining/Reclamation Plan. Shall be bound in a 3-ring notebook and shall incorporate the approved mining plans, Biological Assessment study for APN 0496-011-75;76, dated February 2024 and Biological Assessment for Expansion Area 3 APN 0496-011-76 dated September 2024, Slope Stability Study Report Investigation by Terracon, dated October 9, 2024 and Slope Stability Investigation by CHG Consultants dated, June 30, 2014, Hydrology Study by prepared by Merrell Johnson dated October 26, 2024, Air Quality Assessment Study prepared by Lilburn Corporation dated November 2024, Construction Management Plan Lynx Cat Expansion prepared by Matcon

Corporation dated February 2025, Revised Revegetation Lynx Cat Mountain Quarry prepared by Circle Mountain Biological Consultants Inc. dated November 2017 and Lynx Cat Mountain Quarry Revision and to Mining Plan and Reclamation Plan Report prepared by Lilburn Corporation dated October 2024. The Mining/Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.

11. Additional Permits/Approvals. The applicant/operator shall ascertain and comply with requirements of all Federal, State, County, and Local agencies as are applicable to the project areas. They include, but are not limited to: the San Bernardino County Departments of Planning, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, Bureau of Land Management, Mojave Desert Air Quality Management District, State Fire Marshall, Lahontan Regional Water Quality Control Board, Caltrans District 8, California Department of Fish and Game, State Mining and Geology Board, U.S. Fish and Wildlife Service, Mine Safety and Health Administration (MSHA), the California Occupational Safety and Health Administration (Cal-OSHA), and California Highway Patrol.

12. Interim Management Plan. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA Section 2770(h)(1) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.

13. Indemnification. In compliance with the SBCC § 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the applicant may agree to relinquish such approval.

    Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of their

obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The applicant's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

14. Financial Assurances. The applicant/operator shall maintain an acceptable form of financial assurance for the reclamation plan and conditions of approval. The financial assurance shall identify the County of San Bernardino and the Department of Conservation as the beneficiaries. Any withdrawals made by the County for reclamation shall be re-deposited by the applicant/operator within 30 days of notification.

    The financial assurance shall be calculated based on a cost estimate submitted by the applicant/operator and approved by the County and the Department of Conservation, Office of Mine Reclamation for the approved reclamation procedures. Each year, following the annual mine site inspection, the assurance amount shall be reviewed and, if necessary, adjusted to account for new lands disturbed by surface mining operations, inflation and reclamation of lands accomplished in accordance with the approved Reclamation Plan.

    The financial assurance is not established to replace the applicant's/operator's responsibility for reclamation, but to assure adequate funding to complete reclamation per the Reclamation Plan and Conditions of Approval. Should the applicant/operator fail to perform or operate within all of the requirements of the approved Reclamation Plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 2774.1 of the Surface Mining/Reclamation Act (SMARA) regarding the encashment of the assurance and applicable administrative penalties, to bring the applicant/operator into compliance. The requirements for the assurance will terminate when reclamation of the site has been completed in compliance with the approved Reclamation Plan and accepted by the County and the Department of Conservation, Office of Mine Reclamation pursuant to California Code of Regulations, Section 3805.5.

15. Annual Reporting. The applicant/operator shall submit a report summarizing the past year's Mining/Reclamation activity to the Department of Conservation, Office of Mine Reclamation and the Land Use Services Department each year. Mine site inspections will occur in conjunction with the annual report or at other times as appropriate.

16. Funds. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.

17. Project Account. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections. Project Account PROJ-2024-00173

18. Amendment. If the Mining/Reclamation Plan procedures change from those outlined in the revised Mining/Reclamation Plan No. 90M-010, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.

19. Conditions. All conditions of this revised Mining/Reclamation Plan are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the revocation of the permit granted to use the property.

20. Clean Water Act. The Army Corp. of Engineers (COE) regulates discharge of dredged fill materials into Waters of the United States pursuant to Section 404 of the Clean Water Act. If the COE agrees that the delineated waters on the site are jurisdictional and the project will result in the discharge of materials into waters of the United States, a 404 permit may be require and will need to be obtained from the Los Angeles COE District Office. A pre-construction notification should be submitted to the COE District office early in the environmental process.

21. Regional Water Quality Control Board (RWQCB). The RWQCB regulates discharge to surface waters under the Clean Water Act (CLA) and the California Porter-Cologne Water Quality Act; therefore, a Section 401 permit may be required in conjunction with the 404 permit, if the COE concurs that the site supports waters of the United States. Effective July 1, 2010, all dischargers are required to obtain coverage under the Construction General Permit Order 2009-0009-DWQ adopted on September 2, 2009. A Section 401 water quality certification may be required as part of the approval by the COE if a 404 permit is deemed necessary by the COE.

22. Project Account. The Job Costing System (JCS) account number is PROJ-2024-00173. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Work and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expenses charged to this account. Processing of the project shall cease if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,200.00 shall be in the project account at the time of the project approval.

23. Condition Compliance. The applicant/operator shall process a Condition Compliance Review through the County in accordance with the direction stated in the Conditional Approval letter, for verification of conditions for each phase of the project as approved in the Reclamation Plan. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase. A minimum balance of $1,200.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase.

24. Fees. Prior to issuance of the approved Permits, all fees due under actual cost Job No. PROJ-2024-00173 shall be paid in full.

25. Mitigation. Implementation of the mitigation measures required for this project shall be verified according to the methods identified in the Mitigation Monitoring and Compliance Program (Exhibit B). Planning verification of compliance shall be requested through submittal of a Mitigation Monitoring and Compliance Application along with the required fee deposit. A qualified third party consultant with experience in mine operations shall do mitigation monitoring compliance verification to be funded by the applicant/operator. Annual reports shall be prepared by the operator that summarizes compliance with regulatory agency monitoring requirements and submitted to Land Use Services by Oct 1st of each year.

26. Deliveries. Transportation and delivery of materials should be conducted primarily during daylight hours only and restricted per BLM requirements if applicable.

27. Operation. This project may operate 24 hours/day and 7 days/week. Typically, during average operations, the hours of operation are scheduled to be 6 days/week and 12 to 24 hours/day. The processing plant would operate approximately 10 – 16 hours/day as not all mined material requires onsite crushing and screening and processing will vary based on the raw material size and other specifications.

    Based on 5 to 6 days/week with limited operations on Sundays and holidays, there are approximately a total of 250 to 300 working days per calendar year. operate up to 24 hours per day, seven (7) days per week during peak demand periods for the estimated duration of the SR-58 project up to 2 years.

    To accommodate the delivery of typical production to regular customers, it is expected that the quarry will ship up to approximately 400 truckloads per day or 120,000 truckloads/year with street-legal over-the-highway end dump or super-10 dump trucks. In addition to this schedule, it is anticipated that an additional 250,000 tons per year at 40 tons per load (6,350 loads per year / 520 loads per month / 25 loads per day) delivered to the rail loop aggregate loading facility. To accommodate aggregate requirements for the next five years, an additional 50,000 to 70,000 tons per month would be delivered to the proposed rail loop

aggregate loading facility in 40-ton trucks (1,750 loads per month / 87 loads per day) on the private haul road..

28. Blasting. Blasting of rock material is required for extraction of the heavy, dense, granite rock. This method will continue to be used during the length of the permitted mining operation. Therefore, it is proposed to continue the use of blasting during future quarry expansion activities. Stripping of soil and blasting shall not be conducted during periods of sustained high winds (25 mph greater than 1 hour) or during high intensity rainstorms.

29. Explosives. Storage of explosives will not occur onsite throughout the life of the project.

30. Fixed Structures Upon cessation of mining activities at the end of quarry operations, all fixed structures and mobile equipment not required for further revegetation activities will be removed from the site. This would include all loaders, dozers, crushing and screening plant equipment, conveyors. Batch plant structures and related improvements shall be completely removed from the subject site within 30 days of project cessation. Any further modifications and/or alterations to the batch plant as noted in the approved mining plan will require review by the Planning Division.

31. Asphalt Batch Plant Requirements. Applicant shall ascertain and comply with requirements of all Federal, State, County and Local Agencies as are applicable to the proposed use and the project area. They may include, but are not limited to: 1) State: Caltrans; Fire Marshall; South Coast Air Quality Management District; Santa Ana Regional Water Quality Control Board, California Highway Patrol, 2) County: Department of Public Health; Environmental Health Services Division; Local Enforcement Agency (LEA); Department of Land Use Services, Divisions of Building & Safety and Code Enforcement; Department of Public Works; Flood Control District; California Occupational Safety and Health Administration (Cal-OSHA)..

Definitions

32. Minerals. Include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from organic and inorganic processes. Clay, sand, gravel, rock, decomposed granite, salts, alumina, silica, alkali, topsoil or growth medium, organic humus and gems represent the aggregate of different minerals.

33. Aggregate Removal. The applicant shall not sell or otherwise move off the mine site any sand, gravel, or other produced minerals to a public agency unless the operator certifies, under penalty of perjury, that the mining operation is identified in the AB 3098 List published pursuant to PRC Section 2717(b).

34. Construction and Demolition (C&D). Materials left on site or produced in the process of site clearing activities, construction, renovation, or demolition of

structures of all types to include roads and bridges shall be deemed as waste material. Waste materials include, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick. The Financial Assurance Cost Estimate shall include costs to remove C&D materials to an approved facility that is permitted to receive such materials.

35. Exploration or Prospecting. Includes the activities in search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

36. Project Design Features: Project Design Features (PDFs) are aspects of the proposed project that have been designed into the mining operations.

37. Mitigation Measures: Mitigation Measures (MMs) are environmental protection measures developed during the CEQA process (in addition to the proposed PDFs) that have been determined necessary to further protect the environment.

38. Ownership. The person(s) involved in the ownership of the property include all persons having interest in the ownership of the surface and subsurface property, including mineral rights. If the applicant/operator is not the recorded owner(s) of the property, must submit a signed statement by the property and mineral rights owner(s) authorizing the applicant to act on their behalf.

39. Operator. The Operator includes the applicant and any person who is engaged in surface mining operations, and others contracted to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole involvement and compensation.

40. Operations. Surface mining operations include all, or any part of, the process involved in the mining of minerals on mined lands, borrow pitting, segregation and stockpiling of mined materials (and recovery of same).

41. Mined Lands. Include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

42. Produced Minerals. As defined in CCR Section 3501 includes all minerals sold, given, or otherwise moved off the site of the operation, as defined in the approved reclamation plan. Recycled products (e.g., broken concrete, bricks,

asphaltic concrete, etc.) or stockpiles of mineral products that remain on the site are not produced minerals for purposes of CCR Section 3695(b).

43. Transplanting. Transplanted or propagated plants will be maintained for a minimum of three years, or until a qualified biologist(s) determine that the plants have been successfully established (e.g., plants are vigorous, flower, and produce seed). Successful re-establishment of the plants will be based on the replanted areas achieving density and diversity standards based on control plots.

44. Special-status Plant Protection. Special-status plants (as listed in the SBCC Section 88.01.060 (et al.), Desert Native Plant Protection, and those species identified/listed in Revegetation Plan and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan.

45. Joshua Trees. On September 22, 2020, the California Fish and Game Commission determined that the Western Joshua tree (Yucca brevifolia) is a potentially threatened or endangered species and should be protected under the California Endangered Species Act (CESA). This commenced a status review of the species, and the Commission will make a final decision whether or not to require permanent protection status under CESA after the review; therefore, during the status review period, the Western Joshua tree is protected under CESA. The County does not have authority to authorize removal of Western Joshua trees pursuant to Development Code sections 88.01.040 through 88.01.060. Removal shall require authorization from the California Department of Fish and Wildlife.

LAND USE SERVICES – Code Enforcement (909) 387-8311

46. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

47. Weed Abatement. The developer shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

PUBLIC HEALTH – Environmental Health Services (DEHS) (800) 442-2283

48. Noise Level. Noise level shall be maintained at or below County Standards, Development Code §83.01.080. For information, contact DEHS at 1-800-442-2283.

49. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, per week or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. Seq. For information, please call DEHS/LEA at: 1-800-442-2283.

COUNTY FIRE – Community Safety (909) 386-8400

50. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

51. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

52. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

53. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PRIOR TO ISSUANCE OF GRADING PERMITS OR ANY LAND DISTURBING ACTIVITY THE FOLLOWING SHALL BE COMPLETED

54. Bureau of Land Management. Authorization for site access shall be provided from the U.S. Department of the Interior, Bureau of Land Management, Barstow Field Office (BLM) prior to initiating new land disturbance activities affecting APN 0496-011-75; 76.

55. Mine/Reclamation Documentation. Prior to authorizing a proposed expansion of the operations, the Mining/Reclamation Plan text and maps shall be revised to reflect the project as approved by the Planning Commission.

56. SWPPP. The means to manage storm water on site will undergo technical review, which may include County staff. The approval incorporates comments in the Office of Mine Reclamation Letter dated March 25, 2015 concerning the proposed design for storm water conveyance.

57. Project Boundary Verification. Prior to new ground disturbance, a Licensed Land Surveyor shall be employed to determine and permanently monument the property corners and limits of each road right-of-way and project boundaries. For each corner, GPS coordinates (or other similar technology) shall be provided in a format acceptable to the County. A final report shall be provided to Land Use Services.

PRIOR TO MINING OPERATION THE FOLLOWING CONDITIONS SHALL BE MET

LAND USE SERVICES - Planning (909) 387- 8311

58. Well Site. Water may be supplied through the use of an onsite well. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.

59. Stockpiling and Growth Medium. The operator shall stockpile all available growth medium and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Re-vegetation areas shall be ripped to a depth of one-foot, de-compacted and shall be supplemented by broadcast seeding with native and locally adapted seed per the approved reclamation plan. Stockpiled growth

medium shall be stored separately from silt and overburden material stockpiles and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods.

60. NPDES. The applicant/operator shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges associated with operation activities. The NPDES permit shall be submitted to the Lahontan Regional Water Quality Control Board (LRWQCB) and a copy shall be submitted to Planning, or provide evidence from the LRWQCB that the NPDES permit is not needed. For information, call LRWQCB at (760) 241-7305.

61. Streambed Alteration Agreement. Prior to any disturbance that could disturb or alter any drainage course, the applicant/operator shall enter into a California Department of Fish and Game 1603 Streambed Alteration Agreement or provide evidence that one is not required. Streambed alteration and/or discharge of fill material to a surface water may further require a CWA, section 401 water quality certification for impacts to federal waters or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board or State Water Board. Early consultation with the Lahontan Water Board Staff is encouraged. Information regarding these permits, including application forms can be downloaded from the following website:

http://www.waterboards.ca.gov/lahontan/

62. Storm Water Pollution Prevention Program (SWPPP). The operator shall prepare a SWPPP outlining how storm water shall be conveyed or directed on and off-site during operations to avoid impacts to groundwater and surface water quality. Within the SWPPP, the operator shall list Best Management Practices (BMPs) to be employee on site to avoid water quality impacts. The SWPPP shall be submitted to the Lahontan Regional Water Quality Control Board and a copy submitted to Planning or provide evidence from LRWQCB that the SWPPP is not needed. For more information, contact LRWQCB at (760) 241-7305.

63. On-Site Lighting and Illumination. The area of illumination from any lighting shall be confined to be within the site boundaries and to minimize impacts to night sky views from surrounding properties. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. On-site lighting shall be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting shall be limited to that necessary for maintenance activities, security and safety purposes. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign.

64. Permit Maintenance. The applicant/operator shall maintain and annually renew existing permits to operate the processing plant, onsite generators, and any other applicable equipment from the MDAQMD and be in compliance with said permits.

65. Exhaust Control Measures. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (Development Code, Section 83.01.040 (c)) including but not limited to:

A. Equipment/vehicles shall not be left idling for period in excess of five minutes;
B. Engines shall be maintained in good working order to reduce emissions;
C. Onsite electrical power connections shall be made available where feasible;
D. Ultra low-sulfur diesel fuel shall be utilized;
E. Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible;
F. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use;
G. In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.

66. Monumentation. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record or survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

67. Record of Survey. The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

A Record of Survey/Corner Record shall be filed in the following instances:

a) Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
b) Monuments set to mark the property lines.
c) Pursuant to applicable sections of the Business and Professions Code.

LAND USE SERVICES/BUILDING & SAFETY DIVISION (909) 387-8311

68. Asphalt Batch Plant. Any building, sign or structure associated with the Asphalt Batch Plan to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.

69. Geology Report Required Before Grading. If construction of inhabited structures is proposed, a geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading permits or land disturbance.

70. Geotechnical (Soil) Report Required Before Grading. If construction of inhabited structures is proposed, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

71. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

ON-GOING OPERATIONAL CONDITIONS
General Requirements

PUBLIC HEALTH – Environmental Health Services (DEHS) (800) 442-2283

72. Noise Operations. The Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b).

73. Solid Waste. No land filling of wastes shall occur on-site without an approved Solid Waste Facilities Permit.

74. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with the Development Code, Section 33.0830 et seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 909-387-4655.

75. Solid Waste Removal. All refuse containing garbage shall be removed from the premises at least one time per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.

76. Potable Water. The water purveyor shall be DEHS approved and maybe permitted; currently proposing bottled water for visitors and employees for drinking.

PUBLIC WORKS – Traffic – 909 387-8186

77. Project vehicles. Shall not back up into the project site nor shall they back out into the public roadway.

COUNTY FIRE – Community Safety (909) 386-8400

78. Access. The primary access route shall comply with the minimum requirements for fire protection and/or emergency response with applicable local ordinances, codes, and/or fire protection standards.

79. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall bs surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

80. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

81. Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

82. Emergency Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
    a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

    b. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

83. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved

means with numbers that are a minimum of six (6) inches in height and three-quarter (¾) inch stroke.

LAND USE SERVICES – Planning (909) 387-8311

84. Barriers/Signage. A barrier and signage per MSHA requirements shall be maintained around the mined slopes. The upper reach of the final reclaimed slopes shall be remediated to an inclination of 3:1(Horizontal: Vertical) or flatter.

85. Groundwater Use Compliance. Should groundwater become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency staff to ensure compliance.

86. Water Discharge. On-site groundwater may be impaired with undesirable chemical constituents; therefore, water use and discharges shall be in accordance to the water quality objectives and standards within the Lahontan Region outlined in Chapter 3 of the Basin Plan.

87. Stockpiling. On-site materials shall not be stockpiled adjacent to an active drainage unless adequate protective measures are implemented. Adequate measures shall consider the most adverse conditions the stockpile will likely experience.

88. Soil Contamination. In the event of any soil contamination on-site, the applicant/operator shall remove to a County approved disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time.

89. Overburden. The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum. The following practices shall be undertaken during the performance of surface mining operations:

    A. Erosion control facilities such as retarding basins, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control water erosion.
    B. Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to; natural drainage courses or interior basins designed for water storage.
    C. Resoiling. When the reclamation plan calls for resoiling, course hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures are necessary.

90. Mining Operation. The mining operation shall be conducted in a uniform manner, with exterior slopes and floors trimmed as the mining operation proceeds to facilitate implementing site reclamation. Excavations shall be conducted so as to

leave them in a reasonably neat and trim manner. The final site shall be graded and revegetated as per the approved Reclamation Plan Plot Plan. Any changes to the approved plans shall require a Revision Application.

91. Slope monitoring. Slope monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. The monitoring shall include the following items:

    A. Slope Stability Analysis: A qualified independent California Certified Professional Civil Engineer OR Engineering Geologist shall complete, on an annual basis or deemed necessary by County inspector, a stability assessment of new quarry development areas. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.

    B. Review of Slope Stability Considerations: Using the information from the investigation and monitoring, the assumptions and results of the stability analysis shall be evaluated for continued approved design applicability.

92. Recycling Material. Processing and/or stockpiling of recycled materials is not permitted on site.

93. Interim Management Plan. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA, Section 2770(h) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.

94. Headlights. In consideration to recreational use in the vicinity of the project, daytime headlights shall be required at all times. Advisement to drivers and employees of this requirement shall be made on a weekly basis.

95. Site Maintenance. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. No refuse shall be retained at any time in the work areas. All refuse shall be disposed of at an approved licensed disposal facility. Refuse storage shall be maintained in closed containers

96. Reclamation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

97. Signage. Clearly legible signs denoting limits shall be posted along with fencing, berms, or rock barriers, as necessary, to protect against accidental entry to the site. Lettering shall be a minimum four (4) inches in height. As feasible, signs shall be placed every 300 feet around the perimeter of the project plan area where undisturbed ground adjoins the permit area. All signs shall be in place prior to the commencement of extraction activities.

98. Sign Maintenance. The applicant/operator should regularly review the adequacy of the signs. Care should be taken to ensure that signs do not become blocked by vegetation or become illegible from dirt or deterioration. As new phases are developed, additional signs may be needed. In evaluating the adequacy of signs, they should be considered from the viewpoint of a first-time visitor on the property, such as a vendor or a contractor. Pay special attention to any areas where public roads intersect project roads. Other drivers may not be familiar with the operation of mining equipment, the mine's traffic patterns, and equipment blind spots. Ensure that the traffic and warning signs that are provided in these areas are adequate.

99. Advertisement. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.

100. Company Identification. The applicant shall install Company identification signs on all company owned and operated haulage trucks used on public roads. The signs shall be located on both sides and the rear of each truck. The information contained on the sign shall include:

On the rear of the truck:	On the side of the truck:
A. How am I driving?	A. Company name.
B. Truck number.	B. Truck number.
C. Company phone number.	C. Company phone number.

The signing shall be printed in a minimum of 3" high lettering. The applicant shall have a person or an answering machine available during operating hours to answer the phone that corresponds to the phone number on the truck. The persons answering the phone number shall be instructed as to how to take the calls, how to affect a solution, and be responsible for returning a call to the complainant with results of investigation. The applicant shall keep a log of all calls received and shall include documentation of response and/or resolution of complaints. The log shall be made available to the County upon request..

101. Traffic -1 – Hauling. During off-site hauling activities to the SR-58 project area, the mining operator is required to comply with the Caltrans Transportation Management Plan as required by Mitigation Measure TR-1 of the Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013.

102. Site Lighting. Non-portable plant equipment and structures are restricted to a maximum of 35 feet in height above natural grade level.

103. Plots. Test plots shall be indicated on the Mine Reclamation Plan and required to determine the suitability of growth media for revegetation purposes. Test plots shall be conducted simultaneously with mining to determine the most appropriate planting procedures to be followed to ensure successful implementation of the Re-vegetation Plan.

104. Re-vegetation Monitoring. Monitoring will continue annually for at least five (5) years after reclamation has been completed. Following the first two years of qualitative monitoring, quantitative monitoring will be conducted. Monitoring will utilize methods appropriate to the areas under study. Beginning with the adoption of the final revision of the Reclamation Plan that encompasses all the needed changes to be consistent with the final conditions of project approval, and continuing until reclamation is completed, the applicant/operator will submit to Planning annual monitoring reports. The reports will:

A. Describe re-vegetation actions undertaken in the reporting period;
B. Identify areas that have been disturbed;
C. Identify areas and acreage for which re-vegetation has been started;
D. Present results of investigations on species diversity and other measures of re-vegetation success in test and control or reference plots;
E. Describe successes and problems in the re-vegetation efforts for that year;
F. Describe steps taken to resolve problems or achieve re-vegetation success;
G. Describe disturbance and re-vegetation efforts planned for the next two years.

105. Revegetation Renewal. If re-vegetation is not successful, the applicant/operator shall undertake the following actions:

A. If, during the first two years of qualitative monitoring, revegetation is clearly not successful, the applicant/operator will re-evaluate the revegetation methods and will discuss changes to these methods with the County representatives. The applicant/operator will revise the Re-vegetation Plan, secure concurrence from Planning for the changes, and begin implementing the new measures.
B. If the test plots do not meet the specified success criteria of the control plots after three years, the applicant/operator will make an assessment of the re-vegetation methods to identify any deficiencies contributing to planting failures. Corrective action shall be incorporated in follow-up testing.
C. If after five years, the re-vegetated areas (as measured by the results of the test plots) have not achieved these success criteria, the applicant/operator will immediately begin to implement the measures identified in a contingency plan.

106. Financial Assurances Re-vegetation in arid areas is tenuous at best and, therefore, the applicant shall provide in the Financial Assurance Cost Estimate the costs to monitor and report on revegetation, incidental disturbance and erosion control for a time period of five (5) years following the termination date of operation.

107. Pursuant to SMARA, Section 2772.7. Planning will prepare a “Notice of Reclamation Plan Approval” on a form to be approved by the County Recorder’s Office. The operator shall pay any and all review and recording fees.

COUNTY FIRE - Hazardous Materials (909) 386-8401

108. Batch Plant Operations. Prior to commencement of batch plant operations, operator shall submit or update a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshall, Hazardous Materials Division at the number referenced above.

109. Business or facility. That handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at http://cers.calepa.ca.gov/ or apply for exemption from permitting requirements. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit https://sbcfire.org/hazmatcupa/ for more information.

110. Facility Handling . Prior to occupancy, a business or facility handling an aggregate storage capacity of 1,320 gallons or more of petroleum in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons shall prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit https://sbcfire.org/apsa/ for more information.

PRIOR TO FINAL CLOSURE
Following Conditions Shall Be Met

LAND USE SERVICES – Planning (909) 387-8311

111. Tributary Drainage Flows. Upon final reclamation, provisions shall be implemented to intercept and conduct off site tributary drainage flows around or through the site to minimize erosion in a manner which will not adversely affect adjacent or downstream properties and shall be maintained five (5) years following the termination date of operation.

112. Equipment. At the time of termination of the operation for any reason, all equipment, structures and refuse associated with the operation shall be removed from the site, all hazards mitigated, and reclamation initiated within 90 days, as per the approved Reclamation Plan.

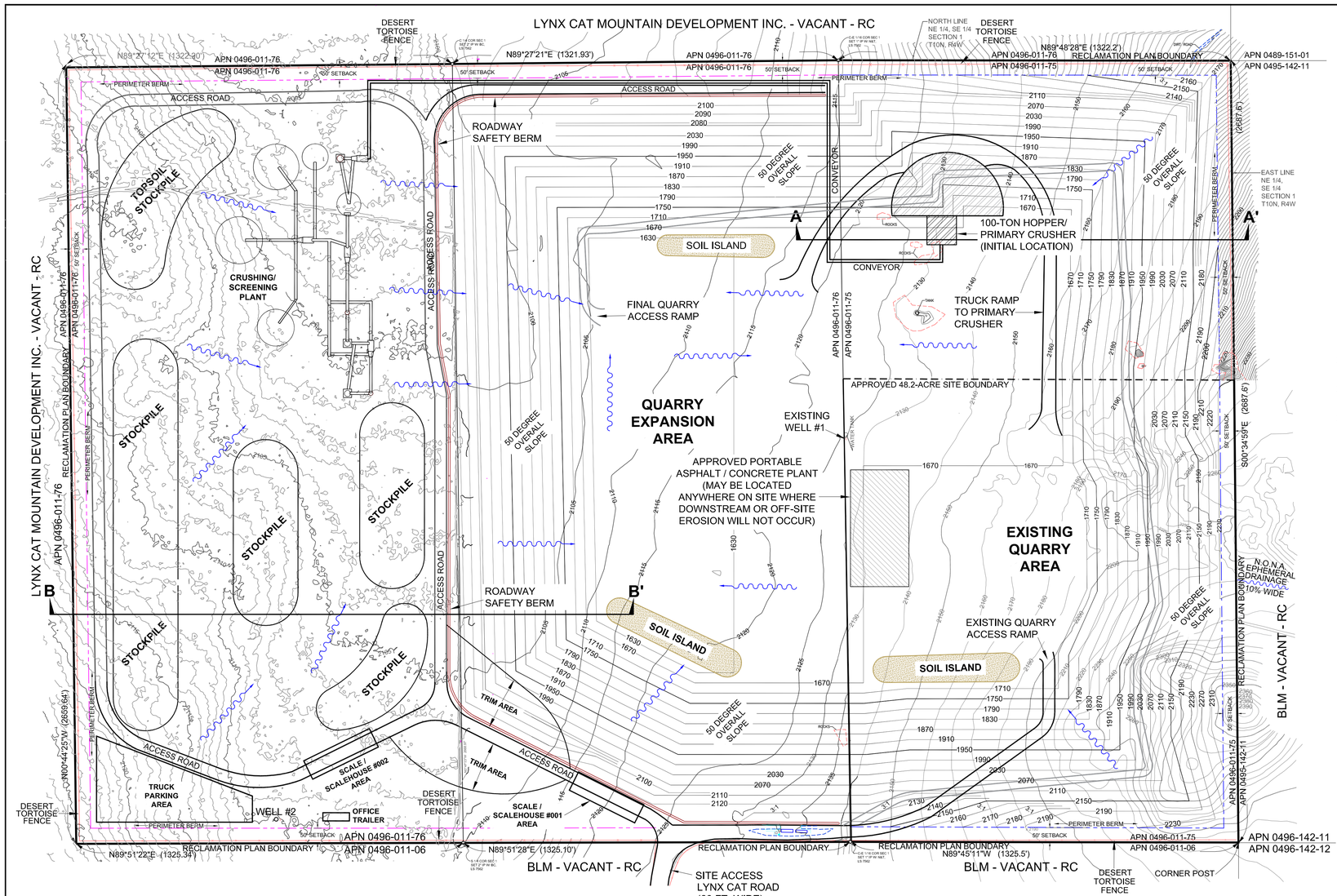
113. Access Roads. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of mining/hauling activities.

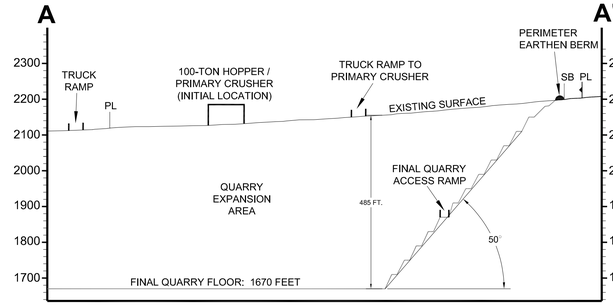
114. Site Re-Contour. The applicant/operator shall re-contour the site at the conclusion of operations (platforms, stockpiles, settling ponds, etc.). The site should resemble natural landforms where possible.

115. Reclamation Verification. Each area reclaimed shall be identified on a map and labeled for identification. The final map shall be provided to Planning for review and approval.

CONCLUSION OF CONDITIONS

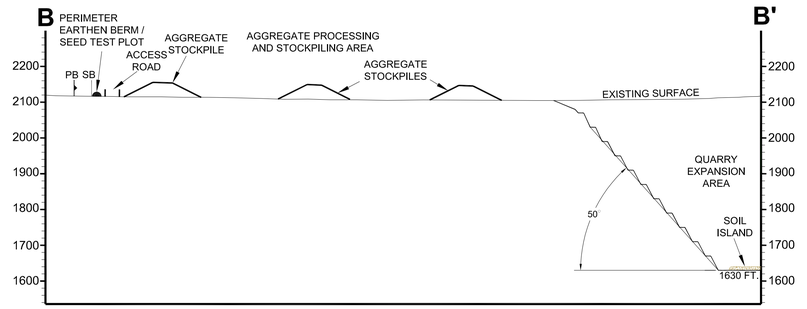
EXHIBIT E





CROSS SECTION A - A'

Scale: 1" = 200'



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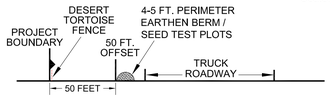

PROJECT BOUNDARY DETAIL

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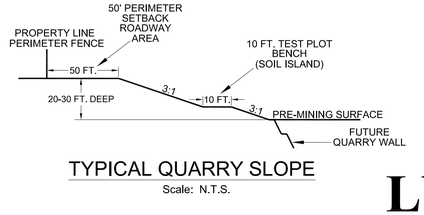
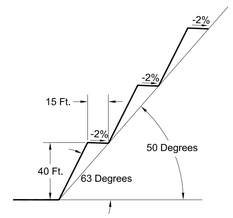


TYPICAL QUARRY SLOPE

Scale: N.T.S.



TYPICAL QUARRY BENCH

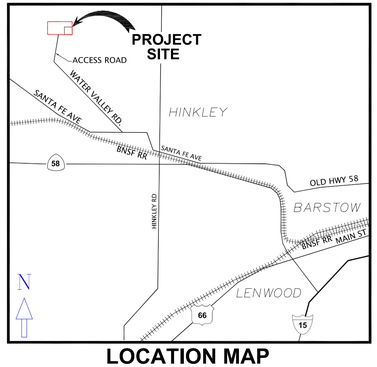
Scale: 1" = 50'

FIGURE 5

LYNX CAT MTN. QUARRY

RECLAMATION PLAN 90M-10
CA MINE ID: 91-36-0049

MINE PLAN



LOCATION MAP

NOT TO SCALE

SITE INFORMATION

TOTAL PROPERTY HOLDING:	609.8 Acres
EXISTING PROJECT AREA:	48.2 Acres
PROPOSED PROJECT AREA:	241.7 Acres
ASSESSOR'S PARCEL NUMBER(s):	0496-011-75, 0496-011-76

LEGAL DESCRIPTION (PROPOSED PROJECT AREA):

APN 0496-011-75: E 1/2, SE 1/4 SECTION 1, T10N, R4W, S.B.B.M., TOTALING 81.7 ACRES M/L

APN 0496-011-76: W 1/2, SE 1/4 AND THE E 1/2, SW 1/4, SECTION 1, T10N, R4W, S.B.B.M., TOTALING 160 ACRES M/L

SITE ADDRESS: 19120 Lynx Cat Road, Hinkley, CA 92347

EXISTING/PROPOSED LAND USE CATEGORY:
RLM (Resource/Land Management)

EXISTING/PROPOSED LAND USE DISTRICT:
RC (Resource Conservation)

IMPROVEMENT LEVEL: 5

EXISTING/PROPOSED ZONING:
RC (Resource Conservation)

UTILITIES
Water - Private Well, Imported Bottle Potable Water for Drinking
Sewer - Portable Toilets
Electricity - Diesel Generator, Gas (if needed), Future Solar/Battery
Gas - None
Telephone - Wireless Service
Cable Television - None

MINING PLAN NOTES

1) This proposal is for expanding the existing Lynx Cat Mountain Quarry from 48.2 acres to 241.7 acres utilizing private surrounding land owned by the proponent.
2) The site will consist of an expanded quarry area and a processing/product stockpiling area to support large upcoming construction projects in the high desert. Due to the size of these projects, large amounts of aggregates must be produced, staged and made ready for transport by both truck and by rail prior to the beginning of the planned construction operations in the high desert.
3) Lynx Cat Mountain Operations LLC (Leasee and Operator of Lynx Cat Montain Quarry) has tentative commitments from various customers to produce large amounts of aggregates for delivery by both truck and rail prior to the start of construction to meet customer requirements and schedules.
4) The plan for this Lynx Cat Mountain Quarry expansion is to continue mining and production of high quality construction aggregates needed to meet the expanding demand for these products in the Barstow area and to support the ongoing construction projects in the high desert for the next 50 years of quarry operations.
5) During peak construction schedules, up to 4 million tons of stockpiled aggregates may be exported from the site on an annual basis to supply the upcoming construction projects.
6) The maximum height of the aggregate product stockpiles will be 40 feet. The location and size of the aggregate product stockpiles may vary from what is shown on this map in size and location.
7) The project site will be carefully prepared and cleared of any desert tortoises discovered and a desert tortoise exclusion fence will be installed along the entire perimeter of the project area.
8) A second portable scale and scalehouse will be installed as shown (Scale #002) in the south central portion of the project site. Parking will be provided for any employees and a truck staging area will be provided southwest of the scale. A truck load trim area will also be placed in an area between the two scales to ensure proper highway legal loaded weights leaving the site.
9) Water will be used for dust suppression activities on the project site as needed. All water needed for the project will be provided by the existing permitted well located within the approved Lynx Cat Mountain Quarry boundary.
10) Stormwater drainage on and across the project site will be as shown. Currently, the quarry has a Water Quality Board NONA Identification number of 6B36NNA000059.
11) A continuous 4-5 ft. perimeter offset earthen berm consisting of topsoil and surface material will be installed to minimize flows from entering the site and to collect and retain flows that occur within the site boundary and prevent stormwater flows into the site. Water flows will only occur during localized storm events. There are no blueline streams, swales or drainage areas that will be impacted by this project.

MINERAL: Gray Granite	
APPLICANT: OPERATOR:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINERAL RIGHTS: LANDOWNER:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINING ENGINEER: MAP PREPARER: REPRESENTATIVE:	Webber & Webber Mining Consultants, Inc. 101 E. Redlands Blvd., Ste. 240 Redlands, California 92373 (909) 793-3416
MAP SOURCE:	Merrell-Johnson Engineering, Inc. - Feb. 2023, Aug. 2023
CONTOUR INTERVAL:	1, 5, 10 Feet

LEGEND

	DRAINAGE FLOW		EXISTING QUARRY BNDRY.
PB	PROJECT BOUNDARY		RECLAMATION PLAN BNDRY.
PL	PROPERTY LINE		EXISTING CONTOUR
SB	SETBACK		PERIMETER EARTHEN BERM

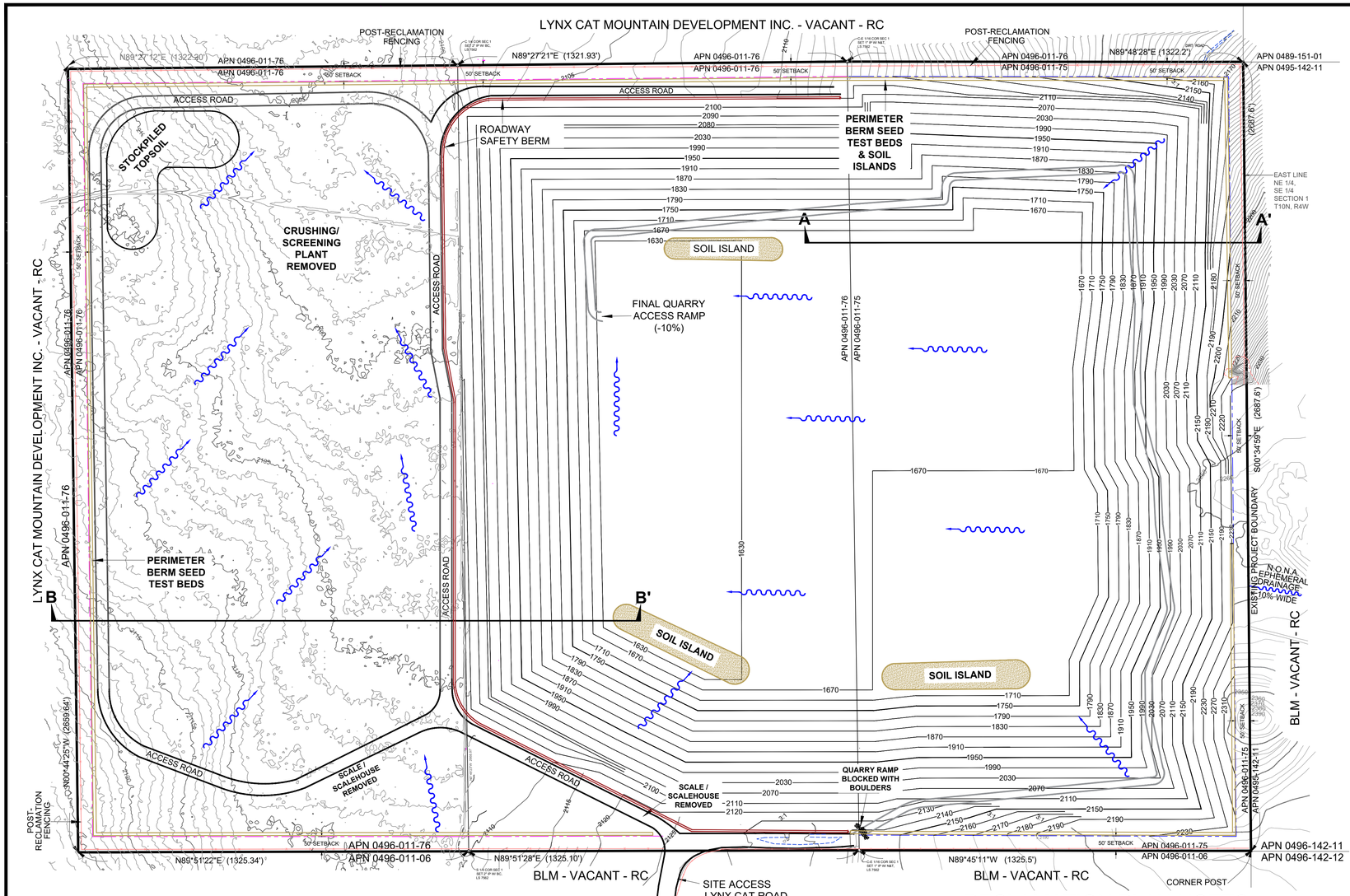
NO.	DATE	REVISION	BY
0	--/--/--	None	GAW

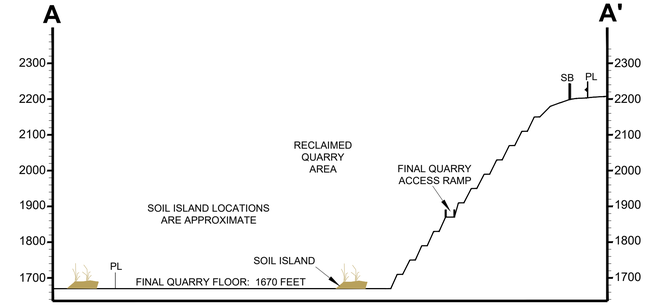
WEBBER & WEBBER
MINING CONSULTANTS, INC.
101 East Redlands Blvd., Ste. 240
Redlands, California 92373
(909) 793-3416

Scale:	1" = 200'
Date:	October 11, 2024
Drawn by:	L. Richtmyer
Designed by:	G. Webber

REVISION REFERENCE		
NO.	DATE	BY
0	--/--/--	GAW

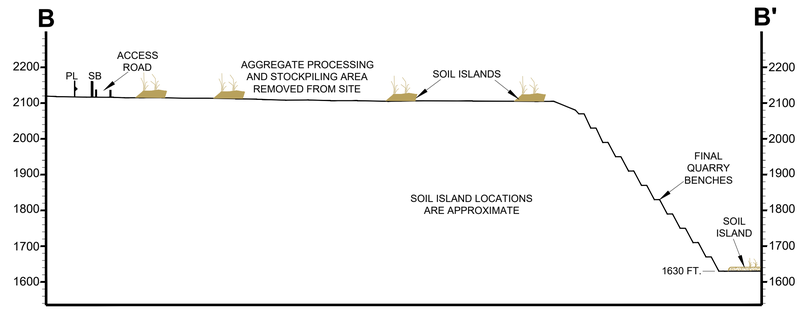
SHEET 1 of 2





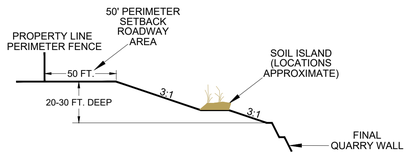
CROSS SECTION A - A'

Scale: 1" = 200'



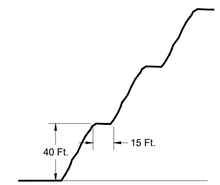
CROSS SECTION B - B'

Scale: 1" = 200'



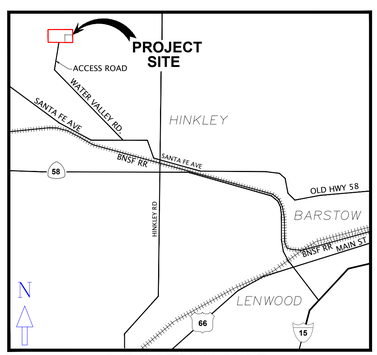
TYPICAL RECLAIMED SLOPE

Scale: N.T.S.



TYPICAL RECLAIMED BENCHES

Scale: 1" = 50'



LOCATION MAP

NOT TO SCALE

SITE INFORMATION

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APN 0496-011-76: W 1/2, SE 1/4 AND THE E 1/2, SW 1/4, SECTION 1, T10N, R4W, S.B.B.M., TOTALING 160 ACRES M/L

SITE ADDRESS: 19120 Lynx Cat Road, Hinkley, CA 92347

EXISTING/PROPOSED LAND USE CATEGORY:
RLM (Resource/Land Management)

EXISTING/PROPOSED LAND USE DISTRICT:
RC (Resource Conservation)

IMPROVEMENT LEVEL: 5

EXISTING/PROPOSED ZONING:
RC (Resource Conservation)

UTILITIES
Water - Private Well, Imported Bottle Potable Water for Drinking
Sewer - Portable Toilets
Electricity - Diesel Generator, Gas (if needed), Future Solar/Battery
Gas - None
Telephone - Wireless Service
Cable Television - None

RECLAMATION PLAN NOTES

1) The total area to be reclaimed at the project site is 241.7 acres.
2) The mine design shown will support production of high quality aggregates to the high desert for the next 50 years. It is proposed to terminate mining as of December 31, 2074, with final reclamation occurring by December 31, 2079.
3) Reclamation will occur concurrently with mining operations to the extent practical in areas of the site no longer needed.
4) The perimeter berm constructed before mining operations begin will consist of topsoil and surface material. This berm material will be utilized to create seed bed test plots and soil islands along the perimeter and in selected areas across the site to promote eventual revegetation of the entire site.
5) Locations of soil islands may be different that what is shown on this map but will eventually be sized to cover at least 25% of the accessible disturbed areas of the project site.
6) The final maximum depth of excavations will be up to 500 feet, down to the 1,630 ft. elevation. Any final benches will be no more than 40 feet high, 15 feet wide, with 0.5:1 (horizontal:vertical) bench faces for an overall slope ratio of approximately 50 degrees.
7) Groundwater is not expected to be encountered during excavations, however, if found will be pumped and utilized onsite during active mine operations.
8) As excavations near the final configuration, a licensed California Professional Engineer or Engineering Geologist will inspect the finished slopes/benches to ensure final stability achieves an acceptable factor of safety. If slopes are found not to be sufficiently stable, a report will be prepared recommending any required changes to bring slopes to an acceptable factor of safety. The reclamation plan will be amended at that time, if required.
9) All equipment not required for final reclamation activities will be removed from the site no later than the December 31, 2074.
10) Access roads to the mine site and perimeter fencing will remain subsequent to reclamation to provide future access to the privately-owned land parcel, but gates will be locked to prevent unauthorized entry.
11) Post-reclamation drainage will continue to provide stormwater retention of any surface water flows to the interior of the site.
12) The project site will be fenced along the perimeter to provide some site security. Additionally, the access ramp into the quarry will be blocked with a gate and large boulders to prevent public access into the quarry area.
13) No additional gates, walls, driveways, or curbs will remain onsite subsequent to reclamation. Quarry perimeter fencing and warning signs will remain after reclamation to alert the public of potential dangers.
14) Proposed final use of the reclaimed site will be vacant open space managed by the legal landowner.

REGISTERED PROFESSIONAL ENGINEER
HUBERT Y. KANG
C-81217
Exp. 9/30/26
CIVIL
STATE OF CALIFORNIA

N

Scale 1" = 200'
0 200 400
(feet)
Contour Interval = 5'

LEGEND

	DRAINAGE FLOW		LYNX CAT MTN. QUARRY
PB	PROJECT BOUNDARY		EXISTING CONTOUR
PL	PROPERTY LINE		PERIMETER EARTHEN BERM
SB	SETBACK		SOIL ISLAND

NO.	DATE	REVISION	BY
0	--/--/--	None	GAW

WEBBER & WEBBER
MINING CONSULTANTS, INC.
101 East Redlands Blvd., Ste. 240
Redlands, California 92373
(909) 793-3416

Scale: 1" = 200'
Date: October 4, 2024
Drawn by: L. Richtmyer
Designed by: G. Webber

REVISION REFERENCE		
NO.	DATE	BY
0	--/--/--	GAW

SHEET 2 of 2

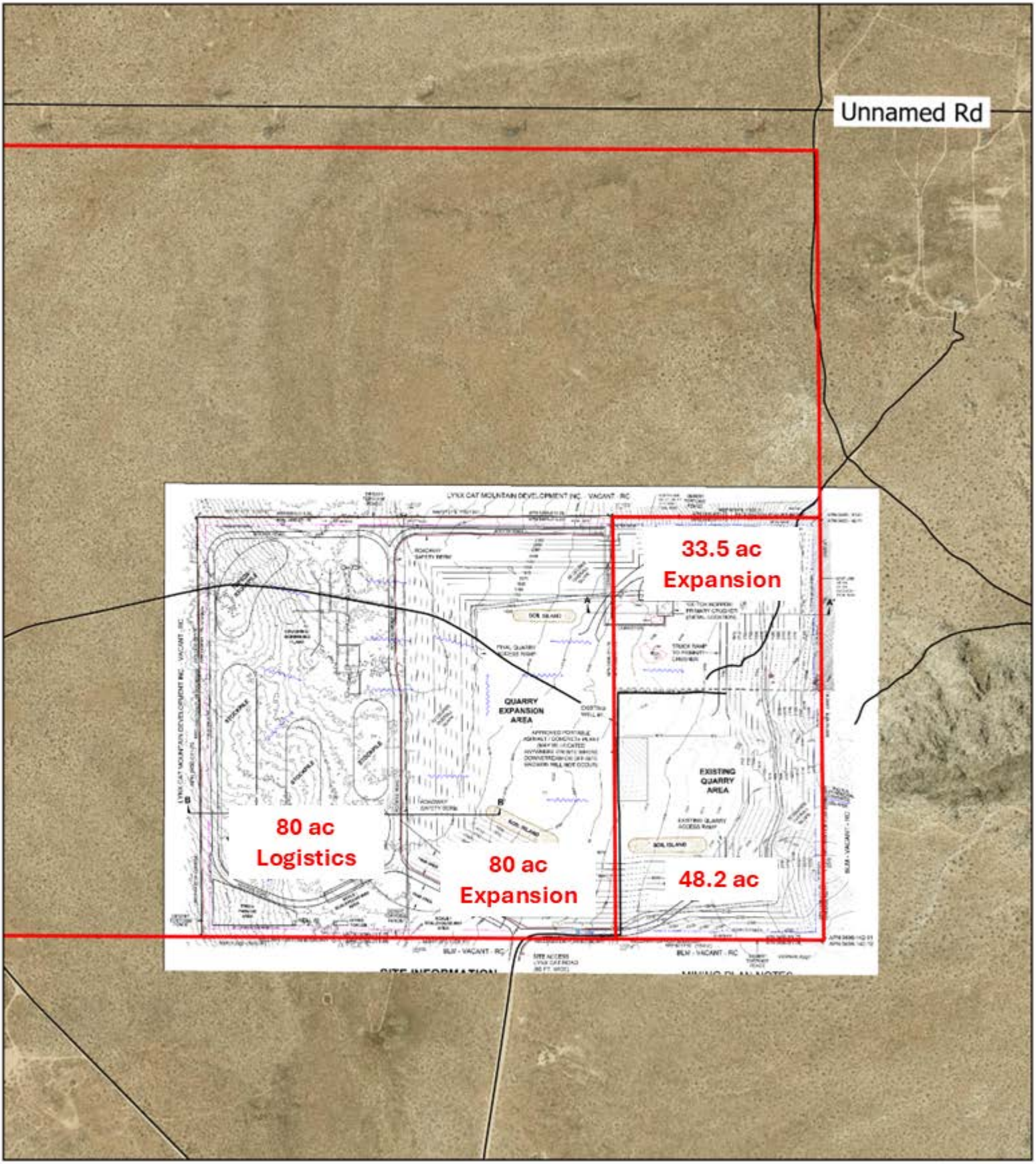
FIGURE 7

LYNX CAT MTN. QUARRY

RECLAMATION PLAN 90M-10
CA MINE ID: 91-36-0049

RECLAMATION PLAN

MINERAL: Gray Granite	
APPLICANT: OPERATOR:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINERAL RIGHTS: LANDOWNER:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINING ENGINEER: MAP PREPARER: REPRESENTATIVE:	Webber & Webber Mining Consultants, Inc. 101 E. Redlands Blvd., Ste. 240 Redlands, California 92373 (909) 793-3416
MAP SOURCE: CONTOUR INTERVAL:	Merrell-Johnson Engineering, Inc. - Feb. 2023, Aug. 2023 1, 5, 10 Feet



PHASING PLAN

EXHIBIT F

Docusign Envelope ID: FF22E69B-F31D-4346-8251-9F4F467589FC

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 23, 2025
Sent Via Email

Derek Newland, Planner
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

The Lynx Cat Mountain Quarry Expansion Project (Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025041056

Dear Derek Newland:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Lynx Cat Mine, MATCON Corporation

Objective: The objective of the Project is to extend mining activities for an additional 50 years and to expand the Lynx Cat Mine quarry from 48.2 acres to 161.7 acres, leading to a 113.5-acre quarry expansion. Additionally, expansion of crushing, screening, processing, and product stockpile areas is proposed on an additional 80 acres west of the expanded 161.7 acres quarry area. Lastly, the quarry depth will increase from 250 to 500 feet below the ground surface (bgs) with an average pit floor depth of +/- 485 feet bgs. Primary Project activities include mining, excavation, staging, stockpiling, construction and

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Docusign Envelope ID: FF22E69B-F31D-4346-8251-9F4F467589FC

maintenance of roads and pit benches, transportation of materials, drilling and the use of explosives.

Location: 19120 Linx Cat Road, Hinkley, California 92347; Assessor's Parcel Number(s): 0496-011-75 & 0496-011-76

Timeframe: December 31, 2025 to December 31, 2075

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT 1: Nesting Birds

Section 4, Page 28-31

Issue: The Project may have impacts on nesting birds, including CESA-listed birds, Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project as described could result in direct take associated with grading, vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, displacement, reduction of habitat and habitat quality associated with road infrastructure and mining activities. The Project as described would cause permanent and temporary impacts to avian species' foraging and nesting habitat.

Why impact would occur: Within the MND, MM-BIO-1 limits nesting bird surveys to only occur within the nesting bird season, CDFW would like to note that regardless of the time of year, a pre-construction clearance survey should be conducted to avoid potential impacts to nesting birds. This is considering that the timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In addition, MM-BIO-1 as outlined in the MND does not require that a qualified biologist monitor and determine whether a nest has been vacated in order to proceed without risking take of nesting birds and violation to state or federal laws. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

On page 30, the MND states that the Project would result in loss of suitable habitat for LeConte's thrasher (SSC) and loggerhead strike (SSC) through vegetation removal. Further, construction while birds are nesting could result in a decrease in breeding success or otherwise lead to nest abandonment. For example, noise from road use, generators, drilling, explosives, and heavy equipment may disrupt mating, calls, or songs, which could impact reproductive success [2&3].

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as

[2] Patricelli, G. L., & Blickley, J. L. 2006. Avian Communication in Urban Noise: Causes and Consequences of Vocal Adjustment. The Auk, 123(3), 639–649.
[3] Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. Journal of Applied Ecology 48:210–219.

Docusign Envelope ID: FF22E69B-F31D-4346-8251-9F4F467589FC

amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended potentially feasible mitigation measure(s): CDFW appreciates that the MND provides a measure to minimize the Project's impacts to nesting birds. CDFW offers the following revisions to MM-BIO-1 (edits are in ~~strikethrough~~ and **bold**) for inclusion in the Final MND.

Mitigation Measure: MM-BIO-1; Revised

To the extent feasible, construction activities shall avoid the migratory season to reduce any potentially significant impacts to birds that may be nesting in the Project site. Prior to disturbing soil or vegetation, **regardless of the time of year**, ~~between February 1 and September 15~~, a qualified biologist shall survey ~~all shrubs within~~ the Project Site **and within 500 feet of all impact areas** for nesting birds including loggerhead shrike and Le Conte's thrasher. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the ~~plant in which it occurs~~ **nest shall** ~~should~~ be left in place **and monitored by the qualified biologist** until the birds leave the nest. If active nests are found during nesting bird surveys, they shall be flagged **for avoidance**~~.~~ **and a** ~~A~~ 250-foot buffer shall be marked around songbird nests, and a 500-foot buffer shall be marked around raptor nests.

COMMENT 2: Desert Tortoise (*Gopherus agassizii*)

Section 4, Page 29-31

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to desert tortoise habitat. The Project may result in the take of desert tortoise, a CESA listed threatened and candidate endangered species, during construction of the Project and the life of the Project.

Specific impact: Project construction and related mining activities may cause direct take of desert tortoise and indirect take in the form of reducing habitat and species movement.

Why impact would occur: As shown in Figure 4 of Appendix C1 in the Biological Assessment, 7 suitable burrows were mapped throughout the Project site and were noted as in good condition for desert tortoise. One live tortoise was also found on-site during the focused survey. Lastly, desert tortoise scat and scutes were found scattered across the Project site. Impacts to desert tortoise would occur due to the presence of the species on site and the loss of habitat suitable for desert tortoise. Thus, impacts on individuals and the loss of desert tortoise habitat could result in significant impacts if not mitigated to a level of less than significant.

Evidence impact would be significant: Desert tortoise was recently uplisted from a threatened to endangered species under CESA, signifying the continued need to conserve the species and the importance to avoid impacts to the species and its habitat. Surveys indicate desert tortoise, suitable burrows, and sign of desert tortoise was found on-site. CDFW considers the take of a listed species and loss of the species habitat as a significant impact, unless mitigated to a level of less than significant.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW appreciates that the MND provides a measure to minimize the Project's impacts to desert tortoise. CDFW strongly recommends the following

Docusign Envelope ID: FF22E69B-F31D-4346-8251-9F4F467589FC

revisions to MM-BIO-2 (edits are in ~~strikethrough~~ and **bold**) for inclusion in the Final MND.

Mitigation Measure: MM-BIO-2; Revised

~~To establish appropriate avoidance and minimization measures and/or mitigation measures for desert tortoise, the mine operator or its qualified biologist shall consult with the BLM, USFWS, and the CDFW prior to commencing any ground disturbing activities in the project area. (Note that an Incidental Take Permit (ITP) application for desert tortoise and Mojave ground squirrel has been submitted to CDFW in January 2025 and the CDFW determined that the application was complete on February 25, 2025.)~~ **An Incidental Take Permit (ITP) for desert tortoise *(Gopherus agassizii)* shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct and/or indirect impacts shall be fulfilled through conservation of suitable desert tortoise habitat through the purchase of mitigation bank credits or land acquisition as determined by CDFW in the ITP and as determined by BLM/USFWS. A pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol[4] shall be conducted to evaluate locations of potential desert tortoise burrows within the Project limits. The pre-construction clearance survey shall be conducted on the Project site 14 to 21 days prior to the start of construction activities; or alternatively, pre-construction clearance surveys may be conducted at any time following the installation of desert tortoise exclusionary fencing encompassing the entire Project site, which would ensure that tortoises cannot enter the Project after clearance surveys are completed. Should there be any faults following the installation of the desert tortoise exclusionary fence that would compromise the efficiency, additional pre-construction clearance surveys shall be conducted throughout the Project site. Temporary desert tortoise exclusionary fencing shall remain in place until Project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocols. Should desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS protocol and Project-specific guidance contained in a habitat conservation plan and the ITP. No take of desert tortoise shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081 and a habitat conservation plan. The Project proponent shall adhere to measures and conditions set forth within the ITP. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS and CDFW. The area cleared and number of desert tortoises found within that area shall be reported to the local USFWS and CDFW. Notification shall be made in accordance with the conditions of the habitat conservation plan and ITP**.

COMMENT 3: American Badger (*Taxidea taxus*)

Section 4, Page 29-31

Issue: The Project may impact potentially suitable habitat for American Badger and MM-BIO-3 within the MND is not sufficient to avoid impacts to this species of special concern.

Specific Impact: The Project area is within the range of occurrence of American badger and is known to support suitable habitat for American Badger. The MND fails to propose appropriate avoidance and minimization measures to reduce Project impacts to less than significant.

Why Impact Would Occur: The Project would eliminate potential habitat for American badger through the expansion of a quarry. Project activities that would eliminate

[4] U.S. Fish and Wildlife Service (USFWS). 2019. Preparing for any action that may occur within the range of the Mojave Desert Tortoise (*Gopherus agassizii*).

Docusign Envelope ID: FF22E69B-F31D-4346-8251-9F4F467589FC

potential habitat and potentially impact the species, include grading, trenching, excavation, drilling, and the use of dynamite.

Evidence impact would be significant: Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). A SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- Is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW appreciates that the MND provides a measure to minimize the Project's impacts to American badger. CDFW strongly recommends the following revisions to MM-BIO-3 (edits are in ~~strikethrough~~ and **bold**) for inclusion in the Final MND.

Mitigation Measure: MM-BIO-3; Revised

A biological monitor shall be present on-site during all initial ground disturbing activities to ensure no impacts to American badger occur. If American badger is found on-site, the biological monitor shall stop all work and allow the sensitive wildlife to leave the site **and/or shall follow measures in the American Badger Mitigation and Monitoring Plan (plan)**. **The Project proponent shall develop and implement an American Badger Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the American badger as a result of Project activities. The final plan shall be reviewed and approved by CDFW. The final plan shall include, but not be limited to the following procedures and impact avoidance measures:**

1) **<u>Identification</u>. Describe pre-construction survey and clearance field protocol to determine the number and locations of single or paired badgers on the Project site that would need to be avoided or passively relocated and the number and locations of badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals.**

2) **<u>Pre-Construction Surveys</u>. Biological Monitors shall conduct preconstruction surveys for American badger no more than 30 days prior to initiation of construction activities, including pre-construction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including utility corridors and access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den.**

3) **<u>Monitoring and Protection Measures, and Den Excavation</u>. The plan will include details on monitoring requirements, types and methods of passive relocation, and methods and timing of den excavation, including, but not limited to the following:**

4) **<u>Inactive dens</u>. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den isn't deep and doesn't curve)**

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that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse.

5) **<u>Potentially and definitely active dens</u>. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den. If the den is proven inactive then den may be collapsed during whelping season.**

6) **<u>Active natal/pupping dens</u>. If an active natal den (a den with pups) is detected on the site during construction, CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. If the den is active during the whelping season, even if pups are not seen, disturbance is not allowed. Active natal/pupping dens will not be excavated or passively relocated.**

7) **Address other factors and procedures that may affect the success of relocation offsite, such as: estimates of the distances badgers would need to travel across the Project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals will return to the Project site during construction.**

COMMENT 4: Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Section 4, Page 29-31

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to Mohave ground squirrel habitat. The Project may result in the take of Mohave ground squirrel, a CESA listed threatened species, during construction of the Project and life of the Project.

Specific impact: Staging of construction equipment, vehicles, and other mining activities may result in the collapse of occupied burrows and result in direct mortality and/or injury to Mohave ground squirrel. Grading, ground disturbance, and vegetation clearing may result in the permanent loss of Mohave ground squirrel habitat. Desert shrub vegetation such as creosote bush scrub (*Larrea tidentata*) is known to provide habitat for Mohave ground squirrel and will be removed.

Why impact would occur: Page 4.3-6 of the MND states that Mohave ground squirrel was determined to have a moderate potential to occur within the Project boundary. The MND states that focused surveys for Mohave ground squirrel were not conducted and no further analysis will be conducted. Additionally, within the MND, it is noted that the

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most recent occurrence for Mohave ground squirrel is from 2011 within 9 miles southwest of the Project site; however, this occurrence does not preclude the potential that Mohave ground squirrel could inhibit the area. Lastly, the MND states that suitable habitat is present for Mohave ground squirrel and CDFW considers the loss of suitable habitat to Mohave ground squirrel a significant impact.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the Mohave ground squirrel as a threatened species under CESA (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW appreciates that the MND provides a measure to minimize the Project's impacts to Mohave ground squirrel. CDFW strongly recommends the following revisions to MM-BIO-4 (edits are in ~~strikethrough~~ and **bold**) for inclusion in the Final MND.

Mitigation Measure: MM-BIO-4; Revised

~~To establish appropriate avoidance and minimization measures and/or mitigation measures for Mohave ground squirrel focused surveys shall be performed by a qualified biologist in Expansion Area 3 during the appropriate season to determine presence or absence on-site. If this species is determined to be present on-site, Initial Study PROJ-2024-00173 Lynx Cat Mountain Quarry APN 0496-011-75 & 0496-011-76 April 2025 Page 32 of 82 consultation shall be initiated with the CDFW prior to commencing any ground disturbing activities in the project area. Any impacts to Mohave ground squirrel would require a CESA 2081 ITP. (Note that an ITP application for desert tortoise and Mojave ground squirrel has been submitted to CDFW in January 2025 and the CDFW determined that the application was complete on February 25, 2025.)~~ **An Incidental Take Permit (ITP) for Mohave ground squirrel (*Xerospermophilus mohavensis*) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct, indirect, and/or cumulative impacts shall be fulfilled through conservation of suitable Mohave ground squirrel habitat through the purchase of mitigation bank credits or land acquisition determined through coordination with, and approved by, CDFW. No more than thirty (3) calendar days prior to the start of ground disturbing activities a qualified biologist, approved by CDFW, shall perform a pre-construction survey for Mohave ground squirrel. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within 30 calendar days of completing the surveys. Should Mohave ground squirrel be located during the clearance survey, all methods used for handling Mohave ground squirrel during the clearance surveys must be in accordance with Project-specific guidance contained in the ITP. Anyone who handles Mohave ground squirrel during clearance activities must have the appropriate authorization from CDFW. No take of Mohave ground squirrel shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081. The Project proponent shall adhere to measures and conditions set forth within the ITP.**

COMMENT 5: Special-Status Plant Species

Issue: CDFW is concerned that the Project may affect sensitive plant species with the potential to occur within the Project area. CNDDB identifies several sensitive plant species including chaparral sand-verbena (*Abronia villosa var. aurita*), Lane Mountain milk-vetch (*Astragalus jaegerianus*), and Parish's phacelia (*Phacelia parishii*), that have the potential to occur in the Project area.

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Specific Impact: Vegetation removal, and other ground disturbances are likely to result in direct mortality of sensitive plants.

Why impact would occur: Take of any CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & Game Code, §§ 2080, 2085; California Code of Regulations, tit. 14, § 786.9). Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare, or threatened species for the purposes of CEQA analysis. Likewise, CDFW considers State listed communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in the California Native Plant Society Vegetation manual.

Evidence impact would be significant: According to a search on CNDDB and Calflora, the Project has suitable habitat for at least 16 native and rare plant species. However, the rare plant surveys conducted were not conducted in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018)*[5].

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends the following mitigation measure, MM-BIO-5, for special-status plants be included in the Final MND.

Mitigation Measure: MM-BIO-5; Special-Status Plants (New)

Prior to Project implementation, focused sensitive plant surveys shall be conducted during peak blooming periods within the year prior to the start of each phase of the Project. During the surveys, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018)[5]. The surveys shall be conducted by a qualified biologist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants are both evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Project proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging) determined by a qualified biologist. If complete avoidance is not feasible, the Project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project proponent should apply for a CESA ITP with CDFW.

COMMENT 6: Burrowing Owl (*Athene cunicularia*)

Section 4, Page 29-31

Issue: The Project has the potential to result in permanent and temporary

[5] California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

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loss, degradation, and impacts to burrowing owl habitat. The Project also has the potential to cause direct take of burrowing owl during Project activities and the life of the Project.

Specific impact: The Project has the potential to impact burrowing owl through the collapsing of burrows, entombment, displacement, direct take associated with vehicle and/or equipment strike(s), indirect take associated with Project activities such as attracting predators, reduction of habitat and habitat quality associated with the construction within the expansion area. The Project as described will cause permanent and temporary impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: Multiple burrowing owl occurrences have been reported near the Project site according to CNDDB. Although the Biological Assessment mentions a reconnaissance survey was conducted, a focused burrowing owl survey was not conducted. The MND mentions the Biological Assessment concluded that no burrowing owls are currently onsite, and this is concerning to CDFW considering that focused surveys were not conducted and not all portions of the Project location and adjacent areas were surveyed.

Evidence impact would be significant: Burrowing owls are regulated under Fish and Game Code section 3503.5, are a CDFW SSC, and have recently been petitioned for consideration to be listed as endangered or threatened under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. However, because the MND does not include mitigation measures specific to burrowing owl, the MND does not adequately mitigate the potential impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish and Game Code sections 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act).

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends the following mitigation measure, MM-BIO-6, be included in the Final MND to minimize potential impacts to burrowing owl.

Mitigation Measure: MM-BIO-6; Burrowing Owl (New)

Prior to any ground disturbance, a habitat assessment according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) shall be conducted by a qualified biologist. Breeding season surveys of areas found to have suitable habitat for burrowing owl shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) prior to any ground disturbance. The surveys shall include 100 percent coverage and include a minimum 500-meter buffer in adjacent habitat. Burrowing owls may recolonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, the Project proponent shall fully avoid impacts to burrowing or should obtain a CESA ITP if impacts to burrowing owl are unavoidable.

ADDITIONAL COMMENTS

COMMENT 7: Lake and Streambed Alteration Agreement Notification

Section 4, Page 32

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Based on review of aerial imagery, CDFW determined that ephemeral streams may occur within the Project area. Thus, CDFW recommends that the Project proponent adopt MM BIO-6 below to either obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or,* if notification under section 1602 of the Fish and Game Code is required for the Project, to obtain a CDFW-executed Lake and Streambed Alteration Agreement. Thus, CDFW recommends the following mitigation measure (MM-BIO-7) be included in the Final MND.

Mitigation Measure: MM-BIO-7; Lake and Streambed Alteration Agreement Notification (New)

Prior to construction activities, mapping of stream resources on the Project site shall be conducted to identify streams on site. If Project construction activities occur within a stream or associated habitat, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

I. Editorial Comments and/or Suggestions

CDFW recommends clearly titling the mitigation measures to help readers easily identify their purpose.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist San Bernardino County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Julia Karo, Senior Environmental Scientist Specialist at (909) 278-2950 or Julia.Karo@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

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ec: Office of Planning and Research, State Clearinghouse, Sacramento

Julia Karo, Senior Environmental Scientist Specialist
Inland Deserts Region
Julia.Karo@wildlife.ca.gov

ATTACHMENTS

(A) Mitigation Monitoring Reporting Plan

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Attachment A
Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the final MND for the Project.

Biological Resources (BIO) Mitigation Measure		**Timing**	**Responsible Party**
BIO-1	To the extent feasible, construction activities shall avoid the migratory season to reduce any potentially significant impacts to birds that may be nesting in the Project site. Prior to disturbing soil or vegetation, regardless of the time of year, a qualified biologist shall survey the Project Site and within 500 feet of all impact areas for nesting birds including loggerhead shrike and Le Conte's thrasher. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the nest shall be left in place and monitored by the qualified biologist until the birds leave the nest. If active nests are found during nesting bird surveys, they shall be flagged for avoidance and a 250-foot buffer shall be marked around songbird nests, and a 500-foot buffer shall be marked around raptor nests.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
BIO-2	An Incidental Take Permit (ITP) for desert tortoise *(Gopherus agassizii)* shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct and/or indirect impacts shall be fulfilled through conservation of suitable desert tortoise habitat through the purchase of mitigation bank credits or land acquisition as determined by CDFW in the ITP and as determined by BLM/USFWS. A pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol shall be conducted to evaluate locations of potential desert tortoise burrows within the Project limits. The pre-construction clearance survey shall be conducted on the Project site 14 to 21 days prior to the start of construction activities; or alternatively, pre-construction clearance surveys may be conducted at any time following the installation of desert tortoise exclusionary fencing encompassing the entire Project site, which would ensure that tortoises cannot enter the Project after clearance surveys are completed. Should there be any faults following the installation of the desert tortoise exclusionary fence that would compromise the efficiency, additional pre-construction clearance surveys shall be conducted throughout the Project site.	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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	Temporary desert tortoise exclusionary fencing shall remain in place until Project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocols. Should desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS protocol and Project-specific guidance contained in a habitat conservation plan and the ITP. No take of desert tortoise shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081 and a habitat conservation plan. The Project proponent shall adhere to measures and conditions set forth within the ITP. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS and CDFW. The area cleared and number of desert tortoises found within that area shall be reported to the local USFWS and CDFW. Notification shall be made in accordance with the conditions of the habitat conservation plan and ITP.		
BIO-3	A biological monitor shall be present on-site during all initial ground disturbing activities to ensure no impacts to American badger occur. If American badger is found on-site, the biological monitor shall stop all work and allow the sensitive wildlife to leave the site and/or shall follow measures in the American Badger Mitigation and Monitoring Plan (plan). The Project proponent shall develop and implement an American Badger Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the American badger as a result of Project activities. The final plan shall be reviewed and approved by CDFW. The final plan shall include, but not be limited to the following procedures and impact avoidance measures: 1. <u>Identification</u>. Describe pre-construction survey and clearance field protocol to determine the number and locations of single or paired badgers on the Project site that would need to be avoided or passively relocated and the number and locations of badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals. 2. <u>Pre-Construction Surveys</u>. Biological Monitors shall conduct preconstruction surveys for American badger no more than 30 days prior to initiation of construction activities, including pre-construction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including utility	Prior to commencing ground or vegetation disturbing activities.	Project Proponent

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	corridors and access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den. 3. Monitoring and Protection Measures, and Den Excavation. The plan will include details on monitoring requirements, types and methods of passive hazing, and methods and timing of den excavation, including, but not limited to the following: 4. Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den isn't deep and doesn't curve) that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse. 5. Potentially and definitely active dens. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den. If the den is proven inactive then den may be collapsed during whelping season. 6. Active natal/pupping dens. If an active natal den (a den with pups) is detected on the site during construction, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. If the den is active during the whelping season, even if pups are not seen, disturbance is not allowed.		

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	Active natal/pupping dens will not be excavated or passively relocated. 7. Address other factors and procedures that may affect the success of relocation offsite, such as: estimates of the distances badgers would need to travel across the Project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals will return to the Project site during construction.		
BIO-4	An Incidental Take Permit (ITP) for Mohave ground squirrel (*Xerospermophilus mohavensis*) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct, indirect, and/or cumulative impacts shall be fulfilled through conservation of suitable Mohave ground squirrel habitat through the purchase of mitigation bank credits or land acquisition determined through coordination with, and approved by, CDFW. No more than thirty (3) calendar days prior to the start of ground disturbing activities a qualified biologist, approved by CDFW, shall perform a pre-construction survey for Mohave ground squirrel. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within 30 calendar days of completing the surveys. Should Mohave ground squirrel be located during the clearance survey, all methods used for handling Mohave ground squirrel during the clearance surveys must be in accordance with Project-specific guidance contained in the ITP. Anyone who handles Mohave ground squirrel during clearance activities must have the appropriate authorization from CDFW. No take of Mohave ground squirrel shall occur without prior authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081. The Project proponent shall adhere to measures and conditions set forth within the ITP.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
BIO-5	Prior to Project implementation, focused sensitive plant surveys shall be conducted during peak blooming periods within the year prior to the start of each phase of the Project. During the surveys, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for	Before and During Project activities	Project Proponent

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	Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a qualified biologist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants are both evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Project proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging) determined by a qualified biologist. If complete avoidance is not feasible, the Project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project proponent should apply for a CESA ITP with CDFW.		
BIO-6	Prior to any ground disturbance, a habitat assessment according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) shall be conducted by a qualified biologist. Breeding season surveys of areas found to have suitable habitat for burrowing owl shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) prior to any ground disturbance. The surveys shall include 100 percent coverage and include a minimum 500-meter buffer in adjacent habitat. Burrowing owls may recolonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, the Project proponent shall fully avoid impacts to burrowing or should obtain a	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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	CESA ITP if impacts to burrowing owl are unavoidable**.**		
BIO-7	Prior to construction activities, mapping of stream resources on the Project site shall be conducted to identify streams on site. If Project construction activities occur within a stream or associated habitat, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to commencing ground or vegetation disturbing activities	Project Proponent

EXHIBIT G

June 4, 2025

Mr. Derek Newland, Planner
San Bernardino County Land Use Services
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0182

Re: Responses to CDFW Comment Letter on Lynx Cat Mountain Quarry Expansion IS/MND SCH#2025041056

Dear Mr. Newland:

The County received a comment letter from the California Department of Fish and Wildlife (CDFW) dated May 23, 2025 regarding the Lynx Cat Mountain Quarry Expansion Initial Study/Mitigated Negative (IS/MND) SCH#2025041056. The letter provided seven comments addressing potential biological impacts mainly editing existing or adding new mitigation measures to follow CDFW protocol, including (1) monitoring and survey requirements which are embedded in the existing mitigation measures and (2) required implementation of current regulations and Incidental Take Permits (ITPs). The potential biological impacts discussed by CDFW were all addressed in the IS/MND and the three biological reports prepared for the project.

CDFW edited the MMs with equal or more effective measures and recommended adding three mitigation measures as MM BIO-5, MM BIO-6, and MM BIO-7. It is recommended that the County include these revised more effective measures as stated by the CDFW into conditions of approval and into the Final IS/MND in the staff report for the Planning Commission hearing except for CDFW proposed MM BIO-5. A discussion on sensitive plant species and revised MM BIO-5 is proposed.

Comment 1: Nesting Birds

The issue was addressed in the IS/MND and biology reports and mitigation was listed. Existing MM BIO-1 was edited to state nesting surveys required any time of year prior to disturbing soil or vegetation. CDFW did not provide any new or site specific information on occurrence or potential impact to nesting birds.

This CDFW recommendation to edit MM BIO-1 to include (regardless of the time of year) shall be accepted by the County. Upon acceptance of CDFW revised MM BIO-1, the proposed project will not significantly impact nesting birds.

Comment 2: Desert Tortoise

This issue was addressed in the IS/MND and focused biology reports and mitigation was listed. Existing MM BIO-2 required the applicant to consult with USFWS and CDFW and noted that the applicant had previously (January 2025) applied for an ITP with CDFW which was accepted and

deemed complete with a comment period that ended on May 27, 2025. The CDFW edits to the MM added typical survey and ITP conditions to the MM which will be part of the ITP conditions.

CDFW did not provide any new or site specific information on occurrence or potential impact to this species. The CDFW recommendation to edit MM BIO-2 shall be accepted by the County. Upon acceptance of CDFW revised MM BIO-2, the proposed project will not significantly impact desert tortoise due to permanent and temporary loss and degradation of desert tortoise habitat.

Comment 3: American Badger

This issue was addressed in the IS/MND and biology reports and mitigation was listed. Existing MM BIO-3 required the applicant to survey and protect this species if found. The CDFW edits to the MM adding a recommendation to prepare an American Badger Mitigation and Monitoring Plan if this species is observed onsite. Note that this species is a CDFW Species of Special Concern and the biology surveys including focused desert tortoise surveys did not observe any badgers or potential badger burrows onsite; therefore, potential impacts are not considered significant under CEQA. However, the area has potential badger habitat, thus the inclusion of MM BIO-3 to minimize any potential impacts. CDFW did not provide any new or site specific information on occurrence or potential impact to this species.

The CDFW recommendation to edit BIO MM-3shall be accepted by the County. Upon acceptance of CDFW revised MM BIO-3, the proposed project will not significantly impact American badger and potential suitable habitat. As listed in the revised MM BIO-3 if American badger are found onsite, the revised MM BIO-3 will develop and prepare an American Badger Mitigation and Monitoring Plan. The Plan shall identify field survey protocol and conduct pre-construction surveys to determine the number and locations of badgers onsite; include monitoring and protection measures including den protection procedures; and address other factors as listed.in the MM.

Comment 4: Mohave Ground Squirrel

This issue was addressed in the IS/MND and mitigation was listed. Existing MM BIO-4 requires the applicant to consult with USFWS and CDFW and noted that the applicant had previously (January 2025) applied for an ITP with CDFW for the desert tortoise and the MGS. CDFW edits to the MM added typical survey and ITP conditions to the MM which will be part of the ITP conditions. CDFW did not provide any new or site specific information on occurrence or potential impact to this species.

The CDFW recommendation to edit BIO MM-4 shall be accepted by the County. Upon acceptance of CDFW revised BIO-4 MM, the proposed project will not significantly impact MGS. As listed in the revised MM BIO-4, an ITP shall be obtained prior to initiation of ground disturbing activities. If MGS are found onsite, the project proponent shall adhere to measures and conditions as set force within the ITP. The revised MM BIO-4 lists survey requirements, methodologies and mitigation as needed.

Comment 5: Special-Status Plants

This issue was addressed in the IS/MND and biology reports and determined to be less than significant. No listed or other potentially significant impacts to sensitive plants species were determined by the project biologist due mainly to lack of habitat (lack of sand dunes, washes, and/or soils, and elevation limitations among other reasons), not due to being outside a particular blooming season. The one specific sensitive plant species that has the potential to occur onsite is the white pygmy poppy, rated 4.2 in the California Native Plant Society (CNPS) Rare Plant Inventory. Plants with ratings at this level would not be considered significant impacts under CEQA and no mitigation is required.

CDFW specially notes that the CNDDB identifies several sensitive plant species including chaparral sand-verbena (*Abronia villosa var. aurita*), Lane Mountain milk-vetch (*Astragalus jaegerianus*), and Parish's phacelia (*Phacelia parishii*), that have the potential to occur in the Project area. These three species were specifically addressed in the IS/MND and the biological reports and found the following:

- Chaparral sand-verbena (*Abronia villosa var. aurita*) is ranked 1B.1 in the CNPS Rare Plant Inventory. **No sandy areas or desert dunes habitat for this species is present on the expansion areas.** This species determined to not be present.

- Lane Mountain milk-vetch (*Astragalus jaegerianus*) is a federally listed Endangered species and is ranked 1B.1 in the CNPS Rare Plant Inventory. **The expansion areas are below the elevation range for this species, which is 3,200 to 4,100 feet amsl.** The maximum height of the site is 2,390 feet msl with an average elevation of 2,100 feet amsl. This species was determined to not be present.

- Parish's phacelia (*Phacelia parishii*) is ranked 1B.1 in the CNPS Rare Plant Inventory**. This species requires alkaline and or clay soils. These soils do not occur onsite and no suitable habitat for this species is present on the expansion areas.** This species was determined to not be present.

CDFW also states that the *"Take of any CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & Game Code, §§ 2080, 2085; California Code of Regulations, tit. 14, § 786.9). Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare, or threatened species for the purposes of CEQA analysis. Likewise, CDFW considers State listed communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level."*

The project's biological reports complied with CDFW's recommendations for assessment. The following assessments were undertaken according to the project's biological reports *"evaluated all habitats with the potential to be used by sensitive species were evaluated during the site visit and a determination has been made for the presence or probability of presence*

***within their reports. All sensitive species within the Hinkley USGS topographic quad and eight surrounding quads of project area were reviewed in CNDDB, and a complete list of those species are discussed within Appendix B (of the Biology Reports). All sensitive plant species within the Hinkley USGS topographic quad were reviewed in the CNPS Rare Plant Inventory, a complete list of those species are discussed within Appendix C (of the Biology Reports). This section will address those species listed as Candidate, Rare, Threatened, or Endangered under the state and federal endangered species laws, and any species found to occur on site. All other special status species are addressed within Appendix B and C. It was determined that there are no listed or other sensitive species that potentially occur onsite that would be considered significant if impacted*.**"**

The biological assessment and determinations of the occurrence of sensitive plants onsite are discussed above. No listed or other potentially significant impacts to sensitive plants species were determined by the project biologist due mainly to lack of habitat (lack of sand dunes, washes, and/or soils, and elevation limitations among other reasons). CDFW does not provide any additional information on the potential of sensitive plants occurrence besides the listing of species in the CNDDB, which were all reviewed and assessed and determined not to occur onsite. CDFW proposed MM BIO-5 recommends plant surveys during blooming seasons up to a year in advance of new disturbances and numerous methodologies not appropriate for a site with minimal sign of sensitive species. This is only a recommendation as stated by CDFW on page 8 "***Recommended potentially feasible mitigation measure to reduce impacts to less than significant****: CDFW recommends the following mitigation measure, MM-BIO-5, for special-status plants be included in the Final MND*." CDFW's recommended MM is both untimely and unreasonable, especially considering the findings in the biological assessments and field studies and the lack of any new information from CDFW.

Despite the determination that no mitigation measure is required for sensitive plant species, in order to cooperate with the CDFW recommendation, the following MM BIO-5 is proposed:

Prior to Project implementation, focused sensitive plant surveys shall be conducted within 30 days of the start of site clearing. During the surveys, a qualified biologist shall conduct botanical field surveys within the Project area. The surveys shall be conducted by a qualified biologist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants. If any CESA-listed plant species and plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B special-status plants are identified, the Project proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging) as determined by a qualified biologist. If complete avoidance is not feasible, the Project proponent shall mitigate the loss of the plant(s) through mitigation as determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project proponent should apply for a CESA ITP with CDFW.

Upon acceptance of MM BIO-5, the proposed project will not significantly impact any CESA-listed plant species and plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B special-status plants

Comment 6: Burrowing Owl (BUOW)

Based on CNDDB reports and potential occurrence in area, this issue was addressed in the IS/MND biology reports, and focused desert tortoise surveys which provided a thorough site survey for all borrows onsite including potential burrowing owl burrows and burrowing owl sign. No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys which requires 10-meter-wide belt transects. With the conclusions of this assessment, no mitigation was proposed for a species (BUOW) found not to occur onsite.

CDFW did not provide any new or site specific information on occurrence or potential impact to this species. They site that BUOW has been reported to occur near the project site according to CNDDB. This is the reason the project biologists conducted a habitat survey and explicitly surveyed for potential BUOW burrows and sign during the desert tortoise surveys conducted. It was determined based on negative results of these surveys that BUOW was not likely to occur onsite.

Despite the determination by onsite field surveys not just the CXNDDB that no BUOW was observed onsite and therefore no mitigation measures were included for burrowing owl, in order to minimize potential impact to BUOW that could move into the area prior to project implementation, it is recommended to the County to include the proposed CDFW MM BIO-6 for the protection of this species. CDFW states that "*Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends the following mitigation measure, MM-BIO-6, be included in the Final MND to minimize potential impacts to burrowing owl."*

According to MM BIO-6, "*prior to any ground disturbance, a habitat assessment according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version) shall be conducted by a qualified biologist*. " Methodologies and timing are listed. "*If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, the Project proponent shall fully avoid impacts to burrowing or should obtain a CESA ITP if impacts to burrowing owl are unavoidable.*" Upon acceptance of CDFW BIO-6, the proposed project will not significantly impact Burrowing Owl (BUOW).

Comment 7: Lake and Streambed Alteration Agreement Notification

The project biologists during their aerial and field surveys determined there were no jurisdictional waters onsite. The short blue line stream in the western and southern portion of the site enters the site and then terminates onsite and no jurisdictional characteristics were evident.

CDFW did not provide any new or site specific information on occurrence or potential impact to jurisdictional streambeds except to state that based on aerial imagery, ephemeral streams may occur within the Project area. Further, this item was addressed in the Hydrology Study prepared for this project that no jurisdictional waters were evident and the site drainage design included the collection, management, accommodation and retainage of any influent surface waters within the quarry expansion footprint consistent with the previously issued Notice of Non-Applicability by

the State Water Resources Board. However, in order to satisfy CDFW recommendations, MM BIO-7 shall be included which requires the applicant to conduct jurisdictional determinations prior to construction activities, and if jurisdictional streams are identified, a Streambed Alteration Agreement will be required. The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

Upon compliance with CDFW MM-BIO-7, the proposed project will not significantly affect fish and wildlife resources within a stream or associated habitat.

Discussion on Possible Recirculation of a Negative Declaration

The following section is from "CEQA Guidelines" 2025, pages 215-216:

15073.5. RECIRCULATION OF A NEGATIVE DECLARATION PRIOR TO ADOPTION.

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to and 15073.

(b) A "substantial revision" of the negative declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

CDFW's comment letter does not trigger any of the requirements for recirculation as defined above and discussed below.

Under (a), the document does not require substantial revision.

Under (b)(1), there are no new, avoidable significant effects identified and new mitigation measures to reduce the effect to insignificance. The "new" mitigation measures recommended by CDFW would minimize potential impacts which were already determined to be less than significant (sensitive plants and compliance with Section 1602). Under (b)(2), the lead agency (County) has not determined that that proposed mitigation measures will not reduce potential effects to less than significance.

Under (c)(1), the CDFW recommendations are for mitigation measures that are replaced with equal or more effective measures pursuant to Section 15074.1. Upon inclusion of the revised and recommended MM by CDFW, biological impacts will not be significantly impacted.

Under (c)(2, 3, and 4), these circumstances are generally not applicable.

Upon County review of this response letter, the CDFW recommendations and the proposed MM BIO-5 discussed above, in addition to any other County edits, will be incorporated into a Final IS/MND for your review and use.

If you have any questions, please call or email Marty Derus (marty@lilburncorp.com) or Frank Amendola (frank@lilburncorp.com).

Sincerely,

Martin R. Derus

Martin Derus
President
Lilburn Corporation

EXHIBIT H

GENERAL BIOLOGICAL ASSESSMENT
FOR
ASSESSOR'S PARCEL NUMBERS
0496-011-75

LYNX CAT MOUNTAIN QUARRY
SAN BERNARDINO COUNTY
CALIFORNIA

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FEBRUARY 2024

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Appendix A – Observed Species List
Appendix B – CNDDB Potential Species List
Appendix C – CNPS Rare Plant Inventory List
Appendix D – Site Photographs
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1.0 Introduction

Hernandez Environmental Services (HES) was contracted to prepare a General Biological Assessment (GBA) for an approximately 32.75-acre project site in the unincorporated San Bernardino County, California. The project site consists of a portion of Assessor's Parcel Number (APN) 0496-011-75.

1.1 Project Site Location

The project site is located south of Roy Road and northwest of the intersection of Valley Wells Road and Santa Fe Avenue. The site is accessed via unnamed roads. The site is located within the unincorporated community of Hinkley, San Bernardino County, California. Specifically, the project site is located within section 1, township 10 north, range 4 west in the *Hinkley* United States Geological Survey (USGS) 7.5' topographic quadrangle. The center point latitude and longitude for the project site is 34.98697542, -117.24408321 (Figures 1 and 2).

1.2 Project Description

The proposed project is an expansion of the Lynx Cat Mountain Quarry.

2.0 Methodology

2.1 Literature Review

HES conducted a literature review and reviewed aerial photographs and topographic maps of the project site and surrounding areas. The *Hinkley* USGS topographic quad and surrounding eight quads were used to identify sensitive species with the California Natural Diversity Data Base (CNDDB), the U.S. Fish and Wildlife Service (USFWS) Endangered Species Lists, and the California Native Plant Society (CNPS) rare plant lists to obtain species information for the project area. The CNDDB and USFWS critical habitat databases were utilized, together with Geographic Information System (GIS) software, to locate the previously recorded locations of sensitive plant and wildlife occurrences and designated critical habitat and determine the distance from the project site.

2.2 Field Survey

On September 20, 2023, HES conducted a field survey of the project site. The ambient temperature at 10:00 A.M. was 56 degrees Fahrenheit, sunny, with winds ranging from zero to three miles per hour to the east. The purpose of the field survey was to document the existing habitat conditions, obtain plant and animal species information, view the surrounding land uses, assess the potential for state and federal waters, assess the potential for wildlife movement corridors, and assess the presence of constituent elements for critical habitat, if present.

Linear transects spaced approximately 50 to 100 feet apart were walked across the project site for 100 percent coverage. All species observed were recorded. Global Positioning System (GPS) waypoints were taken to delineate specific habitat types, species locations, state or federal waters, and any other information that would be useful for the assessment of the project site. A comprehensive list of all plant and wildlife species that were detected during the field survey within the project site is included in Appendix A. Sensitive plant and wildlife species with the potential to occur within the project area are listed in Appendix B. Representative site photographs were taken and are included within Appendix D.

3.0 Existing Conditions and Results

3.1 Environmental Setting

The project site consists of mostly vacant land directly north of an active mining quarry. There is a water tank and disturbed area on the southwest corner of the site. The site is predominantly vegetated with creosote bush scrub habitat. Rocky mountains occur east of the project site and open desert occurs to the north and west of the site. The site is relatively flat with onsite elevations ranging from 2,116 feet above mean sea-level (AMSL) to 2,221 feet AMSL.

3.2 Soils

According to the USDA Web Soil Survey, one soil type occurs on the project site. The onsite soils are composed of Cajon sand (113), 2 to 9 percent slopes (Appendix E).

3.3 Plant and Habitat Communities

The project site consists of two habitat types, including approximately 30.71 acres of creosote bush scrub and 2.04 acres of disturbed habitat (Figure 3).

Creosote Bush Scrub
The project site contains approximately 30.71 acres of creosote bush scrub. This habitat on site is dominated by creosote (*Larrea tridentata*) and rabbit thorn (*Lycium pallidum var. oligospermum*). Creosote bush is denser on the eastern portion of the site and becomes codominant with rabbit thorn on the eastern portion of the site. Other plant species observed in this habitat include white bursage (*Ambrosia dumosa*), cheesbush (*Ambrosia salsola*), bristly fiddleneck (*Amsinckia tessellate*), big galleta (*Hilaria rigida*), Mediterranean grass (*Schismus* sp.), and manybristle chinchweed (*Pectis papposa*).

Disturbed
The project site contains 2.04 acres of disturbed areas. This habitat includes areas that are mostly if not entirely devoid of vegetation. Vegetation in these areas is mostly non-native and includes Russian thistle (*Salsola tragus*). The disturbed areas on site consist of graded areas and roads. There is a water tank within rock outcrops on the southwest corner of the site.

3.4 Wildlife

The general wildlife species documented on the project site or within the vicinity of the site include desert iguana (*Dipsosaurus dorsalis*), rock wren (*Salpinctes obsoletus*), desert tortoise (*Gopherus agassizii*), and say's phoebe (*Sayornis saya*).

3.5 Regional Connectivity/Wildlife Movement

Wildlife movement corridors can be local or regional in scale; their functions may vary temporally and spatially based on conditions and species present. Wildlife corridors represent areas where wildlife movement is concentrated due to natural or anthropogenic constraints. Local corridors provide access to resources such as food, water, and shelter. Animals use these corridors, which are often hillsides or riparian areas, to move between different habitats. Regional corridors provide these functions and link two or more large habitat areas. They provide avenues for wildlife dispersal, migration, and contact between otherwise distinct populations.

The project site is not located within a designated wildlife corridor or linkage. The project site is located directly north of active mining activities. There are rocky mountains located east of the project site and vacant open desert to the north and west. There are no topographic features on the site that would function as a wildlife corridor. The project site does not serve a function in local wildlife movement.

3.6 Sensitive Biological Resources

According to the CNDDB and the CNPS, a total of 11 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of the project area. According to CNDDB a total of 16 sensitive species of wildlife have the potential to occur on or within the vicinity of the project area. These include those species listed or candidates for listing by the U. S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and California Native Plant Society (CNPS). All habitats with the potential to be used by sensitive species were evaluated during the site visit and a determination has been made for the presence or probability of presence within this report. All sensitive species within the *Hinkley* USGS topographic quad and eight surrounding quads of project area were reviewed in CNDDB, and a complete list of those species are discussed within Appendix B. All sensitive plant species within the *Hinkley* USGS topographic quad were reviewed in the CNPS Rare Plant Inventory, a complete list of those species are discussed within Appendix C. This section will address those species listed as Candidate, Rare, Threatened, or Endangered under the state and federal endangered species laws, and any species found to occur on site. All other special status species are addressed within Appendix B and C.

3.6.1 Sensitive Plant Resources

Below are descriptions of the special status plant species found to occur or have a potential to occur on site:

Chaparral sand-verbena
Chaparral sand-verbena (*Abronia villosa var. aurita*) is ranked 1B.1 in the CNPS Rare Plant Inventory. It is found in sandy areas of chaparral, coastal scrub, and desert dunes habitats. No habitat for this species is present on the project site. **This species is not present.**

Lane Mountain milk-vetch
Lane Mountain milk-vetch (*Astragalus jaegerianus*) is a federally listed Endangered species and is ranked 1B.1 in the CNPS Rare Plant Inventory. This species habitats include Joshua tree woodland and Mojavean desert scrub. This species prefers dry, stony hillsides and desert mesas, in granite sand and gravel. Commonly with Joshua trees, usually under shrubs. The project site is below the elevation range for this species. **This species is not present.**

Parish's Phacelia
Parish's phacelia (*Phacelia parishii*) is ranked 1B.1 in the CNPS Rare Plant Inventory. This species habitats include alkali playa and Mojavean desert scrub. It prefers alkaline flats and slopes and clay soils. No suitable habitat for this species is present on site. **This species is not present.**

3.6.2 Sensitive Wildlife Resources

According to CNDDB a total of four wildlife species listed as state and/or federal Threatened, Endangered, Candidate have a potential to occur on site. Below are descriptions of these species and other special status species found to have a potential to occur on site:

Arroyo Toad
Arroyo Toad (*Anaxyrus californicus*) is a federally listed Endangered Species and a CDFW Species of Special Concern. The most favorable breeding habitat for this species consists of slow-moving shallow pools, nearby sandbars, and adjacent stream terraces. Its habitat includes desert wash, riparian scrub, riparian woodland, south coast flowing waters, and south coast standing waters. There is no habitat for this species on the project site. **This species is not present.**

Burrowing owl
Burrowing owl (*Athene cunicularia*) is a CDFW Species of Special Concern. This species is a subterranean nester, dependent upon burrowing mammals such as the California ground squirrel. It inhabits open, dry annual or perennial grasslands and scrublands characterized by low-growing

vegetation. No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys. No burrowing mammals were observed on site. **This species is not present.**

Western snowy plover
Western snowy plover (*Charadrius alexandrinus nivosus*) is federally listed Threatened Species and a CDFW Species of Special Concern. It is found in great basin standing waters, sand shore, and wetland. This species needs sandy, gravelly, or friable soils for nesting. The project site does not contain suitable habitat for this species. **This species is not present.**

Western yellow-billed cuckoo
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a federally listed Threatened and state listed Endangered Species. This species typically nests in riparian jungles of willows, often mixed with cottonwoods, with a lower story of blackberry, nettles, or wild grape. It is found in riparian forest habitat. The project site does not contain suitable habitat for this species. **This species is not present.**

Desert tortoise
The desert tortoise (*Gopherus agassizii*) is a federally and state listed Threatened Species. This species is most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. It prefers Creosote bush habitat with large annual wildflower blooms. Focused desert tortoise surveys were performed on the site in 2023. Suitable desert tortoise burrows, desert tortoise sign, and live desert tortoise were found during focused surveys. **This species is present**.

Loggerhead shrike
Loggerhead shrike (*Lanius ludovicianus*) is a CDFW Species of Special Concern. This species habitats include broadleaved upland forest, desert was, Joshua tree woodland, Mojavean desert scrub, pinon and juniper woodlands, riparian woodland, and Sonoran desert scrub. There is suitable habitat present on site for this species. **This species has the potential to occur on site**.

Yuma Ridgway's Rail
The Yuma Ridgway's rail (*Rallus obsoletus yumanensis*) is a federal listed Endangered and state listed Threatened Species. This species is found in freshwater marsh, swamp, and wetland habitats. This species is known to nest in freshwater marshes along the Colorado River and along the south and east ends of the Salton Sea. It prefers stands of cattails and tules dissected by narrow channels of flowing water. The project site does not contain suitable habitat for this species. **This species is not present.**

Mohave Tui Chub
The Mohave tui chub (*Siphateles bicolor mohavensis*) is a federal and state listed Endangered Species. It is found in aquatic, and artificial standing and flowing waters. This species is endemic to the Mojave River basin, adapted to alkline mineralized water. It needs deep pools, ponds, or slough-like areas and vegetation for spawning. There is no habitat for this species on the project site. **This species is not present.**

American badger
American badger is a CDFW Species of Special Concern. This species habitats include alkali marsh, alkali playa, alpine, alpine dwarf scrub, brackish marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, and coastal prairie. It is most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. **This species has the potential to be present**.

Le Conte's thrasher
Le Conte's thrasher (*Toxostoma lecontei*) is a CDFW Species of Special Concern. This species is a desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Suitable habitat occurs on site. **This species has the potential to be present**.

Mohave ground squirrel
Mohave ground squirrel (*Xerospermophilus mohavensis*) is a state listed Threatened species. This species habitats include chenopod scrub, Joshua tree woodland, and Mojavean desert scrub. The project site is directly adjacent to active mining activities. This species is known to avoid rocky areas and the site is directly west of rocky hills and there are rock outcrops on site. The project site does not provide suitable habitat for this species. **This species is not present**.

3.7 Critical Habitat

Critical habitat is designated by USFWS for endangered and threatened species per the federal ESA (16 U.S.C. § 1533 (a)(3)), and to the extent prudent and determinable. Special management of critical habitat, including measures for water quality and quantity, host animals and plants, food availability, pollinators, sunlight, and specific soil types is required to ensure the long-term survival and recovery of the identified species. Critical habitat designation delineates all suitable habitat for the species. The project site is not located within federally designated critical habitat.

3.8 Nesting Birds

Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act. Additionally, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests. The project site contains shrubs that can be

utilized by nesting birds and raptors during the nesting bird season of February 1 through September 15.

3.9 Jurisdictional Waters

No drainage features with a definable bed, bank, and channel were found on site. No hydrophytic vegetation or hydric soils occur on site. The project site does not contain CDFW, United States Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB) jurisdictional waters. Furthermore, no wetlands or vernal pools occur on site.

4.0 Project Impacts

4.1 Impacts to Habitats

The proposed mine expansion would impact the entire approximately 32.75-acre project site. The project site includes 30.71 acres of creosote bush scrub and 2.04 acres of disturbed habitat

4.2 Impacts to Sensitive Species

The following sensitive species were found on the project site or have the potential to occur on the project site:

4.2.1 Impacts to Sensitive Plant Resources

No sensitive plant species have the potential to occur on site. The proposed mine expansion is not expected to result in impacts to sensitive plant species.

4.2.2 Sensitive Wildlife Resources

The following sensitive wildlife species have a potential to occur on site:

Desert tortoise
Desert tortoise burrows and sign and one live desert tortoise were found on site during focused desert tortoise surveys performed in 2023. The proposed mine expansion may result in impacts to this species.

Loggerhead shrike
There is potential habitat for the Loggerhead shrike in the scrub on site. This species has the potential to be present. Implementation of the measures identified for nesting birds in the Recommendations section of this report will ensure that potential impacts to this species are less than significant.

American badger
American badger is a CDFW Species of Special Concern. This species has the potential to occur on site. Implementation of the measures outlined in the Recommendations section will ensure impacts to this species remain less than significant.

Le Conte's thrasher
There is potential habitat for Le Conte's thrasher in the scrub on site. This species has the potential to be present. Implementation of the measures identified for nesting birds in the Recommendations section of this report will ensure that potential impacts to this species are less than significant.

4.3 Impacts to Nesting Birds

Potential impacts to nesting birds may occur if vegetation removal occurs during the bird nesting season of February 1 through September 15. Implementation of the measures identified in the Recommendations section of this report will ensure that potential impacts to nesting birds are less than significant.

4.4 Impacts to Critical Habitat

The project site is not located within designated federal critical habitat. Therefore, no impacts to critical habitat are expected.

4.5 Impacts to Wildlife Movement Corridors

No wildlife movement corridors were found to be present on the project site. No impacts are expected.

4.6 Conflict with Local Policies or Ordinances Protecting Biological Resources

The San Bernardino County Development Code Section 88.01.060 provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. Per Section 88.01.060 of the San Bernardino County Development Code the following desert native plants or any part of them, except the fruit shall not be removed except under a Tree or Plant Removal Permit:

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) Dalea spinosa (smoketree).

(B) All species of the genus Prosopis (mesquites).

(2) All species of the family Agavaceae (century plants, nolinas, yuccas).

(3) Creosote Rings, ten feet or greater in diameter.

(4) All Joshua trees.

(5) Any part of any of the following species, whether living or dead:

(A) Olneya tesota (desert ironwood).

(B) All species of the genus Prosopis (mesquites).

(C) All species of the genus Cercidium (palos verdes).

Section 88.01 requires the issuance of a permit prior to the removal of regulated trees and plants. No desert native plants regulated under Section 88.01.060 of the San Bernardino Development Code are present on the site. No conflicts with local policies or ordinances are expected.

4.7 Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan

The project site is located within the Desert Renewable Energy Conservation Plan (DRECP). The project is located within the BLM Superior-Cronese Area of Critical Environmental Concern (ACEC). However the proposed project occurs within private lands and according to the DRECP BLM Land Use Plan Amendment (LUPA) "Nonfederal lands within the boundaries of BLM LUPA land use allocations are not affected by the LUPA" (LUPA-LANDS-4). Therefore, the proposed project would not be anticipated to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.8 State and Federal Drainages

No state or federal jurisdictional drainages occur on site. The proposed project would not result in impacts to jurisdictional drainages.

5.0 Recommendations

Based upon the findings of this report, it is recommended that the following studies or surveys be performed as part of the project.

<u>Nesting Birds</u>

- It is recommended that vegetation removal be conducted outside of the nesting season for migratory birds to avoid direct impacts.

- If vegetation removal will occur during the migratory bird nesting season, between February 1 and September 15, pre-construction nesting bird surveys shall be performed within three days prior to vegetation removal.

- If active nests are found during nesting bird surveys, they shall be flagged. A 250-foot buffer shall be fenced around songbird nests and a 500-foot buffer shall be fenced around raptor nests.

Sensitive Wildlife

- The mitigation measures for nesting birds outlined above will ensure no impacts to loggerhead shrike and Le Conte's thrasher occur.

- A biological monitor should be present on site during all initial ground disturbing activities to ensure no impacts to American badger, occur. If American badger is found on site the biological monitor will have the authorization to stop all work and allow the sensitive wildlife to leave the site.

- In order to establish appropriate avoidance and minimization measures and/or mitigation measures for desert tortoise HES recommends that consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any ground disturbing activities in the project area.

6.0 Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 2/21/2023 Signed _____

PROJECT MANAGER

Fieldwork Performed By:

Juan Hernandez

_____

Principal Biologist

Elizabeth Gonzalez

_____

Senior Biologist

Sarah Vasquez

_____

Associate Biologist

Hallie Hernandez

_____

Associate Biologist

7.0 References

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FIGURES

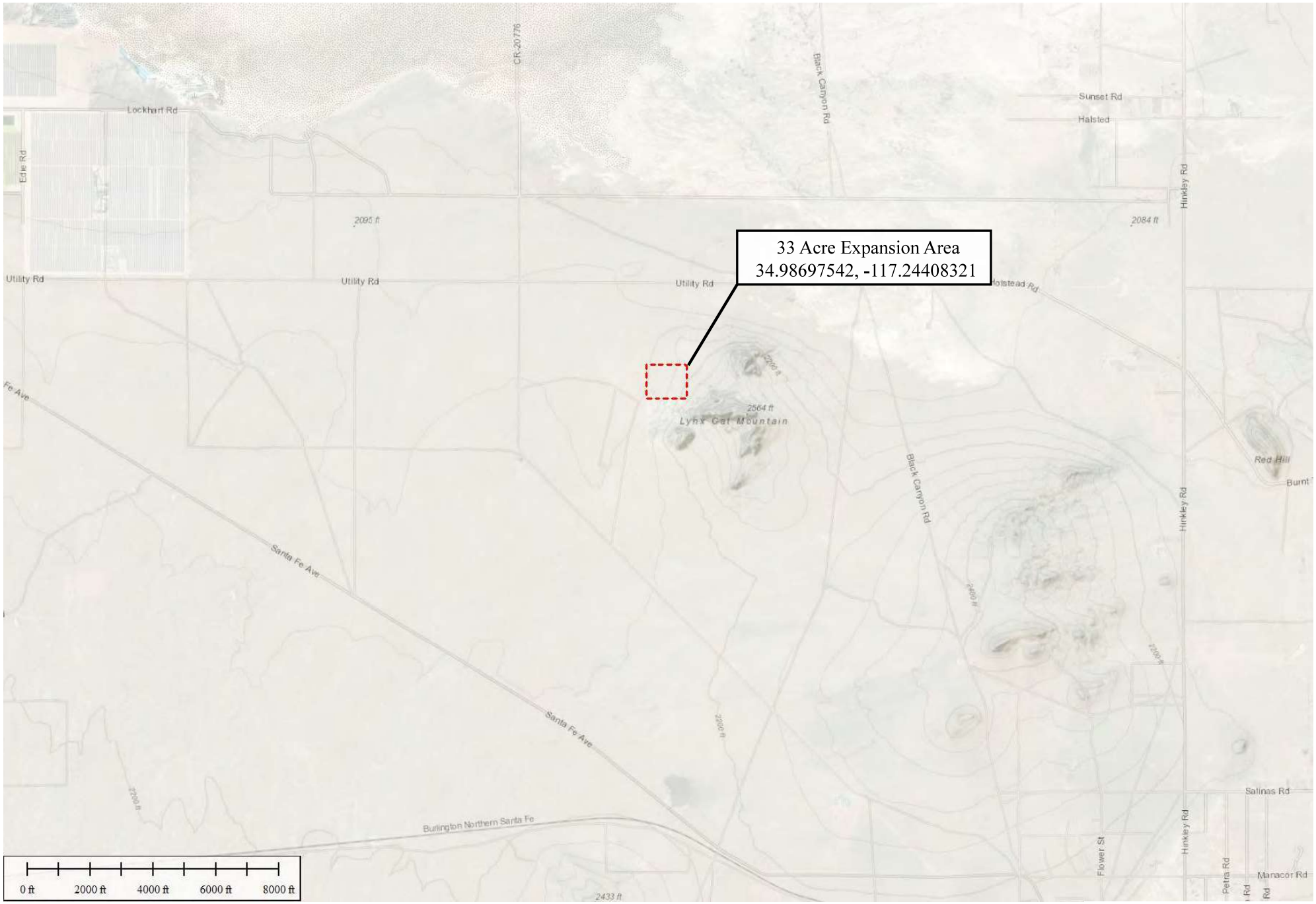


Figure 1

Location Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

Project Site Boundary

N

Hernandez Environmental Services

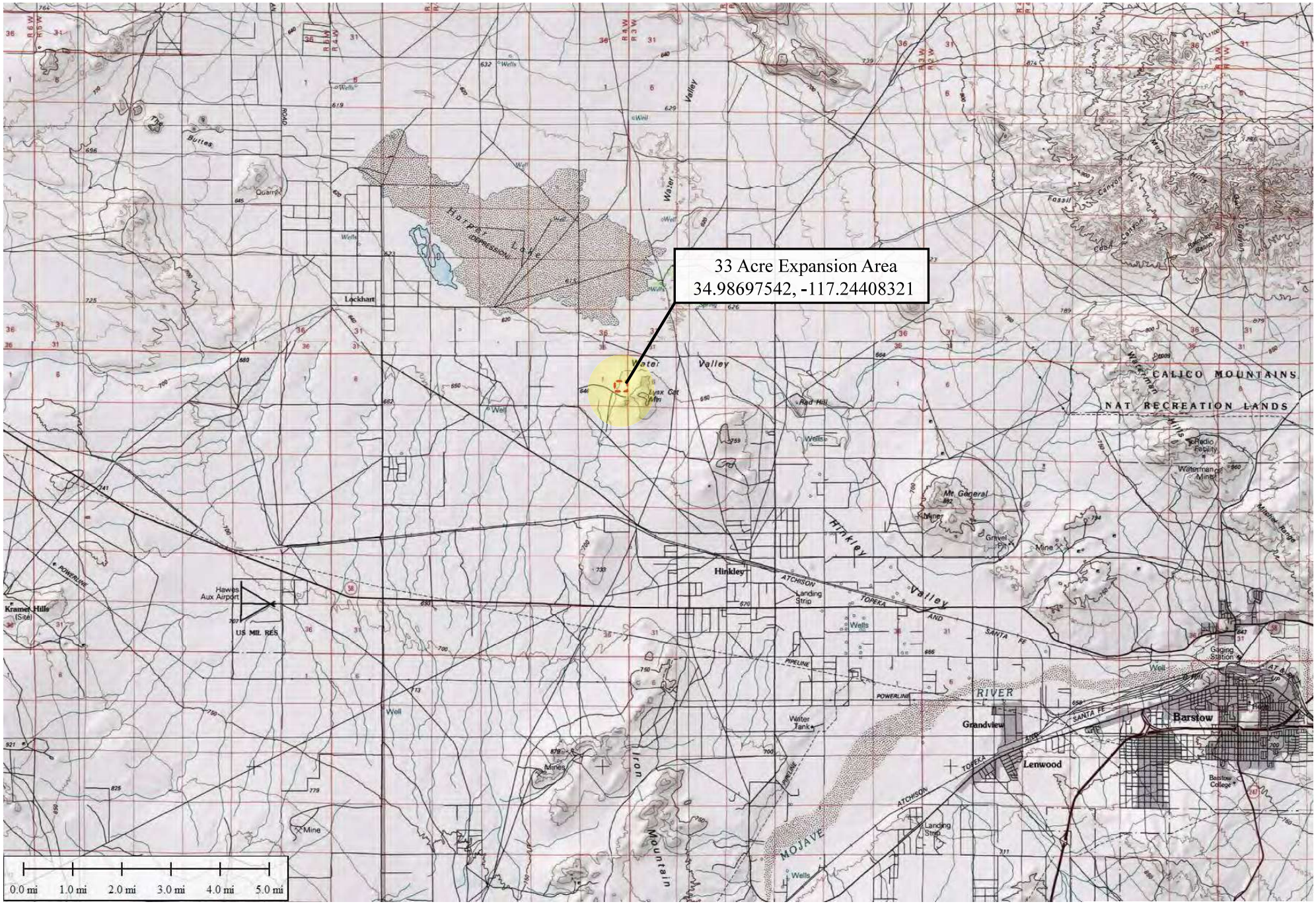


Figure 2

Vicinity Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

Project Site Boundary

N

Hernandez Environmental Services

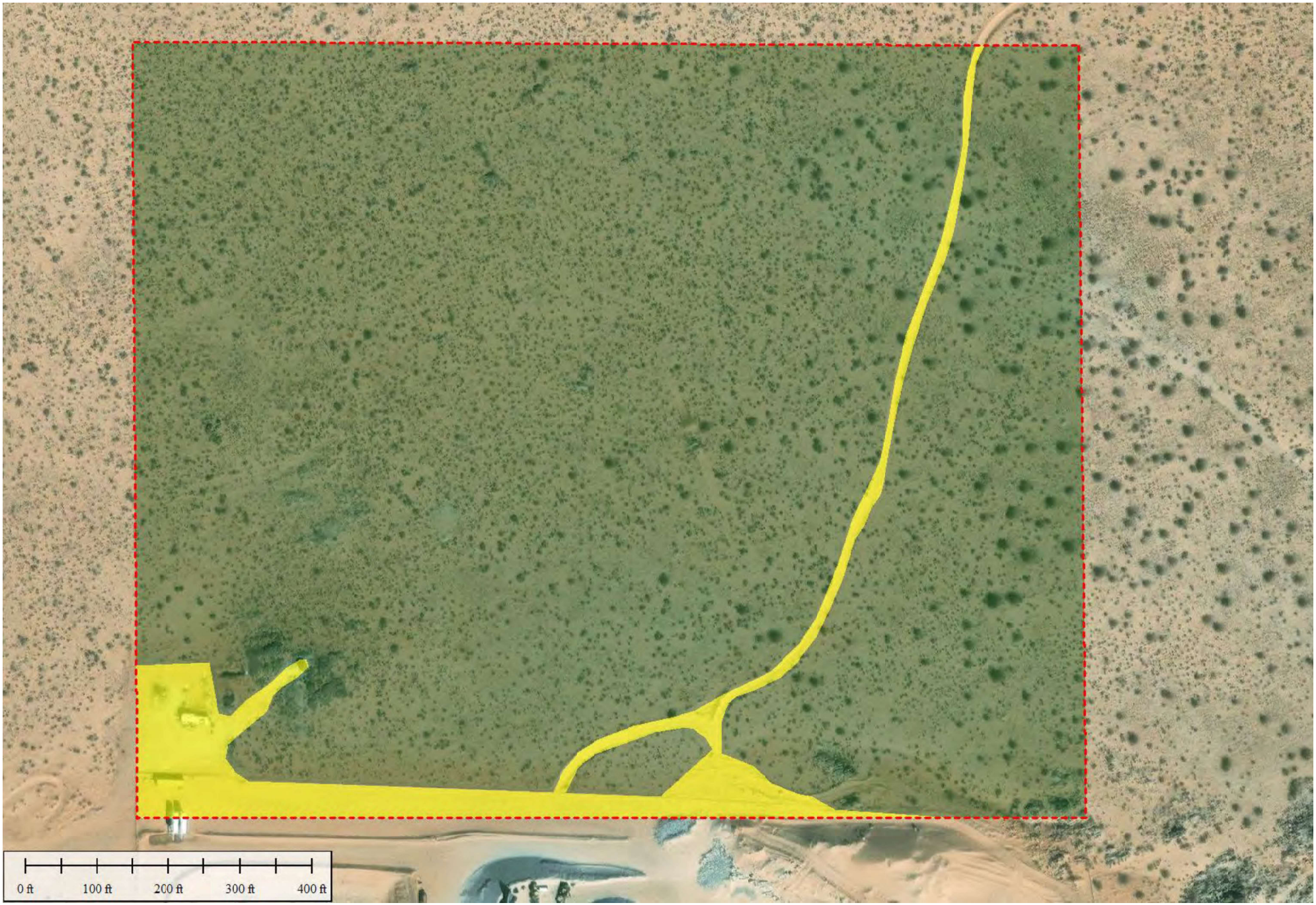


Figure 3

Habitat Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

- Project Site Boundary
- Disturbed Areas (2.04 acres)
- Creosote bush scrub (30.71 acres)

N

Hernandez Environmental Services

APPENDIX A

Observed Species List

Plant List

Scientific Name	Common Name
Ambrosia dumosa	White bursage
Ambrosia salsola	Cheesebush
Amsinckia tessellate	Bristly fiddleneck
Eriogonum fasciculatum	Califonria buckwheat
Hilaria rigida	Big galleta
Larrea tridentata	Creosote
Lycium pallidum var. oligospermum	Rabbit thornbush
Pectis papposa	Manybristle chinchweed
Salsola tragus	Russian thistle
Schismus sp.	Mediterranean grass

Wildlife List

Scientific Name	Common Name
Dipsosaurus dorsalis	Desert iguana
Gopherus agassizii	Desert tortoise
Salpinctes obsoletus	Rock wren
Sayornis saya	Say's phoebe
Zenaida macroura	Mourning dove

APPENDIX B

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Abronia villosa var. aurita	chaparral sand-verbena	Dicots	None	None	1B.1	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | USFS_S-Sensitive	Chaparral | Coastal scrub | Desert dunes	Chaparral, coastal scrub, desert dunes.	Sandy areas. - 60-1570 m.	No suitable habitat occurs on site. **This species is not present.**
Astragalus jaegerianus	Lane Mountain milk-vetch	Dicots	Endangered	None	1B.1	SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	Dry, stony hillsides and desert mesas, in granite sand and gravel. Commonly with Joshua trees, usually under shrubs. 975-1250 m.	The project site is below the elevation range for this species. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Cymopterus deserticola	desert cymopterus	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	On fine to coarse, loose, sandy soil of flats in old dune areas with well-drained sand. 625-1220 m.	No Joshua tree woodland habitat occurs on site. No dunes. No remnants of this species were found on site during the desert tortoist or general bio surveys. **This species is not present.**
Diplacus mohavensis	Mojave monkeyflower	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Desert wash | Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	Dry sandy or rocky washes along the Mojave River. 660-1270 m.	No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Eriophyllum mohavense	Barstow woolly sunflower	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_USDA-US Dept of Agriculture	Alkali playa | Chenopod scrub | Mojavean desert scrub	Chenopod scrub, Mojavean desert scrub, desert playas.	Mostly in open, silty or sandy areas w/saltbush scrub, or creosote bush scrub. Barren ridges or margins of playas. 605-1290 m.	No barren ridges or playa areas occur on site. No saltbush scrub occurs on site. **This species is not present.**
Menodora spinescens var. mohavensis	Mojave menodora	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Mojavean desert scrub	Mojavean desert scrub.	Rocky hillsides, canyons. Andesite gravel. 700-1405 m.	The project site is below the elevation range for this species. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Mentzelia tricuspis	spiny-hair blazing star	Dicots	None	None	2B.1		Mojavean desert scrub	Mojavean desert scrub.	Sandy or gravelly slopes and washes.150-1280 m.	No washes occur on site. The nearest recorded occurrence for this species is over 14 miles away. The general bio surveys were performed just after the blooming period for these species and no remnants of this plant were found. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Mentzelia tridentata	creamy blazing star	Dicots	None	None	1B.3	SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Mojavean desert scrub	Mojavean desert scrub.	545-1100 m.	The nearest recorded occurrence for this species is over 10 miles away. The general bio surveys were performed just after the blooming period for these species and no remnants of this plant were found. **This species is not present.**
Pediomelum castoreum	Beaver Dam breadroot	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Desert wash | Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	Sandy soils; washes and roadcuts. 605-1485 m.	No washes or road cuts occur on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Phacelia parishii	Parish's phacelia	Dicots	None	None	1B.1	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Alkali playa | Mojavean desert scrub	Mojavean desert scrub, playas.	Alkaline flats and slopes or on clay soils. 540-875 m.	No alkaline or clay soils occur on site. **This species is not present on site.**
Puccinellia simplex	California alkali grass	Monocots	None	None	1B.2	BLM_S-Sensitive	Chenopod scrub | Meadow & seep | Valley & foothill grassland | Vernal pool	Meadows and seeps, chenopod scrub, valley and foothill grasslands, vernal pools.	Alkaline, vernally mesic. Sinks, flats, and lake margins. 1-915 m.	No alkaline soils occur on site. **This species is not present on site**.
Transmontane Alkali Marsh	Transmontane Alkali Marsh	Marsh	None	None			Marsh & swamp | Wetland			**Not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Anaxyrus californicus	arroyo toad	Amphibians	Endangered	None	CDFW_SSC-Species of Special Concern | IUCN_EN-Endangered	Desert wash | Riparian scrub | Riparian woodland | South coast flowing waters | South coast standing waters	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc.	Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	No suitable habitat occurs on site. **This species is not present on site**.
Athene cunicularia	burrowing owl	Birds	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern	Coastal prairie | Coastal scrub | Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Sonoran desert scrub | Valley & foothill grassland	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	No suitable habitat occurs on site. **This species is not present**.
Charadrius montanus	mountain plover	Birds	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened | USFWS_BCC-Birds of Conservation Concern	Chenopod scrub | Valley & foothill grassland	Short grasslands, freshly plowed fields, newly sprouting grain fields, and sometimes sod farms.	Short vegetation, bare ground, and flat topography. Prefers grazed areas and areas with burrowing rodents.	No suitable habitat occurs on site. **This species is not present on site.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Charadrius nivosus nivosus	western snowy plover	Birds	Threatened	None	CDFW_SSC-Species of Special Concern	Great Basin standing waters | Sand shore | Wetland	Sandy beaches, salt pond levees and shores of large alkali lakes.	Needs sandy, gravelly or friable soils for nesting.	No suitable habitat occurs on site. **This species is not present on site**.
Coccyzus americanus occidentalis	western yellow-billed cuckoo	Birds	Threatened	Endangered	BLM_S-Sensitive | USFS_S-Sensitive	Riparian forest	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems.	Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	No suitable habitat occurs on site. **This species is not present on site**.
Falco mexicanus	prairie falcon	Birds	None	None	CDFW_WL-Watch List | IUCN_LC-Least Concern	Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Sonoran desert scrub | Valley & foothill grassland	Inhabits dry, open terrain, either level or hilly.	Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	No suitable nesting habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Gopherus agassizii	desert tortoise	Reptiles	Threatened	Threatened	IUCN_CR-Critically Endangered	Joshua tree woodland | Mojavean desert scrub | Sonoran desert scrub	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat.	Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	Suitable habitat occurs on site. **This species is present on site**.
Lanius ludovicianus	loggerhead shrike	Birds	None	None	CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened	Broadleaved upland forest | Desert wash | Joshua tree woodland | Mojavean desert scrub | Pinon & juniper woodlands | Riparian woodland | Sonoran desert scrub	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes.	Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Suitable habitat occurs on site. **This species has the potential to be present on site.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Lasionycteris noctivagans	silver-haired bat	Mammals	None	None	IUCN_LC-Least Concern	Lower montane coniferous forest | Oldgrowth | Riparian forest	Primarily a coastal and montane forest dweller, feeding over streams, ponds and open brushy areas.	Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes, and rarely under rocks. Needs drinking water.	No suitable habitat occurs on site. **This species is not present on site.**
Microtus californicus mohavensis	Mohave river vole	Mammals	None	None	CDFW_SSC-Species of Special Concern	Riparian scrub	Occurs only in weedy herbaceous growth in wet areas along the Mojave River. May be found in some irrigated pastures.	Burrows into soft soil. Feeds on leafy parts of grasses, sedges and herbs. Clips grasses to form runways from burrow.	No suitable habitat occurs on site. **This species is not present on site.**
Rallus obsoletus yumanensis	Yuma Ridgway's rail	Birds	Endangered	Threatened	CDFW_FP-Fully Protected	Freshwater marsh | Marsh & swamp | Wetland	Nests in freshwater marshes along the Colorado River and along the south and east ends of the Salton Sea.	Prefers stands of cattails and tules dissected by narrow channels of flowing water; principle food is crayfish.	No suitable habitat occurs on site. **This species is not present on site.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Siphateles bicolor mohavensis	Mohave tui chub	Fish	Endangered	Endangered	AFS_EN-Endangered | CDFW_FP-Fully Protected	Aquatic | Artificial flowing waters | Artificial standing waters	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters.	Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	No suitable habitat occurs on site. **This species is not present on site**.
Taxidea taxus	American badger	Mammals	None	None	CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern	Alkali marsh | Alkali playa | Alpine | Alpine dwarf scrub | Bog & fen | Brackish marsh | Broadleaved upland forest | Chaparral | Chenopod scrub | Cismontane woodland | Closed-cone coniferous forest | Coastal bluff scrub | Coastal dunes | Coastal prairie |	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Suitable haitat occurs on site. This species has the potential to be present.

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitats	Micro Habitat	Presence/ Absence
Toxostoma lecontei	Le Conte's thrasher	Birds	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern	Desert wash | Mojavean desert scrub | Sonoran desert scrub	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats.	Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	Suitable habitat occurs on site. **This species has the potential to occur on site.**
Uma scoparia	Mojave fringe-toed lizard	Reptiles	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern	Desert dunes | Desert wash | Mojavean desert scrub	Fine, loose, wind-blown sand in sand dunes, dry lakebeds, riverbanks, desert washes, sparse alkali scrub and desert scrub.	Shrubs or annual plants may be necessary for arthropods found in the diet.	No suitable habitat occurs on site. **This species is not present.**
Xerospermophilus mohavensis	Mohave ground squirrel	Mammals	None	Threatened	BLM_S-Sensitive | IUCN_NT-Near Threatened	Chenopod scrub | Joshua tree woodland | Mojavean desert scrub	Open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert.	Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	No suitable habitat occurs on site. **This species is not present.**

APPENDIX C

Scientific Name	Common Name	Lifeform	CRPR	CESA	FESA	BloomingPeriod	Habitat	Microhabitat	Elevation Low_m	Elevation High_m	Presnce/ Absence
Chorizanthe spinosa	Mojave spineflower	annual herb	4.2	None	None	Mar-Jul	Chenopod scrub, Joshua tree "woodland", Mojavean desert scrub, Playas	Alkaline (sometimes)	6	1300	No alkaline soils occur on site. No playas occur on site.No suitbale habitat for this species occurs on site. **This species is not present**.
Muilla coronata	crowned muilla	perennial bulbiferous herb	4.2	None	None	Mar-Apr(May)	Chenopod scrub, Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland		670	1960	The project site is below the elevation range for this species. **This species is not present.**
Sclerocactus polyancistrus	Mojave fish-hook cactus	perennial stem	4.2	None	None	Apr-Jul	Great Basin scrub, Joshua tree "woodland", Mojavean desert scrub	Carbonate (usually)	640	2320	This species was not observed during the general bio surveys or the focused desert tortoise surveys. **This species is not present.**
Yucca brevifolia			CBR	CC							This species was not observed during the general bio surveys or the focused desert tortoise surveys. **This species is not present.**

APPENDIX D

View from the southeast corner of the site facing west. View of creosote bush scrub habitat on site.

View from the southwest corner of the site facing east. View of disturbed areas on site and adjacent active mine.

View of rocky mountains north of the project site.

Hernandez Environmental Services

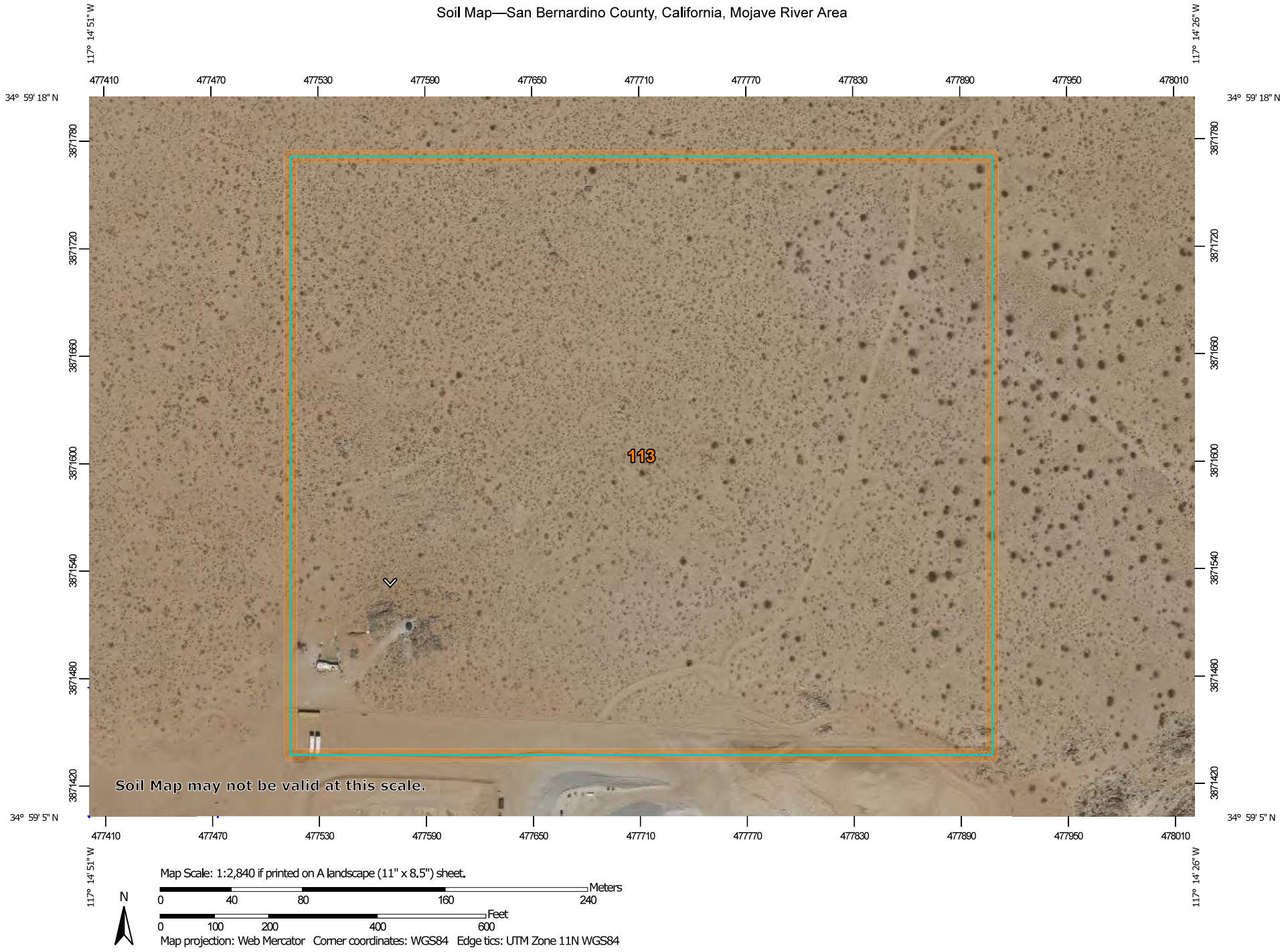
View from the southeast corner of the site facing north with dry Harper Lake in the distance.

View from the northwest corner of the site facing east. View of creosote bush scrub habitat on site.

View of desert tortoise found on site.

Hernandez Environmental Services

APPENDIX E



Map Scale: 1:2,840 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 40 80 160 240

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Bernardino County, California, Mojave River Area
Survey Area Data: Version 15, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 17, 2022—Jun 12, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
113	CAJON SAND, 2 TO 9 PERCENT SLOPES	32.7	100.0%
Totals for Area of Interest		**32.7**	**100.0%**

APPENDIX F

DESERT TORTOISE PRESENCE/ABSENCE SURVEYS
FOR
ASSESSOR'S PARCEL NUMBER
0496-011-75

LYNX CAT MOUNTAIN QUARRY
SAN BERNARDINO COUNTY
CALIFORNIA

Prepared for:
Webber and Webber
101 E Redlands Blvd, Suite 240
Redlands, CA 92373

Prepared by:
Hernandez Environmental Services
17037 Lakeshore Drive
Lake Elsinore, CA. 92530

JANUARY 2024

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Appendix A – Site Photographs

Executive Summary

Hernandez Environmental Services (HES) was contracted by Webber and Webber to conduct desert tortoise (*Gopherus agassizii*) presence/absence surveys for the proposed Lynx Cat Mountain Quarry Project north of State Highway 58.

HES conducted a presence/absence survey following the guidelines in the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines. The proposed expansion area is approximately 32.75 acres in size.

On June 6 , 2023, four HES biologists surveyed the entire 32.75-acre action area. A total of seven burrows, two areas with scattered tortoise scutes, 1 live tortoise and 1 scat were found during the field survey. All desert tortoise sign and the desert tortoise were found within the action area.

HES recommends that informal consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any mining activities in the action area.

1.0 Introduction

Hernandez Environmental Services (HES) was contracted by Webber and Webber to conduct desert tortoise (*Gopherus agassizii*) presence/absence surveys for the Lynx Cat Mountain Mine proposed expansion area directly north of the existing active quarry.

HES conducted a presence/absence survey following the guidelines in the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines. The proposed expansion area is approximately 32.75 acres in size. The size of the action area would be considered a small project under the 2018 guidelines, so a *Small Project Survey* was conducted.

1.1 Project Site Location

The project site is located south of Roy Road and northwest of the intersection of Valley Wells Road and Santa Fe Avenue. The site is accessed via unnamed roads. The site is located within the unincorporated community of Hinkley, San Bernardino County, California. The project site consists of a portion of Assessor's Parcel Number (APN) 0496-011-76. Specifically, the project site is located within section 1, township 10 north, range 4 west in the *Hinkley* United States Geological Survey (USGS) 7.5' topographic quadrangle. The center point latitude and longitude for the project site is 34.98697542, -117.24408321 (Figures 1 and 2).

2.0 Methodology

2.1 Literature Review

HES conducted a literature search and reviewed aerial photographs and topographic maps of the project location and surrounding areas. The *Hinkley* USGS topographic quad and surrounding eight quads were used to identify sensitive species with the California Natural Diversity Data Base (CNDDB). The CNDDB and USFWS critical habitat databases were utilized, together with Geographic Information System (GIS) software, to locate the previously recorded locations of desert tortoise and designated critical habitat and determine the distance from the project site. HES followed the protocol for site assessment and presence/absence surveys described in the USFWS October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* (*Gopherus agassizii*).

2.2 Field Survey

On June 6, 2023, four HES biologists surveyed the entire 32.75-acre action area. Survey conditions were as follows:

Date	Start Time	End Time	Temperature (Fahrenheit)	Weather Conditions
June 6, 2023	10:00 a.m.	1 p.m.	66-76 degrees	Clear skies

HES biologist Juan Hernandez led the surveys. Linear transects spaced approximately 10 meters apart were walked using UTM as guidelines for 100 percent coverage. Tortoise, tortoise sign, and areas of interest observed were recorded and Global Positioning System (GPS) way points were recorded.

3.0 Existing Conditions and Results

3.1 Environmental Setting

The project site consists of mostly vacant land directly north of an active mining quarry. There is a water tank and disturbed area on the southwest corner of the site. The site is predominantly vegetated with creosote bush scrub habitat. Rocky mountains occur east of the project site and open desert occurs to the north and west of the site. The site is slightly sloped with onsite elevations ranging from 2,116 feet above mean sea-level (AMSL) in the northwest corner to 2,221 feet AMSL in the southeast corner.

The creosote bush scrub habitat on site is considered desert tortoise habitat. There are CNDDB recorded occurrences within 5 miles.

3.2 Desert Tortoise Survey Results

The entire 32.75-acre action area was surveyed for 100 percent coverage (Figure 3). A total of seven burrows, two areas with scattered tortoise scutes, one live tortoise, and six scats were found during the field survey. The desert tortoise and all desert tortoise sign were found within the survey area (Figure 4).

4.0 Discussion

Based on the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines, the action area is considered a "smaller project." A smaller project is one that is smaller than 500 acres. For smaller projects, the number of tortoises affected is likely to be too small for statistical treatment; the goal with surveying these areas is to determine whether desert tortoise is likely to be present and to determine any areas of concentrated use (October 26, 2018 Guidelines). Based on our results, we have determined that the action area has desert tortoise present in the 32.75 acre proposed mine expansion area.

HES recommends that consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any mining activities in the action area.

5.0 Certification

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief."

DATE 01/12/2024 SIGNED _____

PROJECT MANAGER

Fieldwork Performed By:

Juan J. Hernandez

PRINCIPAL BIOLOGIST

Elizabeth Gonzalez

SENIOR BIOLOGIST

Sarah Vasquez

ASSOCIATE BIOLOGIST

Hallie Hernandez

ASSOCIATE BIOLOGIST

6.0 References

California Department of Fish and Wildlife (CDFW), Natural Diversity Database (CNDDB). Accessed September 2023 California Department of Fish and Wildlife, Sacramento, California.

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U.S Fish and Wildlife Service, October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines.

FIGURES

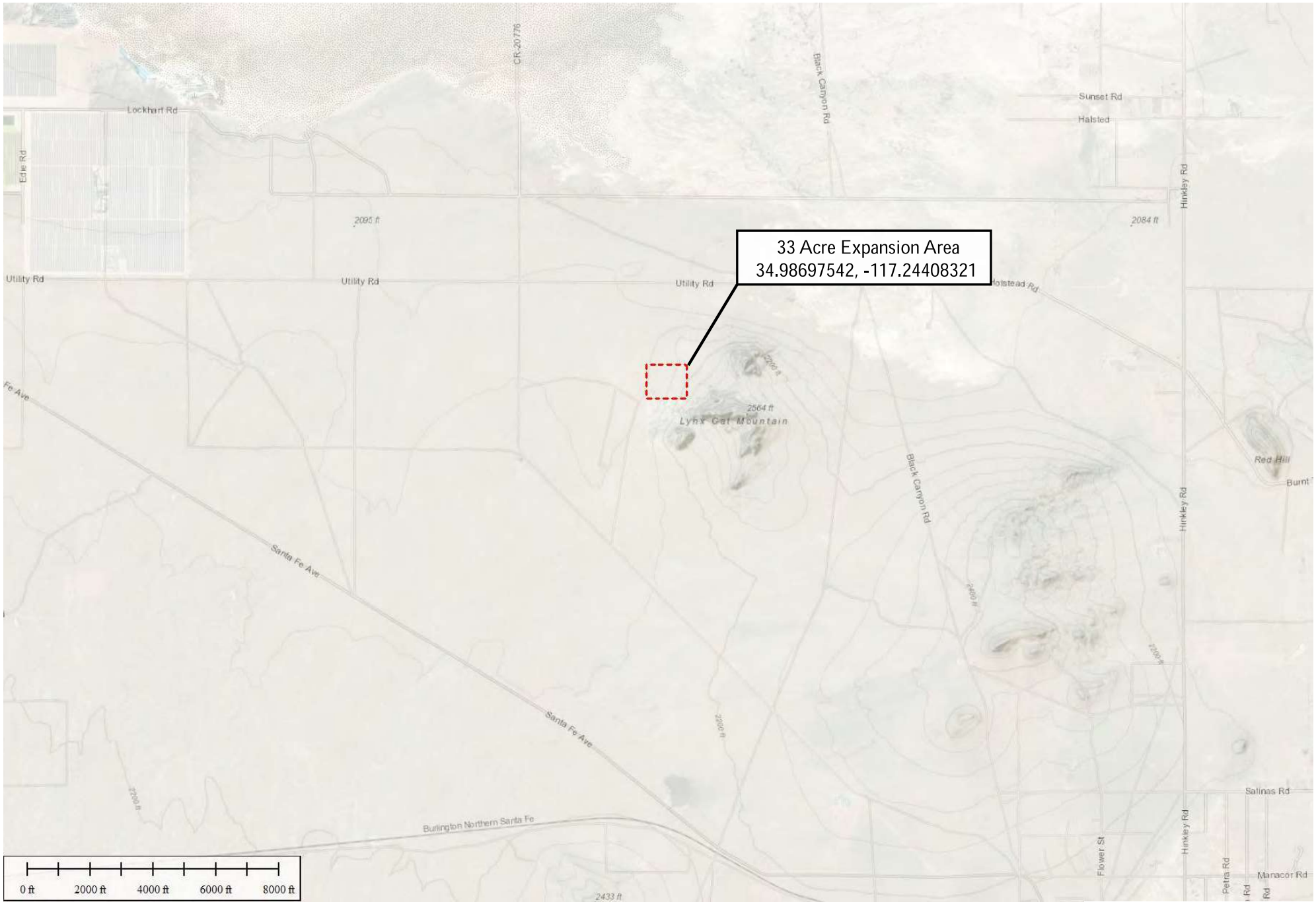

Figure 1

Location Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

Project Site Boundary

N

Hernandez Environmental Services

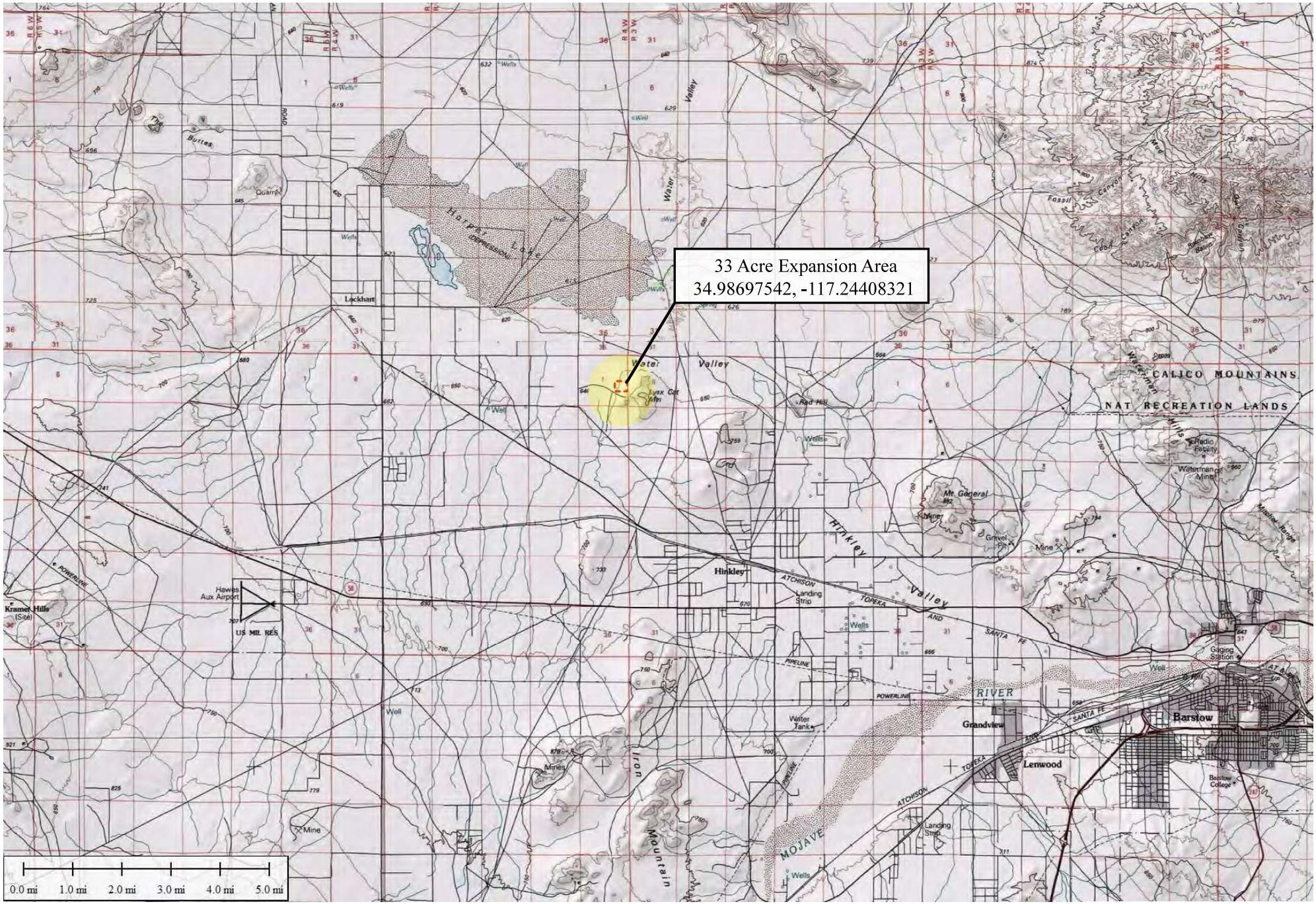

Figure 2

Vicinity Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

Project Site Boundary

N

Hernandez Environmental Services

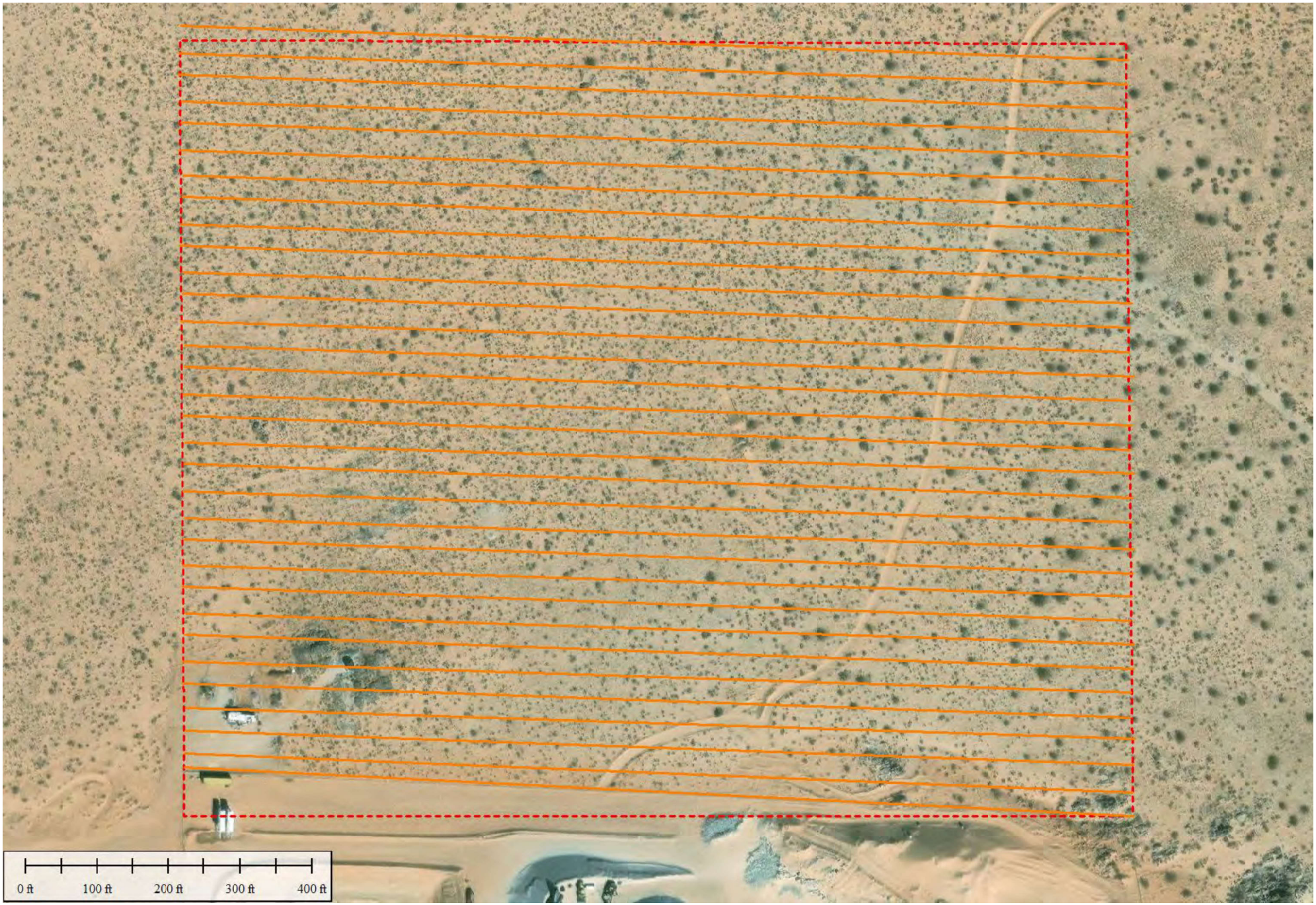

Figure 3

Desert Tortoise Survey Area Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

Project Site Boundary

Transect

N

Hernandez Environmental Services

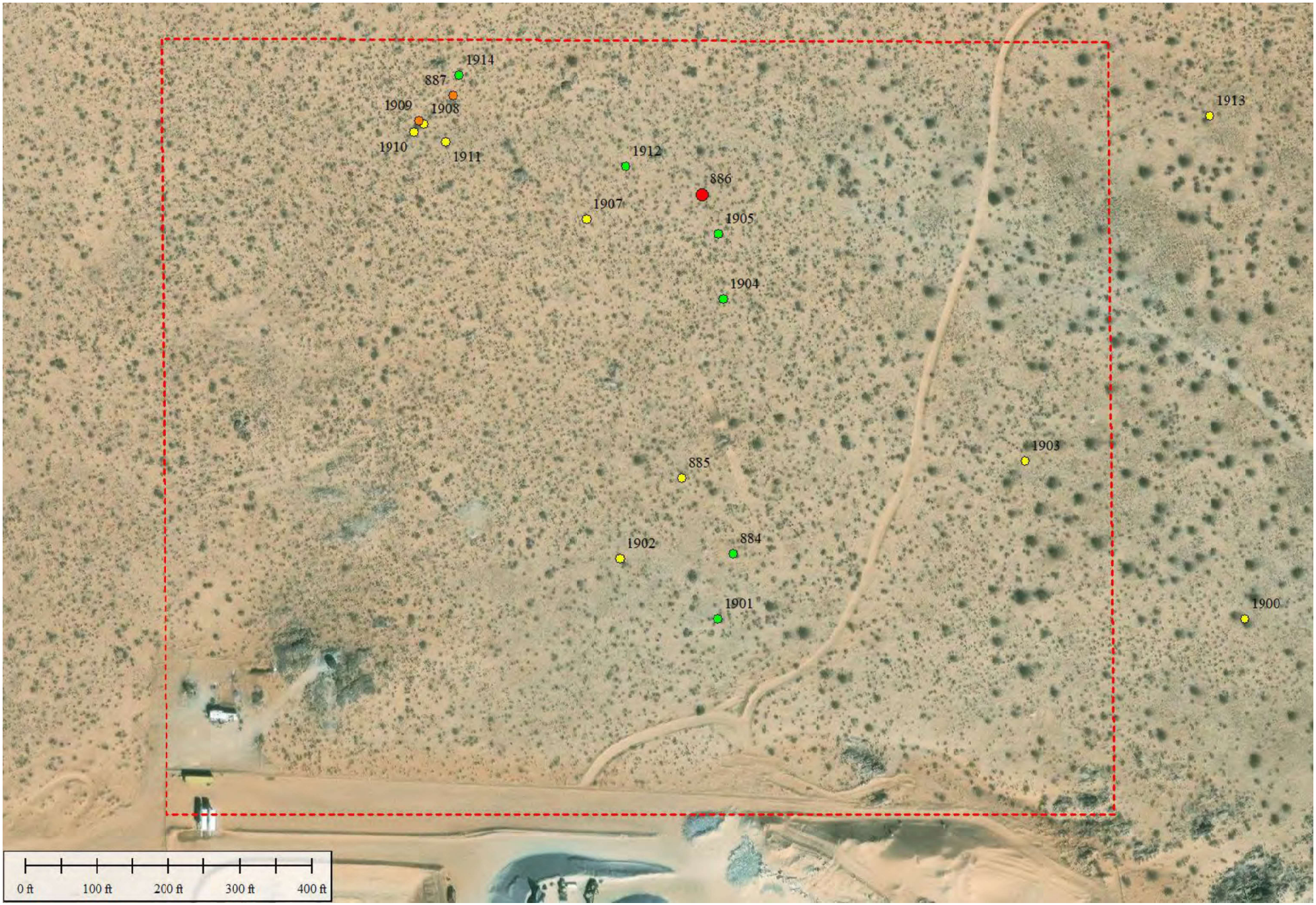

Figure 4

Desert Tortoise Survey Results Map
33 Acre Lynx Cat Mine Expansion Area
Hinkley, San Bernardino County, California

Legend

- Project Site Boundary
- Burrow (7)
- Scat (6)
- Scutes (2)
- Desert Tortoise (1)

N

Hernandez Environmental Services

APPENDIX A

View of desert tortoise burrow found on site.

View of desert tortoise burrow found on site.

View of desert tortoise found on site.

Hernandez Environmental Services

View of desert tortoise scats found on site.

View of desert tortoise scutes found on site.

Hernandez Environmental Services

GENERAL BIOLOGICAL ASSESSMENT
FOR
EXPANSION AREA 3
ASSESSOR'S PARCEL NUMBER
0496-011-76

LYNX CAT MOUNTAIN QUARRY
SAN BERNARDINO COUNTY
CALIFORNIA

Prepared for:

Lynx Cat Mountain Quarry Operations, LLC
C/O Mr. Joe Mathewson
Hinkley, CA

Prepared by:

Hernandez Environmental Services
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Lake Elsinore, CA 92530

SEPTEMBER 2024

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1.0 Introduction

Hernandez Environmental Services (HES) was contracted to prepare a General Biological Assessment (GBA) for an approximately 81.92-acre project site in the unincorporated San Bernardino County, California. The project site consists of a portion of Assessor's Parcel Number (APN) 0496-011-76.

1.1 Project Site Location

The project site is located south of Roy Road and northwest of the intersection of Valley Wells Road and Santa Fe Avenue. The site is accessed via unnamed roads. The site is located within the unincorporated community of Hinkley, San Bernardino County, California. Specifically, the project site is located within section 1, township 10 north, range 4 west in the *Twelve Gauge Lake* United States Geological Survey (USGS) 7.5' topographic quadrangle. The center point latitude and longitude for the project site is 34.98486711, -117.25296931 (Figures 1 and 2).

1.2 Project Description

The proposed project is an expansion of the Lynx Cat Mountain Quarry.

2.0 Methodology

2.1 Literature Review

HES conducted a literature review and reviewed aerial photographs and topographic maps of the project site and surrounding areas. The *Twelve Gauge Lake* USGS topographic quad and surrounding eight quads were used to identify sensitive species with the California Natural Diversity Data Base (CNDDB), the U.S. Fish and Wildlife Service (USFWS) Endangered Species Lists, and the California Native Plant Society (CNPS) rare plant lists to obtain species information for the project area. The CNDDB and USFWS critical habitat databases were utilized, together with Geographic Information System (GIS) software, to locate the previously recorded locations of sensitive plant and wildlife occurrences and designated critical habitat and determine the distance from the project site.

2.2 Field Survey

On September 12, 2024, HES conducted a field survey of the project site. The ambient temperature at 8:45 A.M. was 68 degrees Fahrenheit, sunny, with winds ranging from zero to six miles per hour from the wesst. The purpose of the field survey was to document the existing habitat conditions, obtain plant and animal species information, view the surrounding land uses, assess the potential for state and federal waters, assess the potential for wildlife movement corridors, and assess the presence of constituent elements for critical habitat, if present.

Linear transects spaced approximately 50 to 100 feet apart were walked across the project site for 100 percent coverage. All species observed were recorded. Global Positioning System (GPS) waypoints were taken to delineate specific habitat types, species locations, state or federal waters, and any other information that would be useful for the assessment of the project site. A comprehensive list of all plant and wildlife species that were detected during the field survey within the project site is included in Appendix A. Sensitive plant and wildlife species with the potential to occur within the project area are listed in Appendix B. Representative site photographs were taken and are included within Appendix C.

3.0 Existing Conditions and Results

3.1 Environmental Setting

The project site consists of vacant land with desert scrub habitat. The site is directly bordered by vacant land. The site is approximately 0.25 miles west of an active mining quarry. There is a dirt road that goes along the eastern border of the site and a dirt road that crosses the northern portion of the site from east to west. The site is predominantly vegetated with white bursage scrub habitat. The Lynx Cat Mountain Quarry access road and office is located east of the southeast corner of the site. The site is relatively flat with onsite elevations ranging from 2,099 feet above mean sea-level (AMSL) to 2,122 feet AMSL.

3.2 Soils

According to the USDA Web Soil Survey, one soil type occurs on the project site. The onsite soils are composed of Cajon sand (113), 2 to 9 percent slopes (Appendix D).

3.3 Plant and Habitat Communities

The project site consists of approximately 81.20 acres of white bursage scrub habitat and 0.72 acre of disturbed areas (Figure 3).

White bursage Scrub

The project site contains approximately 81.20 acres of white bursage scrub. This habitat on site is dominated by white bursage (*Ambrosia dumosa*). Other plant species in this habitat include rabbit thorn (*Lycium pallidum var. oligospermum*), cheesbush (*Ambrosia salsola*), and big galleta (*Hilaria rigida*), The herbaceous layer was dominated by Mediterranean grass (*Schismus* sp.).

Disturbed areas

There is approximately 0.72 acre of disturbed areas on site. These areas are devoid of vegetation and include dirt roads that cross the site.

3.4 Wildlife

The general wildlife species documented on the project site or within the vicinity of the site include Mojave green rattlesnake (*Crotalus scutulatus*), western whiptail (*Cnemidophorus tigris*), and Mohave patch nosed snake (*Salvatora hexalepis mojavensis*).

3.5 Regional Connectivity/Wildlife Movement

Wildlife movement corridors can be local or regional in scale; their functions may vary temporally and spatially based on conditions and species present. Wildlife corridors represent areas where wildlife movement is concentrated due to natural or anthropogenic constraints. Local corridors provide access to resources such as food, water, and shelter. Animals use these corridors, which are often hillsides or riparian areas, to move between different habitats. Regional corridors provide these functions and link two or more large habitat areas. They provide avenues for wildlife dispersal, migration, and contact between otherwise distinct populations.

The project site is not located within a designated wildlife corridor or linkage. The project site is located directly south of active mining activities. There is vacant open desert to the north and west of the project site. There are no topographic features on the site that would function as a wildlife corridor. The project site does not serve a function in local wildlife movement.

3.6 Sensitive Biological Resources

According to the CNDDB and the CNPS, a total of 5 sensitive species of plants and one sensitive habitat have the potential to occur on or within the vicinity of the project area. According to CNDDB a total of 18 sensitive species of wildlife have the potential to occur on or within the vicinity of the project area. These include those species listed or candidates for listing by the U. S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and California Native Plant Society (CNPS). All habitats with the potential to be used by sensitive species were evaluated during the site visit and a determination has been made for the presence or probability of presence within this report. All sensitive species within the *Twelve Gauge Lake* USGS topographic quad and eight surrounding quads of project area were reviewed in CNDDB, and a complete list of those species are discussed within Appendix B. This section will address those species listed as Candidate, Rare, Threatened, or Endangered under the state and federal endangered species laws, and any species found to occur on site. All other special status species are addressed within Appendix B.

3.6.1 Sensitive Plant Resources

According to the literature review no plant species listed as Candidate, Rare, Threatened, or Endangered under the state and federal endangered species laws have the potential to occur on

site. Below are descriptions of the special status plant species found to occur or have a potential to occur on site:

White pygmy-poppy
White pygmy poppy (*Canbya candida*) is ranked 4.2 in the CNPS Rare Plant Inventory. Its habitats include Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. There is suitable habitat present on the project site. **This species has the potential to be present.**

3.6.2 Sensitive Wildlife Resources

According to CNDDB a total of nine wildlife species listed as state and/or federal Threatened, Endangered, Candidate have a potential to occur on site. Below are descriptions of these species and other special status species found to have a potential to occur on site:

Arroyo Toad
Arroyo Toad (*Anaxyrus californicus*) is a federally listed Endangered Species and a CDFW Species of Special Concern. The most favorable breeding habitat for this species consists of slow-moving shallow pools, nearby sandbars, and adjacent stream terraces. Its habitat includes desert wash, riparian scrub, riparian woodland, south coast flowing waters, and south coast standing waters. There is no habitat for this species on the project site. **This species is not present.**

Burrowing owl
Burrowing owl (*Athene cunicularia*) is a CDFW Species of Special Concern. This species is a subterranean nester, dependent upon burrowing mammals such as the California ground squirrel. It inhabits open, dry annual or perennial grasslands and scrublands characterized by low-growing vegetation. No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys. **This species is not present.**

Crotch's bumble bee
Crotch's bumble bee (*Bombus crotchii*) is a state listed Candidate Endangered Species. Its food plant genera include *Antirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Eschscholzia*, and *Eriogonum*. The site does not contain a density of flowering plants suitable for supporting this species. There is no suitable habitat for this species on site. **This species is not present**.

Western bumble bee
Western bumble bee (*Bombus occidentalis*) is a state listed Candidate Endangered Species. The site does not contain a density of flowering plants suitable for supporting this species. There is no suitable habitat for this species on site. **This species is not present**.

Western snowy plover
Western snowy plover (*Charadrius alexandrinus nivosus*) is federally listed Threatened Species and a CDFW Species of Special Concern. It is found in great basin standing waters, sand shore, and wetland. This species needs sandy, gravelly, or friable soils for nesting. The project site does not contain suitable habitat for this species. **This species is not present.**

Western yellow-billed cuckoo
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a federally listed Threatened and state listed Endangered Species. This species typically nests in riparian jungles of willows, often mixed with cottonwoods, with a lower story of blackberry, nettles, or wild grape. It is found in riparian forest habitat. The project site does not contain suitable habitat for this species. **This species is not present.**

Desert tortoise
The desert tortoise (*Gopherus agassizii*) is a federally and state listed Threatened Species. This species is most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. It prefers Creosote bush habitat with large annual wildflower blooms. Focused desert tortoise surveys were performed on the site in 2024. Suitable desert tortoise burrows and desert tortoise sign were found during focused surveys. **This species is present**.

Loggerhead shrike
Loggerhead shrike (*Lanius ludovicianus*) is a CDFW Species of Special Concern. This species habitats include broadleaved upland forest, desert was, Joshua tree woodland, Mojavean desert scrub, pinon and juniper woodlands, riparian woodland, and Sonoran desert scrub. There is suitable habitat present on site for this species. **This species has the potential to occur on site**.

Yuma Ridgway's Rail
The Yuma Ridgway's rail (*Rallus obsoletus yumanensis*) is a federal listed Endangered and state listed Threatened Species. This species is found in freshwater marsh, swamp, and wetland habitats. This species is known to nest in freshwater marshes along the Colorado River and along the south and east ends of the Salton Sea. It prefers stands of cattails and tules dissected by narrow channels of flowing water. The project site does not contain suitable habitat for this species. **This species is not present.**

Mohave Tui Chub
The Mohave tui chub (*Siphateles bicolor mohavensis*) is a federal and state listed Endangered Species. It is found in aquatic, and artificial standing and flowing waters. This species is endemic to the Mojave River basin, adapted to alkline mineralized water. It needs deep pools, ponds, or slough-like areas and vegetation for spawning. There is no habitat for this species on the project site. **This species is not present.**

American badger
American badger is a CDFW Species of Special Concern. This species habitats include alkali marsh, alkali playa, alpine, alpine dwarf scrub, brackish marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, and coastal prairie. It is most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. **This species has the potential to be present**.

Mohave ground squirrel
Mohave ground squirrel (*Xerospermophilus mohavensis*) is a state listed Threatened species. This species habitats include chenopod scrub, Joshua tree woodland, and Mojavean desert scrub. **This species has the potential to be present**.

3.7 Critical Habitat

Critical habitat is designated by USFWS for endangered and threatened species per the federal ESA (16 U.S.C. § 1533 (a)(3)), and to the extent prudent and determinable. Special management of critical habitat, including measures for water quality and quantity, host animals and plants, food availability, pollinators, sunlight, and specific soil types is required to ensure the long-term survival and recovery of the identified species. Critical habitat designation delineates all suitable habitat for the species. The project site is not located within federally designated critical habitat.

3.8 Nesting Birds

Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act. Additionally, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests. The project site contains shrubs that can be utilized by nesting birds and raptors during the nesting bird season of February 1 through September 15.

3.9 Jurisdictional Waters

The project site does not contain CDFW, United States Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB) jurisdictional waters. Furthermore, no wetlands or vernal pools occur on site.

4.0 Project Impacts

4.1 Impacts to Habitats

The proposed mine expansion would impact the entire approximately 81.92-acre project site consisting of 81.20 acres of white bursage scrub habitat and 0.72 acre of disturbed areas.

4.2 Impacts to Sensitive Species

The following sensitive species were found on the project site or have the potential to occur on the project site:

4.2.1 Impacts to Sensitive Plant Resources

The following sensitive plant species have the potential to occur on site:

White pygmy-poppy
White pygmy poppy 4.2 in the CNPS Rare Plant Inventory. Its habitats include Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. There is suitable habitat present on the project site. This species has the potential to be present. However, this species is not a federal or state listed species and is therefore not regulated under the federal or state Endangered Species Acts. Furthermore, white pygmy-poppy is not a BLM Sensitive species. The nearest recorded occurrence on CNDDB is over 15 miles from the site. This species is only listed as a 4.2 ranked species on the CNPS Rare Plant List. A California Rare Plant Rank of 4 is for species of limited distribution that do not meet the criteria of rare, threatened, or endangered under CEQA Guidelines§15380. The white bursage scrub habitat on site that has the potential to support this species is not sensitive or rare. Therefore, potential impacts to this species with a Rare Plant Rank of 4 would not be considered substantial impacts under CEQA and no mitigation would be required.

4.2.2 Sensitive Wildlife Resources

The following sensitive wildlife species have a potential to occur on site:

Desert tortoise
Desert tortoise burrows and sign were found on site during focused desert tortoise surveys performed in 2024. The proposed mine expansion may result in impacts to this species. This species is protected by the Federal Endangered Species Act of 1973 and the California Endangered Species Act (CESA). Incidental Take Permits (ITP) for desert tortoise would need to be obtained prior to any project activities.

Loggerhead shrike
There is potential habitat for the Loggerhead shrike in the scrub on site. This species has the potential to be present. Implementation of the measures identified for nesting birds in the Recommendations section of this report will ensure that potential impacts to this species are less than significant.

American badger
American badger is a CDFW Species of Special Concern. This species has the potential to occur on site. Implementation of the measures outlined in the Recommendations section will ensure impacts to this species remain less than significant.

Mohave ground squirrel
Mohave ground squirrel is a state listed Threatened species. This species habitat include chenopod scrub, Joshua tree woodland, and Mojavean desert scrub. A focused survey would need to be performed by an approved biologist to determine the presence or absence of this species on site. The proposed mine expansion may result in impacts to this species If Mohave ground squirrel are found, a CESA (ITP) from CDFW for Mohave ground squirrel would need to be obtained prior to any project activities.

4.3 Impacts to Nesting Birds

Potential impacts to nesting birds may occur if vegetation removal occurs during the bird nesting season of February 1 through September 15. Implementation of the measures identified in the Recommendations section of this report will ensure that potential impacts to nesting birds are less than significant.

4.4 Impacts to Critical Habitat

The project site is not located within or directly adjacent to designated federal critical habitat. Therefore, no impacts to critical habitat are expected.

4.5 Impacts to Wildlife Movement Corridors

No wildlife movement corridors were found to be present on the project site. No impacts are expected.

4.6 Conflict with Local Policies or Ordinances Protecting Biological Resources

The San Bernardino County Development Code Section 88.01.060 provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. Per Section 88.01.060 of the San Bernardino County Development Code the following desert native plants or any part of them, except the fruit shall not be removed except under a Tree or Plant Removal Permit:

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) Dalea spinosa (smoketree).

(B) All species of the genus Prosopis (mesquites).

(2) All species of the family Agavaceae (century plants, nolinas, yuccas).

(3) Creosote Rings, ten feet or greater in diameter.

(4) All Joshua trees.

(5) Any part of any of the following species, whether living or dead:

(A) Olneya tesota (desert ironwood).

(B) All species of the genus Prosopis (mesquites).

(C) All species of the genus Cercidium (palos verdes).

Section 88.01 requires the issuance of a permit prior to the removal of regulated trees and plants. No desert native plants regulated under Section 88.01.060 of the San Bernardino Development Code are present on the site. No conflicts with local policies or ordinances are expected.

4.7 Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan

The project site is located within the Desert Renewable Energy Conservation Plan (DRECP). The project is located within the BLM Superior-Cronese Area of Critical Environmental Concern (ACEC). However the proposed project occurs within private lands and according to the DRECP BLM Land Use Plan Amendment (LUPA) "Nonfederal lands within the boundaries of BLM LUPA land use allocations are not affected by the LUPA" (LUPA-LANDS-4). Therefore, the proposed project would not be anticipated to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.8 State and Federal Drainages

No state or federal jurisdictional drainages occur on site. The proposed project would not result in impacts to jurisdictional drainages.

5.0 Recommendations

Based upon the findings of this report, it is recommended that the following studies or surveys be performed as part of the project.

<u>Nesting Birds</u>

- It is recommended that vegetation removal be conducted outside of the nesting season for migratory birds to avoid direct impacts.

- If vegetation removal will occur during the migratory bird nesting season, between February 1 and September 15, pre-construction nesting bird surveys shall be performed within three days prior to vegetation removal.

- If active nests are found during nesting bird surveys, they shall be flagged. A 250-foot buffer shall be fenced around songbird nests and a 500-foot buffer shall be fenced around raptor nests.

Loggerhead shrike

- The mitigation measures for nesting birds outlined above will ensure no impacts to loggerhead shrike occur.

American badger

- A biological monitor should be present on site during all initial ground disturbing activities to ensure no impacts to American badger, occur. If American badger is found on site the biological monitor will have the authorization to stop all work and allow the sensitive wildlife to leave the site.

Desert tortoise

- In order to establish appropriate avoidance and minimization measures and/or mitigation measures for desert tortoise consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any ground disturbing activities in the project area. Any impacts to desert tortoise would require a Federal Endangered Species Act Section 10 ITP and CESA 2081 ITP.

- To obtain a Section 7 Biological Opinion from the USFWS, the project would have to establish a federal nexus such as a discretionary permit issued from a federal agency or show the project will receive federal funding.

Mohave ground squirrel

- In order to establish appropriate avoidance and minimization measures and/or mitigation measures for Mohave ground squirrel focused surveys should be performed by a qualified biologist during the appropriate season to determine presence or absence on site.

- If this species is determined to be present on site consultation should be initiated with the CDFW prior to commencing any ground disturbing activities in the project area. Any impacts to Mohave ground squirrel would require a CESA 2081 ITP

6.0 Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 9/16/2024 Signed _____

PROJECT MANAGER

Fieldwork Performed By:

Juan Hernandez

_____

Principle Biologist

Elizabeth Gonzalez

_____

Senior Biologist

Sarah Vasquez

_____

Associate Biologist

Carissa Gomez

_____

Associate Biologist

7.0 References

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FIGURES

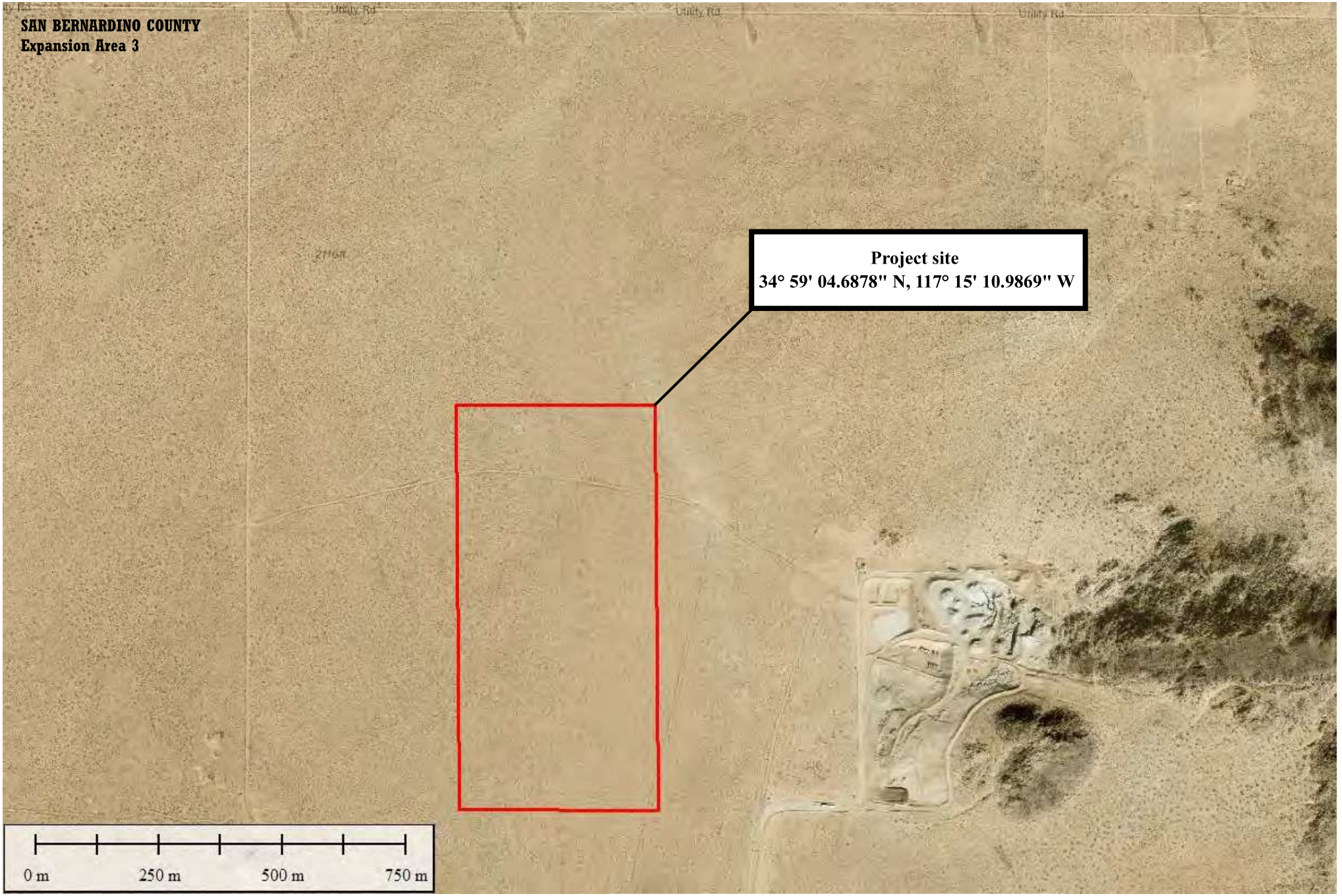


Figure 1

Location Map

Lynx Cat Mtn., along Utility Road

0496-011-70

Unincorporated area, San Bernardino County, California

Legend

Project site (81.92 acres)

N

Hernandez Environmental Services

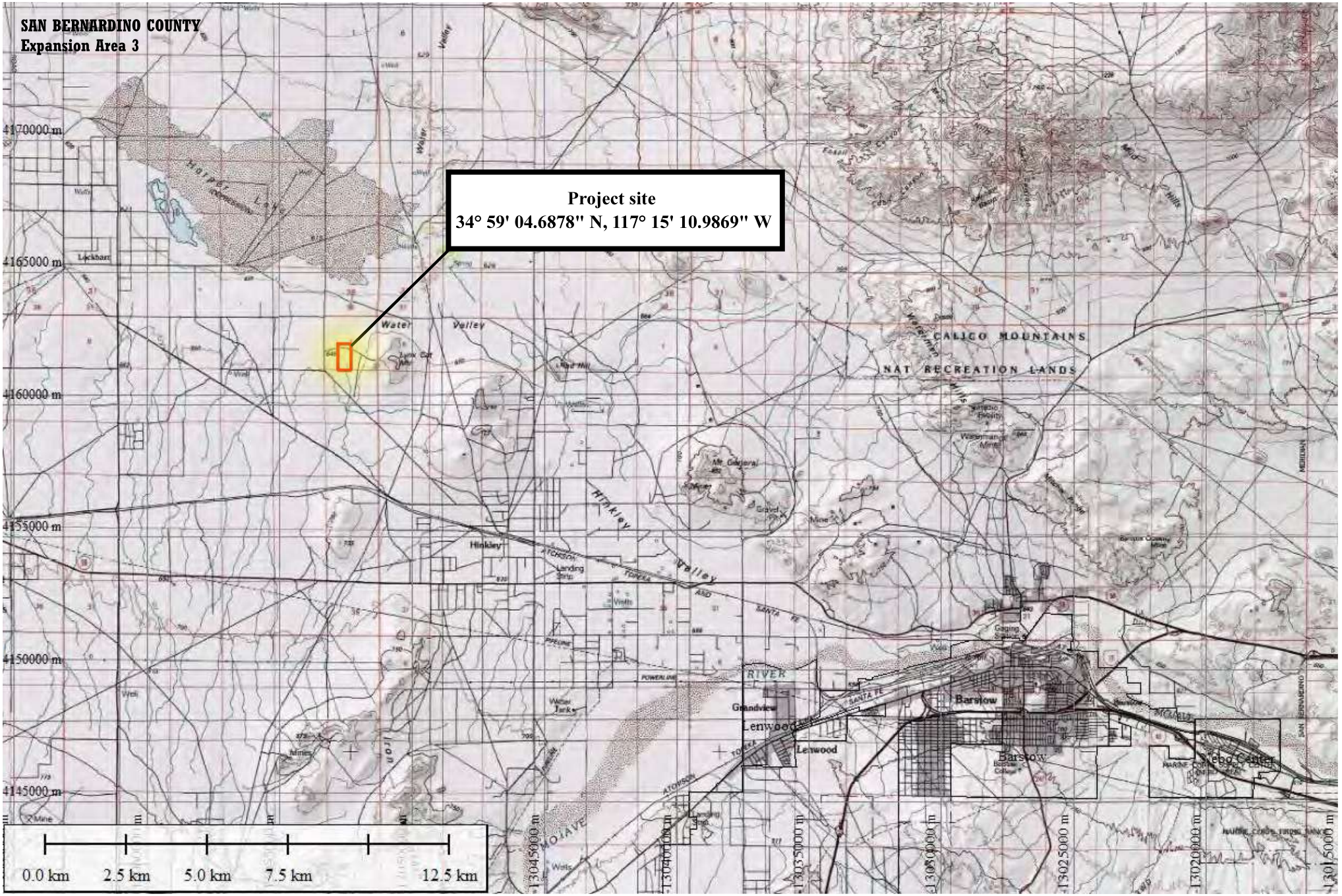


Figure 2
Vicinity Map
Lynx Cat Mtn., along Utility Road
0496-011-70
Unincorporated area, San Bernardino County, California

Legend
Project site (81.92 acres)

N

Hernandez Environmental Services

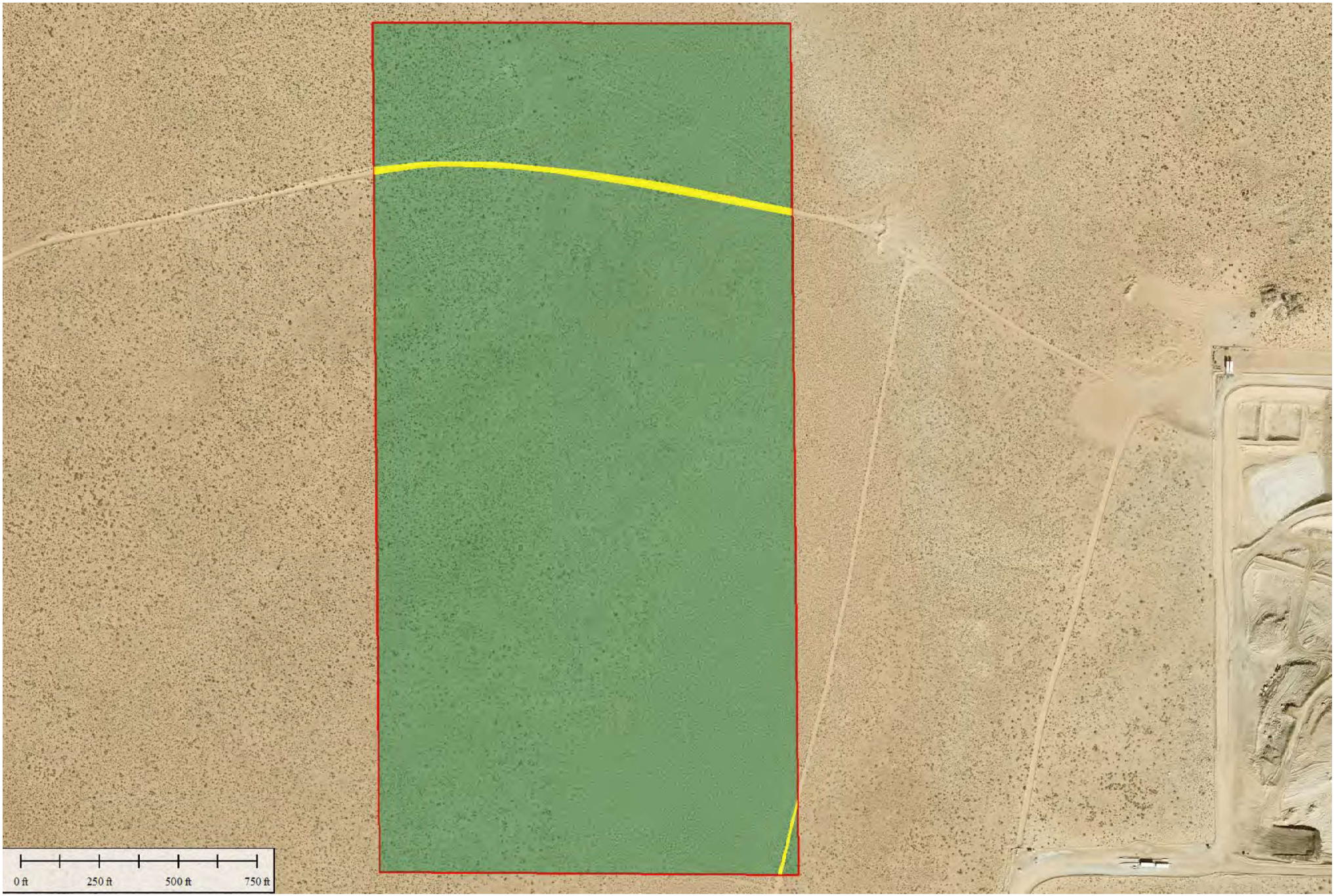


Figure 3

Habitat Map

Lynx Cat Mtn., along Utility Road

0496-011-70

Unincorporated area, San Bernardino County, California

Legend

Project site (81.92 acres)

White bursage scrub habitat (81.20 acres)

Disturbed areas (0.72 acre)

N

Hernandez Environmental Services

APPENDIX A

Observed Species List

Plant List

Scientific Name	Common Name
Ambrosia dumosa	White bursage
Ambrosia salsola	Cheesebush
Amsinckia tessellate	Bristly fiddleneck
Baileya multiradiata	Desert marigold
Larrea tridentata	Creosote
Hilaria rigida	Big galleta
Lycium pallidum var. oligospermum	Rabbit thornbush
Pectis papposa	Manybristle chinchweed
Salsola tragus	Russian thistle
Schismus sp.	Mediterranean grass
Tiquilia plicata	Fanleaf crinklemat

Wildlife List

Scientific Name	Common Name
Cnemidophorus tigris	Western whiptail
Crotalus scutulatus	Mojave green rattlesnake
Polioptila melanura	Black-tailed gnatcatcher
Salvatora hexalepis mojavensis	Mohave patch-nosed snake

APPENDIX B

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Canbya candida	white pygmy-poppy	Dicots	None	None	4.2	SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | USFS_S-Sensitive	Joshua tree woodland | Mojavean desert scrub | Pinon & juniper woodlands	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland.	Gravelly, sandy, granitic places. 600-1460 m.	Suitable habitat occurs on site. **This species has the potential to be present.**
Cymopterus deserticola	desert cymopterus	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	On fine to coarse, loose, sandy soil of flats in old dune areas with well-drained sand. 625-1220 m.	No dunes occur on site. No suitable habitat is present on site. **This species is not present.**
Diplacus mohavensis	Mojave monkeyflower	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Desert wash | Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	Dry sandy or rocky washes along the Mojave River. 660-1270 m.	No washes occur on site. No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Rare Plant Rank	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Eriophyllum mohavense	Barstow woolly sunflower	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden | SB_USDA-US Dept of Agriculture	Alkali playa | Chenopod scrub | Mojavean desert scrub	Chenopod scrub, Mojavean desert scrub, desert playas.	Mostly in open, silty or sandy areas w/saltbush scrub, or creosote bush scrub. Barren ridges or margins of playas. 605-1290 m.	No creosote bush scrub or saltbush scrub occurs on site. No suitable habitat occurs on site. **This species is not present.**
Pediomelum castoreum	Beaver Dam breadroot	Dicots	None	None	1B.2	BLM_S-Sensitive | SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	Desert wash | Joshua tree woodland | Mojavean desert scrub	Joshua tree woodland, Mojavean desert scrub.	Sandy soils; washes and roadcuts. 605-1485 m.	No washes or roadcuts occur on site. No suitable habitat occurs on site. **This species is not present**.
Transmontane Alkali Marsh	Transmontane Alkali Marsh	Marsh	None	None			Marsh & swamp | Wetland			**Not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Anaxyrus californicus	arroyo toad	Amphibians	Endangered	None	CDFW_SSC-Species of Special Concern | IUCN_EN-Endangered	Desert wash | Riparian scrub | Riparian woodland | South coast flowing waters | South coast standing waters	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc.	Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	No suitable habitat occurs on site. **This species is not present.**
Aquila chrysaetos	golden eagle	Birds	None	None	BLM_S-Sensitive | CDF_S-Sensitive | CDFW_FP-Fully Protected | CDFW_WL-Watch List | IUCN_LC-Least Concern	Broadleaved upland forest | Cismontane woodland | Coastal prairie | Great Basin grassland | Great Basin scrub | Lower montane coniferous forest | Pinon & juniper woodlands | Upper montane coniferous forest | Valley & foothill grassland	Rolling foothills, mountain areas, sage-juniper flats, and desert.	Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Athene cunicularia	burrowing owl	Birds	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern | USFWS_BCC-Birds of Conservation Concern	Coastal prairie | Coastal scrub | Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Sonoran desert scrub | Valley & foothill grassland	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys. No suitable habitat occurs on site. **This species is not present.**
Bombus crotchii	Crotch's bumble bee	Insects	None	Candidate Endangered	IUCN_EN-Endangered		Coastal California east to the Sierra-Cascade crest and south into Mexico.	Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	No suitable habitat occurs on site. **This species is not present.**
Bombus occidentalis	western bumble bee	Insects	None	Candidate Endangered	IUCN_VU-Vulnerable | USFS_S-Sensitive		Once common and widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease.		No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Charadrius montanus	mountain plover	Birds	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened | USFWS_BCC-Birds of Conservation Concern	Chenopod scrub | Valley & foothill grassland	Short grasslands, freshly plowed fields, newly sprouting grain fields, and sometimes sod farms.	Short vegetation, bare ground, and flat topography. Prefers grazed areas and areas with burrowing rodents.	No suitable habitat occurs on site. **This species is not present.**
Charadrius nivosus nivosus	western snowy plover	Birds	Threatened	None	CDFW_SSC-Species of Special Concern	Great Basin standing waters | Sand shore | Wetland	Sandy beaches, salt pond levees and shores of large alkali lakes.	Needs sandy, gravelly or friable soils for nesting.	No suitable habitat occurs on site. **This species is not present.**
Coccyzus americanus occidentalis	western yellow-billed cuckoo	Birds	Threatened	Endangered	BLM_S-Sensitive | USFS_S-Sensitive	Riparian forest	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems.	Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Falco mexicanus	prairie falcon	Birds	None	None	CDFW_WL-Watch List | IUCN_LC-Least Concern	Great Basin grassland | Great Basin scrub | Mojavean desert scrub | Sonoran desert scrub | Valley & foothill grassland	Inhabits dry, open terrain, either level or hilly.	Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	No cliffs occur on site. No suitable breeding habitat occurs on or near the site. **This species is not present.**
Gopherus agassizii	desert tortoise	Reptiles	Threatened	Threatened	IUCN_CR-Critically Endangered	Joshua tree woodland | Mojavean desert scrub | Sonoran desert scrub	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat.	Require friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred.	Desert tortoise scat and suitable burrows were found on site during the focused desert tortoise surveys performed in 2024. **This species is present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Lanius ludovicianus	loggerhead shrike	Birds	None	None	CDFW_SSC-Species of Special Concern | IUCN_NT-Near Threatened	Broadleaved upland forest | Desert wash | Joshua tree woodland | Mojavean desert scrub | Pinon & juniper woodlands | Riparian woodland | Sonoran desert scrub	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes.	Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Suitable habitat is present on site. **This species has the potential to be present.**
Lasionycteris noctivagans	silver-haired bat	Mammals	None	None	IUCN_LC-Least Concern	Lower montane coniferous forest | Oldgrowth | Riparian forest	Primarily a coastal and montane forest dweller, feeding over streams, ponds and open brushy areas.	Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes, and rarely under rocks. Needs drinking water.	No suitable habitat occurs on site. **This species is not present.**
Microtus californicus mohavensis	Mohave river vole	Mammals	None	None	CDFW_SSC-Species of Special Concern	Riparian scrub	Occurs only in weedy herbaceous growth in wet areas along the Mojave River. May be found in some irrigated pastures.	Burrows into soft soil. Feeds on leafy parts of grasses, sedges and herbs. Clips grasses to form runways from burrow.	No suitable habitat occurs on site. **This species is not present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Rallus obsoletus yumanensis	Yuma Ridgway's rail	Birds	Endangered	Threatened	CDFW_FP-Fully Protected	Freshwater marsh | Marsh & swamp | Wetland	Nests in freshwater marshes along the Colorado River and along the south and east ends of the Salton Sea.	Prefers stands of cattails and tules dissected by narrow channels of flowing water; principle food is crayfish.	No suitable habitat occurs on site. **This species is not present.**
Siphateles bicolor mohavensis	Mohave tui chub	Fish	Endangered	Endangered	AFS_EN-Endangered | CDFW_FP-Fully Protected	Aquatic | Artificial flowing waters | Artificial standing waters	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters.	Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.	No suitable habitat occurs on site. **This species is not present.**
Taxidea taxus	American badger	Mammals	None	None	CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern	Alkali marsh | Alkali playa | Alpine | Alpine dwarf scrub | Bog & fen | Brackish marsh | Broadleaved upland forest | Chaparral | Chenopod scrub | Cismontane woodland | Closed-cone coniferous forest | Coastal bluff scrub | Coastal dunes | Coastal prairie |	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Suitable habitat is present on site. **This species has the potential to be present.**

Scientific Name	Common Name	Taxon Group	Federal List	State List	Other Status	Habitats	General Habitat	Micro Habitat	Presence/ Absence
Uma scoparia	Mojave fringe-toed lizard	Reptiles	None	None	BLM_S-Sensitive | CDFW_SSC-Species of Special Concern | IUCN_LC-Least Concern	Desert dunes | Desert wash | Mojavean desert scrub	Fine, loose, wind-blown sand in sand dunes, dry lakebeds, riverbanks, desert washes, sparse alkali scrub and desert scrub.	Shrubs or annual plants may be necessary for arthropods found in the diet.	No sand dunes occur on site. No suitable habitat occurs on site. **This species is not present.**
Xerospermophilus mohavensis	Mohave ground squirrel	Mammals	None	Threatened	BLM_S-Sensitive | IUCN_NT-Near Threatened	Chenopod scrub | Joshua tree woodland | Mojavean desert scrub	Open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert.	Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows.	Suitable habitat is present on site. **This species has the potential to be present.**

APPENDIX C

View of white bursage scrub habitat on site from northeast portion of site facing south.

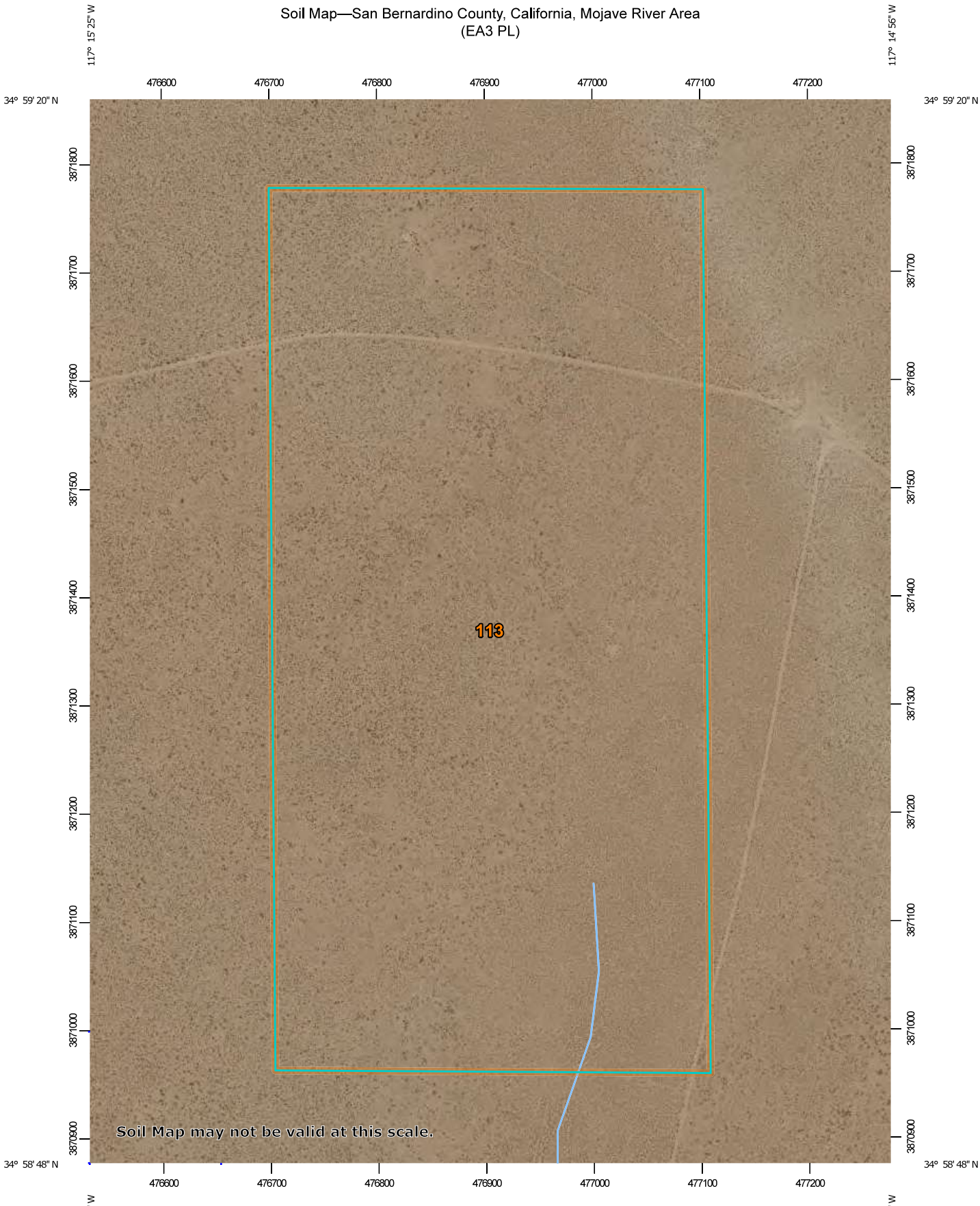
View from southwestern portion of the site facing east. Active mine visible in the background.

View facing west from near the center of the site.

Hernandez Environmental Services

APPENDIX D

Soil Map—San Bernardino County, California, Mojave River Area
(EA3 PL)



Map Scale: 1:4,800 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 50 100 200 300

Feet
0 200 400 800 1200

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Bernardino County, California, Mojave River Area
Survey Area Data: Version 15, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 17, 2022—Jun 12, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
113	CAJON SAND, 2 TO 9 PERCENT SLOPES	81.7	100.0%
Totals for Area of Interest		**81.7**	**100.0%**

APPENDIX E

DESERT TORTOISE PRESENCE/ABSENCE SURVEYS
FOR
EXPANSION AREA 3
ASSESSOR'S PARCEL NUMBER
0496-011-76

LYNX CAT MOUNTAIN QUARRY
SAN BERNARDINO COUNTY
CALIFORNIA

Prepared for:

Mr. Joe Mathewson
Lynx Cat Mountain Quarry Operations, LLC
Hinkley, CA

Prepared by:
Hernandez Environmental Services
17037 Lakeshore Drive
Lake Elsinore, CA. 92530

SEPTEMBER 2024

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FIGURES

Figure 1 – Location Map
Figure 2 – Vicinity Map
Figure 3 – Desert Tortoise Survey Area Map
Figure 4 – Desert Tortoise Survey Results Map

APPENDICES

Appendix A – Site Photographs

Executive Summary

Hernandez Environmental Services (HES) was contracted by Lynx Cat Mountain Quarry Operations, LLC to conduct desert tortoise (*Gopherus agassizii*) presence/absence surveys for the proposed Lynx Cat Mountain Quarry Project north of State Highway 58.

HES conducted a presence/absence survey following the guidelines in the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines. The proposed expansion area is approximately 81.92 acres in size.

On September 12, 2024, four HES biologists surveyed the entire 81.92-acre action area. A total of sixteen burrows and thirty-three scat were found during the field survey. All desert tortoise sign were found within the action area.

HES recommends that informal consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any mining activities in the action area.

1.0 Introduction

Hernandez Environmental Services (HES) was contracted by Lynx Cat Mountain Quarry Operations, LLC to conduct desert tortoise (*Gopherus agassizii*) presence/absence surveys for the Lynx Cat Mountain Mine proposed Expansion Area 3 located east of the existing active quarry.

HES conducted a presence/absence survey following the guidelines in the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines. The proposed expansion area is approximately 81.92 acres in size. The size of the action area would be considered a small project under the 2018 guidelines, so a *Small Project Survey* was conducted.

1.1 Project Site Location

The project site is located south of Roy Road and northwest of the intersection of Valley Wells Road and Santa Fe Avenue. The site is accessed via unnamed roads. The site is located within the unincorporated community of Hinkley, San Bernardino County, California. Specifically, the project site is located within section 1, township 10 north, range 4 west in the *Twelve Gauge Lake* United States Geological Survey (USGS) 7.5' topographic quadrangle. The center point latitude and longitude for the project site is 34.98486711, -117.25296931 (Figures 1 and 2).

2.0 Methodology

2.1 Literature Review

HES conducted a literature search and reviewed aerial photographs and topographic maps of the project location and surrounding areas. The *Twelve Gauge Lake* USGS topographic quad and surrounding eight quads were used to identify sensitive species with the California Natural Diversity Data Base (CNDDB). The CNDDB and USFWS critical habitat databases were utilized, together with Geographic Information System (GIS) software, to locate the previously recorded locations of desert tortoise and designated critical habitat and determine the distance from the project site. HES followed the protocol for site assessment and presence/absence surveys described in the USFWS October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* (*Gopherus agassizii*).

2.2 Field Survey

On September 12, 2024, four HES biologists surveyed the entire 81.92-acre action area. Survey conditions were as follows:

Date	Start Time	End Time	Temperature (Fahrenheit)	Weather Conditions
September 12, 2024	8:45 a.m.	3:25 p.m.	68-91 degrees	Clear skies

HES biologist Elizabeth Gonzalez led the surveys. Linear transects spaced approximately 10 meters apart were walked using preplanned transects loaded on each biologists Global Positioning System (GPS) as guidelines for 100 percent coverage. Tortoise, tortoise sign, and areas of interest observed were recorded and GPS way points were recorded.

3.0 Existing Conditions and Results

3.1 Environmental Setting

The project site consists of vacant land with desert scrub habitat. The site is directly bordered by vacant land. The site is approximately 0.25 miles west of an active mining quarry. There is a dirt road that goes along the eastern border of the site and a dirt road that crosses the northern portion of the site from east to west. The site is predominantly vegetated with white bursage scrub habitat. The Lynx Cat Mountain Quarry access road and office is located east of the southeast corner of the site. The site is relatively flat with onsite elevations ranging from 2,099 feet above mean sea-level (AMSL) to 2,122 feet AMSL.

The white bursage scrub habitat on site is considered desert tortoise habitat. There are CNDDB recorded occurrences within 5 miles.

3.2 Desert Tortoise Survey Results

The entire 81.92-acre action area was surveyed for 100 percent coverage (Figure 3). A total of sixteen burrows and thirty-three scats were found during the field survey. All desert tortoise sign were found within the survey area (Figure 4). The scats found on site ranged from white and deteriorating to very dark brown and well intact.

4.0 Discussion

Based on the October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines, the action area is considered a "smaller project." A smaller project is one that is smaller than 500 acres. For smaller projects, the number of tortoises affected is likely to be too small for statistical treatment; the goal with surveying these areas is to determine whether desert tortoise is likely to be present and to determine any areas of concentrated use (October 26, 2018 Guidelines). Based on our results, we have determined that the action area has desert tortoise present in the 81.92 acre proposed mine expansion area.

In order to establish appropriate avoidance and minimization measures and/or mitigation measures for desert tortoise consultation should be initiated with the Bureau of Land Management, USFWS, and the CDFW prior to commencing any ground disturbing activities in the project area. Any impacts to desert tortoise would require a Federal Endangered Species Act Section 10 ITP and CESA 2081 ITP.

To obtain a Section 7 Biological Opinion from the USFWS, the project would have to establish a federal nexus such as a discretionary permit issued from a federal agency or show the project will receive federal funding.

5.0 Certification

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief."

DATE 09/13/2024 SIGNED _____

PROJECT MANAGER

Fieldwork Performed By:

Juan J. Hernandez

PRINCIPAL BIOLOGIST

Elizabeth Gonzalez

SENIOR BIOLOGIST

Sarah Vasquez

ASSOCIATE BIOLOGIST

Carissa Gomez

ASSOCIATE BIOLOGIST

6.0 References

California Department of Fish and Wildlife (CDFW), Natural Diversity Database (CNDDB). Accessed September 2024 California Department of Fish and Wildlife, Sacramento, California.

Hickman, J. C., ed. 1993. The Jepson Manual: Higher Plants of California. University of California Press.

Munz, P.A., 1974. A Flora of Southern California. University of California Press, Berkeley, California.

Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens 2009 *A Manual of California Vegetation, 2nd edition*. California Native Plant Society Press, Sacramento, CA.

U.S Fish and Wildlife Service, 2019. Endangered and Threatened Wildlife and Plants. https://www.fws.gov/endangered/species/us-species.html.

U.S Fish and Wildlife Service, October 26, 2018 *Preparing For Any Action That May Occur Within The Range Of The Mojave Desert Tortoise* guidelines.

FIGURES

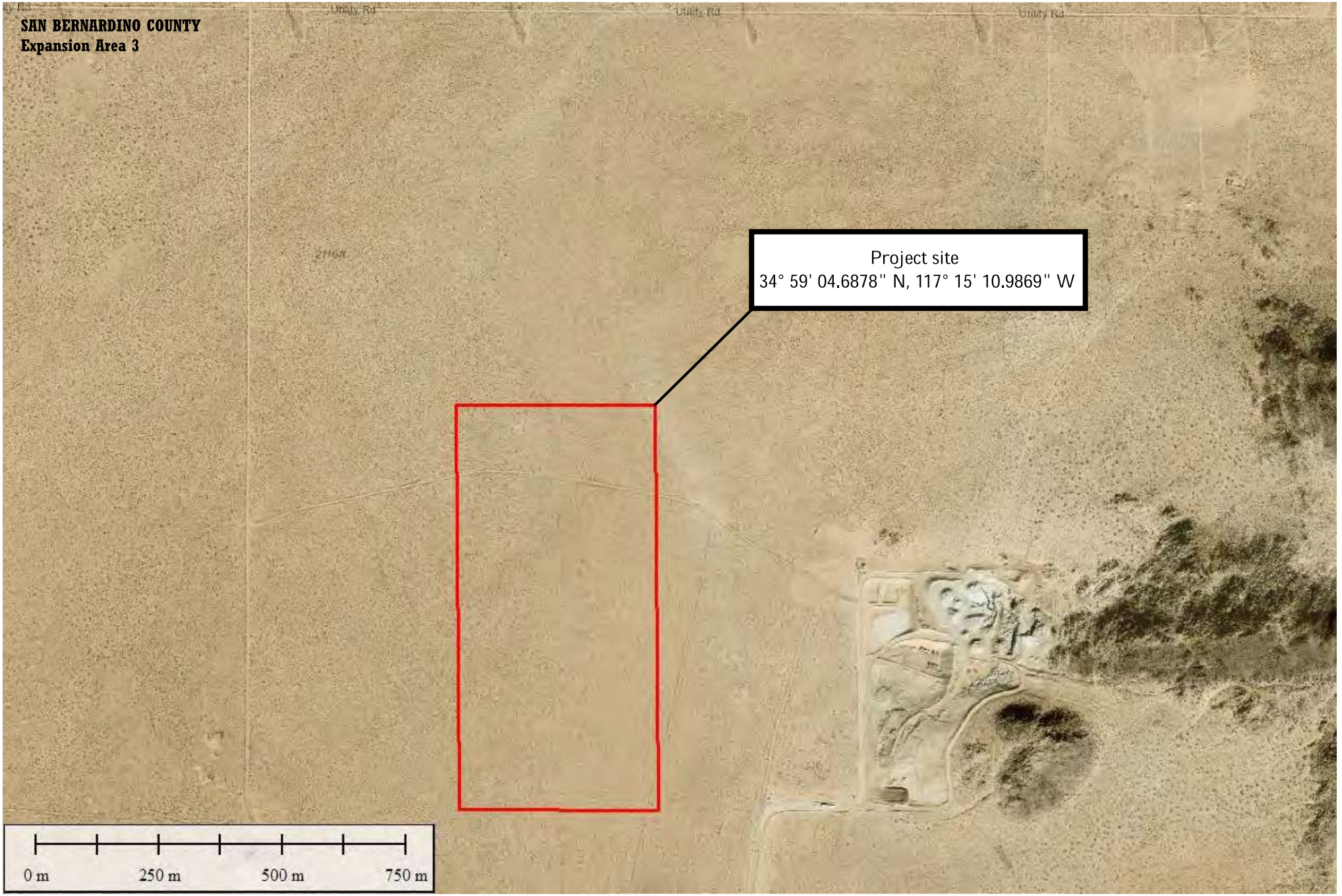

Figure 1

Location Map

Lynx Cat Mtn., along Utility Road

0496-011-70

Unincorporated area, San Bernardino County, California

Legend

Project site (81.92 acres)

N

Hernandez Environmental Services

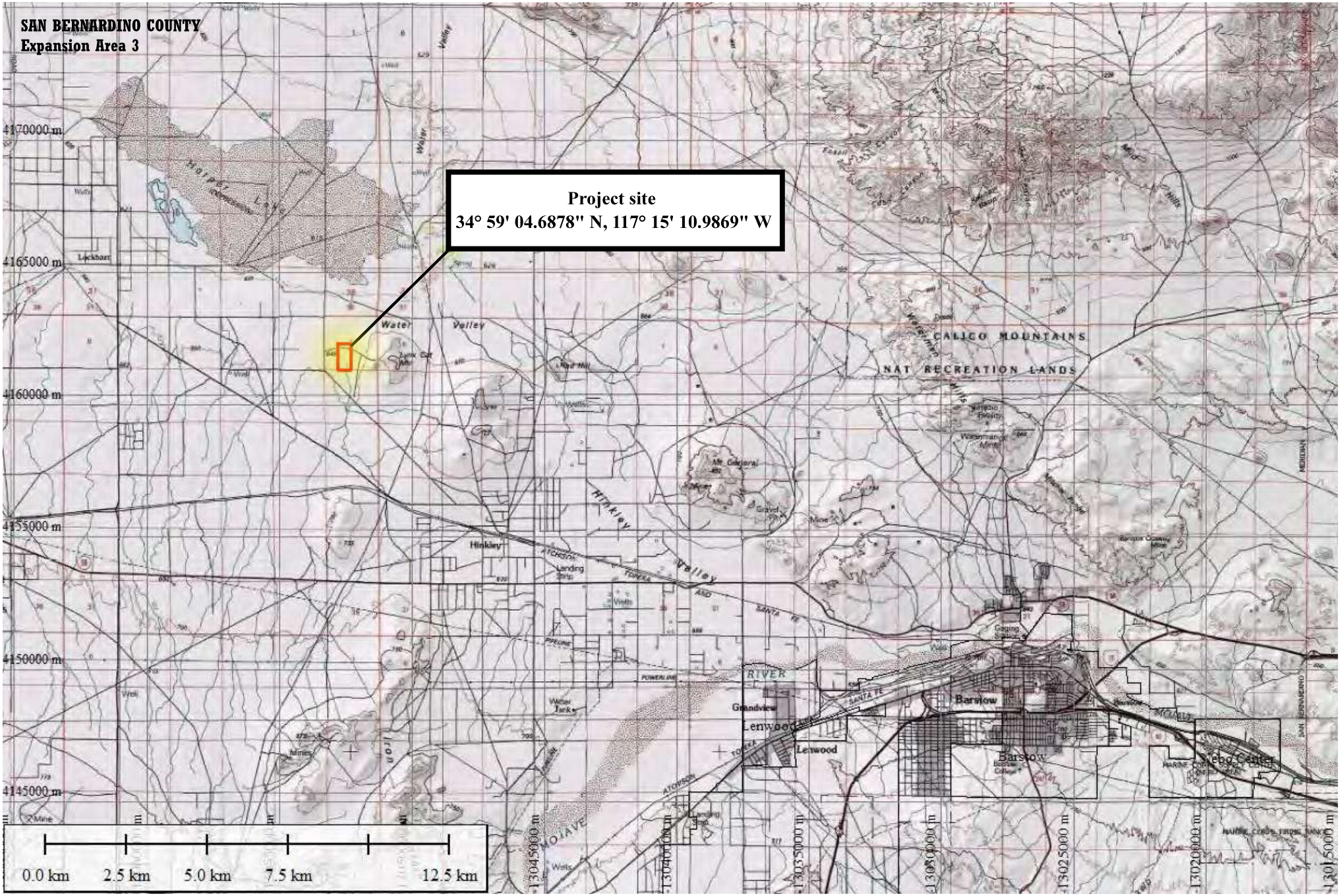

Figure 2
Vicinity Map
Lynx Cat Mtn., along Utility Road
0496-011-70
Unincorporated area, San Bernardino County, California

Legend
Project site (81.92 acres)

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Hernandez Environmental Services

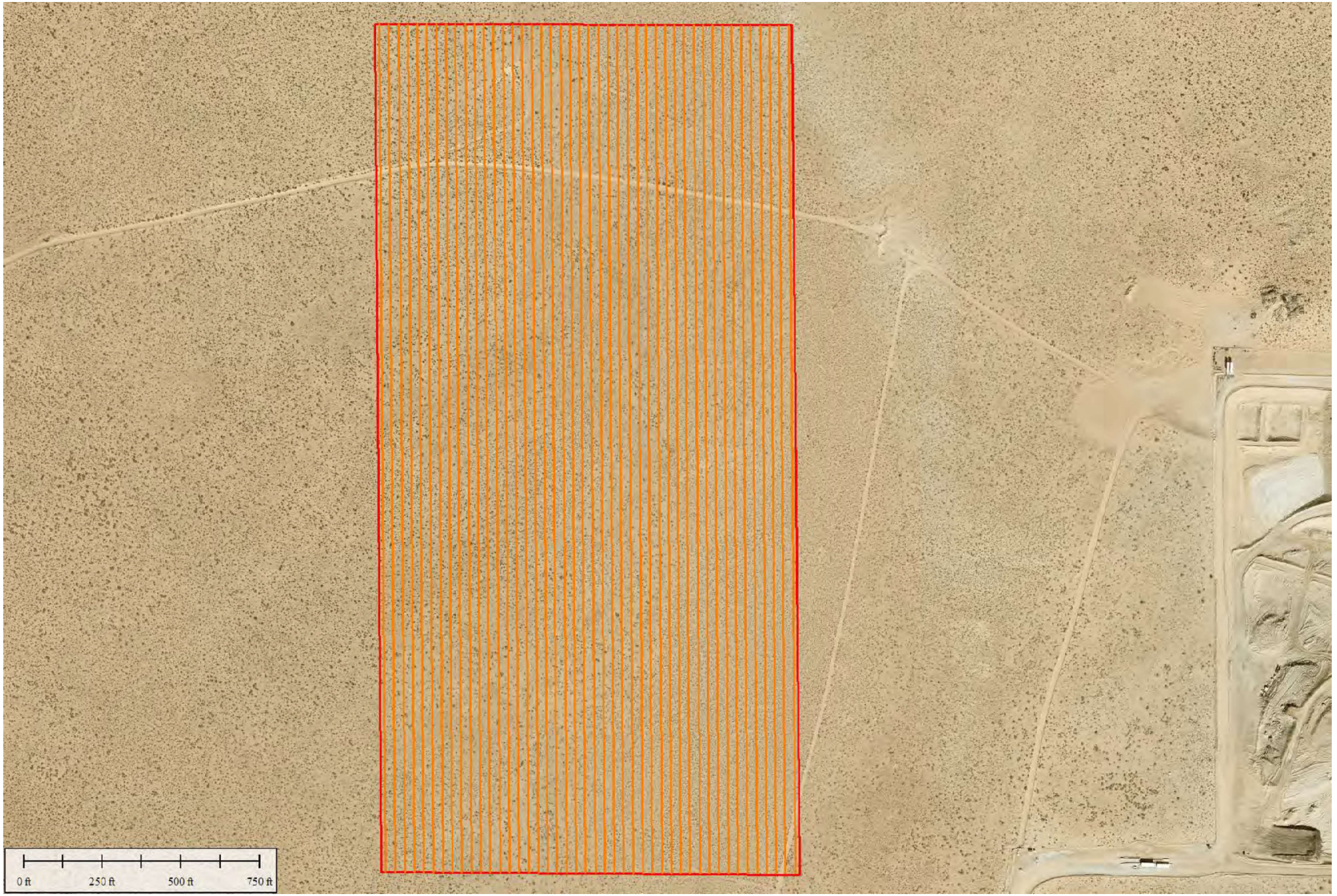

Figure 3

Desert Tortoise Survey Map
Lynx Cat Mtn., along Utility Road
0496-011-70
Unincorporated area, San Bernardino County, California

Legend

Project site

Transect

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Hernandez Environmental Services

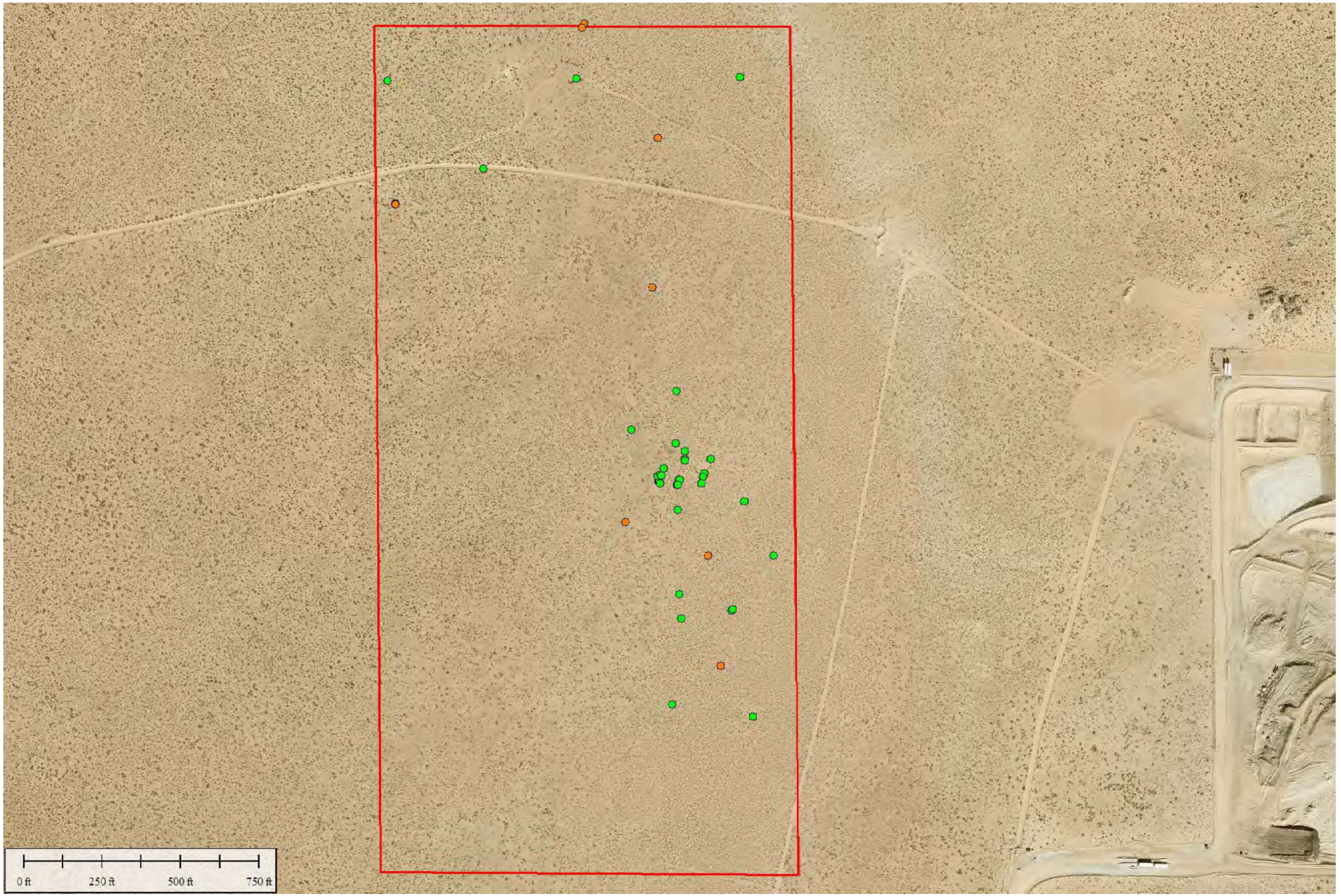

Figure 4

Desert Tortoise Survey Results Map
Lynx Cat Mtn., along Utility Road
0496-011-70
Unincorporated area, San Bernardino County, California

Legend

Project site
Burrow (16)
Scat (33)

N

Hernandez Environmental Services

APPENDIX A

View of white bursage scrub habitat on site from northeast portion of site facing south.

View from southwestern portion of the site facing east. Active mine visible in the background.

View facing west from near the center of the site.

Hernandez Environmental Services

View of scat next to handheld GPS.

View of scat.

Hernandez Environmental Services

View of class 4 burrow found on site. The burrow is the appropriate size and shape of a desert tortoise burrow but had a pile of kit fox scat adjacent to it.

View of class 5 burrow found on site.

Hernandez Environmental Services

EXHIBIT I

Lynx Cat Mountain Quarry

Revision to Mining and Reclamation Plan

Mine ID #91-36-0049
Reclamation Plan #90M-010 Project:
MRRA-2024-00003

Prepared For:

San Bernardino County
Land Use Services Planning Department
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415

Prepared By:

Lilburn Corporation
1908 Business Center Drive
San Bernardino, CA 92408

AND

MATCON Corporation
1807 Toyon Lane
Newport Beach, CA 92660

Webber & Webber Mining Consultants, Inc.
101 E. Redlands Blvd., Suite 240
Redlands, CA 92373

Revised June 2025

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APPENDICES

Appendix A1 *Formal Biological Assessment and Desert Tortoise Survey* - Circle Mountain Biological Consultants; December 2014
Appendix A2 *General Biological Assessment for Lynx Cat Mountain Quarry APN 0496-011-75* (Northern 33-acre Quarry Expansion Area); February 2024
Appendix A3 *General Biological Assessment for Lynx Cat Mountain Quarry APN 0496-011-76* (Central 80-acre Processing Quarry Expansion Area); September 2024
Appendix A4 *General Biological Assessment for Lynx Cat Mountain Quarry APN 0496-011-76* (Western 80-acre Processing Quarry Expansion Area); October 2024
Appendix B1 *Slope Stability Investigation for Lynx Cat Mountain Quarry* – CHJ Inc. (now Terracon); June 2014
Appendix B2 *2024 Update of Slope Stability Report for Lynx Cat Mountain Quarry* – Terracon, October 2024
Appendix C *Traffic Assessments; 2024*
Appendix D *Revegetation Plan* - Circle Mountain Biological Consultants; Revised November 2017
Appendix E *2023 Financial Assurance Cost Estimate*
Appendix F *Record of Survey (Quarry Area)* – Merrill Johnson Engineering; June 2010
Appendix G Lynx Cat Mountain Quarry *Conditions of Approval*; Revised March 27, 2017

MAP SHEETS (attached)

1 of 2 Lynx Cat Mountain Mine Plan
2 of 2 Lynx Cat Mountain Reclamation Plan

PROFESSIONAL CERTIFICATIONS

2024 Update to Slope Stability Report – October 9, 2024 (Appendices B1 and B2)

The California Professional Geologist/Certified Engineering Geologist and the California Certified Engineering Geologist, by stamping the *2024 Update to Slope Stability Report for the Lynx Cat Mountain Quarry* prepared by Terracon (October 9, 2024) (attached as Appendix B2) solely in respect to the report's scope of work.

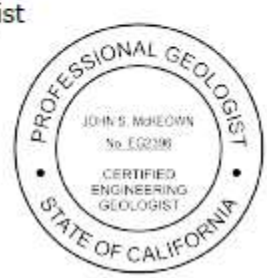
We have completed the 2024 Update to Slope Stability Study services for the above referenced project in general accordance with Terracon Proposal No. PCB245139, dated October 3, 2024. This report presents the results of our slope stability evaluation of proposed slopes depicted on an amended mining plan.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us.

Sincerely,

Terracon

John S. McKeown, E.G.
Senior Geologist



Jay J. Martin, E.G.
Principal

Mine Reclamation Plan Map Sheets (Map Sheets #s1 and 2) – Quarry, Roads, and Plants

California Professional Civil Engineer, Huburt Y. Kang, reviewed and signed/stamped the Mine and Reclamation Map Sheet #s 1 of 2 and 2 of 2 prepared by Lynx Cat Mountain Quarry Operations, George Webber, and Lilburn Corporation. See attached map sheets for stamped sheets.

Records of Survey – Merrill-Johnson Engineering INC. April 2010 (Appendix F)
(see Appendix F for stamped maps; copies of stamped areas from sheets below)

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MATCON CORP. IN APRIL 2010.

LICENSED LAND SURVEYOR
CRAIG JOHNSON
EXP. 12/31/11
LS 7562
STATE OF CALIFORNIA

CRAIG JOHNSON L.S. 7562
EXP.: 12/31/11

COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 16TH DAY OF JUNE, 2010.

MICHAEL W. RAIHLE, COUNTY SURVEYOR
COUNTY OF SAN BERNARDINO

PROFESSIONAL LAND SURVEYOR
W M V SCRIBNER
PLS No. 4675
Exp. 9-30-11
STATE OF CALIFORNIA

BY: _____ DEPUTY

L.S. NO. 4675 EXPIRATION DATE: 9-30-11

SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE

THIS MAP HAS BEEN FILED UNDER DOCUMENT NUMBER 2010-0247297,
THIS 21ST DAY OF JUNE, 20 10, AT 4:06 P.M. IN
BOOK 143 OF RECORDS OF SURVEY AT PAGE 20,
AT THE REQUEST OF MATCON CORP
IN THE AMOUNT OF $ 10.00.

LARRY WALKER
AUDITOR/CONTROLLER-RECORDER
COUNTY OF SAN BERNARDINO

BY: _____
DEPUTY RECORDER

MINE PLAN

SUMMARY OF REQUEST FOR 2025 REVISION TO THE LYNX CAT MOUNTAIN QUARRY MINE AND RECLAMATION PLAN

The Lynx Cat Mountain Quarry is an existing vested mine under the authority of Mining and Reclamation Plan #90M-010, as approved by San Bernardino County on June 28, 1990, and subsequently revised in 2015 and 2017. The quarry is located approximately 4 to 5 miles north of State Route 58 (SR-58) and four miles northwest of the community of Hinkley, California (see Figure 1 – Regional Location and Figure 2 – Project Vicinity). The existing mine consists of 48.2 acres and is designated by the State of California as CA Mine ID# 90-36-0049. The current land and mine owner is Matcon Corporation. The current status of the Conditional Use Permit (CUP) and Reclamation Plan #90M-010 is "active" and "operational" with a financial assurance bond of $ 115,000. The 2017 revision extended operations until March 28, 2027, with another five years of reclamation until March 28, 2032.

The purpose of this 2024 Revision application is to revise the approved Mining CUP and Mine and Reclamation Plan 90M-010 to include the following:

- To extend the operation life of the mine for additional **50 years** until December 31, 2077 to provide a long-term aggregate solution for aggregate supply in the High Desert and Southern California, with another five years of reclamation until December 31, 2082;

- To expand the current quarry from 48.2 acres to 161.7 acres of actual quarry to the north 33.5 acres and to the west by approximately 80 acres (an increase of 113.5 acres);

- To expand the crushing, screening, processing and product stockpile areas onto the adjoining 80 acres of contiguous adjacent vacant property privately owned by Lynx Cat Mountain Development on the west side of the expanded quarry; and

- To increase the quarry depth from 250 to 500 feet below the ground surface (bgs) with an average pit floor depth of +/- 485 feet bgs.

Aerial view of the processing and stockpiles area.

The proposed 2025 Revision will expand rock and aggregate reserves up to approximately 140 million tons (mt) and will include an additional 80 acres to crush, screen, process, and store the large volumes of railroad ballast rock, rip rap, and construction aggregates needed the anticipated long-term demand for materials in the High Desert and Southern California over the next 50 years.

Reclamation of the site will commence immediately upon termination of mining and extend for a period of five years. The mined products produced at this quarry will include railroad ballast rock, sub ballast, riprap, paving stone, construction and concrete aggregates and decorative stone as well as general fill material. The mine is also currently permitted for the acceptance and processing for recycling of broken concrete and asphalt rubble, broken tile, brick, and other recyclable materials as well as the receipt and re-use use of non-hazardous drill cuttings and brine waters. Additionally, Lynx Cat Mountain Quarry is currently permitted for the set-up and operation of both Asphalt and Concrete Plants operation on the site.

The Lynx Cat Mountain Quarry is located approximately 4 to 5 miles north of State Route 58 (SR-58), four miles northwest of the community of Hinkley, California. It is the nearest quality aggregate source that meets the rigid Class I railroad ballast specifications that could be used by Class I railroads such as BNSF and UPRR and that qualifies for use on the high-speed rail for both ballast rock, sub-ballast and construction aggregates. Material delivery can be accomplished via the new proposed rail load out facility and by truck to remain localized and reduce traffic congestion and emission impacts on the I-15, SR-58, and in the High Desert region in general.

Once the nearby rail loading facility is approved and constructed, trucks will transport the aggregate material from the quarry approximately 1.5 miles to this new rail loop loading facility which will be connected to the main line of the BNSF Railway for rail shipment to the various projects across the southwestern U.S. This facility is part of a separate Conditional use Permit (CUP) under review by the County.

Project Objectives

The phased mining, product stockpiles' development, processing areas, and reclamation with cross-sections, slopes and contours are depicted on the attached Mine Reclamation Plan sheets (Map Sheets 1 and 2). The 2025 Revised Plan was developed with the following objectives:

1. To continue the mining and production of high-quality granite railroad ballast rock, rip rap, and construction aggregates to supply ongoing and future construction projects in the High Desert and Southern California for up to 50 years;

2. To utilize both truck and rail transportation for future projects in the High Desert and to reduce truck traffic, fuel consumption, and air pollutant and GHG emissions in the region;

3. To increase the life of the Lynx Cat Mountain Quarry to 50 years;

4. To increase the operating depth of the quarry floor to -500 feet below ground surface with an average depth of -485 feet;

5. To minimize land disturbance through the expansion and development of the contiguous existing rock resources and product processing and stockpiles;

6. To meet the State DMR, CEQA, and County's Surface Mining and Reclamation Act (SMARA) reclamation requirements;

7. To minimize impacts on wildlife through implementation of wildlife protection measures especially for protection of desert tortoise;

8. To reclaim the site for open space habitat when mining operations are concluded;

9. Upon closure of the site, contour mining features and revegetate disturbed areas to minimize aesthetic and erosion impacts; and to reclaim and maintain the sites as necessary to eliminate hazards to public safety.

Location and Site Description

The Lynx Cat Mountain Quarry is located in northwestern San Bernardino County approximately four miles northwest of Hinkley and 13 miles west of Barstow, California. It is located north of SR 58 (see Figures 1 and 2). The site's elevation ranges from 2,390 feet mean seal level (msl) in the southeast corner of the quarry that is part of the Lynx Cat Mountain complex with most of the site lowering towards the north and west from 2,200 feet msl to approximately 2,100 feet msl. Most of the site averages between 2,100 and 2,150 feet msl.

The mine site is located within the southeast half of Section 1 in Township 10 North, Range 4 West, (T10N, R4W) as indicated on the Hinkley, California 7.5' U.S.G.S. Quadrangle Topographical Map (see Figure 3 - Extent of Holdings Map). The existing approved mine area is the southern 48.2-acre portion of an 81.53-acre parcel (APN 496-011-75) owned by the mine owner, MATCON Corporation. The proposed quarry expansion areas will encompass an additional 33.5 acres that is part of the above parcel and 80 acres within APN 496-011-76, owned by Lynx Cat Mountain Development. Crushing, screening, and processing areas will be expanded to the adjacent 80 acres to the west, also within APN 496-011-76.

Table 1 under Land Holdings below summarizes the property information.

Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a Bureau of Land Management (BLM)-managed dirt road designated as Lynx Cat Road (see Figure 4 – Access Route to State Route 58). Use of this road through the BLM-managed properties is pursuant to a right-of-way (ROW) grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter. The actual street address of the quarry is 19120 Lynx Cat Road, Hinkley, CA 92347.

Parcels surrounding and adjacent to the proposed site are vacant and undeveloped property in mostly public ownership under the jurisdiction of the BLM. A parcel adjacent to the northern boundary includes an SCE easement and the area to the west of the proposed expansion area is within lands owned by Lynx Cat Mountain Development Inc. Parcels to the east and south are

owned and managed by the BLM as Open Space and indicate significant usage by public recreational off-road activities.

This site is remote. No schools, hospitals or public facilities are located anywhere near the site and the nearest residence is located approximately 3 miles easterly of the site.

Project Information Summary

Landowners: Matcon Corporation and Lynx Cat Mountain Development Inc.
1807 Toyon Lane
Newport Beach, CA 92660
(949) 637-3645

841 E. Washington Ave., Suite B
Santa Ana, CA 92701

Operator: Lynx Cat Mountain Quarry Operations, LLC
841 East Washington Avenue, Suite B
Santa Ana, CA 92701
(714) 863-9312
ginaz@lcmquarry.com

Representative: Joseph Mathewson
1807 Toyon Lane
Newport Beach, CA 92660
(949) 637-3645
matconcorp@yahoo.com

Location: Approximately 13 miles northwest of Barstow, four miles northwest of the Community of Hinkley, and five miles north of SR 58 on private lands within San Bernardino County, CA. The mine site is within the southeast 1/4 of Section 1; T10N, R4W, SBBM.

Street Address: 19120 Lynx Cat Road
Hinkley, CA 92347.

Lat / Lon: 34.983974 N, 117.244064 W

Countywide Policy Plan (2020) Land Use Category (LUC) and Zoning:
LUC - Resource/Land Management (RLM); and Zoning - Resource Conservation (RC).

Estimated Operating Life: 50 years from the previously approved expiration date of December 31, 2027, with a Mine Plan expiration date of December 31, 2077, with an additional 5 years for reclamation to December 31, 2082.

Production: Approved 3.0 mt/year; current existing approx. 1.2 mt/year. Requested Production increase to 4.0 mt/year based on demand and may fluctuate during peak demand. Estimated 140 mt of rock reserves.

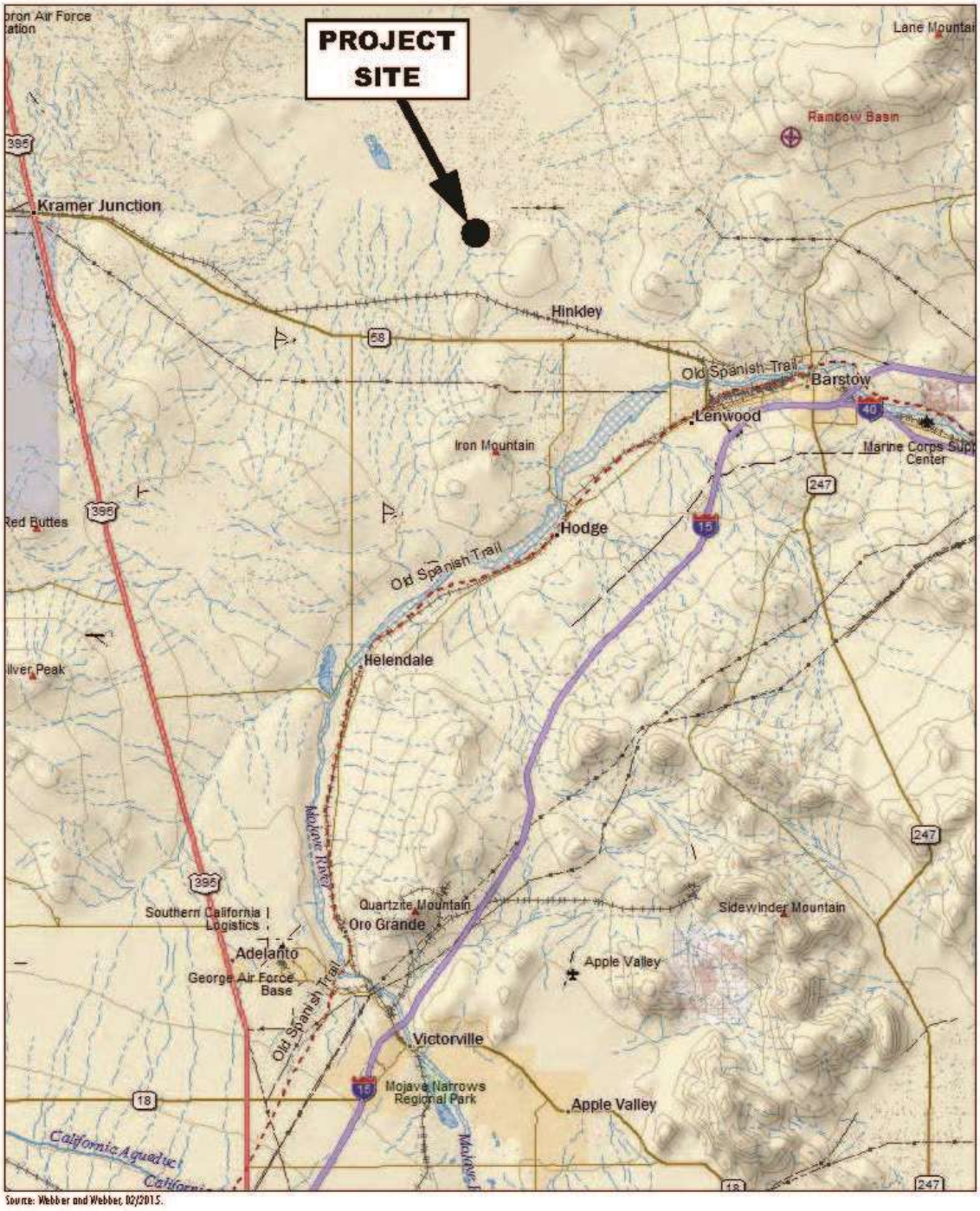
Estimated Mining Termination Date: December 31, 2077

Estimated Reclamation Completion: December 31, 2082 (5 years after completion of mining)

Reclaimed End Use: Open space habitat with native vegetation

Figure 1 - General Location Map

Figure 2 - Vicinity Map



Land Holdings

Matcon Corporation and Lynx Cat Mountain Development's private land holdings include the existing quarry and processing area as well as the entire 528 acres of Section 1. The proposed expansion areas of the quarry and operations areas include the north 33.5 acres of APN 0496-011-75 and the contiguous 160 acres west in APN 0496-011-76. The mine reclamation plan boundaries within said parcels are listed below (refer to Figure 3 and Sheets 1 and 2). Table 1 lists the assessor's parcel number, area, existing and proposed uses, and section location.

Table 1
Matcon Corporation & Lynx Cat Mountain Development - Land Holdings and Plan Areas

Assessor's Parcel Number	Total Parcel Area (Acres)	Mine & Facilities Areas (Acres)	Existing and Proposed Uses	Section Within T10N, R4W, SBBM
0496-011-75	81.69	48.2[1] 33.5[2]	- Existing approved Quarry (Phase 1) - Proposed Phase 2 Quarry	1
0496-001-76	528.15 (total parcel)	80[2] 80[2]	Proposed Quarry (Phase 3) Proposed Processing Areas	1
Quarry Area	---	161.7	Existing and Proposed Quarry	1
Mine Site Total	**609.84**	**241.7**		1
Total Mining & Reclamation Plan Area		**241.7**		**1**

Sources: SB County APN information, Lynx Cat Mountain Development; Merrell Johnson Record of Survey (April 2010)
1 – Mine Reclamation Plan area approved in 2015 (Phase 1 mining).
2 – Proposed Expansion Areas subject of this Revision.

Typical mining of quarry face.

Figure 3 - Extent of Holdings Map

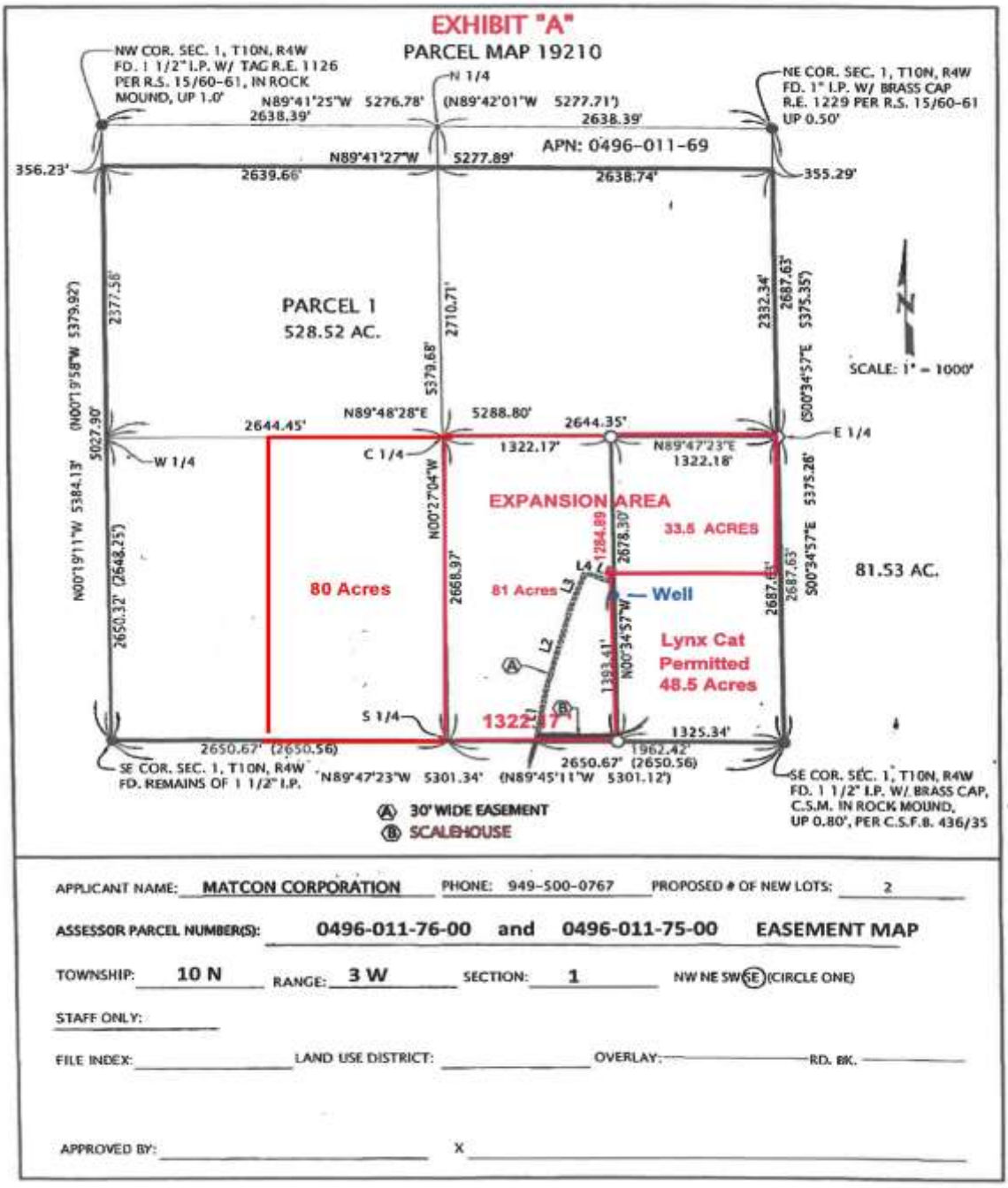
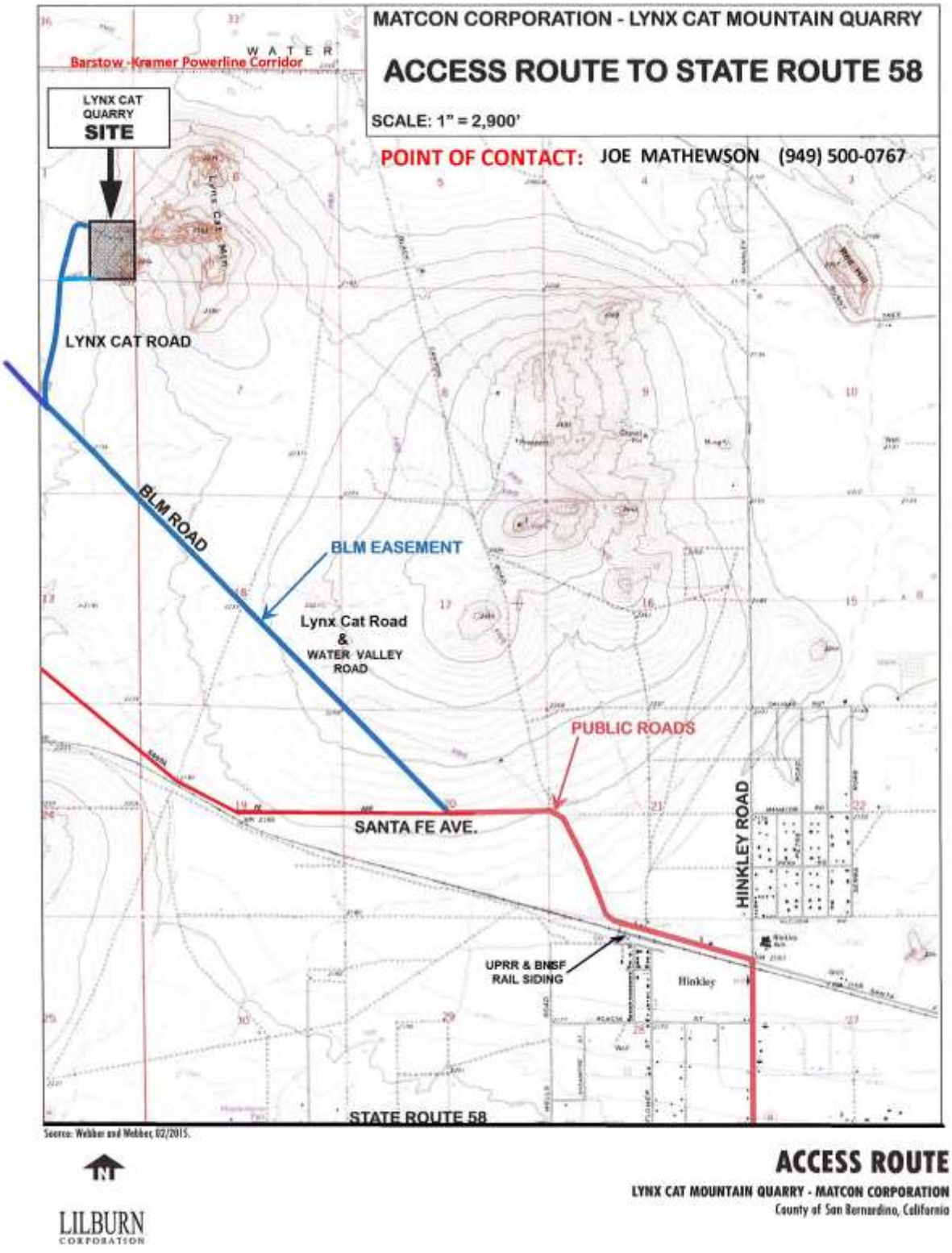


Figure 4 – Access Route to State Route 58



1 Mine Operations

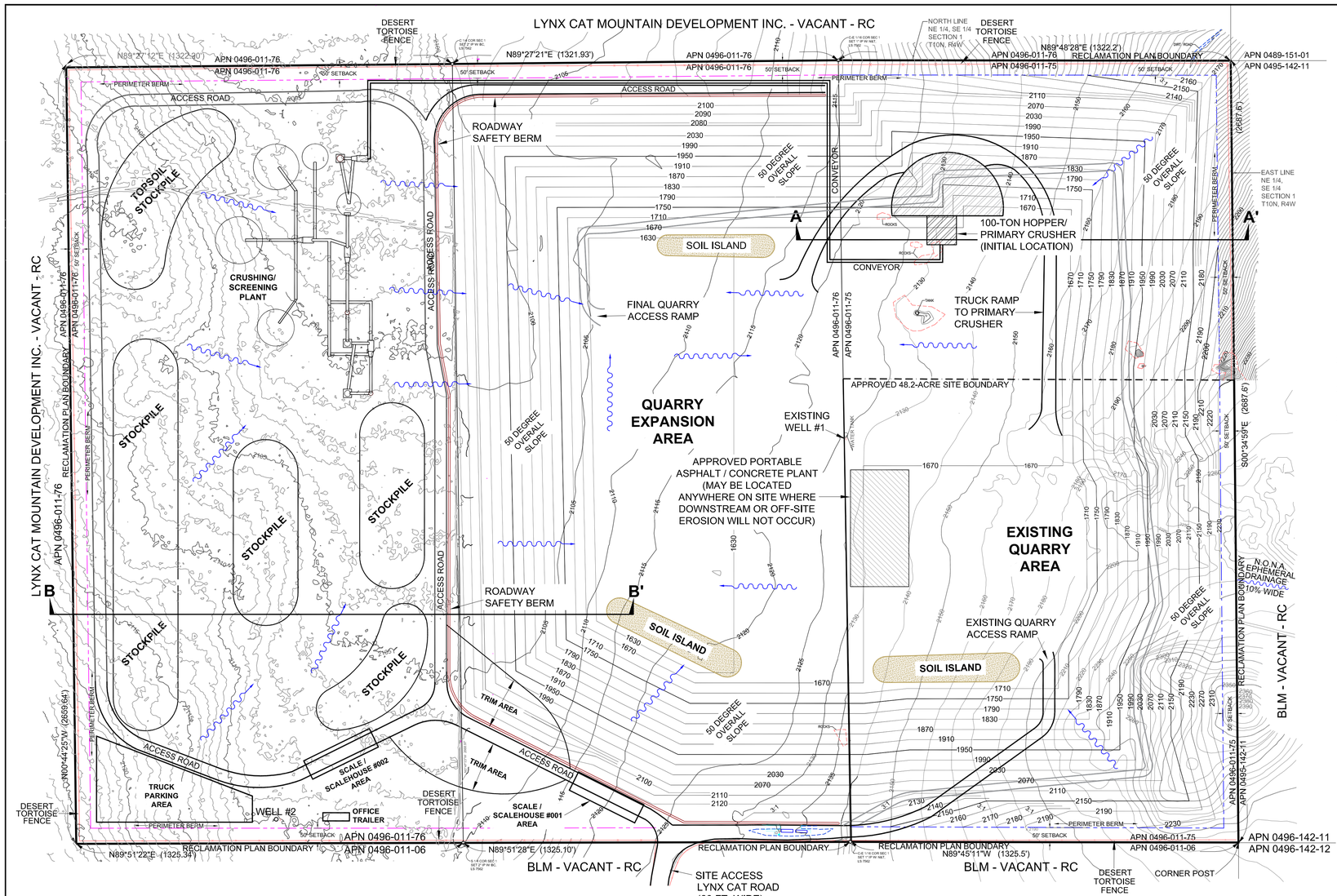
Table 2 lists the planned operational areas for the mine, processing and product stockpile areas, and roads. Refer to Figures 5 and 6 and Sheet 1 for the Mine Plan.

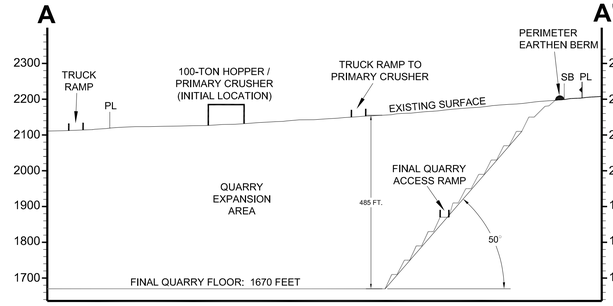
This 2025 Revision proposes a phased quarry expansion to continue mining the current original 48.5 acre quarry (Phase 1), the additional 33.5 acres to the north (Phase 2), and the adjacent 80 acres to the west (Phase 3) to provide high volumes of high quality granite aggregate materials to support the various projects in the High Desert and Southern California. The total areas of actual mine / quarry disturbance will total approximately 161.7 acres of mining and the adjacent 80 acres of additional crushing, screening, and production of crushed rock as well as product stockpiles and staging area. The existing access and haul road is part of the currently approved and contracted BLM ROW. Currently 48.2 acres are permitted for mining and processing. In total 161.7 acres will be utilized for active mining and 80 acres utilized for processing and product stockpiles for a total of 241.7 acres.

The currently permitted mining depth of 250 feet below ground surface (bgs) (average depth is approximately 150 feet bgs) with a quarry floor of approximately 2,030 feet msl. Due to the uniform, deep seated, and continuous nature of the granite strata, the quarry floor would be increased to a depth of up to 500 feet bgs with an average depth of 485 feet bgs and a quarry floor of approximately 1,630 to 1,630 feet msl.

Slopes will be developed similar to currently approved in the hardest rock; 40-foot vertical heights with faces of 0.5 horizontal:1 vertical (0.5H:1V) or 63°. Horizontal benches 15 feet in width will be developed for every 40 feet of vertical and inclined towards the slope face at 2% to catch water. Thus, the overall excavated and reclaimed slopes will be 35 feet horizontal and 40 feet vertical for a slope of 0.875H:1V or 50° (see Figure 6 for cross sections and slope detail). Bench excavations will adhere to standard hillside mining techniques and will comply with Mine Safety and Health Administration (MSHA) requirements. In the remainder of the site, sloping of project areas will be graded to no steeper than 2H:1V.

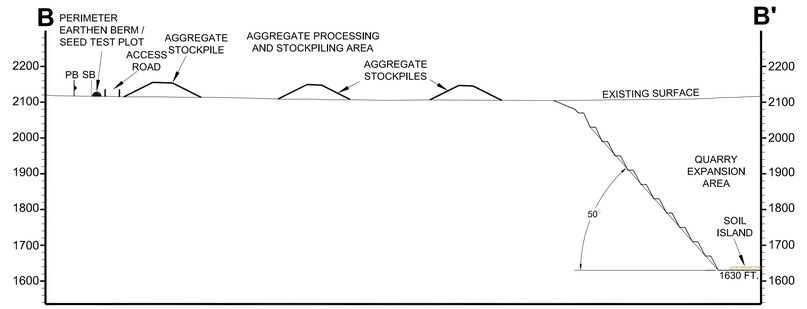
All mining activity and excavations will occur within the new revised mining boundary shown in detail on the Mining and Reclamation Plan sheets. The quarry design shown on the sheets provides for a total reserve of approximately 140 million tons. Approved production is 3.0 mt/year with a requested production of 4 mt/year with occasional higher peak production needed to satisfy project demand and commercial development of the general Barstow and Hinkley area in the future.





CROSS SECTION A - A'

Scale: 1" = 200'



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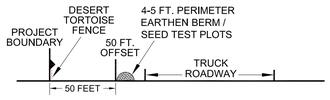
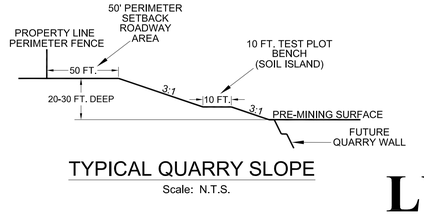


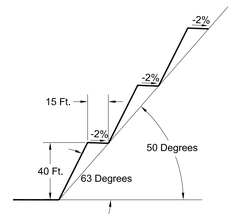
PROJECT BOUNDARY DETAIL

Scale: N.T.S.



TYPICAL QUARRY SLOPE

Scale: N.T.S.



TYPICAL QUARRY BENCH

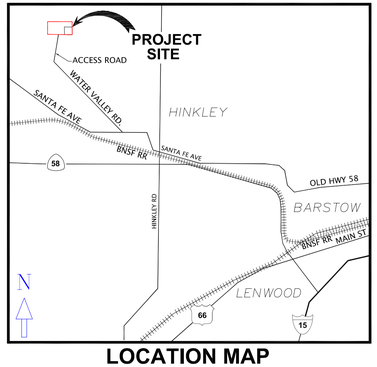
Scale: 1" = 50'

FIGURE 5

LYNX CAT MTN. QUARRY

RECLAMATION PLAN 90M-10
CA MINE ID: 91-36-0049

MINE PLAN



LOCATION MAP

NOT TO SCALE

SITE INFORMATION

TOTAL PROPERTY HOLDING:	609.8 Acres
EXISTING PROJECT AREA:	48.2 Acres
PROPOSED PROJECT AREA:	241.7 Acres
ASSESSOR'S PARCEL NUMBER(s):	0496-011-75, 0496-011-76

LEGAL DESCRIPTION (PROPOSED PROJECT AREA):

APN 0496-011-75: E 1/2, SE 1/4 SECTION 1, T10N, R4W, S.B.B.M., TOTALING 81.7 ACRES M/L

APN 0496-011-76: W 1/2, SE 1/4 AND THE E 1/2, SW 1/4, SECTION 1, T10N, R4W, S.B.B.M., TOTALING 160 ACRES M/L

SITE ADDRESS: 19120 Lynx Cat Road, Hinkley, CA 92347

EXISTING/PROPOSED LAND USE CATEGORY:
RLM (Resource/Land Management)

EXISTING/PROPOSED LAND USE DISTRICT:
RC (Resource Conservation)

IMPROVEMENT LEVEL: 5

EXISTING/PROPOSED ZONING:
RC (Resource Conservation)

UTILITIES
Water - Private Well, Imported Bottle Potable Water for Drinking
Sewer - Portable Toilets
Electricity - Diesel Generator, Gas (if needed), Future Solar/Battery
Gas - None
Telephone - Wireless Service
Cable Television - None

MINING PLAN NOTES

1) This proposal is for expanding the existing Lynx Cat Mountain Quarry from 48.2 acres to 241.7 acres utilizing private surrounding land owned by the proponent.
2) The site will consist of an expanded quarry area and a processing/product stockpiling area to support large upcoming construction projects in the high desert. Due to the size of these projects, large amounts of aggregates must be produced, staged and made ready for transport by both truck and by rail prior to the beginning of the planned construction operations in the high desert.
3) Lynx Cat Mountain Operations LLC (Leasee and Operator of Lynx Cat Montain Quarry) has tentative commitments from various customers to produce large amounts of aggregates for delivery by both truck and rail prior to the start of construction to meet customer requirements and schedules.
4) The plan for this Lynx Cat Mountain Quarry expansion is to continue mining and production of high quality construction aggregates needed to meet the expanding demand for these products in the Barstow area and to support the ongoing construction projects in the high desert for the next 50 years of quarry operations.
5) During peak construction schedules, up to 4 million tons of stockpiled aggregates may be exported from the site on an annual basis to supply the upcoming construction projects.
6) The maximum height of the aggregate product stockpiles will be 40 feet. The location and size of the aggregate product stockpiles may vary from what is shown on this map in size and location.
7) The project site will be carefully prepared and cleared of any desert tortoises discovered and a desert tortoise exclusion fence will be installed along the entire perimeter of the project area.
8) A second portable scale and scalehouse will be installed as shown (Scale #002) in the south central portion of the project site. Parking will be provided for any employees and a truck staging area will be provided southwest of the scale. A truck load trim area will also be placed in an area between the two scales to ensure proper highway legal loaded weights leaving the site.
9) Water will be used for dust suppression activities on the project site as needed. All water needed for the project will be provided by the existing permitted well located within the approved Lynx Cat Mountain Quarry boundary.
10) Stormwater drainage on and across the project site will be as shown. Currently, the quarry has a Water Quality Board NONA Identification number of 6B36NNA000059.
11) A continuous 4-5 ft. perimeter offset earthen berm consisting of topsoil and surface material will be installed to minimize flows from entering the site and to collect and retain flows that occur within the site boundary and prevent stormwater flows into the site. Water flows will only occur during localized storm events. There are no blueline streams, swales or drainage areas that will be impacted by this project.

MINERAL: Gray Granite	
APPLICANT: OPERATOR:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINERAL RIGHTS: LANDOWNER:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINING ENGINEER: MAP PREPARER: REPRESENTATIVE:	Webber & Webber Mining Consultants, Inc. 101 E. Redlands Blvd., Ste. 240 Redlands, California 92373 (909) 793-3416
MAP SOURCE:	Merrell-Johnson Engineering, Inc. - Feb. 2023, Aug. 2023
CONTOUR INTERVAL:	1, 5, 10 Feet

LEGEND

	DRAINAGE FLOW		EXISTING QUARRY BNDRY.
PB	PROJECT BOUNDARY		RECLAMATION PLAN BNDRY.
PL	PROPERTY LINE		EXISTING CONTOUR
SB	SETBACK		PERIMETER EARTHEN BERM

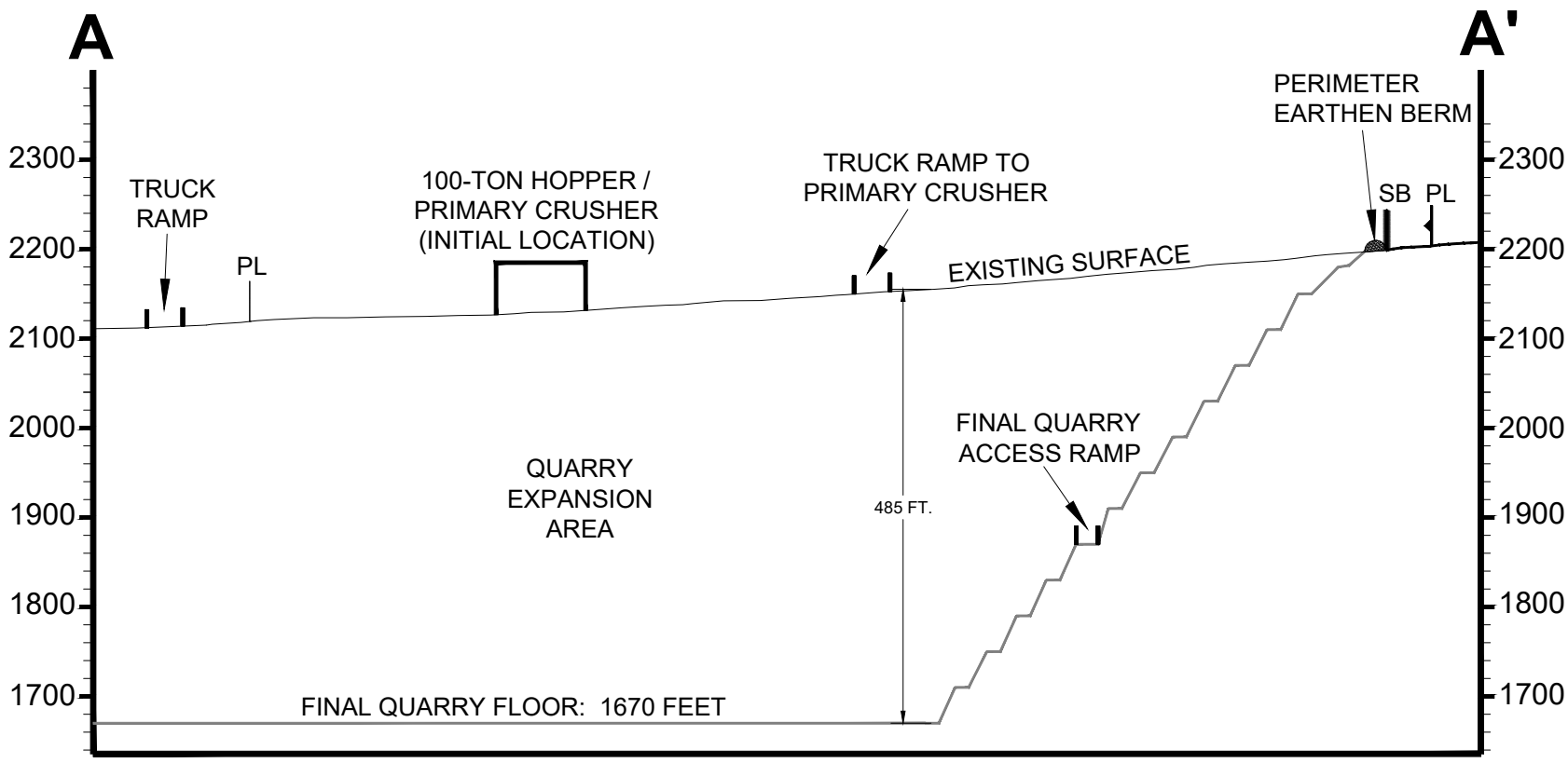
NO.	DATE	REVISION	BY
0	--/--/--	None	GAW

WEBBER & WEBBER
MINING CONSULTANTS, INC.
101 East Redlands Blvd., Ste. 240
Redlands, California 92373
(909) 793-3416

Scale:	1" = 200'
Date:	October 11, 2024
Drawn by:	L. Richtmyer
Designed by:	G. Webber

REVISION REFERENCE		
NO.	DATE	BY
0	--/--/--	GAW

SHEET 1 of 2



CROSS SECTION A - A'

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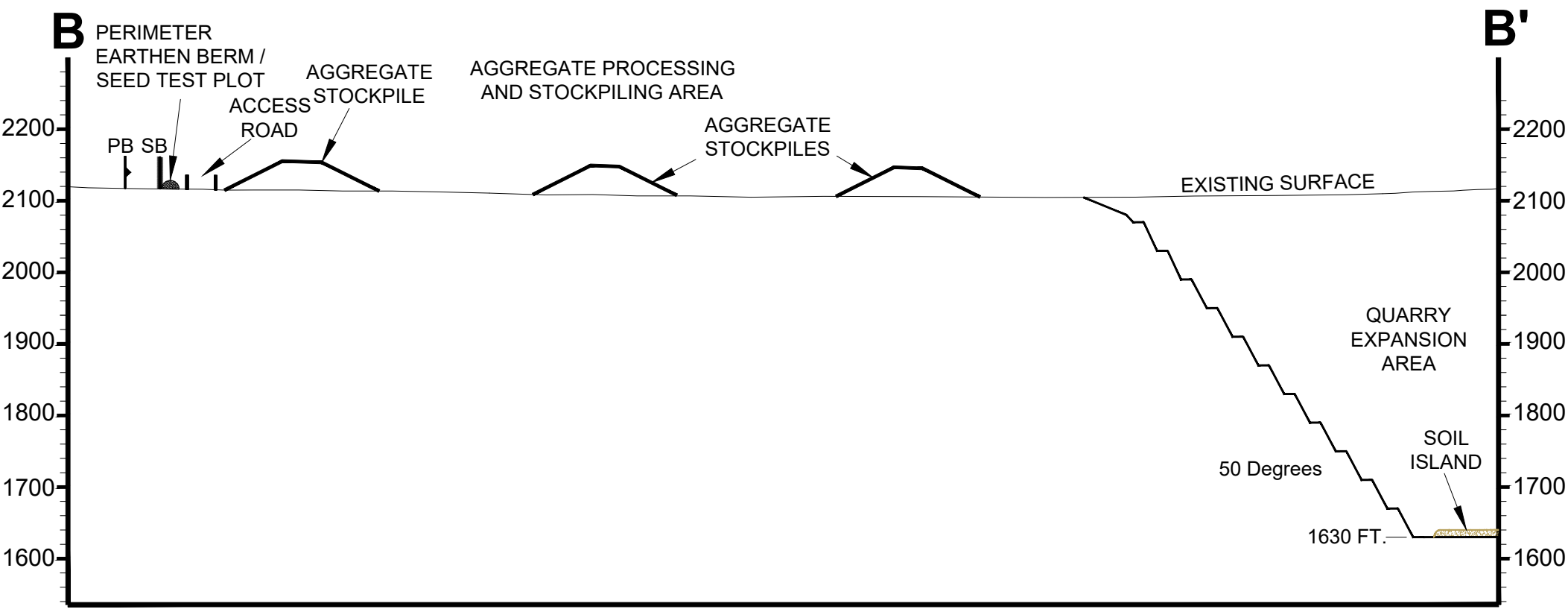

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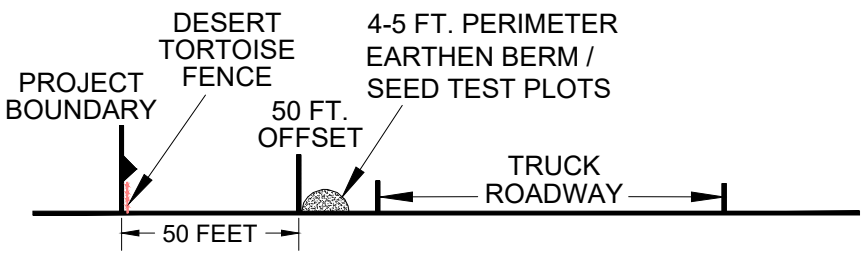
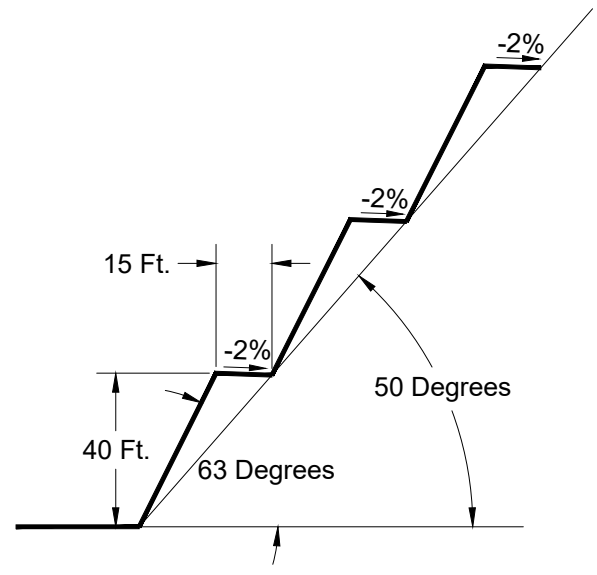


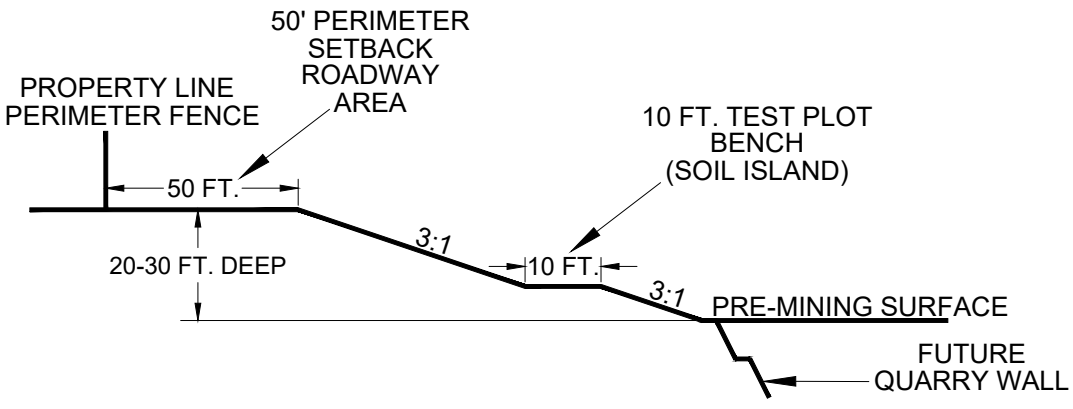
PROJECT BOUNDARY DETAIL

Scale: N.T.S.



TYPICAL QUARRY BENCH

Scale: 1" = 50'



TYPICAL QUARRY SLOPE

Scale: N.T.S.

Figure 6
Cross-Sections
Lynx Cat Mountain Quarry

Table 2
Lynx Cat Mountain Quarry
Existing and Planned Operational Areas (estimated acres)

Lynx Cat Mountain Quarry Areas	Existing Quarry & Processing Areas (Acres)	Planned Increased Areas (Acres)	Planning Mining & Reclamation Areas (Acres)
Phase 1 Quarry (approved 2015)	48.2	---	48.2
Phase 2 Quarry	---	33.5	33.5
Phase 3 Quarry	---	80.0	80.0
Phase 3 Processing Areas	---	80.0	80.0
Totals (existing & planned mine/reclamation activities)	**48.2**	**193.5**	**241.7**

Sources: Lynx Cat Mountain Development, Webber & Webber, Lilburn Corp. October 2024 & Merrell Johnson Record of Survey (April 2010).
Note: Totals may be slightly different due to rounding.

Excavations and rock breaking at quarry face.

1.1 Site Access

Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a BLM-managed dirt road designated as Lynx Cat Road. Use of this road through the BLM-managed properties is pursuant to a ROW grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter.

Parcels surrounding and adjacent to the increased production site are vacant and undeveloped property in mostly public ownership under the jurisdiction of the BLM. A parcel adjacent to the northern boundary includes an SCE easement and the area to the west of the proposed expansion area is within lands owned by Matcon. Parcels to the east and south are owned and managed by the BLM as Open Space and indicate significant usage by public recreational off-road activities. The Countywide Policy Plan (November 2020) land use category for the site is Resource / Land Management with zoning of Resource Conservation.

This site is remote. No schools, hospitals, homes, or public facilities are located anywhere near the site and the nearest residence is located approximately 3 miles easterly of the site.

1.2 Mining Methods

Basic open pit hillside quarrying methods will be used at the mine site, including drilling and blasting when necessary to extract mined material. Mining of the high-quality granite rock will be performed by initial site clearing, drilling, blasting, loading, transporting, and crushing of the material onsite into a variety of aggregate products including railroad grade ballast rock, construction aggregates, paving stone, riprap, rock dust, paving stone and sand. Excavation of the granite aggregate deposit will be preceded by the following activities:

- Excavation and other disturbance limits will be located and staked or marked in the field;

- Per existing Condition of Approval #16, special-status plants (as listed in County Development Code §88.01.060 (et al.), Desert Native Plant Protection including silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus (*Echinocactus polycephalus*) will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. ***Note:*** *The latest Biological Assessment performed by Hernandez Environmental Services on September 15, 2024, found that there are NO special status plants and no western Joshua trees (Yucca brevifolia) onsite (a candidate species under the California Endangered Species Act (CESA);*

- During clearing and grubbing onsite and from the adjacent owned property, native seeds of specified plants will be collected to the extent feasible and either used for revegetation or stored appropriately for future seeding; and

- Salvageable “topsoil” or growth media (overburden) up to 0.5 feet typically will be placed in separate identified topsoil stockpiles, berms, test beds and soil islands located as shown on the map sheets and will be clearly marked and covered with larger material to limit wind and water erosion. If needed, native materials will be crushed for additional soil cover.

Quarry operations will begin with the contracted professional drilling and blasting of the granite rock strata creating a solid working face and benches. Not all areas of the quarry will need to be drilled and blasted as some areas west of the hard rock slopes may be excavated with loaders and excavator only. Following drilling and the carefully controlled blasting activity, the granite shot rock material will be loaded by excavators and/or loaders directly onto 40-ton rock haul trucks and transported to the primary jaw-type rock crushing equipment located within the quarry floor where it will be reduced to a -6" size material. The crushed feed material from the primary crusher will then be conveyed through a series of conveyors to the adjacent processing area to the west where it will be further crushed and screened into the various aggregate products needed by customers. Approximately 15% of the sized material may be washed for concrete aggregate. Additionally, approximately 5%-10% of the shot rock will be segregated and stockpiled as rip rap.

The primary jaw crusher and feed hopper will be located in a fixed position in the western edge of working quarry while the portable secondary crushing and screening requirements and the feed conveyors will be located on the adjacent 160-acre parcel as near as practical to the primary jaw crusher. The crushed, screened and properly sized aggregate products will be placed in stockpiles by conveyors and radial stackers and held onsite until needed or orders are placed. Various conveyors will be used to minimize equipment movement and dust emissions. All portable processing plants and generators brought onsite will be in compliance with Mojave Desert Air Quality Management District (MDAQMD) rules and permits.

Upon receipt of customer orders, CAT 988 size loaders (typical) will load 25-ton street-legal haul trucks from the product stockpiles and weighed at the onsite scale-house to ensure that all loads are tracked and accounted for. Upon construction of the planned rail loop aggregate loading facility, railroad ballast rock products will be loaded into 40-ton haul trucks and transported on a dedicated privately owned haul road to the rail loop facility and placed in stockpiles for loading into rail cars.

The mine may operate up to 24 hours per day and 7 days per week to maintain project schedules. Typical operation, however, is expected to be 6 days per week and 16 hours per day. Blasting will be restricted to daylight hours Monday to Friday.

1.3 Employees and Safety

Project operations will require up to 10 -12 employees onsite per shift during the projected two shifts per day. Active mining areas will comply with all federal (MSHA) and state (Cal-OSHA) mine safety regulations. Workers, including contractor labor, will be trained in mine safety and first aid. Access and haul roads will be designed with safety berms per MSHA requirements. Per COA #28, the Operator will construct safety benches with berms and inactive ramps and roads in mining areas will be blocked to prevent access.

Prior to blasting activities, employees working in the area will be notified, and a visual search of the area is done prior to blasts to verify that no one is present in the area. Standard horn signals are used to notify personnel before and after blasts (all clear).

Portable toilets and hand washes will be supplied for use by employees and will be located at several locations onsite in the operations area.

Typical mining at quarry with excavators.

Quarry face in background; excavated material loaded into portable primary crusher and screen.

E*xcavated material loaded into portable primary crusher and screen.*

Typical aggregate stockpile.

1.4 Mining Strategy

Mining of the Lynx Cat Mountain Quarry will be conducted in three phases. As mining progresses from the current Phase 1 Quarry footprint, as needed, it will continue northward into the 33.5-acre area of the quarry property (Phase 2). As needed and practical, mining will proceed northward to expand and access the best granite strata. Mining is expected to reach maximum production over the next 3 to 5 years and thereafter, production will fluctuate with market and customer demand. Eventually, the quarry will be expanded onto the 80 acres to the immediate west (Phase 3). The quarry is planned to operate continuously; however, in the event of an unforeseen interruption in operation resulting in any extended period of non-operation of one year or more, the operator will secure the site and conduct regular inspections of the entire quarry site to ensure that all gates are locked, berms have not been disturbed and that the site is secure from public entry. Upon mine operations ceasing for one year or more, processing equipment will be de-mobilized and removed from the quarry and stockpiles of aggregate products sold based on demand.

In addition to the current operating permit, the mine owner has also prepared and has on file with both San Bernardino County and the State Division of Mine Reclamation (DMR) an approved Interim Management Plan (IMP) per existing COA #37. This plan would be updated as needed for the expanded project and specifies those activities to be conducted during extended periods of non-operation by the operator as discussed above.

1.5 Operational Summary

1.5.1 Production

Currently approved: 3 mt/year; approximately 250,000 tons/per month.
Approximately 10,000 tons/day (based on 25 working days per month; 300 days/year)

Requested Production: 4 mt/year with occasional higher peaks due to high demand; approximately +/- 333,300 tons/ month. Approximately 13,300 tons/ day (based on 25 working days per month; 300 days/ year)

2 Planned Ore Processing Methods Onsite

Where the granite material is less competent, it can be extracted primarily via excavator or dozer that rips the rock and pushes the material towards the in quarry primary crushing/ screening plant or hauled and delivered to the crushing plant will be by 45-ton rock trucks. Typically, the drill and blast methods will be used to extract the dense granite material. Once extracted from the granite quarry, rock and aggregates will be processed utilizing a large 60-inch jaw-type crushing unit in the main quarry and the -6 inch material then conveyed to 3 or 4 cone crusher units, 2 to 3 screening plants and multiple conveyor units and radial stackers, or loaded directly into over-the-road haul trucks for export from the mine site or into 40-ton off-road trucks for shipment to the rail loop aggregate loadout facility.

As needed for specific contracts, material will be fed into the wet-process plant using a CAT 988 size loader. A series of screens, crushers, conveyors and a recycled water pond system will comprise the various processing circuits that will produce a variety of aggregate products, depending on the construction project requirements. The processing plant can be altered in the future to increase efficiency or produce specific construction project products.

All processing plants and generators brought onsite shall maintain and annually renew existing permits to operate the processing plant, onsite generators, and any other applicable equipment from the MDAQMD and be in compliance with said permits (COA #84). No flotation, amalgamation, smelting, leaching or other processes are proposed throughout the life of the project.

2.1 Hours of Operation

The site may operate 24 hours/day and 7 days/week. Typically, during average operations, the hours of operation are scheduled to be 6 days/week and 12 to 24 hours/day. The processing plant would operate approximately 10 – 16 hours/day as not all mined material requires onsite crushing and screening and processing will vary based on the raw material size and other specifications.

Processing facilities

2.2 Schedule

Based on 5 to 6 days/week with limited operations on Sundays and holidays, there are approximately a total of 250 to 300 working days per calendar year.

2.3 Mine Equipment

The typical plant and mine equipment listed in Table 3 will be utilized for mining, hauling, crushing, screening, conveying, stacking, and road maintenance activities. As operations progress over time, replacement and/or additional equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Haul trucks, diesel equipment, and all processing plants will meet all requirements of the MDAQMD for stationary sources and the California Air Resources Board's (CARB) for off-road diesel vehicles regulations to reduce diesel pollutants (COA #27).

Scheduled equipment maintenance will take place onsite using service /maintenance and fuel trucks with appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. There will be one diesel and one gasoline storage tanks at the Mine along with a fuel truck all equipped with appropriate spill containment. The development of the site will incorporate Best Management Practices (BMPs). The project site was specifically designed to capture, collect and contain rain and storm water run-off within the quarry and to ensure there is no water leaving the site. The Regional Water Quality Board reviewed the quarry design and issued the project a Notice of Non-Applicability (NONA) exempting it from any SWPPP or Erosion Control requirements.

Typical Mine Equipment

Typical Mine Equipment

Typical Processing Operations

Table 3
Lynx Cat Mountain Quarry
Equipment List (Typical)

Number	Equipment Description	Equipment Uses
5	Loaders	Loading of excavated material into off-road trucks for transport to plants and/or rail loadout staging area and loading of product into trucks.
3	Excavators	Loading of excavated material into off-road trucks for transport to plants and/or rail loadout staging area.
4	Off-Road Trucks (40-ton capacity typ.)	Transportation of excavated material to the plants and/or the rail loadout staging area.
1	Dozer – Only as needed	Mining and stockpiling of material; construction and maintenance of roads and pit benches.
1	Motor grader	Construction and maintenance of roads.
1	Water Pull or Truck	Water spray haul roads, active mine areas, stockpiles, and general dust control.
1	Service Truck	Servicing and fueling onsite equipment.
Varies per contract	25-ton street legal trucks	Transportation of material off-site to project sites.
1 – 2	Water tanks, portable above-ground	Water storage for dust control.
1	Processing plant (portable): 4 crushers, 4 screens, conveyors, and stackers	Crushing/ screening/ washing plant for material as needed per contract specifications.
2 – 3	Generator sets	Supplies power for plant facilities.
2 – 3	Drill rigs	Drill holes for placement of explosives.

Source: Lynx Cat Mountain Quarry Operations, LLC, 2024.

2.4 Trucking Plan and Schedule

Currently the quarry produces 1.2 M/T per year with the ability to ramp up to 3 mt/year. This equates to approximately 250,000 tons/per month; and 10,000 tons/day (based on 25 working days per month; 300 days/year; and 25 tons per truck).

To accommodate the delivery of this typical production to the regular customers it is expected that the quarry will ship up to approximately 400 truckloads per day or 120,000 truckloads/ year with street-legal over-the-highway end dump or super-10 dump trucks

In addition to this schedule, we anticipate an additional 250,000 tons at 40 tons per load (6,350 loads per year/ 520 loads per month/ 25 loads per day) delivered to the rail loop Aggregate Loading Facility.

Further, to accommodate aggregate requirements over the next five years, an additional 50,000 to 70,000 tons per month would be delivered to the proposed rail loop aggregate loading facility in 40-ton trucks (1,750 loads per month/ 87 loads per day) in 40-ton rock trucks on the private haul road.

2.5 Dust Control

Dust control measures at the Lynx Cat Mountain Quarry will be in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); and 403 (prohibits visible dust from crossing property lines and controlling fugitive dust) which requires the implementation of Best Available Control Measures for each fugitive dust source (COA #25). The main dust control method is the water spraying of roads, operational mine areas, and active stockpiles (COA #58) with a water truck. Water for dust control will be obtained from an on-site well(s).

In addition, the portable crushing/screening/washing plants and power generators used onsite by the operator or outside contractors will be required to be permitted by the MDAQMD and to implement applicable dust control measures.

3 Mine Waste Management

Mining activities at the Lynx Cat Mountain Quarry site produce three types of waste: overburden (topsoil), waste oils/solvents, and domestic garbage.

Overburden on the project site primarily consists of seed-containing “topsoil”, silty-sand, rock dust and rubble and generally comprises the top 0”-12” of surface material. The overburden material is not consistent throughout the site, especially in the hard rock-exposed areas. This material will be removed from the surface where it exists, and stockpiled in the perimeter earth berms which will serve as a windbreak, stormwater containment, and as seed test beds and the soil islands as shown on Sheet 1 for subsequent use during revegetation. The total quantity of actual topsoil material and seed bed material qualifying as capable growth medium is expected to be low.

Equipment and vehicle maintenance servicing may produce waste oils, lubricants and solvents. It is projected that maintenance of processing equipment will generally occur onsite during periods of maximum production and may require screen and jaw change-outs and replacements. When onsite maintenance does occur, all servicing of equipment will be performed consistent with San Bernardino County Department of Environmental Health Services and County Fire Department regulations for draining/collecting waste oils and other hazardous materials. All collected waste oils, lubricants and solvents shall be placed in covered containers and stored within secondary containment structures while onsite. These collected materials will continue to be transferred to a County-approved hazardous waste handler for proper disposal or to an approved re-use facility. Ordinary refuse will continue to be collected in standard 40-cy roll-off bins and disposed of at permitted landfills (COA #s 92 and 93). In the event of any soil contamination on-site, the operator shall remove to a County approved disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time (COA #32).

The Mine Operator (LCMQO) maintains a business plan and spill prevention control and counter measure plan (SPCC) with Best Management Practices (BMPs) to ensure that on-site materials are stored appropriately and contained in the event uncontrolled release (COA #s 108 and 109). The SPCC procedures will be adhered to and any releases will be reported to the County as required, based on the nature and extent of the release. Fuel storage specifications apply to all above ground fuel containers.

Other chemicals or hazardous materials are not proposed during normal operations at the project site and no flotation, amalgamation, smelting, leaching or other processes will occur throughout the life of the project. No on-site storage of explosives will occur throughout the life of the project.

4 Production Water Data

4.1 Fresh Water

Fresh water will be used at the project site for dust suppression activities and aggregate washing. Water shall be provided for project operations by the onsite well(s). At maximum production of operations, up to 180,000 gallons per day (gpd) of water may be utilized for dust suppression and aggregates washing. Up to 70% of aggregate wash water (approximately 160,000 gpd when operational) will be recycled through a sedimentation retention pond system (if constructed), so approximately 68,000 gallons of fresh water per day will be consumed by project operations (48,000 gpd for washing and 20,000 gpd for dust control). Annual use is estimated at approximately 60 acre-feet/year based on 250 to 300 days of operations.

Bottled water will be provided for employee consumption.

4.2 Wastewater Management

Water is recycled to the extent practical, minimizing any potential excess processing water. Minimal amounts of water will be lost through seepage from the sedimentation pond. The unlikely but possible contamination of the percolated water would be turbidity.

Storm runoff water will continue to be directed into the onsite containment areas within the quarry excavations where it either evaporates or percolates back to the water table. No contaminants such as processing chemicals, detergents, acid drainage, fuel oil or gasoline will be exposed to water flows onsite throughout the life of the project.

Only portable toilet facilities with handwashes will be used for the workers. No septic systems are, or will be, installed on-site.

5 Erosion and Sedimentation Control

The Lynx Cat Mountain Quarry has been designed to provide for complete retention of any onsite water flows. The quarry has an approved Notice of Non-Applicability (NONA) General Permit To Discharge Storm Water (WQ Order No. 2014-0057-DWQ) issued by the State Water Resources Board that exempts the mine from SWPPP requirements. Additionally, the expanded quarry footprint area will have 3 to 4 ft. high earthen berms constructed along the outside perimeter of the entire site will serve as a windbreak and containment barrier to prevent stormwater water from flowing into the site or discharging to offsite areas.

As quarry excavations progress, retention area(s) within the expanded quarry site will be expanded and maintained to prevent water from discharging to offsite areas. All drainage across the site from west to east will drain in the direction of the quarry to be collected for re-use as feasible The quarry will be a large catch basin to support the hydrology and drainage plan and for re-use to wash aggregate for concrete.

No headward erosion from the quarry areas is anticipated due to the composition of the generally non-erodible gray granite material. Any erosion sediments will continue to be retained onsite and will not affect offsite properties. Occasional heavy rainfall is the only potential source of erosion and offsite sedimentation, and this occurrence has been anticipated and mitigated by the internal flows of all stormwater into the quarry. No discharge from the expanded footprint will occur once it becomes part of the quarry operation. Additionally, all other active project areas will continue to be graded and inspected monthly. Any rills and gullying will be repaired with compacted non-erodible rock materials to prevent erosion during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary will remain until evaporation and percolation have reduced the quantity of standing water onsite. Any accumulated sediments that may be deposited in the project retention area will be removed and utilized during reclamation activities.

Product stockpiles, quarry roads, and active quarry faces will continue to be periodically wetted to reduce potential wind erosion. Any stockpiles or mined materials that may remain inactive for an extended period of time will be covered with coarse aggregate or planted with native vegetation to prevent wind/water erosion. Other potential project areas subject to wind/water erosion will receive the same treatment.

5.1 Blasting

Blasting of rock material is required for extraction of the heavy, dense, granite rock at the Lynx Cat Mountain Quarry. This method will continue to be used during the length of the permitted mining operation. Therefore, it is proposed to continue the use of blasting during future quarry expansion activities.

All blast related activities will be performed and managed by a blasting contractor licensed with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) for transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment.

Due to the density of the granite strata, currently, a track drill will bore a series of 4-inch or 5- inch diameter holes vertically into the surface of the rock bench in a predetermined 10 ft. X 12 ft. pattern. Explosives will then be loaded into the holes; in this case, Ammonium Nitrate (ANFO) or equivalent explosive is typically used. The blasting contractor will control access to the blast site during bench round charging as well as during and immediately after the actual detonation. The blast site will always be visually checked and cleared of any employees and other persons in addition to using loud auditory alerts prior to blasting.

Drilling will be conducted up to 5 days a week, 8 hours/day as needed with depths of approximately 40 to 50 feet. Blasting activities will take place between the hours of 10:00 a.m. and 3:00 p.m. on weekdays (Monday through Friday). No blasting shall be allowed after dark.

Storage of explosives will not occur onsite throughout the life of the project. The blasting contractor will be responsible for bringing in and all handling/storage of explosives. Explosives will only be brought onsite for the active blasting scheduled for a given day. Any blasting contractor utilized at the mine site will be licensed by the State of California and possess required explosives handling permits from San Bernardino County and the U.S. BATF&E. Additionally, blasting contractors will be required to follow California OSHA and Federal Mine Health and Safety Administration (MHSA) regulations that apply to handling explosives during all activities.

Typical Explosive Loading by Off-Site Vendor

Typical Quarry Blast

5.2 Drainage, Erosion Controls & Stormwater Management

During the continued and expanded quarry mining, processing, stockpile and storage operations, the perimeter earthen berms will serve not only as a barrier and windbreak, but also as containment for the collection and control of stormwater that will fall on the site over the operational period. The proposed drainage is self-contained with virtually 100% water/ sediment retention until completion of reclamation. Any retained stormwater will be used on-site for dust control if feasible and/ allowed to percolate into the natural groundwater table. Any deposited sediments collected will be used and incorporated into future reclamation and revegetation activities.

5.3 Public Safety

During all proposed blasting, crushing, screening and aggregate stockpiling and storage activities, the quarry site will be secured from public access visitors are required to sign in at the scale house and are required to wear the appropriate Personal Protective Equipment (PPE) before any entry to the quarry sites. Additionally, conspicuous signs will be posted warning the public of site operations in compliance with all federal (MSHA) and California OSHA mine safety regulations concerning operating standards. Workers, including contract labor, will be trained in mine safety and first aid with annual refresher courses as required by Federal and State Regulations. Any minor and major quarry roads within the quarry crushing, screening, stockpile and storage areas will be clearly marked and have safety and speed limit signs to control traffic flow and safety of trucks entering and leaving the site.

RECLAMATION PLAN

1 Current Land Use

The Lynx Cat Mountain Quarry project is an existing mine site that is currently under authority of San Bernardino County Mining/Reclamation Plan 90M-010, approved initially on July 9, 1990, and since revised in 2015 and 2017. The current Reclamation Plan 90M-010 consists of a 48.5-acre portion of an 81.53-acre land parcel located northwest of the town of Hinkley, California in western-central San Bernardino County. The property on which the quarry and expansion areas are located is privately-owned by MATCON Corporation. The mine site is located within the southeast 1/2 of Section 1 in T10N, R4W as indicated on the Hinkley, California 7.5' U.S.G.S. Quadrangle Topographical Map The proposed quarry expansion areas will encompass an additional 33.5 acres within APN 496-011-75. Processing and stockpile areas will be expanded westward onto 160 acres within APN 496-011-76. Existing improvements on the project site include quarry benches, granite stockpiles, processing area, seed bed test benches, soil islands, dirt roads, and maintenance areas.

The existing 48.5-acre quarry site currently rises from about the 2,100-foot elevation in the western portion, to 2,390 feet (Lynx Cat Mountain) in the southeastern portion of the site. The topography of the immediate region encompassing the expansion areas to the west and northwest are gently-sloping alluvium punctuated by scattered groups of small granitic hills.

SR 58 is located approximately 4.25 miles due south of the site with U.S. Highway 395 and Kramer Junction 17 miles to the west and Barstow 13 miles to the southeast. S R 58 is the nearest major development to the project site. All surrounding land is vacant open space comprised of private lands and public land holdings managed by the BLM. The Countywide Policy Plan (November 2020) land use category for the site is Resource/Land Management (RLM) with zoning of Resource Conservation (RC).

Vehicle access to the site from SR 58 is provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via a BLM-managed dirt road designated as Lynx Cat Road (refer to Figure 4). Use of this road through the BLM-managed properties is pursuant to a ROW grant between the mine owner and the BLM (CACA-55689; June 2015) currently approved through December 31, 2044, and renewable thereafter.

Parcels surrounding and adjacent to the proposed site are vacant and undeveloped property in mostly public ownership under the jurisdiction of the BLM. A parcel adjacent to the northern boundary includes a SCE easement and the area to the west of the proposed expansion area is within lands owned by Matcon and Lynx Cat Mountain Development. Parcels to the east and south are owned and managed by the BLM as Open Space and indicate significant usage by public recreational off-road activities.

This site is remote. No schools, hospitals or public facilities are located anywhere near the site and the nearest residence is located approximately 3 miles easterly of the site.

1.1 Reclamation Plan & Reclamation Goal

The goal of reclamation for the Lynx Cat Mountain Quarry is to return the site to privately-owned vacant open space consistent with the Resource Conservation zoning. Preparation of the Lynx Cat Mountain Quarry and expanded acreage for reclamation will commence once the quarry, stockpile and storage areas are no longer viable, economical, or needed. Complete reclamation of the Lynx Cat Quarry site will include:

- Complete removal of all crushing, processing, miscellaneous equipment, scale/scale house, and refuse;
- Final grading of entire area for slope stability, safety, and erosion control;
- Mitigation of any potential safety hazards;
- Ripping compacted surface area and spreading of the salvaged topsoil and growth media across the bare and disturbed areas; and
- Revegetation seeding with indigenous species followed by monitoring and remediation to meet revegetation success criteria.

The development of the timing for reclamation is linked to operational requirements, product demand, and phased delivery schedule of customer projects. Reclamation operations will likely experience unscheduled development, or implementation changes due to market / economic demands and opportunities within the quarry that can be more easily be reclaimed as operations progress over time. The County will be updated in the annual mine report on the status of both operational and reclamation timing.

Because of the phased nature of quarry operations, aggregate markets, customer demand, and the fluctuating delivery schedule of materials, reclamation can only occur when the quarry is no longer commercially viable and needed.

Final reclamation of the entire quarry and disturbed areas will commence immediately after the need for the expanded area or areas are complete. Final reclamation will occur within five years of the termination of quarry mining activities followed by revegetation monitoring and remediation until the revegetation is deemed successful.

Any gravel or road base material on temporary roads to be closed will be removed where applicable. In those project areas where soil compaction has occurred, such as haul roads, processing areas, and stockpiles, ripping those areas to a depth of 1-foot below grade will ensure decompaction to the depth of undisturbed natural soils. Revegetation will then be accomplished as described in ***Section 5, Revegetation.***

2 Visibility

Visibility of the Lynx Cat Mountain Quarry is limited to the immediate vicinity west of the site. The existing quarry is on the western portion of a group of small hills, limiting any visibility of the site from the east.

This expanded quarry footprint will continue to be positioned to reduce visibility of ongoing operations. The nearest publicly dedicated road is Santa Fe Avenue approximately 2 miles to the southwest, which is the primary potential viewpoint by the greatest number of individuals in the immediate vicinity. Santa Fe Avenue is a dirt road that is lightly traveled, so only a small number of individuals will typically have the potential to view the mine site. There are no residences, commercial developments or developed recreation areas in the vicinity of the proposed project.

The Lynx Cat Mountain Quarry expansion and revision project will increase the overall size of mining operations but will remain mainly confined to the western hillside of one of the many small hills in the region. The rock quarry granite deposit will be quickly mined below the existing surface elevation, which will minimize exposure of quarry activities visually. Secondly, the 3- to 4-foot-high perimeter earthen berms along the border of the quarry will also help to obscure the visibility of the quarry during its operational life. As each new level is mined, the westernmost portion of that level will be last to be removed, keeping most activities relatively hidden from view. All other project activities such as crushing, screening, loading, maintenance of equipment, etc. will be minimally noticeable visibly to only the few travelers of Santa Fe Avenue.

2.1 Environmental Setting

The active quarry and the area of expanded operations include a total of 241.7 acres of which includes 48.5 acres of active rock quarry, 113.5 acres to be mined, and 80 acres of currently undisturbed land that is planned for additional processing and product stockpile and storage. There are existing disturbed areas throughout the expanded site in the form of dirt roads, previously graded areas, and a few small dirt piles. The site is predominantly vegetated with rabbit thorn bush scrub habitat. Open desert occurs to the north, south, and west of the site. The access road to the quarry, scale house and security office is located along the southeast border of the site. The site is relatively flat with onsite elevations ranging from 2,100 feet msl to an average of 2,142 feet msl. The maximum elevation is 2,390 feet msl at the peak of Lynx Cat Mountain.

2.2 Location Analysis

The Lynx Cat Mountain Quarry is located within the BLM Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA). The project is also located within the BLM Superior-Cronese Area of Critical Environmental Concern (ACEC). However, the proposed quarry expansion occurs within private lands and according to the DRECP ***"Nonfederal lands within the boundaries of BLM LUPA land use allocations are not affected by the LUPA"*** **(LUPA-LANDS-4)**. Here are no state or County conservation plans in the area. Therefore, the proposed project would not be anticipated to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Expansion Area Looking East with existing quarry in background.

Expanded Processing and Stockpile Area of Operations Looking West from access road with desert tortoise exclusion fencing.

3 Vegetation / Wildlife

A complete Biological Resource Assessment, including Focused Survey for Agassiz's Desert Tortoise and Habitat Assessments for Burrowing Owl and Mojave Ground Squirrel survey, was completed for the 48.2-acre project site in 2014 (see Appendix A1). A new Biological Assessment and Desert Tortoise and Mojave Ground Squirrel surveys were completed for the 113.5 acres of expansion areas (northern 33.5 acres and the adjacent 80 acres to west in separate reports) in Fall 2023 by Hernandez Environmental Services (HES). An additional biological survey was conducted in September 2024 in the additional 80 acres of western quarry expansion boundary. These three reports are included as Appendices A2, A3, and A4. Following is a summary of the Biological Assessment reports' findings.

3.1 Vegetation

The Lynx Cat Mountain Quarry site vegetation is typical of the western Mojave Desert in San Bernardino County. The plant community found on the site is mainly creosote bush scrub with rabbit thorn (*Lycium pallidum var. oligospermum*) and white bursage (*Ambrosia dumosa*) on the flats to the west. A total of fifty-eight (58) plant species were observed or detected on the site (combined reports). The dominant shrubs include creosote bush (*Larrea tridentate*), burro bush (*Ambrosia dumosa*), allscale (*Atriplex polycarpa*), rabbit thorn, white bursage, and desert goldenhead (*Acamptopappus sphaerocephalus*).

The expanded project site consists of two habitat types; creosote bush scrub (approximately 90%) dominated by rabbit thorn and white bursage and disturbed habitat (10%).

Creosote Bush Scrub. This habitat on site is dominated by rabbit thorn (*Lycium pallidum var. oligospermum*). Other plant species observed in this habitat include white bursage (*Ambrosia dumosa*), cheesbush (*Ambrosia salsola*), bristly fiddleneck (*Amsinckia tessellate*), big galleta (*Hilaria rigida*), Mediterranean grass (*Schismus sp.),* and many bristle chinchweed (*Pectis papposa*). In the three biological reports, creosote bush scrub is also described as rabbit thorn bush scrub and white bursage busg scrub depending on the dominant co-species.

Disturbed Areas. This habitat includes areas that are mostly if not entirely devoid of vegetation. Vegetation in these areas is sparse mostly non-native and includes Russian thistle (*Salsola tragus*), a non-native invasive species. The disturbed areas on site consist of graded areas, roads and berms.

3.1.1 Special-Status Plants

There are no Silver cholla and cottontop cactus which are protected plant species found onsite or in the new expanded areas that are subject to the County Development Code §88.01.060 (et al.), Desert Native Plant Protection. Per existing Condition of Approval #16, special-status plants including silver cholla and cottontop cactus, if found, will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Additionally, there are no western Joshua trees (*Yucca brevifolia*) found anywhere on the entire quarry and expanded area of operations (a candidate species under the CESA).

Three special status plant species found to occur or have a potential to occur on site are listed below:

Chaparral sand-verbena (*Abronia villosa var. aurita*) is ranked 1B.1 in the California Native Plant Society (CNPS) Rare Plant Inventory. It is found in sandy areas of chaparral, coastal scrub, and desert dunes habitats. No habitat for this species is present on the project site. This species is not present.

Lane Mountain milk-vetch (*Astragalus jaegerianus*) is a federally listed Endangered species and is ranked 1B.1 in the CNPS Rare Plant Inventory. This species habitats include Joshua tree woodland and Mojavean desert scrub. This species prefers dry, stony hillsides and desert mesas, in granite sand and gravel. Commonly found with Joshua trees, usually under shrubs. The project site is below the elevation range for this species. This species is not present.

Parish's phacelia (*Phacelia parishii*) is ranked 1B.1 in the CNPS Rare Plant Inventory. This species habitats include alkali playa and Mojavean desert scrub. It prefers alkaline flats and slopes and clay soils. No suitable habitat for this species is present on site. This species is not present.

3.2 Wildlife

The Lynx Cat Mountain Quarry site wildlife surveys' results identified numerous reptile, bird, and mammal species in the proposed area of quarry expansion. Some of the common species identified included the desert iguana (*Dipsosaurus dorsalis*), long-nosed leopard lizard (*Gambelia wislizenii*), horned lark (*Eremophila alpestris*), rock wren (*Salpinctes obsoletus*), black-tailed hare (*Lepus californicus*), and coyote (*Canis latrans*).

3.2.1 Special-Status Wildlife

Various signs of Agassiz's Desert Tortoise (*Gopherus agassizii*) were identified, but only one observed tortoise in the 33.5-acre northern expansion area of the project site. Additionally, three special status species, as identified on lists maintained by the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and CNPS, were identified during the field surveys. The special status species were: American badger (*Taxidea taxus*), loggerhead shrike (*Lanius Ludovicianus*), and LeConte's thrasher (*Toxostoma lecontei*).

To protect American badger, a biological monitor shall be present on-site during initial ground disturbing activities to ensure no impacts to American badger occur. If American badger is found on-site, the biological monitor will have the authorization to stop all work and allow the sensitive wildlife to leave the site.

In order to ensure impacts to the nesting bird species including loggerhead shrike and LeConte's thrasher do not occur, vegetation removal should be conducted outside the nesting season defined below. If clearing is conducted within the nesting season, the following existing COA #66 is required to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code:

> *66. Biological Survey. Prior to disturbing soil or vegetation between February 1 and September 15, a qualified biologist shall survey all shrubs and structures within the project site for nesting birds. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird*

*nest is located, the plant in which it occurs should be left in place until the birds leave the nest**. If active nests are found during nesting bird surveys, they shall be flagged. A 250-foot buffer shall be marked around songbird nests, and a 500-foot buffer shall be marked around raptor nests. (added text in bold)***

The 2024 biological surveys found no sign of burrowing owl (*Athene cunicularia),* a CDFW Species of Special Concern. This species is a subterranean nester, dependent upon burrowing mammals such as the California ground squirrel. It inhabits open, dry annual or perennial grasslands and scrublands characterized by low-growing vegetation. No burrowing owl or burrowing owl sign was observed on site during the general biological survey or focused desert tortoise surveys.

Mohave ground squirrel (*Xerospermophilus mohavensis*) is a state listed Threatened species. This species habitats include chenopod scrub, Joshua tree woodland, and Mojavean desert scrub. The project site is directly adjacent to active mining activities. The site has little shrub diversity and has disturbed areas throughout in the form of dirt roads and graded areas. This species is known to avoid rocky areas, and the site is directly west of rocky hills and there are rock outcrops on site. As there were no signs or observations of the Mojave ground squirrel identified, coupled with the very poor habitat typically associated with this species and the fact that none have been observed in this general area over the past 10 years, no real impact to this species is likely.

3.3 Critical Habitat

The expanded quarry, crushing, screening and processing areas are not located within any federally designated critical habitat. No sensitive plant species occur on expanded quarry site. Additionally, the project site is not found within Agassiz's desert tortoise critical habitat nor within the Superior-Cronese Desert Wildlife Management Area (DWMA). Per existing Condition of Approval #s 64 and 65, the operator will protect desert tortoise through implementation of the existing conditions and requirements for the expansion areas to be updated upon consultation with the USFWS and CDFW.

> *64. Fish & Wildlife. Prior to the disturbing soil or vegetation, the Project Proponent shall provide evidence to County Planning that the California Department of Fish and Wildlife has issued a 2081 Incidental Take Permit (ITP) for Desert Tortoise and Mojave Ground Squirrel **(as applicable) and the USFWS has conducted a Section 7 Consultation (as applicable) for the expansion areas**.* **(added text in bold)**

The original site was reviewed by the BLM under a Section 7 Consultation with the USFWS in 2015 and the Applicant holds an ITP with the CDFW for the 48.2 -acre site and the access road. Matcon has applied for an Incidental Take Permit (ITP) with the CDFW for the expansion areas and shall comply with the ITP protective measures. The County will be provided with the final ITP prior to clearing undisturbed areas.

> *65. Incidental Take Permit. The Project Proponent shall comply with the proposed measures to minimize and fully mitigate the impacts of the proposed taking specified in the Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California dated November, 2014 attached to the Initial Study*

Checklist as Appendix D and hereby incorporated by reference. ***Note that the ITP was approved in 2015 for the original project area and access road. This condition will be updated with the protective measures included in the updated ITP for the expansion areas.*** **To ensure compliance with this Condition, the proponent has prepared and submitted an Application for an Incidental Take Permit to the Inland Desert Region (Region 6) office of the CDFW for their review and determination of any mitigation requirements for the expansion areas of the Lynx Cat Mountain Quarry.** ***(added text in bold)***

Note: as there were no Mojave Ground Squirrel signs or species observed and the fact that the habitat of the project area does not typically support the species, this will not be included in the ITP or required mitigation measures.

4 Reclamation and Reclamation Scheduling

The goal of reclamation of the Lynx Cat Mountain Quarry expansion project is to return the site to privately-owned vacant open space consistent with the Resource Conservation zoning. Complete reclamation of the quarry site will include:

- Complete removal of all processing/miscellaneous equipment, scale/scale house, and refuse;
- Final grading of project slopes for slope stability, safety, and erosion control;
- Mitigation of any potential safety hazards;
- Ripping compacted area and spreading of the salvaged topsoil and growth media across the quarry floor, benches, the processing and rail loadout staging areas, and roads to be closed; and
- Revegetation seeding with indigenous species to meet success criteria.

The development of the mine and timing for reclamation are linked to operational parameters, product demand, and phased operations as shown on Figure 7 (Sheet 2 of 2). Mining operations often experience unscheduled production and mine development changes due to market/economic demands. The County will be updated in the annual monitoring report on the status of operational and reclamation timing.

Because of the phased nature of the mining development, reclamation activities conducted concurrent with mining only can occur to a limited degree for safety and logistical reasons as phases are completed. Final reclamation of disturbed areas will commence immediately after mining is completed. Final reclamation will occur within five years of the termination of the excavation activities followed by revegetation monitoring and remediation until the revegetation is deemed successful.

Once the mining and quarry operations at the Lynx Cat Mountain Quarry are no longer viable or economical, preparation of the mine site for reclamation will commence. Preparation will include removal of any structures and equipment, final grading of slopes, and ripping compacted surfaces including roads to be closed. Any gravel or road base material on roads to be closed will be removed where applicable. In those project areas where soil compaction has occurred, such as

haul roads, process areas, and quarry floors, ripping to a depth of 1-foot per COA #18 below should ensure decompaction to the depth of undisturbed natural soils. Revegetation will then be accomplished as described in **Section 5, Revegetation**.

The access roads will be blocked by locked gates or other physical barriers to limit public access. Any remaining stockpiles in this area would be sold off or graded into the area. The processing area will be ripped and revegetated per this plan.

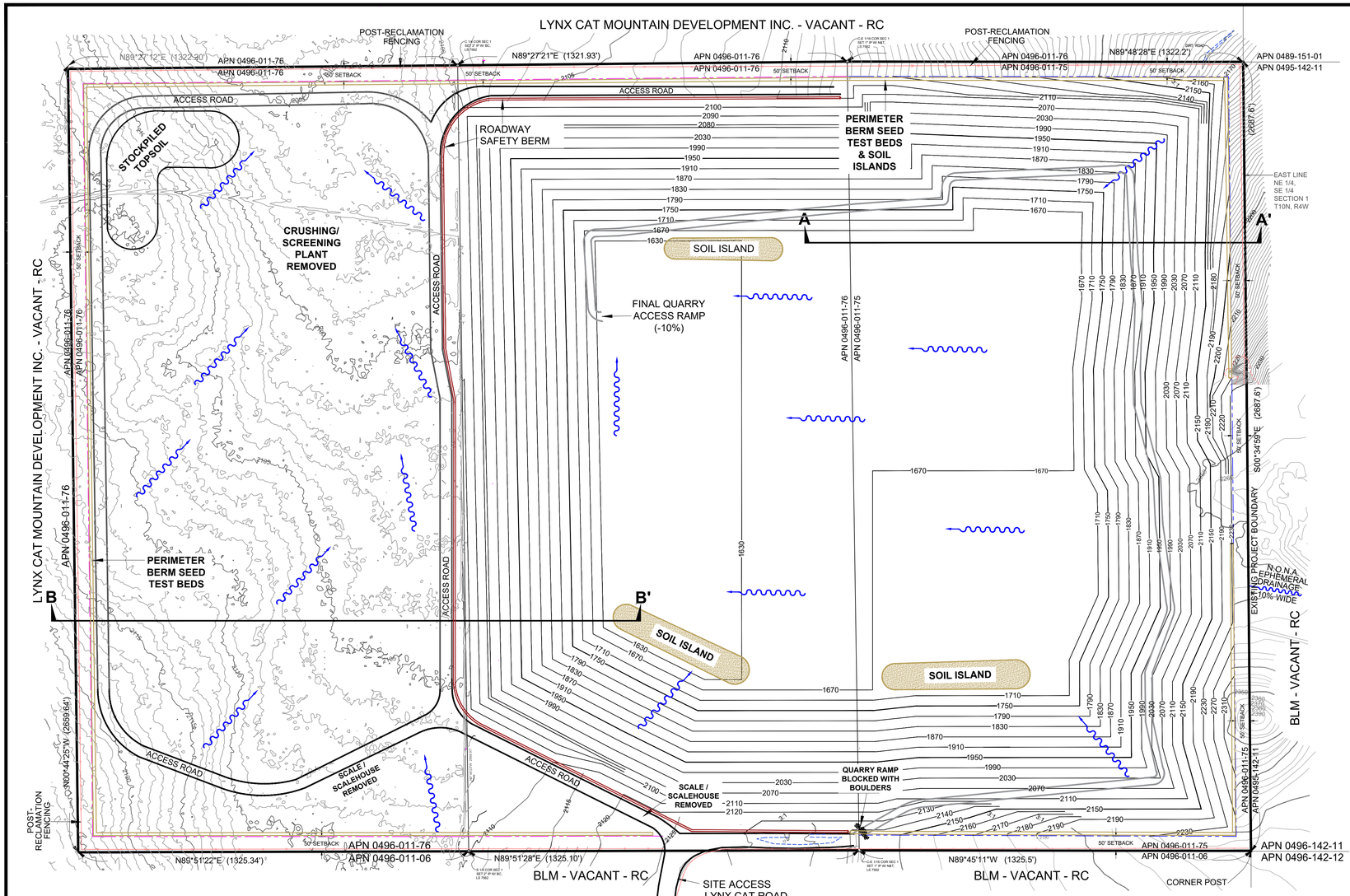
This Reclamation Plan produced for the site includes a revegetation plan of the site. In accordance with the COA #18:

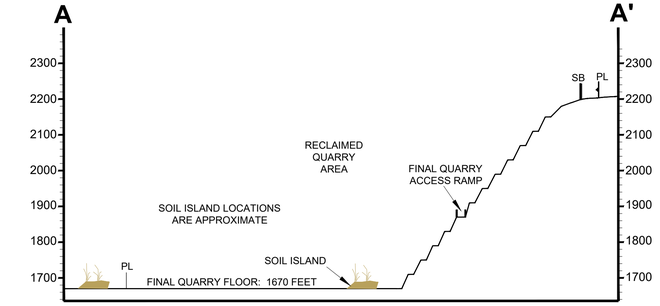
> *18. Stockpiling and Growth Medium. The Operator shall stockpile all available growth medium and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Revegetation areas shall be ripped to a depth of one-foot, de-compacted and shall be supplemented by the broadcast seeing with native and locally adapted seed per the approved reclamation plan. Stockpiled growth medium shall be stored separately from silt and overburden material stockpiles and shall be stabilized through establishment of temporary vegetation cover or other acceptable means of surface treatment for prolonged periods.*

Some preliminary reclamation activities have already been and will continue to occur concurrent with mining activities. These include the salvaging of topsoil into clearly identified stockpiles protected from wind and water erosion through the use of low-profile stockpiles and covered with a suitable weed-free mulch or matting or seeded with a native erosion control seed mix; construction of the initial revegetation “test plot” bench areas; construction and placement of “soil islands.”

Due to the geologic conditions of the site, the overburden / subsoil has been excavated and used to construct the 3 - 4-foot-high offset perimeter berms and the 3H:1V slopes into the quarry. At this time, all topsoil will be stripped, salvaged, and placed on top of the perimeter berms, in test plot benches, soil islands, and in designated topsoil stockpiles placed along the outside perimeter of the expanded crushing, screening, processing, and stockpile areas where it can be later spread and used to re-establish soil and growth media across the disturbed operational site, quarry floor, quarry benches, and slopes at the termination of mining operations and site closure.

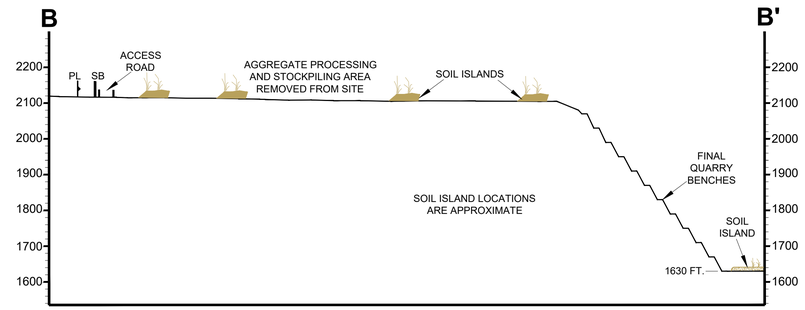
Reclamation will commence with ripping of compacted areas and the placement of soil islands within a designated initial revegetation test plot area (described in Section 5). A designated Revegetation Manager will monitor the seeding and growth success on the perimeter berms that will serve as the test beds to evaluate various revegetation and seed mix combinations while active excavations are occurring. Results of the initial revegetation test plots will form the basis for final revegetation of all disturbed project areas. Table 4 details the projected schedule to reclaim all disturbed areas, present and future.





CROSS SECTION A - A'

Scale: 1" = 200'



CROSS SECTION B - B'

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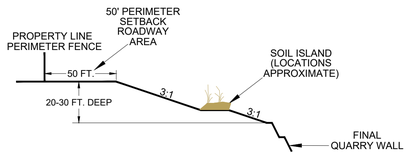
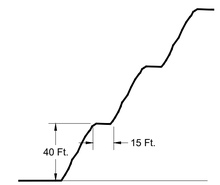


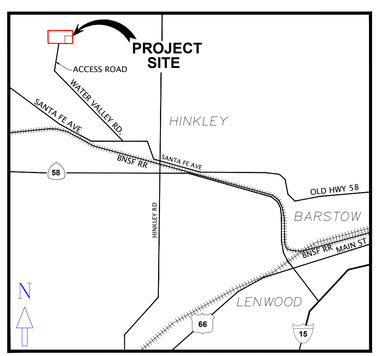
TYPICAL RECLAIMED SLOPE

Scale: N.T.S.



TYPICAL RECLAIMED BENCHES

Scale: 1" = 50'



LOCATION MAP

NOT TO SCALE

SITE INFORMATION

TOTAL PROPERTY HOLDING:	609.8 Acres
EXISTING PROJECT AREA:	48.2 Acres
PROPOSED PROJECT AREA:	241.7 Acres
ASSESSOR'S PARCEL NUMBER(s):	0496-011-75, 0496-011-76

LEGAL DESCRIPTION (PROPOSED PROJECT AREA):

APN 0496-011-75: E 1/2, SE 1/4 SECTION 1, T10N, R4W, S.B.B.M., TOTALING 81.7 ACRES M/L

APN 0496-011-76: W 1/2, SE 1/4 AND THE E 1/2, SW 1/4, SECTION 1, T10N, R4W, S.B.B.M., TOTALING 160 ACRES M/L

SITE ADDRESS: 19120 Lynx Cat Road, Hinkley, CA 92347

EXISTING/PROPOSED LAND USE CATEGORY:
RLM (Resource/Land Management)

EXISTING/PROPOSED LAND USE DISTRICT:
RC (Resource Conservation)

IMPROVEMENT LEVEL: 5

EXISTING/PROPOSED ZONING:
RC (Resource Conservation)

UTILITIES
Water - Private Well, Imported Bottle Potable Water for Drinking
Sewer - Portable Toilets
Electricity - Diesel Generator, Gas (if needed), Future Solar/Battery
Gas - None
Telephone - Wireless Service
Cable Television - None

RECLAMATION PLAN NOTES

1) The total area to be reclaimed at the project site is 241.7 acres.
2) The mine design shown will support production of high quality aggregates to the high desert for the next 50 years. It is proposed to terminate mining as of December 31, 2077, with final reclamation occurring by December 31, 2082.
3) Reclamation will occur concurrently with mining operations to the extent practical in areas of the site no longer needed.
4) The perimeter berm constructed before mining operations begin will consist of topsoil and surface material. This berm material will be utilized to create seed bed test plots and soil islands along the perimeter and in selected areas across the site to promote eventual revegetation of the entire site.
5) Locations of soil islands may be different that what is shown on this map but will eventually be sized to cover at least 25% of the accessible disturbed areas of the project site.
6) The final maximum depth of excavations will be up to 500 feet, down to the 1,630 ft. elevation. Any final benches will be no more than 40 feet high, 15 feet wide, with 0.5:1 (horizontal:vertical) bench faces for an overall slope ratio of approximately 50 degrees.
7) Groundwater is not expected to be encountered during excavations, however, if found will be pumped and utilized onsite during active mine operations.
8) As excavations near the final configuration, a licensed California Professional Engineer or Engineering Geologist will inspect the finished slopes/benches to ensure final stability achieves an acceptable factor of safety. If slopes are found not to be sufficiently stable, a report will be prepared recommending any required changes to bring slopes to an acceptable factor of safety. The reclamation plan will be amended at that time, if required.
9) All equipment not required for final reclamation activities will be removed from the site no later than the December 31, 2077.
10) Access roads to the mine site and perimeter fencing will remain subsequent to reclamation to provide future access to the privately-owned land parcel, but gates will be locked to prevent unauthorized entry.
11) Post-reclamation drainage will continue to provide stormwater retention of any surface water flows to the interior of the site.
12) The project site will be fenced along the perimeter to provide some site security. Additionally, the access ramp into the quarry will be blocked with a gate and large boulders to prevent public access into the quarry area.
13) No additional gates, walls, driveways, or curbs will remain onsite subsequent to reclamation. Quarry perimeter fencing and warning signs will remain after reclamation to alert the public of potential dangers.
14) Proposed final use of the reclaimed site will be vacant open space managed by the legal landowner.

REGISTERED PROFESSIONAL ENGINEER
HUBERT Y. KANG
C-81217
Exp. 9/30/25
CIVIL
STATE OF CALIFORNIA

N

Scale 1" = 200'
0 200 400
(feet)
Contour Interval = 5'

LEGEND

	DRAINAGE FLOW		LYNX CAT MTN. QUARRY
PB	PROJECT BOUNDARY		EXISTING CONTOUR
PL	PROPERTY LINE		PERIMETER EARTHEN BERM
SB	SETBACK		SOIL ISLAND

NO.	DATE	REVISION	BY
0	--/--/--	None	GAW

WEBBER & WEBBER
MINING CONSULTANTS, INC.
101 East Redlands Blvd., Ste. 240
Redlands, California 92373
(909) 793-3416

Scale: 1" = 200'
Date: October 4, 2024
Drawn by: L. Richtmyer
Designed by: G. Webber

REVISION REFERENCE

NO.	DATE	BY
0	--/--/--	GAW

SHEET 2 of 2

FIGURE 7

LYNX CAT MTN. QUARRY

RECLAMATION PLAN 90M-10
CA MINE ID: 91-36-0049

RECLAMATION PLAN

MINERAL: Gray Granite	
APPLICANT: OPERATOR:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINERAL RIGHTS: LANDOWNER:	MATCON CORP. 1807 Toyon Lane Newport Beach, California 92660 (949) 500-0767
MINING ENGINEER: MAP PREPARER: REPRESENTATIVE:	Webber & Webber Mining Consultants, Inc. 101 E. Redlands Blvd., Ste. 240 Redlands, California 92373 (909) 793-3416
MAP SOURCE:	Merrell-Johnson Engineering, Inc. - Feb. 2023, Aug. 2023
CONTOUR INTERVAL:	1, 5, 10 Feet

Final reclamation and reclamation monitoring will occur for up to 5 years following termination of mining per COA #50, until approximately 2082. Revegetation monitoring and remediation will continue until revegetation success criteria are achieved to the satisfaction of the County and DMR. All mobile equipment not required to complete revegetation monitoring activities and maintain site security will be removed from the site following termination of active excavations. Proposed final use of the reclaimed site will be vacant open space, managed by the legal landowner, MATCON Corporation.

Revegetation of the project site will be accomplished under the direction of the designated Revegetation Manager who will direct all revegetation efforts beginning with the establishment of an initial revegetation test plot area upon permit approval.

Table 4
Reclamation Schedule

Timeline	Activity
Continue to 2077	Salvage cacti, seeds, and soils as open new undisturbed areas; Place soil islands within the initial revegetation test plot area as shown on the Reclamation Plan Map.
2025 – 2077	Monitor/evaluate revegetation test plot activities and make adjustments, if required, per recommendations of the designated Revegetation Manager.
2025 – 2077	Continue to place soil islands and seed on 25% of all disturbed quarry areas; implement weed control as needed, monitor revegetation activities and adopt successful results.
No later than Spring 2077	Mining excavations cease. Rip compacted areas and place growth media soil islands on 25% of any finished, horizontal disturbed project areas. Revegetate based on results of initial test plots and ongoing revegetation activities.
2082 or until Success Criteria Achieved	Finalize revegetation activities. Site closure upon revegetation deemed successful.

5 Revegetation

A ***Revegetation Plan*** for the Lynx Cat Mountain Quarry was prepared by Circle Mountain Biological Consultants, Inc. (Revised November 20, 2017), was approved by the County, and is included as Appendix D. It includes detailed procedures and methodologies for the revegetation effort. This section includes a summary of the Revegetation Plan.

The goal of revegetation of the project site is to accelerate the re-establishment of native vegetation subsequent to land disturbance, eventually leading to vegetative conditions that existed prior to mining. Once ripping of the surfaces is completed, the revegetation process will begin with the placement of soil islands on 25% of all accessible, horizontal areas. Soil islands will basically consist of vegetative growth media, including any stockpiled topsoil material, fine-textured waste tailings from the screening operation, and any site collected organics (shrubs, bushes, grasses). The soil island concept was developed by the National Park Service and has been successful in revegetation projects at the Joshua Tree National Monument, as well as other locations. The Park Service research concluded that desert vegetation has a much better chance

of success developing naturally from an established soil island. The soil island essentially acts as a base from which other naturally occurring seeds can potentially develop and spread.

The Revegetation Manager (Biologist or Agronomist) will be responsible for scheduling, planning, and implementing all components of the revegetation plan, including test plot studies, scheduling, coordination, and implementation of the plan, weed control, revegetation monitoring and reporting, and adapting the plan to changing conditions over the life of the project, with the approval of the Proponent. The Revegetation Manager will also be responsible for keeping accurate records of all actions.

5.1 Existing Baseline Vegetation

The goal of the analysis was to determine basic characteristics of the flora that will be of value in establishing targets for the revegetation effort, including perennial cover, perennial densities, perennial species composition and frequencies The existing vegetative conditions of the site were documented by the biological survey conducted in 2014 for the 2015 revision included within the Revegetation Plan. The plant communities found on the site are a blend of white bursage (burro bush) series and allscale series on the flats to the west, and white bursage series and creosote bush series on slightly higher elevations to the east. Dominant shrubs include burro bush (Ambrosia dumosa), creosote bush (Larrea tridentata), allscale (Atriplex polycarpa), peach thorn (Lycium cooperi), and desert goldenhead (Acamptopappus sphaerocephalus). Two species of cactus were observed, i.e., silver cholla (Cylindropuntia echinocarpa) and cottontop cactus (Echinocactus polycephalus). Elevation, slope, aspect, and the amount of exposed bedrock are among the factors in the environment that affect the percent perennial cover, perennial density, species richness, and species composition found in habitats on the site. The 58 plant species identified during the survey are listed in the Biological Assessment for the site (Circle Mountain Biological Consultants, Inc. 2014a).

The total cover from living perennials on fourteen 50 meter^2 (m^2) transects ranged from 8 to 26% (i.e., out of 100 points on the line, live plants were present on 8 to 26 points. The average perennial cover was about 14.4%. Eleven perennial species occurred in sufficient numbers to be represented on linear transects. The most abundant species, in terms of cover, was burro bush (average 5.5%), followed by creosote bush (average 4.6%), peach thorn (average 2.3%), and California buckwheat (average 0.8%). Other species detected on linear transects include desert needlegrass (*Stipa speciosa*), Anderson's boxthorn (*Lycium andersonii)*, Nevada joint-fir (*Ephedra nevadensis*), and several others.

Perennial species density was 20 native perennials per 50 m^2 transect or plot. Perennial species richness for all samples was 14 species recorded in the fourteen sampled areas. The average number of species recorded was 5.0 native perennials per 50 m^2 sample plot. Refer to Tables 6A and 6B.

5.2 Revegetation Methods

Following completion of mining phasing where no further excavations are planned, soil islands will be placed in a manner that covers approximately 25% of all accessible horizontal surfaces. If surplus materials are available, additional areas will be covered with the surplus soil materials. Results from the revegetation test plots will provide the most effective composition and method of seeding that will be used to revegetate the remainder of the site subsequent to mining activities. The soil islands should average 6-12 inches in thickness, depending on available stockpiled

vegetative growth media, including any stockpiled topsoil material, fine-textured waste tailings from the screening operation, and any site collected organics (shrubs, bushes, grasses). Depending on the results of the revegetation test plots, revegetation efforts will not include any irrigation, fertilizers, mulch, lime or other non-native constituents unless recommended by the Revegetation Manager as these tend to increase non-native invasive species.

Under the supervision of the designated Revegetation Manager, a seed mixture described in Table 5 below will be implanted or hand seeded in the soil islands. Seeds will be obtained from a BLM-recommended list of commercial seed suppliers, and/or collected from the project site and nearby areas. Progress of the revegetation activities will be assessed regularly by a qualified individual. If necessary, recommendations for adjustments to the seed mixture/seeding method will be made so the desired results can be achieved.

Imprinting is a process using a heavy drum roller with patterns of V-shaped teeth, typically drawn by a tractor. The roller breaks up and incorporates dead plant material into the topsoil, while creating a pattern of pockets in the soil surface. These pockets are persistent over a period of years and serve as micro-sites for retention and germination of seeds, trapping water and sheltering seedlings from sun and wind, while decreasing erosion. Seed is distributed from an attached hopper. Planting will be planned for the fall months, to take advantage of winter rains. Test plots will be used to evaluate the best methods of soil preparation and seeding. Use of a hand-held seed spreader or mechanical seeder to distribute seed over newly established soil islands will be considered as an alternative method to imprinting.

The seeds to be used for revegetation purposes include species that are either present on the site already or are present in the surrounding area as part of the existing plant communities. The list may be revised based on the information collected from the reference sites at the time of revegetation and test results. See Table 5 for species to be seeded onsite subject to availability and future adaptive changes.

Table 5
Recommended Seed Mixture & Application Rate

Species		Application Rate (lbs PLS/acre)
Burro Bush	*(Ambrosia dumosa)*	2.0
Cheesebush	*(Ambrosia Salsola / Hymenoclea Salsola)*	3.0
Allscale	*(Atriplex polycarpa)*	2.0
Nevada Joint-Fir	*(Ephedra nevadensis)*	2.0
Rubber Rabbitbush	*(Ericameria nauseosa)*	2.0
California Buckwheat	*(Eriogonum fasciculatum)*	3.0
Big Galleta	*(Hilaria rigida / Pleuraphis rigida)*	2.0
Creosote bush	*(Larrea tridentate)*	2.0
Peach Thorn	*(Lycium cooperi)*	3.0
Desert Needlegrass	*(Stipa speciose)*	3.0
Mojave Aster	*(Xylorhiza tortifolia)*	1.0
	Total Per Acre Seed Mix:	**25.0 lbs**

Source: Revegetation Plan – Circle Mountain Biological Consultant; 2017 (see Appendix D)

5.2.1 Non-Native Invasive Weed Control

The purpose of the non-native invasive species control plan is to reduce or limit the occurrence of non-native invasive plant species that may invade the site where active and natural revegetation is taking place. Non-native invasive species (weeds) can compete with native plant species for available moisture and nutrients and consequently interfere with revegetation of the site.

Revegetated areas will be checked in the spring months annually for disturbance-adapted, invasive, exotic species. The biological survey recorded the following non-native species: cheat grass (*Bromus tectorum*), red brome (*B. madritensis var. rubens)*, Russian thistle (*Salsola tragus*), split-grass (*Schismus sp*.), Saharan mustard (*Brassica tournefortii*), tansy *(Descurainia pinnata*), and fiddleneck (*Amsinckia tessellata*). These plants will be removed by hand before they mature and set seed. (Annual exotic grasses, such as split grass, are present throughout the region, even in relatively undisturbed areas, and it is not practical to try to remove these species from revegetated areas.)

Manual clearing would be the suggested method. A second method would be the use of approved herbicides, depending on the species and the extent of the infestation. One or both of these methods could be used to accomplish this task. The selection of method(s) to be used will be site specific and made by the qualified Revegetation Manager. If manual clearing is used, the Biologist will ensure all non-native, exotic, or invasive plant material is gathered into appropriate storage containers (drawstring plastic trash bags are acceptable), removed from the Site, and deposited at an approved disposal facility (a landfill is acceptable) to prevent the introduction and establishment of those species to new areas. If herbicides are used, the appropriate herbicide will be selected by the Revegetation Manager in consultation with San Bernardino County.

5.2.2 Test Plots

CCR Section 3705(b) in SMARA requires the placement and seeding of “test plots” to be performed simultaneously with mining operations to determine the most appropriate long-term planting and seeding procedures. The Revegetation Plan design includes the employment of additional and different seed mixes, treatments and procedures and to separately test their use with the available subsoil overburden, crusher fines, sand and other waste materials generated during mining operations as being suitable growth media. This will be in addition to testing the topsoil “test plots” and “soil islands” individually. During active mining operations, the soil islands and test plot benches will be “test-seeded” utilizing differing seed mix blends prior to the onset of the winter storm season to ensure the best results.

To accomplish this goal, the Revegetation Plan has recommended the establishment of twelve 50 m^2 plots (25 m X 2 m) in a grid formation using a 12” high bed of topsoil, fines, and organic material in the initial areas proposed for revegetation. Plots will include utilizing seed spreaders, imprinter, seed only, no seed, and seeds with salvaged cacti. Note test plots revised to match the 50 m^2 success criteria. Based on changing conditions and preliminary results of the test plot seeding activity, additional combinations of seed mixes, soil amendments, and treatments may also be tested. Revegetation “test plot” results will be utilized to determine the most effective method and seed mix to re-establish native vegetation across the disturbed mine site.

5.2.3 Success Criteria

Successful revegetation of the site will be achieved when the success criteria set forth in the Revegetation Plan are met. Table 6A lists the success criteria for cover (40%), density (60%), and species richness (60%) for the soil islands in consultation with the DMR and County approval in 2017. This will result in enough native plant cover re-established to resist the incursion and spread of invasive annual grasses and forbs, to help reduce erosion, and to reestablish appropriate habitat for the desert tortoise and other wildlife. See the Revegetation Plan (Appendix D) for additional details.

Table 6A
Revegetation Targets and Success Criteria (Soil Islands)

Measure	Pre-Disturbance Conditions	Succes Target of Pre-Disturbance
Perennial Cover	14.4% cover of native perennials per 50 m transect	6% cover of native perennials over 50 m transect
Perennial Density	20.0 native perennials per 50 m^2 plot, (1,618 +/- perennials per acre)	12.0 native perennials per 50 m^2 plot
Perennial Species Richness	5.0 native perennials per 50 m^2 plot	3.0 native perennials per 50 m^2 plot

Source: Revegetation Plan – Circle Mountain Biological Consultants; 2017 (see Appendix D)

Those areas of the quarry and processing areas lying outside the seeded soil islands and subject only to windblown and natural revegetation will also be sampled to compare these result criteria with those found within the treated soil islands. Following the recommendation of the DMR, a second set of Success Criteria and sampling procedures was established for these areas that are separate and apart from the seeded areas and that are expected to have less of a revegetation success rate (cover 20%, density 30%, and species richness 40%) (see Table 6B).

Table 6B
Revegetation Targets and Success Criteria
(Outside Soil Islands)

Measure	Baseline (Pre-Disturbance Conditions)	Success Criteria (Target)
Cover	14.4% cover of native perennials per 50 m transect	3% cover of native perennials per 50 m transect
Density	20 native perennials per 50 m^2 plot	6 native perennials per 50 m^2 plot
Species Richness	5 native perennials per 50 m^2 plot	2 native perennials per 50 m^2 plot

Source: Revegetation Plan – Circle Mountain Biological Consultants; 2017 (see Appendix D)

5.2.4 Revegetation Monitoring and Remediation

Revegetation monitoring will be conducted to ensure that the site preparation, seeding, and weed eradication follows the Revegetation Plan (implementation monitoring); 2) to evaluate native plant establishment and to make recommendations for correcting problems; and 3) to quantitatively measure revegetated areas to determine progress with the established success criteria as sampled in the existing vegetation analysis.

The Revegetation Manager will conduct and complete the inspection and sampling of the sites which will include measurements of perennial cover, perennial densities, and species composition and richness. If indicated, changes in the method of seed application and site preparation may also be recommended. The success of the revegetation effort will be measured primarily by the analysis of the quantitatively collected data compared to the success criteria. The Annual Revegetation Report will be prepared to summarize revegetation and monitoring efforts over the past year and to assess the results of revegetation on the disturbed areas of the site. Monitoring will continue until success criteria have been achieved.

6 Cleanup

Upon cessation of mining activities at the end of quarry operations, all fixed structures and mobile equipment not required for further revegetation activities will be removed from the site. This would include all loaders, dozers, crushing and screening plant equipment, conveyors, etc. Refuse in any form will not remain on site and will be appropriately disposed of in permitted landfill (Barstow Landfill). Any structures/foundations will also be completely removed from the site.

Various access roads will remain in-place for site access for monitoring and clean-up. The rail loop tracks will also remain in-place. The existing and any future on-site wells will be capped and fenced for protection. The landowner will maintain any wells for future uses.

If any portals, shafts, tunnels or openings remain on the reclamation site after mining and backfilling, they will be either closed, or gated and protected from public entry but preserved for bat and other wildlife if appropriate with County consultation.

7 Post Reclamation and Future Mining

Upon completion of final reclamation activities, the quarry project site will visually appear as a moderately-sized enclosed quarry with the quarry floor situated somewhere between 250 – 500 feet below the existing surrounding surface. The flat quarry floor will be enclosed by the mining benches/slopes which will extend up the hillside along the eastern boundary of the quarry. All accessible slopes and horizontal areas will be vegetated with site-indigenous plants. There are no highways, residences or commercial developments within the vicinity that will be visually affected by the project after reclamation.

Future mining of the reclaimed site is expected to occur due to the nature of the granite deposit and location of the mine site. This rock quarry will easily supply rock aggregates beyond the 50 years of project life within this proposal. Future mining of the project site could occur if desired and permitted by local agencies. The proposed final use of the reclaimed site will be privately-owned vacant open space.

The access roads will remain in-place for future use for the transportation of rock material to various areas in the region. Access to the quarry will be gated and/or blocked by physical barriers

8 Slopes and Slope Treatment

All excavated benches and quarry cut slopes will remain after cessation of mining activities, as long as they achieve acceptable factor of safety. A 2024 Update to the Slope Stability Investigation has been prepared for the project (see Appendix B2) by Terracon and details the factor of safety for the proposed quarry slopes. The final quarry walls will remain stable both statically and dynamically pursuant to the Recommendations section of the Slope Stability Report. Should any final quarry slopes fail to attain the minimum factor of safety standards, the operator will implement such measures necessary to bring the slopes into compliance. No fill slopes or waste/tailings stockpiles will remain subsequent to reclamation.

9 Ponds, Reservoirs, Tailings, Wastes

There will be no reservoirs, dams, or embankments established throughout the life of the project for purposes of major water retention. No tailings or waste materials are produced onsite. Ponding will occur within the quarry floor if the water table is reached and during heavy rainfall as the proposed drainage is self-contained with virtually 100% water/sediment retention upon completion of reclamation. Retained storm waters will then be allowed to percolate toward the natural groundwater table below and any deposited sediments removed for incorporation into revegetation activities.

If a sedimentation pond system is established to recycle processing water during site operations, it will be drained and regraded immediately following completion of mine operations. Much of the sediments (tailings) produced from the pond will be utilized in aggregate products supplied to the various projects. Any remaining tailings that are not sold as product will be utilized to help produce the growth media required for the soil islands. The soil islands are an integral part of the proposed revegetation activities and will benefit from these fine-textured waste tailings.

10 Soils and Fine-Textured Waste

A sandy-rocky type of “topsoil” exists on some portions of the project site around the base of the granite hills, in a thickness of one to twelve inches. Other areas contain virtually no topsoil material, allowing the granitic rock to be clearly exposed. Topsoil that exists on proposed excavation areas will be removed and stockpiled prior to aggregate extraction activities. Topsoil will be removed only to allow advancement of the working excavations, so as to preclude any unnecessary surface disturbance. All top-soil that exists will be stored within topsoil stockpiles, berms, test beds and soil islands located as shown on the Mine Plan Map. This secured topsoil will be utilized to enhance the composition of the growth media for the revegetation of soil islands discussed previously.

Any unsold fine-textured waste material comprised of fine material produced by the crushing/screening operations will be blended with stockpiled top-soil material to aid production of the growth media for the soil islands, as previously described.

The drainage system remaining after mining activities cease will essentially be confinement of any flows entering the site. Erosion occurring within the quarry area during and after reclamation will be limited by the non-erosional aspect of the granite rock. Any water retained within the quarry will not impact local roads or adjacent properties due to the lack of discharge from the project site.

Additionally, revegetation of all appropriately finished slopes will minimize any erosion that may occur on site.

11 Public Safety

During all proposed mining and reclamation activities, the site will be secured from public access via boulders across access points and/or fencing of project areas near potential dangers (e.g. quarry high walls). Additionally, conspicuous signs will be posted warning the public of site operations. The extraction site will comply with all federal (MSHA) and California OSHA mine safety regulations concerning operating standards. Workers, including contract labor, will be trained in mine safety and first aid with annual refresher courses as required by Federal and State Regulations. Any elevated minor and major quarry roads will have safety berms required to prevent equipment operators trespassing onto adverse slopes.

Upon cessation of mining activities, any high walls and quarry benches will be cleared of large rocks or other debris and remain secured from public access. Any other potential hazards within the project site will be removed prior to final reclamation. Fencing, blocked access points, and warning signs will remain to discourage public access. After reclamation activities have been completed, the site will return to vacant open space managed by the legal landowner.

12 Monitoring and Maintenance

The existing Lynx Cat Mountain Quarry site is an existing mine site with approximately 48 acres of land disturbance as of 2024. The disturbance of the existing environment is documented and tracked annually through submittal of Mining Operation Annual Reports to the California Department of Conservation – Division of Mine Reclamation, as well as annual mine inspections performed by officials of San Bernardino County.

Throughout proposed project operations, MATCON Corporation will be responsible for carrying out the Maintenance and Monitoring Program based on the San Bernardino County-approved Reclamation Plan and Conditions of Approval. The Monitoring and Maintenance Program typically consists of an annual inspection and report that assesses compliance with the Conditions of Approval, including revegetation, public safety measures, water quality, erosion controls/treatments, etc. MATCON Corporation's implementation of mitigation measures and the status and success of revegetation will be verified. In addition, MATCON Corporation will continue to submit Mining Operation Annual Reports to the California Division of Mine Reclamation as required by SMARA.

The monitoring of active and reclaimed slopes, revegetation activities, and other reclamation activities will be accomplished by San Bernardino County Officials as an essential part of their SMARA implementation.

13 Reclamation Assurance

MATCON Corporation currently has a Financial Assurance Mechanism (FAM) in the form of a Certificate of Deposit in the amount of $52,000 on file with the San Bernardino County Land Use Services Department and DMR that provides reclamation assurance for the existing operations. A draft 2023 Financial Assurance Cost Estimate (FACE) is under review with the County.

A new FACE and FAM will be established as needed to cover incremental increases in project disturbance or other changes in ongoing project operations in compliance with SMARA, Public Resources Code Section 2710 et seq. The SMARA Financial Assurance Guidelines adopted by the State Mining and Geology Board will be followed for each necessary increase in financial assurance mechanism. The Guidelines implement Public Resources Code Section 2773.1 and were adopted pursuant to the requirements of Public Resources Code Subsection 2773.1(f).

Geology

The following are excerpts from the Slope Stability Investigation, Lynx Cat Mountain Quarry, Hinkley Area prepared by CHJ, Inc., June 30, 2014. For additional information, see Appendix B.

The mine is in an unincorporated area of San Bernardino County, 14 miles northwest of downtown Barstow, California. A map (1960) and report (1967) by Dibblee include a description of the geologic formations of the western Mojave Desert and include the area of the subject quarry. The mine is located in a rocky hillside area mantled with and surrounded by aprons of unconsolidated alluvial and colluvial sediments, typical of the Mojave Desert province. The terrain in the mine area includes boulder outcrops and surface deposits/mantle of colluvium and alluvium. Bedrock types in the quarry area include Mesozoic-age quartz monzonite and quartz diorite (located off site to the east). The oldest rocks in the mine area consist of Mesozoic intrusive quartz monzonite while young colluvium and alluvium form a mantle on flatter slopes and low-lying areas of the site.

The dominant feature of the rock mass within the mine boundary is a steeply dipping, continuous and parallel north-to-south-trending joint system with the strike of these joints typically ranging between 50 and 170 degrees. Additional structures include two steeply dipping orthogonal joint systems striking between 150 and 170 degrees and 65 to 75 degrees. Together with a fourth, flat-lying, less continuous joint system, these structures constitute an orthogonal joint system common to granitic outcrops.

The granitic bedrock within the quarry area has moderately- to well-developed joint systems and few highly weathered zones. Natural outcrops include common features of arid weathering of granitic rock such as dark surface patina, exfoliation joints and orthogonal joints systems. The surface weathering profile is generally thin, extending about 3 to 5 feet below natural surface outcrop areas.

The mine site may be subject to ground shaking during earthquake events. There are no other local geologic conditions that could adversely affect the project such as Special Studies Zones, County Fault Hazard Zones, landslides, mudflows, Liquefaction Hazard Areas, differential settlement, hydroconsolidation, collapsible or expansive soils, wind erosion, water erosion, sedimentation, or inundation due to earthquake-induced dam failure.

Hydrology

The Lynx Cat Mountain Quarry is situated at an average elevation of 2,240 feet msl approximately 1 mile south of Harper Dry Lake. The closest surface water occurs in a pond at the southern edge of Harper Dry Lake about 3.3 miles northwest of the mine at an elevation of 2,030 feet msl. Water is supplied by the drilled well for onsite dust suppression. Groundwater-level measurements in the on-site well indicate groundwater elevation rises to a depth of between 200 – 820 feet bgs. with a very low water yield of 5-30 gpm. The current well was drilled to a depth of 1,040 feet bgs. It is expected that the lowest mine elevation proposed of approximately 500 feet bgs. at the end of 50 years of mining will still be well above the existing groundwater level. The quarry is situated in solid granite formation that extends well above a very deep regional aquifer. The quantity of water produced from the low flow onsite well will not permanently affect the quantity, quality, or depth of groundwater in the region.

Annual temperatures range from near 20° Fahrenheit in winter to around 115° F. in summer. Precipitation is generally less than 4" per year. The area does experience periodic heavy showers, occasionally subjecting the region to flash flooding. There are no large areas that drain into the site; water flows that occur onsite generally are from precipitation that falls directly onto the site. Throughout the proposed mining project, the only alteration of drainage patterns will be the maintenance of site- terminating flows. This will continue to result in complete retention of erosion sediments on the site. Water flows will continue to be directed into depressions (or low spots) within the working quarry area. Further, the 3-4-foot-high earthen berm constructed along the outside perimeter of the quarry will serve not only as a windbreak and barrier from intrusion but also as containment to prevent stormwater flows into or out of the quarry and processing areas. By retaining flows onsite, adverse effects to adjacent properties should continue to be insignificant.

The site is not located within a recognized floodway or 100-year floodplain but is occasionally subject to flash flooding. The inherent project design to retain rainfall within the quarry site will lessen any potential impacts of flash flooding; to a degree of preventing all erosion sediments from leaving the site. Most assuredly, the proposed project activities will not intensify flooding effects on surrounding property as the quarry is designed to collect and retail stormwater within the site.

The site lies within the Harper Valley Groundwater Basin of the South Lahontan Hydrologic Region. The Harper Valley Groundwater Basin is a 640 square mile drained by numerous ephemeral streams towards Harper (dry) Lake. Quaternary lacustrine and alluvial deposits, including unconsolidated younger alluvial fan material and unconsolidated to semi-consolidated older alluvium, can be water-bearing within the basin. The basin has a total storage capacity of approximately 7,000,000 acre-feet, and natural recharge is estimated at approximately 13,600 acre-feet per year (DWR, 2004).

Fresh water will be used at the project site for dust suppression activities and aggregate washing. Water shall be provided for project operations by the onsite well. At maximum production of operations, up to 180,000 gpd of water may be utilized for dust suppression and aggregates washing. Up to 70% of aggregate wash water (approximately use of 160,00 gpd when operational) will be recovered and recycled through a sedimentation pond system, so approximately 68,000 gallons of fresh water per day will be consumed by project operations (approximately 48,000 gpd

for washing and 20,000 gpd for dust control). Annual use is estimated at approximately 60 acre-feet/year based on 250 to 300 days of operations.

The proposed operation will not introduce any toxic substances, contaminates, or degrade the quality of groundwater in any other way. The site is also not within, or upstream of, any State or County constructed ground water recharge area. There are no stream gauging stations within the site nor are any proposed.

Drainage and Erosion Control

The Lynx Cat Mountain Quarry has been designed to provide for the complete collection and retention of any onsite water flows. The quarry has an approved Notice of Non-Applicability (NONA) General Permit To Discharge Storm Water (WQ Order No. 2014-0057-DWQ) issued by the State Water Resources Board that exempts the mine from SWPPP requirements. Additionally, the expanded quarry footprint area will have 3 to 4 ft. high earthen berms constructed along the outside perimeter of the entire site that will serve as a windbreak and containment barrier to prevent stormwater water from flowing into the site or discharging to offsite areas.

As quarry excavations progress, retention area(s) within the expanded quarry site will be graded and maintained to prevent water from discharging to offsite areas. No headward erosion from the quarry areas is anticipated due to the composition of the generally non-erodible gray granite material. Any erosion sediments will continue to be retained onsite and will not affect offsite properties. Occasional heavy rainfall is the only potential source of erosion and offsite sedimentation, and this occurrence has been anticipated and mitigated by the collection and containment of internal flows of all stormwater into the quarry. No discharge from the expanded footprint will occur once it becomes part of the quarry operation. Additionally, all other active project areas will continue to be graded and inspected monthly. Any rills and gullying will be repaired with compacted non-erodible rock materials to prevent erosion during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary will remain until evaporation and percolation have reduced the quantity of standing water onsite. Any accumulated sediments that may be deposited in the project retention area will be removed and utilized during reclamation activities.

List of Preparers

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- Focused Survey for Agassiz's Desert Tortoise Habitat Assessments Burrowing Owl/Mohave Ground Squirrel
- Revegetation Plan - 2017

Terracon
- Slope Stability Investigation – (then CHJ), June 2024
- 2024 Update of Slope Stability Report – October 2024

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- 2023 – 2024 Biological Assessments

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Acronyms

af	acre-feet
ANFO	ammonium nitrate (used for blasting_
bgs	below ground surface
BATF&E	Bureau of Alcohol, Tobacco, Firearms and Explosives (federal agency)
BLM	Bureau of Land Management
BNSF	Burlingame Northern & Santa Fe Railway
BMP	Best Management Practices
CARB	California Air Resources Board
Cal-OSHA	California Occupational Safety and Health Administration
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNPS	California Native Plant Society
COA	Conditions of Approval
CUP	Condition Use Permit obtained from San Bernardino County
CUPA	Certified Unified Program Agency (Hazardous Materials Division of the San Bernardino County Fire Department is designated as the "CUPA.")
CY, cy	Cubic yards
DEHS	Department of Environmental Health (County)
DMR	Division of Mine Reclamation
DOC	Department of Conservation

FESA	Federal Endangered Species Act
GHG	greenhouse gases
Gpd	gallons per day
H:V	horizontal to vertical; typically, in feet (slope inclination)
IMP	Interim Management Plan
ITP	Incidental Take Permit (for listed species)
LUC	Land Use Category (Countywide Plan)
Msl	mean sea level
MBTA	Migratory Bird Treaty Act (protects nesting birds)
Mt	million tons
MSHA	Mining Safety and Health Administration
MDAQMD	Mojave Desert Air Quality Management District
NONA	Notice of Non-Applicability
PCC	Portland cement concrete
RWQCB	Regional Water Quality Control Board
RC	Resource Conservation
ROW	Right-of-way (in this case from the BLM)
RLM	Resource Land Management (County LUC)
SMARA	Surface Mining and Reclamation Act
SPCC	Spill Prevention, Control, and Counter-measure
SWPPP	Storm Water Pollution Prevention Plan
UPRR	Union Pacific Railroad
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

Glossary of Terms

BACT: Best Available Control Technology – Air quality term used to describe air pollutant control equipment for equipment and facilities that produce air emissions.

Bench: Terrace or leveled area breaking the continuity of a slope. For the Lynx Cat Mountain Quarry, the benches will be 15 feet wide every 40 vertical feet with an inter-bench slope of approximately 63°.

Berm: An elongated earthen structure which acts as a barrier; e.g., to make it difficult for a vehicle or ORV to cross along the rim of a quarry/pit or along a haul road, or to redirect the flow of water.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended, the intent of which is the maintenance of a quality environment for the people of California now and in the future.

Endangered species: A species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Factor of safety: Ratio of forces resisting slope failure over forces driving slope failure.

Fine Particulate Matter: Extremely small air pollutants less than 2.5 microns in diameter that form primarily from engine combustion sources, not from fugitive dust sources ($PM_{2.5}$).

Haul road: A road used by haul trucks to haul ore and waste rock from the open pit to other locations, usually to the processing plant or to stockpiles.

Hazardous material: Substance which, because of its potential for corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness, may cause injury to persons or damage to property.

Hazardous waste: Defined in Section 1004(5) of the federal Resource Conservation and Recovery Act (RCRA) as, "…a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environmental when improperly treated, stored, transported, or disposed of, or otherwise managed."

Overburden: Material which does not meet quality specifications and other rock types encountered during excavations which will be hauled directly to overburden stockpiles to be used for reclamation.

Rare species: A species which, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environment worsens.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations (SMARA).

Reclamation Plan: A restoration plan for the stabilization and recovery of a mine site after cessation of mining for another use; generally open space or other low intensity use.

Revegetation: Establishment of native vegetation on lands that have been disturbed.

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 to ensure the highest possible water quality consistent with all demands.

Sensitive species: A plant or animal species, which is recognized by the government or by a conservation group, as being depleted, rare, threatened, or endangered.

Threatened species: Species, which, although not presently threatened with extinction, are likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Water table: The upper water level of a body of groundwater.

Cross Reference Matrix

Lynx Cat Mountain Quarry
2025 Revised Mine & Reclamation Plan
(CA Mine ID# 91-36-0049)

Surface Mining and Reclamation Act

Including references to:
ARTICLE 1. GENERAL PROVISIONS. SECTION 2710 et seq.
ARTICLE 2. DEFINITIONS. SECTION 2725 et seq.
ARTICLE 3. DISTRICT COMMITTEES. SECTION 2740 – 2741
ARTICLE 4. STATE POLICY FOR THE RECLAMATION OF MINED LANDS. SECTION 2755 et seq.
ARTICLE 5. RECLAMATION PLANS AND THE CONDUCT OF SURFACE MINING OPERATIONS. SECTION 2770 et seq., as amended
CCR TITLE 14 (REGISTER 85, No. 18-5-4-83)
CHAPTER 8. MINING AND GEOLOGY
SUBCHAPTER 1. STATE MINING AND GEOLOGY BOARD
ARTICLE 1. SURFACE MINING AND RECLAMATION PRACTIVE. SECTION 3500 et seq.
ARTICLE 9. RECLAMATION STANDARDS. SECTION 3700 et seq.

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
MINING OPERATIONS AND CLOSURE				
SMARA 2770.5	100-year flood, Caltrans contact	X	---	---
SMARA 2772 (c) (1)	Name and Address of operator/agent.		4-5	Summary
SMARA 2772 (c) (2)	Quantity & type of minerals to be mined.		1-5	Summary
SMARA 2772 (c) (3)	Initiation and termination date.		5	Summary
SMARA 2772 (c) (4)	Maximum anticipated depth of mining.		1,11	Summary; MP1
SMARA 2772 (c) (5)	Description, including map with boundaries, topographic details, geology, streams, roads, utilities.		11-19; 28; 48-50	MP1; RP1; Geology; Hydrology
SMARA 2772 (c) (6)	Mining plan and time, schedule for reclamation (concurrent or phased reclamation).		1, 5, 11-19, 36-39	MP1; RP4; Table 4
SMARA 2772 (c) (7)	Proposed subsequent use.		44	RP7
SMARA 2772 (c) (8)	Description of reclamation measures adequate for proposed end use.		36-39	RP4

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
SMARA 2772 (c) (8) (a)	Description of containment control and mine waste disposal.		24, 45	MP3; RP9
SMARA 2772 (c) (8) (b)	Rehabilitation of stream banks/beds to minimize erosion	X	---	---
SMARA 2772 (c) (9)	Impact of reclamation on future mining.		44	RP7
SMARA 2772 (c) (10)	Applicant statement accepting responsibility for reclamation per the reclamation plan.		47	RP13
SMARA 2773 (a)	Water quality monitoring plan specific to property.		26-27	MP5; NONA
SMARA 2773 (a)	Sediment and erosion control monitoring plan specific to property.		26-27	MP5; NONA
SMARA 2773 (a)	Revegetation plan specific to property. Monitoring Plan.		36-44	RP5; Appendix D
SMARA 2773.1	Performance (financial) assurances.		47	RP13
SMARA 2777	Amended reclamation plans required prior to substantial deviations to approved plans.		Informational only.	
CCR 3502 (b) (1)	Environmental setting and impact of reclamation on surrounding land uses. (Identify sensitive species, wildlife habitat, sensitive natural communities, e.g., wetlands, riparian zones, etc.).		29-35	RP1-3
CCR 3502 (b) (2)	Public health and safety (exposure).		16, 26, 46	MP1; MP5; RP11
CCR 3502 (b) (3)	Slopes: critical gradient, consider physical properties and landscaping.		11, 45	MP1; RP8; Appendix B
CCR 3502 (b) (4)	Fill materials in conformance with current engineering practice.	X	---	---
CCR 3502 (b) (5)	Disposition of old equipment		44	RP6
CCR 3502 (b) (6)	Temporary stream and water diversions shown.	X	---	---

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
CCR 3503 (a) (1)	Removal of vegetation and overburden preceding mining kept to a minimum.		36-44	RP4-5
CCR 3503 (a) (2)	Overburden stockpiles managed to minimize water and wind erosion.		15, 24, 37	MP1, 3; RP4
CCR 3503 (a) (3)	Erosion control facilities (dikes, ditches, etc.) as necessary.		26-27	MP5
CCR 3503 (b) (1)	Settling ponds (sedimentation and water quality).		45	RP9
CCR 3503 (b) (2)	Prevent siltation of groundwater recharge areas.		25-26; 45	MP3, MP5; RP9
CCR 3503 (c)	Protection of fish and wildlife habitat (all reasonable measures).		33-36	RP3; Appendices A1 – A4
CCR 3503 (d)	Disposal of mine waste and overburden (stable-no natural drainage restrictions without suitable provisions for diversion).		25-27; 45	MP3, MP5; RP9
CCR 3503 (e)	Erosion and drainage (grading to drain to natural courses or interior basins).		25-27	MP5
CCR 3503 (f)	Resoiling (fine material on top plus mulches).		36-44	RP4-5
CCR 3503 (g)	Revegetation and plant survival (use available research).		39-44	RP5; Tables 6A & 6B
CCR 3703 (a)	Sensitive species conserved or mitigated		33-36	RP3-4; Appendices A1 – A4
CCR 3703 (b)	Wildlife habitat at least as good as pre-project if approved end use is habitat.		33-44	RP3-5
CCR 3703 (c)	Wetlands avoided or mitigated at 1:1 minimum	X	---	---
CCR 3704 (a)	For urban use, fill compacted in accordance with UBC or local grading ordinance.	X	---	---
CCR 3704 (b)	For resource conservation, compare to standard for that end use		36-44	RP4-5
CCR 3704 (c)	Mine waste stockpiled to facilitate phased reclamation and separate from growth media.		36-44	RP4-5

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
CCR 3704 (d)	Final reclamation fill slopes do not exceed 2:1, except when engineering and revegetation analysis allow.		11, 45	MP1; RP8 Appendix B
CCR 3704 (e)	Final landforms or fills conform with surrounding topography or end use.		36-39; 45	RP4,8
CCR 3704 (f)	Cut slopes have minimum factor of safety for end use and conform with surrounding topography.		11, 36-39,45	MP1; RP4, 8
CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.	X	---	---
CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.		39-44	RP5; Appendix D
CCR 3705 (b)	Test plots if success has not been proven previously		42	RP5; Appendix D
CCR 3705 (c)	Decompaction of site.		36-44	RP4-5
CCR 3705 (d)	Roads stripped of road base materials, resoiled and revegetated, unless exempted.		30	RP4
CCR 3705 (e)	Soil altered or other than native topsoil, required soil analysis. Amend if necessary.		39-44	RP5, 10; Appendix D
CCR 3705 (f)	Temporary access not bladed. Barriers installed.	X	---	---
CCR 3705 (g)	Use native plant species unless exotic species meet end use.		39-44	RP5; Table 5; Appendix D
CCR 3705 (h)	Plant during correct season.		41	RP5
CCR 3705 (i)	Erosion control and irrigation, when necessary.		39-44	RP5
CCR 3705 (j)	If irrigated, demonstrate self-sustaining without for two-year minimum.	X	---	---
CCR 3705 (k)	Weeds managed.		42	RP5; Appendix D
CCR 3705 (l)	Plant protection measures, fencing, caging.	X	---	---

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
CCR 3705 (m)	Success quantified by cover, density and species-richness. Standards proposed in plan. Sample method set forth in plan and sample size provides 80 percent confidence level, as minimum.		39-44	RP5; Tables 6A & 6 B; Appendix D
CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.		26-28	MP5; NONA
CCR 3706 (b)	Water quality, recharge, and groundwater storage shall not be diminished, except as allowed by plan.		26-28	MP5; NONA
CCR 3706 (c)	Erosion and sedimentation controlled during all phases as per RWQCB/SWRCB.		26-28	MP5; NONA
CCR 3706 (d)	Surface runoff and drainage controlled, and methods designed for not less than 20 year/1 hour intensity storm event.		26-28	MP5; NONA
CCR 3706 (e)	Altered drainages shall not cause increased erosion or sedimentation.		26-28	MP5; NONA
CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.		26-28	MP5; NONA
CCR 3706 (g)	All temporary diversions eventually removed.	X	---	---
CCR 3707 (a)	Return prime ag to prime ag, unless exempted.	X	---	---
CCR 3707 (b)	Segregate and replace topsoil by horizon.	X	----	---
CCR 3707 (c)	Productivity rates equal pre-project or similar site for two consecutive years. Rates set forth in plan.	X	---	---
CCR 3707 (d)	Fertilizers and amendments do not contaminate water.	X	---	---
CCR 3708	Other ag capable of sustaining crops of area.	X	---	---
CCR 3709 (a)	Equipment stored in designated area and waste disposed of according to ordinance.		20-24; 44	MP2-3; RP6

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
CCR 3709 (b)	Structures and equipment dismantled and removed.		44	RP6
CCR 3710 (a)	Surface and groundwater protected.		26-28	MP5; NONA
CCR 3710 (a)	Surface and groundwater projected in accordance with Porter Cologne and Clean Water Acts (RWQCB/SWRCB).		26-28	MP5; NONA
CCR 3710 (b)	In-stream in accordance with CFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.	X	No in-stream mining.	---
CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, and aerial photos.	X	No in-stream mining.	---
CCR 3710 (d)	In-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits. California Fish and Game Code section 1600.	X	No in-stream mining.	---
CCR 3711(a)	All salvageable topsoil removed. Topsoil and vegetation removal does not proceed mining by more than one year.		15, 26, 36-44	MP1-2; RP4, 5, 10
CCR 3711 (b)	Topsoil resources mapped prior to stripping, location of stockpiles on map. Topsoil and growth media in separate stockpiles.		15, 26, 36-44	MP1-2; RP4, 5, 10
CCR 3711 (c)	Soil salvage and phases set forth in plan, minimize disturbance, designed to achieve revegetation success.		15, 26, 32-44	MP1-2; RP4, 5, 10
CCR 3711 (d)	Topsoiling phased ASAP. Stockpiles not to be disturbed until needed. Stockpiles clearly identified and planted with vegetation or otherwise protected.		15, 26, 36-44	MP1-2; RP4, 5, 10
CCR 3711 (e)	Topsoil redistributed in stable site and consistent thickness.		36-44	RP4, 5

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S) Mine Plan – MP Reclamation Plan – RP
CCR 3712	Waste and tailings, and waste disposal governed by SWRCB (Article 7, Chapter 15, Title 23, CCR).		20-23; 45	MP2; RP9
CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with laws.		44	RP6
CCR 3713 (b)	All portals, shafts, tunnels or openings, gated or protected from public entry, but preserve access for wildlife.		44	RP6