

CONDITIONS OF APPROVAL
PERSISTENCE MINE
RECLAMATION PLAN
CA MINE ID#

GENERAL REQUIREMENTS/INFORMATIONAL
Conditions of Operation and Procedures

LAND USE SERVICES – Planning (909) 387-8311

1. Project Description. The proposed Persistence Mine, is to operate and mine two non-contiguous pits Eastern Pit (85 acres) and Western Pit (41 acres) situated within an area covering a property area of 267 acres, with a Reclamation Plan expiration date of December 31, 2029.
2. Location. The Persistence Mine is located adjacent to U.S. Route 395 (eastern side of U.S. Route 395) and is approximately 3.6 miles south of Red Mountain and approximately 0.6 miles south of the historical township of Atolia (ghost town now).
3. Effective Dates. The Persistence Mine Reclamation Plan approval (project account No. MRP-2023-00001) shall be effective of the Reclamation Plan expiration date of December 31, 2029. At the conclusion of all mining activities, the site will be reclaimed to its current land use status on federal lands, which is 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 reviewing 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 Reclamation Plan will require submission of an additional application for review and approval. If Reclamation Plan procedures change from those outlined in the approved Reclamation Plan 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 Persistence Mine Reclamation Plan under Project No. MRP-2023-00001 shall be effective until December 31 2029 mining activities have been completed. The site will be reclaimed to its current land use status on federal lands, which is, vacant open space habitat managed by the Bureau of Land Management.
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 Reclamation Plan.
 - C) Any changes to provisions in lease agreements or real property that will affect the approved Reclamation Plan.
10. The approved Reclamation Plan. Shall be bound in a 3-ring binder and shall incorporate the approved Persistence Mine Plan of Operations by the BLM, Desert Tortoise Presence/Absence Survey prepared by ELMT Consulting June 18, 2024, Air Quality Assessment Study prepared by Cedar Creek Associates, Burrowing Owl Focused Survey Report prepared by ELMT Consulting dated July 2024 and the Special Status Plant Survey Report prepared by South Environmental May 2025. The approved 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 all legal 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 Wildlife, 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 approved 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 written notification to the applicant/operator.

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, Division of Mine Reclamation for the approved reclamation procedures. Each year, following the annual mine site inspection by the County, 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 and any financial assurance remaining funds in the account of the applicant/operator shall be returned to the applicant/operator upon final sign off by the County and Department of Conservation that the reclamation has been completed.

15. Annual Reporting. The applicant/operator shall submit a report summarizing the past year's reclamation activities to the Department of Conservation, Division of Mine Reclamation and the Land Use Services Department each year by July 1st. Mine site inspections will occur within 12-month intervals or as requested in the annual report or at other times as appropriate.
16. Project Account Funding. As determined necessary by the County and 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 MRP-2023-00001
17. Amendment. If the approved Reclamation Plan procedures change from those outlined in the Persistence Mine Reclamation Plan, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.
18. Conditions. All conditions of this revised 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.
19. 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 required 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.

20. Regional Water Quality Control Board (RWQCB). The RWQCB regulates discharge to surface waters under the Clean Water Act (CWA) 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.
21. Project Account. The Job Costing System (JCS) account number is_MRP-2023-00001. 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 written 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.
22. 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.
23. Fees. Prior to issuance of the approved Permits, all fees due under actual cost Job No. MRP-2023-00001 shall be paid in full.
24. 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. 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, mutually agreed upon by the applicant/operator and County, 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 October 1st of each year.

25. Deliveries. Transportation and delivery of materials should be conducted primarily during daylight hours when practical and restricted per BLM requirements, if applicable, in the BLM approved Plan of Operations.

26. Operation. Mining operation shifts are anticipated to be 2 x 12-hour shifts per day, 6 days a week, Monday 6am Sunday 6am. Operations will be conducted during night hours once the project is sufficiently established (6 nights per week anticipated to commence after 4 months of operation). GDG plans to run day shifts only for the first 2 months to establish the plant performance and general flow of the operation. Between months 3 and 4 GDG will establish night shifts as appropriate and monitor the progress. The ramp-up period will also allow GDG to stagger employee recruitment for the mine, as well as ensure all forms of employee training is staggered and fully completed. Approximately 10 employees are expected to be employed by the site, with up to 5 employees onsite at any one time.

A 4,000-gallon water truck with sprayer bars. Potable water will be brought to the site daily for field crews sufficient for their needs during the 12-hour shifts. The 1.4 million gallons required by the operation per month will be trucked into the mine site with approximately 6-7 'water runs' per shift with a 4,000-gallon water truck. Therefore, at any one time, GDG anticipates up to 1-1.2 million gallons of water to be stored on site based on ongoing, real-time water losses during operations.

27. Blasting. No Blasting of rock material is required for extraction.

28. 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, excavators, washplant, grizzly feeder and conveyor.

29. Agency Compliance. 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

30. 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.

31. 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).
32. 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.
33. 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.
34. Project Design Features: Project Design Features (PDFs) are aspects of the proposed project that have been designed into the mining operations.
35. 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.
36. 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.
37. 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.
38. 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).
39. 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.

40. 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).
41. 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.
42. 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 mining 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.
43. 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

44. 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.

45. 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

46. 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.
47. 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.

COUNTY FIRE – Community Safety (909) 386-8400

48. 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.
49. 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.
50. Modifications. Any changes to this proposal shall require new Fire Department condition letter.

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

51. Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
52. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner

that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

53. Drainage Improvements Note. Adequate drainage improvements should be considered to intercept and conduct the tributary off-site and on-site drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties.
54. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
55. Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel.
<http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>.
56. Endangered Desert Plants. Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application. Provide a plant protection plan or removal plan prepared by a licensed biologist to be approved by the County LUS. Per the County General Plan Environmental Impact Report, provide a biological report and associated plan (uploaded as a separate attachment in the EZOP record) that shows any protected species including plant species with stems two inches or greater in diameter or six feet or greater in height including but not limited to those listed in: § 88.01.060 Desert Native Plant Protection. See related link
<https://countywideplan.com/resources/document-download/>
https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf?x2342
https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-175924
57. Recreational Vehicle Requirements. Any RV stored within a 100-year floodplain for a natural watercourse shall be of a “temporary” nature. An RV is only considered temporary if it meets all of the following criteria:
 - i) built on a single chassis,
 - ii) 400 square feet or less,
 - iii) designed to be self-propelled or permanently towable by a light duty truck and,

- iv) iv) designed for temporary uses like recreation, camping, travel, and seasonal. If a vehicle meets these criteria as a “temporary” RV and is onsite for fewer than 180 consecutive days or must be fully licensed and ready for highway use, then no floodproofing is required. Otherwise, the RV shall be floodproofed to meet the elevation, anchoring and erosion protection requirements of a manufactured home in a 100-year floodplain and adequate drainage paths shall be provided around the RV.

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

LAND USE SERVICES – Planning (909) 387-8311

- 58. Bureau of Land Management. Authorization for site access shall be provided from the U.S. Department of the Interior, Bureau of Land Management, Ridgecrest Office Field Office (BLM) prior to initiating new land disturbance activities affecting APN 0503-341-01.
- 59. Reclamation Documentation. Prior to authorizing a proposed expansion of the operations, the approved Reclamation Plan text and maps shall be revised to reflect the project as approved by the Planning Commission.
- 60. Project Boundary Verification. Prior to new ground disturbance, a Licensed Land Surveyor shall be employed to determine the property corners and project boundaries using PVC stakes. For each corner, GPS coordinates (or other similar technology) shall be provided in a format acceptable to the County. A final confirmation of the work performed and completed shall be provided to Land Use Services/Mining Division by the Licensed Land Surveyor.

PUBLIC WORKS – Surveyor – 909 387-7910

- 61. 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 of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
- 62. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners;

- b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PUBLIC WORKS – Traffic – 909 387-4374

63. Caltrans: Site Grading and Drainage

If any future development is anticipated to impact State facilities drainage system, consider the following when development occurs:

1. Site detention strategies that eliminate site runoff contaminants.
2. If determined necessary, future review of project drainage design will include an evaluation of runoff impacts to adjacent State R/W. Where applicable, compliance with pertinent National Pollutant Discharge Elimination System (NPDES)/water quality standards will be required. Prior to issuance of construction permits, please forward copies of site grading and drainage plans when available so that we may determine the extent of project impact to the adjacent State right-of-way.
3. Ensure that “best management practices” (BMP’s) used to treat site runoff entering State R/W are in compliance with all applicable National Pollution Discharge Elimination System (NPDES) or State Regional Water Resources Board regulations.
4. All existing tributary areas, area drainage patterns and runoff volumes having an impact to adjacent US-395 drainage facilities must be identified and analyzed in a project hydrology study.

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

64. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C2025H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible.
65. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics www.swrcb.ca.gov

66. Regional board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID#. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
67. On Site Flows. On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
68. Streambed Alteration Agreement. California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at: <https://www.wildlife.ca.gov/Conservation/LSA>.

**PRIOR TO MINING OPERATION, THE FOLLOWING CONDITIONS
SHALL BE MET**

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

69. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

COUNTY FIRE – Community Safety (909) 386-8400

70. Fire Apparatus Access. Roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be 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.
71. Fees. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division

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

COUNTY FIRE – Community Safety (909) 386-8400

76. 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. 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.

LAND USE SERVICES – Planning (909) 387-8311

77. 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.
78. 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.
79. 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.
80. 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.

81. 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.
82. 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. Any changes to the approved plans shall require a Revision Application.
83. 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.

84. Recycling Material. Processing and/or stockpiling of recycled materials is not permitted on site.
85. 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.
86. 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.
87. 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.
88. 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.
89. Advertisement. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.
90. 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:

- A. How am I driving?
- B. Truck number.
- C. Company phone number.

On the side of the truck:

- A. Company name.
- B. Truck 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.

91. Site Lighting. Non-portable plant equipment and structures are restricted to a maximum of 35 feet in height above natural grade level.
92. 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.
93. 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 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.

- 94. 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.

PRIOR TO FINAL CLOSURE
Following Conditions Shall Be Met

LAND USE SERVICES – Planning (909) 387-8311

- 95. 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.
- 96. 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.
- 97. 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.
- 98. 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.
- 99. 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.

100. 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.

California Department of Fish and Wildlife

101. California Department of Fish and Wildlife (CDFW). Applicant/Mine Operator will continue to consult with and provide clarity to the California Department of Fish and Wildlife regarding CDFW's comments and recommendations as they pertain to the Reclamation Plan in the attached CDFW letter sent to the County, dated August 15, 2025, during the 30-day public comment period. Exhibit J (attached) of Planning Commission Package dated September 18, 2025.
102. Crotch's bumble bee. The Project proponent shall conduct a Crotch's bumble bee habitat assessment consistent with the 2023 Survey Considerations for Candidate Bumble Bee Species to evaluate the likelihood of Crotch's bumble bee occurring within and adjacent to the Project area. The habitat assessment shall be conducted by a qualified biologist knowledgeable of foraging, nesting, and/or overwintering habitat for Crotch's bumble bee.

If the habitat assessment identifies suitable foraging, nesting, and/or overwintering habitat for Crotch's bumble bee, focused surveys shall be conducted within the Project area and within 100-feet of the Project area prior to the start of Project activities. Surveys shall be conducted using the survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected, impacts to Crotch's bumble bee shall be fully avoided or a CESA ITP should be obtained.

CONCLUSION OF CONDITIONS