



LAND USE SERVICES DEPARTMENT

Planning Division

San Bernardino Office

385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415

Phone: (909) 387-8311

Fax: (909) 387-3223

Hesperia Office

15900 Smoke Tree St.
Hesperia, CA 92345

Phone: (760) 995-8140

Fax: (760) 995-8167

www.sbcounty.gov/uploads/LUS/Planning/Applications/MiningReclamationPlanCUP.pdf

MINING AND RECLAMATION PLAN CONDITIONAL USE PERMIT INFORMATION SHEET AND APPLICATION

Fees/Deposit:

Actual Cost Initial Deposit (L629)	\$9,900.00
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PLEASE NOTE: *This is a deposit only. The basic review fees for this application are charged on an “actual cost” basis. Your project will be charged at the hourly and mileage rate(s) as provided in the County Code Section 16.0228B(b) (\$64 to \$250/hr) as well as any other costs incurred by the County in processing your project. These costs include, but are not limited to, any required advertising, mailings, and notices. Other divisions and departments will be charging to the deposit listed above. You are responsible for all charges made to the project account. If account funds are depleted, an additional deposit will be required. If an additional deposit is required, it must be paid to allow staff to continue processing. Any failure to pay the required deposit will result in suspension, and possible termination of the project review process as well as sending your account to collections. After the review is completed, a minimum deposit balance will be required for condition compliance processing. For more information on fees, please review the County Fee Ordinance and contact County Planning.*

In addition to the deposit listed above, other fees may be required for reviews by County Fire, Environmental Health Services, Code Enforcement, Surveyor, Public Works and special report reviews by Building and Safety. State Fish and Game fees as noted on the attached pages may be required before your project can be approved.

Mining Activities and Administration Requirements: (Refer to Division 8, Chapters 82.17 and 88.03 of the County Development Code, Public Resources Code Sections 2207 and 2710 et seq., and California Code of Regulations Section 3500 et seq. – the statutes and state regulations are collectively known as the Surface Mining and Reclamation Act of 1975, “SMARA”).

The provisions of SMARA are made part of the County Development Code by reference with the same force and effect as if the provisions were specifically and fully contained in the Development Code; except that when the provisions of the Development Code are more restrictive than corresponding State provisions, the Development Code shall prevail.

General Business:

No person shall conduct surface mining operations unless the County has first approved a Mining Conditional Use Permit and/or Reclamation Plan and Financial Assurances. For recognition of vested rights and acknowledgment of certain exemptions relating to these requirements, refer to Division 8, Chapter 88.03 of the Development Code or contact County Planning/Mining staff. The County’s regulations implement and enforce SMARA requirements where applicable. The intent of the Development Code and SMARA is to create and maintain an effective and comprehensive surface mining and reclamation policy with appropriate regulation of surface mining-related activities so as to assure that:

1. Adverse environmental effects are prevented or minimized;
2. Mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses;
3. The production and conservation of minerals are encouraged, while preserving values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment;

4. Residual hazards to the public health and safety are eliminated;
5. Granting of any exceptions will not result in creating a nuisance or conflict with existing laws or ordinances.

The Mining and/or Reclamation Plan shall describe the phasing of reclamation in relation to the phases of the mining operation. When mining operations cease, the landowner and/or the mining company shall be responsible for the commencement and completion of reclamation in accordance with the approved reclamation plan.

The Mining Conditional Use Permit and/or Reclamation Plan application and process provides the County the opportunity to review the proposed project before its implementation. Conditions of Approval may be required of the project prior to its final approval or implementation.

The Mining Conditional Use Permit and/or Reclamation Plan will be reviewed by the Planning Director and considered by the Planning Commission by means of a public hearing. Actions of the Planning Commission may be appealed to the Board of Supervisors within ten days following the date of the action. Appeals must be made by means of a separate application and may require an additional fee. Action by the Board of Supervisors is final.

Along with the completion of the application that is included with this Information Package, **if required**, you will be asked to submit:

1. A Biota Report covering the entire project area including the area to be mined, processing and stockpile areas, equipment maintenance and storage areas, and private access roads.
2. A Cultural/Historic Resources Study, Traffic Study, Drainage Study, Water Supply Study, Surface and Groundwater Study, Air Quality Study, Mineral Resource Analysis, Geologic Report, Soils Report, Liquefaction Report, and a Slope Stability Analysis.
3. A Mining/Reclamation Operating Plan – an outline for the plan is included with this Information Package.
4. Two Plot Plans (one mining plot and one reclamation plot) – **details to be on the plan** are included in the respective checklists.

Please review Public Resources Code Section 2772 and use this information sheet to develop a checklist and assemble the materials that will be required for the submittal of your Mining Conditional Use Permit and/or Reclamation Plan application and bring it with you when you submit your application (California Department of Conservation, Division of Mine Reclamation has developed a Reclamation Plan content checklist in addition to a list of general considerations at:

http://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly_reports.aspx).

GENERAL PROCEDURES

1. Submit application and fees – County staff will use the checklist to determine whether your application may be accepted as complete. The County's Mining/Reclamation Plan Conditional Use Application must be filled out and is contained in this packet.
2. Determination of Application Completeness – County staff will determine whether the materials you have submitted are adequate or if additional materials or reports are required.
3. Environmental Action Determination – County staff will prepare an Environmental Initial Study in compliance with the California Environmental Quality Act (CEQA). It is through the Initial Study that the determination is made as to what type of environmental determination will be required. If an Environmental Impact Report (EIR) is required, staff will contact you to explain the process and the costs.
4. Application processing – The project planner will have the project and materials reviewed by all appropriate departments and agencies. Public Resources Code Section 2772.1(b)(1) allows the Division of Mine Reclamation opportunity to determine completeness within 30 days receipt of the application materials before the County can complete the review. Any required corrections, questions or revisions to the plans or other materials will be reviewed by the project planner and then provided to you.
5. Recommendations, conditions of approval and final report – The project planner will prepare these materials for consideration by the Planning Director before Planning Commission action.

CHECKLIST OF SUBMITTAL MATERIALS

Please utilize this checklist as you assemble the materials for the submittal of your application. The reclamation plan shall include a table of contents or chart identifying the page number, chapter, appendix, or other specific location in

the reclamation plan where the content is intended to meet SMARA and Development Code requirements as applicable. **If your submittal package does not contain all of the information listed below, your application will not be taken**

in and receipted for processing. If you have any questions about the items requested or if you wish to obtain information on processing schedules, please call the Application Intake Center at (909) 387-8311.

Maps, diagrams or calculations that require preparation in accordance with the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code), and the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee.

Section A – Fees/Deposit

1. X Check or money order made payable to San Bernardino County for the amount of **\$9,900.00**.

Provide one copy of the following receipts or a letter from the agency stating such fees are not applicable:

2. N/A **Receipt** from the Environmental Health Services Division (DEHS) of payment of required review fees. Contact DEHS at (800) 442-2283 for fee amount, applicability and payment prior to application submittal
3. N/A **Receipt** from the appropriate fire jurisdiction of payment of required review fees. You may contact County Fire at (909) 386-8400 to see which jurisdiction you're in..

Note: If your project is within a designated Geologic Hazard Area, you may be required to pay the Building and Safety Division review fees to review any required geologic reports. You will be notified when you will need to complete this part of the process. The fee amount will be established by the County Fee Ordinance.

The fees listed above (2 - 3) for DEHS, County Fire and Building and Safety are in addition to the "actual cost" deposit. Additional fees will be required if there is an appeal action.

Section B - County Documents:

4. X **Two copies** of the completed Mining/Reclamation Conditional Use Permit Application.
5. X Completed Hazardous Waste Site Certification form contained in this packet.
6. X Signed and **notarized** original of the Statement of Responsibility for all owners of the property
7. X **One completed** Financial Responsible Party Information form.

Section C – Other Documents:

8. X **One copy** of the recorded Grant Deed for EACH parcel, or deeded easement. A notarized copy of any lease for the site or road easements.
9. X **One copy** of the appropriate assessor's map obtained from the Assessor's Office.
10. X **One copy** of the United States Geological Survey (USGS) Map of the project area clearly showing project boundaries and labeled with the quadrangle map name and applicant's name. The USGS map may be purchased at a local blueprint company and is not available at County offices. **(NO ENLARGED COPIES)**
11. N/A **One copy** of any letter or document received from the County or other agency regarding this project.
12. N/A **One copy** of approved BLM Plan of Operations/ Material sales contract/ National Environment Policy Ack. (NEPA) Record Discsion (RD)

Section D – Mining and Reclamation Plan:

13. X **Two copies** each of the Mining and Reclamation Plans. Refer to the checklist for the requirements included with this Information Package. Additional copies may be required.

Section E - Special Studies:

14. X **One copy** of any biota report (see approved Biologist List) covering the entire project area including areas to be mined, processing and stockpile areas, equipment maintenance and storage area and private access roads.
15. X **One copy** of any other studies prepared for this project. If, applicable.

Section G – Financial Assurance Estimate and Financial Instruments:

18. X **One copy** of the Financial Assurance Cost Estimate.

Section H – Additional Materials

Technical studies for traffic, noise, hazardous materials or other issues may be required to process your application. You may check with Land Development Traffic at (909) 387-8186, County Fire Hazardous Materials at (909) 386-8401 prior to submittal to see if these studies will be required.

Section I – Mining Plot Plan: The plot plan is a drawing to scale at 1" = 200' on one sheet (minimum size of 24" x 36") of the entire land parcel showing buildings, improvements, other physical features and all dimensions. Remember that reviewing parties and Planning Commission are not familiar with the property and will need this information to evaluate your project. **If the plans are not legible or do not contain the information listed below, your application will not be accepted for processing.** Submit two copies of each plan. Use the following checklist to be sure that your plans include all of the required elements.

Mining Plan Checklist:

1. X **Identification:** Indicate names, addresses and telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer, lessee, date of map preparation and date of latest map amendment, if applicable. Also, include the name of the Mine and California Mine ID Number (if assigned), and the mineral(s) to be mined.
2. X **Utilities:** Indicate names, address and telephone numbers of – water company – sewage disposal – electric – gas – telephone. If no utility company, indicate method of supply.
3. X **Legal Description:** Complete legal description of the property including number of acres. Include the Assessor's Parcel Number (APN). If a portion of a large parcel is being developed, include a detailed legal description of that portion.
4. X **North Arrow:** Indicate north (pointing to top or right hand side of the plan), date of drawing and the scale. Use an Engineer's Scale (1" to 200',)
5. X **Dimensions:** Show all property lines and dimensions. Also, show boundary lines of the Mining area within property line dimensions if only a portion of the property is being utilized. The property corners must be staked in the field, surveyed with GPS coordinates and easily identified by inspection personnel.
6. **Legend:** Include a legend depicting all lines and symbols.
7. X **Roads/Easements:** Indicate location, names, centerline, gradients, widths of streets, and recorded road, utility, and drainage easements on the property. **If none exist, indicate by a note that no easements exist.** If the property not on a road or easement; show access to property.
8. X **Drainage:**
 X Show the location, width and **direction of flow** of all drainage courses on site.
 X Show the location and details of all facilities to control on-site storm runoff, erosion and sedimentation such as water courses, culverts, drainpipes, settling ponds, retarding basins, ditches and dikes, including gradients.
9. X **Grading/Topographic Information** - Show existing surface contours on-site and bordering the mined and disturbed areas.
10. X **Land Use District:** Indicate Land Use District zoning for project and all adjacent property.
11. X **Structures (Adjacent Areas):** Indicate any existing development on adjacent property. Show distance of existing structures on adjacent properties that are within 20 feet of the project property line. Indicate

type of construction and approximate age (if known) of any existing structures. – **If none exist, please note on the plan.**

12. X **Structures (Mining Area):** For all existing and proposed structures, including but not limited to power poles, towers, fences, trash enclosures, signs, septic systems, and processing equipment:

X Locate by distance in relation to other structures and property lines, and indicate existing structures that are to remain or to be removed.

X Indicate height, building footprint dimensions including eave overhang projections, square footage of each story and number of stories.

X Indicate the type of construction for both proposed and existing structures.

13. X **Vicinity Map:** Show location within the general vicinity, indicating nearest cross streets and community name.

14. X **Signage:** Provide a dimensioned side elevation of any proposed identification sign including the proposed “copy” (wording). Include distance from both top and bottom of sign to grade. Refer to the County Development Code for information on allowable type and size of sign. **If no sign is to be built, please note on plan.**

15. X **Parking:** Show all parking areas in detail for structures within Mining boundaries; dimensions and indication of surfacing materials.

16. X **Plant and Tree Protection:** If no protected or endangered trees exist on the site, **please note on the plans.** Show location, number, size, and type of all native trees, including unbranched cacti, yuccas, palms and Joshua’s, and indicate whether any of the following trees are to be removed, salvaged and/or transplanted:

Valley or Mountain Areas – Six inches or greater in diameter or 19 inches in circumference measured at 4.5 feet above average ground level of the base.

Desert Areas – All Joshua trees and all species of century plants, Nolinias and yuccas; Creosote rings that are 10 feet, or greater in diameter; Smoke tree’s and Mesquites that are two (2) inches or greater in diameter, and six (6) feet or greater in height. All plants protected by the State Desert Native Plants Act shall be protected in accordance with that ordinance.

Deceased salvaged or transplanted plants will require replacement with nursery stock.

17. X **Mining Operation:**

X Show the mine design, including ramps.

X Depict separate mining phases where applicable.

X Show the location of mine with dimensions from property lines.

X Show Mine design ground surface contours.

X Show maximum and minimum elevation of the mining operation and bench elevations.

N/A Show the location of processing and storage areas.

N/A Show the location of operating equipment and structures.

X Show the boundaries of areas to be mined, waste dumps, stockpiles, tailing ponds, retarding basins, and settling ponds including crest, toe and slopes.

N/A Show a detailed drawing of plant site and buildings.

X Show the proposed dates for the initiation and termination of mining.

18. X **Cross Sections:** (1” = 50”) Show the progression of stripping and excavating including elevations and dates or phases. Show the overburden, mineral deposits, groundwater level at mean sea level (MSL) and details of the working face of the operation. Provide at least one cross section through buildings and processing equipment.

Reclamation Plan Checklist: scale (1” to 200”) Mines that have not been active but date back prior to January 1, 1976 which have been established by vested rights only needs a Reclamation Plan (Note: “Vested Rights” can only exist when recognized in a Public Hearing). A Reclamation Plan is a separate dimensioned drawing, to scale, on one sheet of at least 24” x 36”. The following information must be included on the Reclamation Plan. All written information should be shown across the bottom or along the right hand side of the drawing.

1. X **Identification:** Indicate names, addresses and telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer,

- lessee, date of map preparation and date of latest map amendment. Also, include the name of the Mine, Mine ID # and the Mineral to be mined.
2. **Utilities:** Indicate names, address and telephone numbers of – water company – sewage disposal – electric – gas – telephone – If no utility company, indicate method of supply.
 3. **Legal Description:** Complete legal description of the property including number of acres. Include APN's. If a portion of a large parcel is being developed, include a detailed legal description of that portion.
 4. **North Arrow:** Indicate north (pointing to top or right hand side of the plan), date of drawing and the scale. Use an Engineer's Scale (1" to 200',)
 5. **Dimensions:** Show all property lines and dimensions. Indicate boundary lines of mine within property if only a portion of the property is being utilized. The property corners must be staked in the field and easily identified by inspection personnel.
 6. **Legend:** Include a legend depicting all lines and symbols.
 7. **Land Use District:** Indicate Land Use District for project and all adjacent property.
 8. **Vicinity Map:** Show location within the general vicinity.
 9. **Reclamation Plan:**
 - Show the boundaries of disturbed areas to be reclaimed, including acreage.
 - Show reclaimed ground surface contours.
 - Show original and post reclamation drainage including critical areas within or near the project areas such as lakes, streams or wetlands. Show **direction of flows with arrows.**
 - Show erosion and sediment control structures or treatment such as water bars, berms, siltation ponds, diversions, etc.
 - Show a Revegetation Plan including names of plant species, size and spacing of plants, and the method of planting and irrigation.
 - Show the ultimate physical condition of the site and specify proposed uses or potential uses of the mined land after reclamation.
 - Indicate the time frame for completion, for reclaiming the land.**
 - Show post-mining safety features such as fences, gates, signs, etc.
 10. **Show cross sections: (1" = 50").** Throughout the reclaimed mined and disturbed areas, waste dumps, tailings, ponds, and building sites. Establish Ground water level by mean sea level (MSL)

SURFACE MINING CUP/RECLAMATION TEXT OPERATING PLAN OUTLINE

The following information should be submitted in written form and supplemented with graphics to illustrate descriptions.

Some items may not pertain to your operation and should be identified. All other information is required at the time of filing.

PROPRIETARY INFORMATION SHOULD BE CLEARLY IDENTIFIED AND SUBMITTED SEPARATELY. THE INFORMATION WILL NOT GO INTO THE PUBLIC FILE IF HANDLED IN THIS MANNER.

MINING

1. **Mining Operation Introduction** - Describe the proposed mining operation, and history of the area if known; include how the removal of vegetation and overburden will occur and where it will be stockpiled; how the mineral commodity will be extracted and the equipment that will be used; any proposed phasing of the operation, including dates.
2. **Mine Waste: Describe**
 - a. The type(s) of waste to be produced, i.e., topsoil, overburden, tailings, sediment, waste rock, domestic garbage, chemicals, oil and grease, etc.
 - b. The amount of each type of waste to be produced per year and during the life of the operation.
 - c. The disposal method and site, for each type of waste.
3. **Describe the Planned Ore Processing Methods to be used on Site** - Dry screening, flotation, amalgamation, wet screening, crushing/grinding, washing, mechanical separation, smelting, leaching, batch plant, other.
4. **Production Water Data** -
 - a. **Fresh Water** - State the maximum and average quantity of water to be used in gallons per minute and acre-feet per year. Indicate all sources of water (including drinking water), such as wells, ponds, diversions, municipal water supply, etc. State how much water will be recycled and how much will be fresh/day. Provide documentation for legal procurement.
 - b. **Wastewater** - Indicate the volume of excess or wastewater in gallons per minute, or acre feet, that will have to be contained and/or disposed of during the mining operation. Include excess processing water, mine drainage, storm runoff from disturbed or utilized areas and any other water which will be handled on the site. Describe possible contaminants, including processing chemicals, detergents, acid drainage, turbid (muddy) water, fuel oil or gasoline, and runoff water which may contain fertilizer or other soil amendments. Describe the disposal methods.
5. **Erosion and Sedimentation Control** - Describe methods to prevent erosion and/or sedimentation of adjacent property due to waters discharged from the site. Also describe methods to protect stockpiles of mined materials from water and wind erosion.
6. **Blasting** - Describe the procedures for the storage of explosives and methods to reduce any blasting effects on off-site structures or residents.

RECLAMATION

1. **Land Use** - Describe existing land use of site and surrounding area, including distance to the nearest development.
2. **Visibility** - Describe the visibility of the proposed operation from surrounding area, considering highways, residences, commercial developments and recreation areas. Discuss proposed mitigation, considering landscaping, berms, fences modification of operation, etc.
3. **Vegetation** - Describe the type of vegetation which grows on and around the site. This can be checked with the U.S. Soil Conservation Service or the San Bernardino County Agricultural Commissioner. State the number of trees on site with a 6" or larger diameter trunk, at the base. (Note Joshua and Yuccas on the plan)
4. **Wildlife** - List species occurring on and around the site.
5. **Reclamation and Reclamation Schedule** - Describe how all disturbed areas will be reclaimed (backfilled, regraded, topsoiled, and revegetated, etc.) Provide a schedule of the phasing of the reclamation, dates for each phase, and a description of the treatments. Indicate when reclamation is expected to begin (month and year or phase) and when it will be completed. If reclamation is to be accomplished concurrent with mining, indicate at what time during the mining process or phase (give approximate dates) it will be undertaken and accomplished. Explain what reclamation will be undertaken in each phase. Describe the time lag which will occur between completion of each mining phase and the beginning of reclaiming the land which was subject to that mining phase.

6. **Revegetation** - Describe plant species and/or seed to be used; rate of seed application and/or spacing of plants; planting methods; time of year for planting; types and amounts of fertilizers, mulch, lime, etc.; site preparation (ripping, disking, soil additives, etc.); and irrigation system.
7. **Cleanup** - Describe methods and timing for removal, disposal or utilization of residual equipment, structures, refuse, etc.
8. **Post-Reclamation and Future Mining** - Describe what the mined site will look like after it has been reclaimed. Describe how reclamation of site may affect future use of the property and adjacent or nearby property for mining purposes. Describe proposed subsequent uses for the reclaimed mined land as reclaimed.
9. **Slopes and Slope Treatment** - Discuss how cut and fill slopes, waste piles, and tailings will be stabilized to prevent landslides, earth flows, rock falls, and erosion (i.e., revegetation, benching, scaling, slope reduction, etc.)
10. **Ponds, Reservoirs, Tailings, Wastes**
 - a. Describe how ponds, tailings, and/or mine wastes will be reclaimed (regraded, dewatered, capped, revegetated, removed, etc.).
 - b. If any dams or embankments are to remain after reclamation, describe type of dam, permeability, foundation characteristics, stored volume and design criteria (including design criteria for seismic hazards); provide a cross section through dams or embankments showing design characteristics.
11. **Soils and Fine Textured Waste** - Describe the soils on the site. Describe the method of removal, storage, and replacement of topsoil; the mean thickness of topsoil or fines on the site before and after reclamation; determine whether soil or mine waste needs to be supplemented to encourage plant growth.
12. **Drainage and Erosion Controls** - Describe how post-reclamation drainage will differ from the original site condition; discuss the possible effect of changes in the drainage on runoff, erosion sedimentation, streamflow, and streambank stability.
13. **Public Safety** - Describe what measures will be taken to ensure public safety (fences, gates, signs, hazard removal, etc.)
14. **Monitoring and Maintenance** -
 - a. Describe any baseline monitoring that has been done to document present environment.
 - b. Describe maintenance program to ensure that revegetation is successful, and that public safety measures, water quality, erosion control treatments, etc., are maintained.
 - c. Indicate who will be responsible for carrying out the maintenance and monitoring program.
15. **Reclamation Assurance** - Describe financial assurance mechanism(s) to guarantee reclamation of the site (bonding, letter of credit, trust fund, etc.).

GEOLOGY

1. **Describe geology** of the site and surrounding area, considering principal rock formations, overburden materials, principal ore minerals and principal non-ore minerals.
2. **Describe any geologic conditions which could adversely affect the project**, considering earthquake faults, Special Studies Zones, County Fault Hazard Zones, ground shaking, landslides, mudflows, Liquefaction Hazard Areas, differential settlement, hydroconsolidation, collapsible or expansive soils, wind erosion, water erosion, sedimentation, and inundation due to earthquake-induced dam failure. Discuss proposed mitigation. Provide a copy of a Geologic Map covering the project site.

HYDROLOGY/GROUND WATER

1. **Surface and Groundwater:**
 - a. Describe the climatic conditions in and around the site, including annual rainfall and temperature extremes.
 - b. Describe drainage patterns on the site, size of area that drains into site, proposed alteration of drainage patterns.
 - c. Describe methods for positive drainage through the site and efforts to minimize adverse effects on adjacent property.
 - d. If site is within a recognized floodway, 100 year floodplain, or an area subject to flashflooding, then describe methods to protect project from flood damage and to insure that project will not intensify flooding effects on surrounding property.
 - e. Describe groundwater, depth, permeability fault barriers; structural constrictions in the basins, quantity, quality, and direction of flow.
 - f. If groundwater is pumped by wells for use on, around, or downstream of the site, describe any adverse effects that may occur to the quantity, quality, or depth of groundwater, and methods to minimize these effects.
 - g. If site is within or upstream of a groundwater recharge area, discuss the potential for the project to increase siltation or recharge area or to otherwise decrease its absorptive qualities. Describe methods to protect recharge area from these effects.

- h. If the operation will introduce any toxic substance, contaminate, or otherwise degrade the quality of stream runoff or ground water from the site, then describe methods to minimize these effects.
- i. If there are any stream gauging stations within the site, then describe methods to preserve or relocate the stations. Coordinate with the following agencies' County Flood Control, Water Conservation District Office, or the United States Geological Survey in San Bernardino.

Maps to be Included and Referenced in Mining CUP/Reclamation Plan Outline

1. **General Location Map** - (Included in application) Show the projects general location in relation to San Bernardino County. (Scale is approximately 1"=20 miles) Figure 1.
2. **Vicinity Map** - (i.e., AAA Map of Southern California, San Bernardino) Show the projects location in relation to Towns, Highways, or other major reference points. Show access route into property. This is the same map that is made a part of the Mine and Reclamation Plot Plans. (Scale is approximately 1"=6.25 miles) Figure 2.
3. **Extent of Holdings Map** - U.S.G.S. Quadrangle Map. (7.5 minute series) Show the extent of all property leased, owned, patented, unpatented, or otherwise under your control. Show all access roads. All points must be easily referenced to a section line. Show how each portion of the land is owned. Show file number and boundaries of any property already permitted. (Figure 3)
4. **Location map** - Show the limits of the holdings to be permitted. Show all access roads. (Figure 4)

FINANCIAL ASSURANCE FORMS AND GUIDELINES

Public Resources Code Section 2773.1 requires a reclamation financial assurance cost estimate for review on a form approved by the State Mining and Geology Board, which can be found at the California Department of Conservation, Division of Mine Reclamation's website at:

http://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly_reports.aspx

REFERENCE DEFINITIONS

1. AB 3098 List. The Division of Mine Reclamation periodically publishes a list of mines regulated under SMARA that meet provisions set forth under California's Public Resources Code, Section 2717(b). This list is generally referred to as the AB 3098 List, in reference to the 1992 legislation, that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mining operations that are not on the AB 3098 List from selling sand, gravel, aggregates or other mined materials to state or local agencies.
2. 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, slats, alumina, silica, alkali, topsoil or growth medium, organic humus and gems represent the aggregate of different materials.
3. Produced Minerals. Produced Minerals as defined in California Code of Regulations (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).
4. Construction and demolition. (C&D) is waste material that is produced in the process of site clearing activities, construction, renovation, or demolition of structures of all types to include roads and bridges. Waste material includes, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick.
5. Exploration or prospecting. 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.
6. Surface Mining 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 the same).
7. 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.

NOTE:

On April 18, 2016, Governor Edmund G. Brown Jr. signed [SB 209](#) (Pavley) and [AB 1142](#) (Gray) into law and thereby enacted significant changes to SMARA. A number of components of reclamation plans, among other measures changed including the replacement of the Office of Mine Reclamation (“OMR”, a department that was created in 1991 within the California Department of Conservation) with the Division of Mine Reclamation (DMR). Many SMARA-related documents may still reference OMR, which now shall serve as inference to DMR for most instances.

END OF OUTLINE

Note: State Fish and Wildlife fees may be required before your project can be approved.

If your project is subject to these fees, you will have to submit your payment (<https://www.wildlife.ca.gov/Conservation/CEQA/Fees> depending on project specifics) to the Clerk of the Board of Supervisors within five (5) days after the date of conditional approval. The project planner will then be able to complete the final paperwork at the appropriate time.

If you have any questions concerning the Environmental Filing Fee due to the State, please visit the California Department of Fish and Wildlife Web-Site:

<https://www.wildlife.ca.gov/Conservation/CEQA>

No Effect Determination (NED) Process. For additional explanation to the regulations and procedures regarding NEDS, please see the No Effect Determinations Detailed instructions at the following link: <https://www.wildlife.ca.gov/Conservation/CEQA/NEDhtml>

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

801 K Street, MS 09-06
SACRAMENTO, CA 95814-3529
(916) 323-9198
(916) 322-4862 FAX

OCTOBER 3, 2012

Telecommunications
Device for the Deaf
(916) 324-2555

TO SURFACE MINING APPLICANTS:

The Surface Mining and Reclamation Act (SMARA) require mine operators to obtain a permit from the lead agency and a lead agency approved reclamation plan and financial assurance before conducting surface mining operations. Additionally, Public Resources Code Section 2207 and California Code of Regulations Section 3697 require a new mining operation to submit an initial report to the Department of Conservation (Department) before one of the following occurs:

- 1) COMMENCEMENT OF OPERATIONS or
- 2) 30 DAYS FROM PERMIT APPROVAL

These requirements apply to all mining operations in the State, including operations on Federal lands such as the Bureau of Land Management and U.S. Forest Service. SMARA defines lead agencies as the city or county that has approval authority for the operation or reclamation plan.

The Department's office of Mine Reclamation has supplied lead agencies with the New Mining operation Report form (MRRC-3). Please contact your lead agency or this office to obtain the form and instructions. As stated in the instructions for this form, the completed report with the required reporting fee should be sent to the following address:

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Since the State Mining and Geology Board can annually adjust the initial reporting fee, this office should be contacted to determine the current reporting fee required. The initial reporting fee adopted by the Board for 1995 is \$500.

Public Resources Code Section 2207 requires that once an operation is permitted, annual reports and reporting fees must be filed with the Department up to and including the year reclamation is certified complete by the lead agency. Currently, the annual reporting fee ranges from \$50 to \$2,000, depending on mine status and production.

If you have question regarding SMARA, the Public Resources Code, or the California Code of Regulations requirements, please contact your lead agency or this office at (916) 323-9198.

MINING/RECLAMATION CONDITIONAL USE PERMIT APPLICATION

DATE: 12/5/19

This application is for a: (check where applicable)

- Mining operation Asphalt batch plant Reclamation Plan
 Milling operation Concrete batch plant Other _____
 Sand/gravel pit Screening plant _____

1. Applicant: Vulcan Materials Company - Western Division (contact: Jim Gore)
- Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)
gorej@vmcmail.com
E-mail Address Fax No.
2. Engineer/Representative: Sespe Consulting, Inc. (contact: Brian Anderson, P.G.)
- Mailing address: 1565 Hotel Circle South, Suite 370
Street/P.O. Box
San Diego, CA 92108 (619) 894-8669
City State Zip Telephone (8 A.M.-5 P.M.)
3. Land owner: Arundel Company, LLC (**see attached land owners/mineral rights ownership list**)
- Mailing address: 1200 Urban Center Drive
Street/P.O. Box
Birmingham, AL 35242 (205) 298-3000
City State Zip Telephone (8 A.M.-5 P.M.)
4. Operator: Vulcan Materials Company - Western Division (contact: Jim Gore)
- Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)
- Parcel No.(S): 262-211-06
Total acres of parcel(s): 10.0-acres
Project or mine legal location section(s): 12, 14, 23 and 24
- | | | | | | | | | | |
|----------|----------------|-------|---------------|------|-------------------------------------|----|------|--------------------------|-------------|
| Township | <u>1 North</u> | Range | <u>5 West</u> | SBBM | <input checked="" type="checkbox"/> | or | MDBM | <input type="checkbox"/> | (check one) |
| Township | _____ | Range | _____ | SBBM | <input type="checkbox"/> | or | MDBM | <input type="checkbox"/> | (check one) |
| Township | _____ | Range | _____ | SBBM | <input type="checkbox"/> | or | MDBM | <input type="checkbox"/> | (check one) |
| Township | _____ | Range | _____ | SBBM | <input type="checkbox"/> | or | MDBM | <input type="checkbox"/> | (check one) |

Note: If more than one person is involved in the ownership of the property, a separate page must be attached to this application which lists the names and addresses of all persons having interest in the ownership of mineral rights. All applicants for a surface mining permit who are not also the record owner(s) of the property must submit a signed statement by the property/mineral rights owner(s) authorizing them to act on their behalf.

AREA Q QUARRY

Arundel Company, LLC

Parcel Number	Land Owner/Surface Rights Owner	Current Mineral Rights Interest Holder
262-211-06	Arundel Company, LLC	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
Total Acres: 10.0		

LAND OWNER INFORMATION

Land Owner: Arundel Company, LLC
Address: P.O. Box 385014
Birmingham, AL 35242-5014

MINERAL RIGHTS OWNER INFORMATION

Owner of Mineral Rights #1: Vulcan Lands, Inc.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

Owner of Mineral Rights #2: Victoria Older Currie
Address: 7735 Hidden Valley Court
La Jolla, CA 92307-4018

Owner of Mineral Rights #3: Nancy Wood Yarborough
Address: 2777 Paradise Road, Unit 604
Las Vegas, NV 89109-9101

Owner of Mineral Rights #4: Catherin Older LaPat
Address: 10B South Chandler Court
Port Ludlow, WA 98365

Owner of Mineral Rights #5: Robert M. Older
Address: Address Unknown
E-mail: sl2eleven@yahoo.com
Cell Phone: (702) 937-7830

The applicant agrees to pay all accumulated charges for this project. The applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

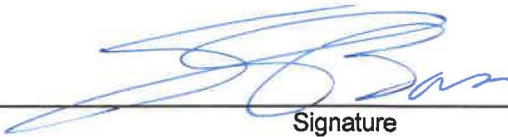
The applicant/owner/developer agrees to pay all accumulated charges for this project, if this is an actual cost application. Your project will not be approved, finalized, or vested until all charges are paid in full.

APPLICANT'S CERTIFICATION OF FILING: (Legal owner of the property must sign)

I certify under penalty of perjury that I am the owner of record, or as noted below and the owner of record has knowledge of and consents to the proposed surface mining permit application for this property. I further certify that the information contained herein is true and correct to the best of my knowledge.

- Owner of Possessory Interest or Mineral Rights.
- Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land). Attach separate sheet with additional signatures if needed.
- Corporate Officer(s) empowered to sign for the corporation. Include document verifying corporate officer status.
- Owner's Legal Agent having Power of Attorney for this action (a **certified Power of Attorney document must accompany the application form**)

Dated December 6, 2019



Signature
Stanley G. Bass

Print Name
Vice President

Title
Arundel Company, LLC

Company

FOR OFFICIAL USE ONLY

SECTION _____ Township _____ Range _____ All: NE: NW: SE: SW:

Describe proposed use _____:

Index No. _____ City's sphere _____

Land Use District _____

Land Use Map _____

Filing date _____

Airport Land Use Compatibility: AR1, AR2, AR3, AR4 (circle one)

MINING/RECLAMATION CONDITIONAL USE PERMIT APPLICATION

DATE: 12/5/19

This application is for a: (check where applicable)

- Mining operation Asphalt batch plant Reclamation Plan
 Milling operation Concrete batch plant Other _____
 Sand/gravel pit Screening plant _____

1. Applicant: Vulcan Materials Company - Western Division (contact: Jim Gore)

Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)
gorej@vmcmail.com
E-mail Address Fax No.

2. Engineer/Representative: Sespe Consulting, Inc. (contact: Brian Anderson, P.G.)

Mailing address: 1565 Hotel Circle South, Suite 370
Street/P.O. Box
San Diego, CA 92108 (619) 894-8669
City State Zip Telephone (8 A.M.-5 P.M.)

3. Land owner: CalMat Co. (**see attached land owners/mineral rights ownership list**)

Mailing address: 1200 Urban Center Drive
Street/P.O. Box
Birmingham, AL 35242 (205) 298-3000
City State Zip Telephone (8 A.M.-5 P.M.)

4. Operator: Vulcan Materials Company - Western Division (contact: Jim Gore)

Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)

Parcel No.(S): 262-211-03, 262-211-05

Total acres of parcel(s): 13.9-acres

Project or mine legal location section(s): 12, 14, 23 and 24

Township 1 North Range 5 West SBBM or MDBM (check one)
Township _____ Range _____ SBBM or MDBM (check one)
Township _____ Range _____ SBBM or MDBM (check one)
Township _____ Range _____ SBBM or MDBM (check one)

Note: If more than one person is involved in the ownership of the property, a separate page must be attached to this application which lists the names and addresses of all persons having interest in the ownership of mineral rights. All applicants for a surface mining permit who are not also the record owner(s) of the property must submit a signed statement by the property/mineral rights owner(s) authorizing them to act on their behalf.

AREA Q QUARRY

CalMat Co.

Parcel Number	Land Owner/Surface Rights Owner	Current Mineral Rights Interest Holder
262-211-03	CalMat Co.	Vulcan Lands, Inc. CalMat Co.
262-211-05	CalMat Co.	Vulcan Lands, Inc. CalMat Co. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
Total Acres: 13.9		

LAND OWNER INFORMATION

Land Owner: CalMat Co.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

MINERAL RIGHTS OWNER INFORMATION

Owner of Mineral Rights #1: Vulcan Lands, Inc.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

Owner of Mineral Rights #2: CalMat Co.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

Owner of Mineral Rights #3: Victoria Older Currie
Address: 7735 Hidden Valley Court
La Jolla, CA 92307-4018

Owner of Mineral Rights #4: Nancy Wood Yarborough
Address: 2777 Paradise Road, Unit 604
Las Vegas, NV 89109-9101

Owner of Mineral Rights #5: Catherin Older LaPat
Address: 10B South Chandler Court
Port Ludlow, WA 98365

Owner of Mineral Rights #6: Robert M. Older
Address: Address Unknown
E-mail: sl2eleven@yahoo.com
Cell Phone: (702) 937-7830

The applicant agrees to pay all accumulated charges for this project. The applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

The applicant/owner/developer agrees to pay all accumulated charges for this project, if this is an actual cost application. Your project will not be approved, finalized, or vested until all charges are paid in full.

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- Owner of Possessory Interest or Mineral Rights.
- Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land). Attach separate sheet with additional signatures if needed.
- Corporate Officer(s) empowered to sign for the corporation. Include document verifying corporate officer status.
- Owner's Legal Agent having Power of Attorney for this action (a **certified Power of Attorney document must accompany the application form**)

Dated Dec. 13, 2019, 2019

C. Brock Lodge, Jr.
Signature

C. Brock Lodge
Print Name

President
Title

CalMat Co.
Company

FOR OFFICIAL USE ONLY

SECTION _____ Township _____ Range _____ All: NE: NW: SE: SW:

Describe proposed use _____:

Index No. _____ City's sphere _____

Land Use District _____

Land Use Map _____

Filing date _____

Airport Land Use Compatibility: AR1, AR2, AR3, AR4 (circle one)

MINING/RECLAMATION CONDITIONAL USE PERMIT APPLICATION

DATE: 12/5/19

This application is for a: (check where applicable)

- Mining operation Asphalt batch plant Reclamation Plan
 Milling operation Concrete batch plant Other _____
 Sand/gravel pit Screening plant _____

1. Applicant: Vulcan Materials Company - Western Division (contact: Jim Gore)

Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)
gorej@vmcmail.com
E-mail Address Fax No.

2. Engineer/Representative: Sespe Consulting, Inc. (contact: Brian Anderson, P.G.)

Mailing address: 1565 Hotel Circle South, Suite 370
Street/P.O. Box
San Diego, CA 92108 (619) 894-8669
City State Zip Telephone (8 A.M.-5 P.M.)

3. Land owner: Vulcan Lands, Inc. (**see attached land owners/mineral rights ownership list**)

Mailing address: 1200 Urban Center Drive
Street/P.O. Box
Birmingham, AL 35242 (205) 298-3000
City State Zip Telephone (8 A.M.-5 P.M.)

4. Operator: Vulcan Materials Company - Western Division (contact: Jim Gore)

Mailing address: 500 North Brand Avenue, Suite 500
Street/P.O. Box
Glendale, CA 91203 (951) 768-2641
City State Zip Telephone (8 A.M.-5 P.M.)

Parcel No.(S): **See attached APN list (23 parcels total)**

Total acres of parcel(s): 161.7-acres

Project or mine legal location section(s): 12, 14, 23 and 24

Township	<u>1 North</u>	Range	<u>5 West</u>	SBBM	<input checked="" type="checkbox"/>	or	MDBM	<input type="checkbox"/>	(check one)
Township	_____	Range	_____	SBBM	<input type="checkbox"/>	or	MDBM	<input type="checkbox"/>	(check one)
Township	_____	Range	_____	SBBM	<input type="checkbox"/>	or	MDBM	<input type="checkbox"/>	(check one)
Township	_____	Range	_____	SBBM	<input type="checkbox"/>	or	MDBM	<input type="checkbox"/>	(check one)

Note: If more than one person is involved in the ownership of the property, a separate page must be attached to this application which lists the names and addresses of all persons having interest in the ownership of mineral rights. All applicants for a surface mining permit who are not also the record owner(s) of the property must submit a signed statement by the property/mineral rights owner(s) authorizing them to act on their behalf.

AREA Q QUARRY

Vulcan Lands, Inc.

Assessor's Parcel Numbers (APNs): 23 parcels total (see APN list below)

Parcel Number	Land Owner/Surface Rights Owner	Current Mineral Rights Interest Holder
262-201-11	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-201-12	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-201-13	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-201-14	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-211-02	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-211-04	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-03	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-221-04	Vulcan Lands, Inc.	Vulcan Lands, Inc. Robert M. Older
262-221-05	Vulcan Lands, Inc.	Vulcan Lands, Inc. Robert M. Older
262-221-09	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-10	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-11	Vulcan Lands, Inc.	Vulcan Lands, Inc.
262-221-12	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
		Vulcan Lands, Inc. Carole Maxwell Deena Rae Ortiz Harry Maxwell James Maxwell

Parcel Number	Land Owner/Surface Rights Owner	Current Mineral Rights Interest Holder
262-221-13	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-17	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-21	Vulcan Lands, Inc.	Vulcan Lands, Inc. Robert M. Older
262-221-29	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-221-30	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-231-01	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-241-13	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-241-14	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
262-241-16	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older

Parcel Number	Land Owner/Surface Rights Owner	Current Mineral Rights Interest Holder
262-241-26	Vulcan Lands, Inc.	Vulcan Lands, Inc. Victoria Older Currie Nancy Yarborough Catherin Older LaPat Robert M. Older
Total Acres: 161.7		

LAND OWNER INFORMATION

Land Owner: Vulcan Lands, Inc.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

MINERAL RIGHTS OWNER INFORMATION

Owner of Mineral Rights #1: Vulcan Lands, Inc.
Address: P.O. Box 385014
Birmingham, AL 35242-5014

Owner of Mineral Rights #2: Victoria Older Currie
Address: 7735 Hidden Valley Court
La Jolla, CA 92307-4018

Owner of Mineral Rights #3: Nancy Wood Yarborough
Address: 2777 Paradise Road, Unit 604
Las Vegas, NV 89109-9101

Owner of Mineral Rights #4: Catherin Older LaPat
Address: 10B South Chandler Court
Port Ludlow, WA 98365

Owner of Mineral Rights #5: Robert M. Older
Address: Address Unknown
E-mail: sl2eleven@yahoo.com
Cell Phone: (702) 937-7830

Owner of Mineral Rights #6: Carol E. Maxwell
Address: 105 Brampton Lane, Apartment 1D
Cary, NC 27513

Owner of Mineral Rights #7: Deena Rae Ortiz
Address: 13727 Smokestone Street
Rancho Cucamonga, CA 91739

Owner of Mineral Rights #8: Harry J. Maxwell
Address: 1423 Harris Court
Cary, NC 27511

Owner of Mineral Rights #9: James Maxwell
Address: Address Unknown
Lives in Australia (per Harry Maxwell)

The applicant agrees to pay all accumulated charges for this project. The applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

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I certify under penalty of perjury that I am the owner of record, or as noted below and the owner of record has knowledge of and consents to the proposed surface mining permit application for this property. I further certify that the information contained herein is true and correct to the best of my knowledge.

- Owner of Possessory Interest or Mineral Rights.
- Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land). Attach separate sheet with additional signatures if needed.
- Corporate Officer(s) empowered to sign for the corporation. Include document verifying corporate officer status.
- Owner's Legal Agent having Power of Attorney for this action (a **certified Power of Attorney document must accompany the application form**)

Dated Dec. 13, 2019

C. Brock Lodge, Jr.

Signature

C. Brock Lodge

Print Name

President

Title

Vulcan Lands, Inc.

Company

FOR OFFICIAL USE ONLY

SECTION _____ Township _____ Range _____ All: NE: NW: SE: SW:

Describe proposed use _____:

Index No. _____ City's sphere _____

Land Use District _____

Land Use Map _____

Filing date _____

Airport Land Use Compatibility: AR1, AR2, AR3, AR4 (circle one)

MINING/RECLAMATION SUMMARY FORM

DATE: 12/5/19

Please print or type all requested information.

MINING OPERATION

1. Name of Mine and ID #: Area Q Quarry (CA Mine ID No. = TBD)

List any other names or applications this mine may have been known by:

Cajon Creek Quarry, CalMat Cajon Creek Project

2. Mineral commodity mined Sand & Gravel

3. List claim number(s) N/A

4. Location of Mine: Township/Range/Section(s) 1 North / 5 West / 12, 14, 23 and 24

SBBM or MDBM (check one)

Latitude 117.36° W Longitude 34.17° N (As taken from the center point of the project area)

5. Maximum total yearly production: (Check either tons or cu yds, whichever is used)

	Ore	Waste	Total
Under 5,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
5,000 - 25,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
25,000 - 50,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
50,000 - 100,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
100,000 - 250,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
250,000 - 500,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
500,000 - 1,000,000 (tons) <input type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	_____	_____	_____
Over 1,000,000 (tons) <input checked="" type="checkbox"/> (cu yds) <input type="checkbox"/> /yr	**See attached Project Description**		_____

6. Type of operation (check where applicable):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Open pit
<input checked="" type="checkbox"/> Single bench
<input type="checkbox"/> Multi bench
<input type="checkbox"/> Drill and blast
<input type="checkbox"/> Shovel/truck
<input checked="" type="checkbox"/> Loader/truck
<input type="checkbox"/> Underground
<input type="checkbox"/> Flow way channel | <input type="checkbox"/> Alluvial terrace
<input type="checkbox"/> Hillside
<input type="checkbox"/> Hardrock
<input type="checkbox"/> Metallic
<input type="checkbox"/> Non-metallic
<input checked="" type="checkbox"/> Sand and gravel
<input checked="" type="checkbox"/> Quarry
<input type="checkbox"/> Other _____ |
|--|--|

7. Mine dimensions **amsl = above mean sea level / bgs = below ground surface / H:V = horizontal:vertical**

Highest elevation 1,540-feet amsl Maximum depth 120-feet bgs Maximum length 4,160-feet (approx.)

Overall slope angle 2H:1V Maximum slope angle 2H:1V Maximum width 3,720-feet (approx.)

Angle of repose for native or host materials sand = 37° / gravel = 41°

Bench height N/A Safety berm width and height employee vehicle access ramp safety berm = 4-feet (width), 2-feet (height)

8. Check any of the following items that may be conducted at or constructed on the mine or project site.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Access roads | <input type="checkbox"/> Haul roads | <input checked="" type="checkbox"/> Stockpiles |
| <input type="checkbox"/> Asphalt batch plant | <input type="checkbox"/> Office site | <input type="checkbox"/> Tailings dams |
| <input type="checkbox"/> Bag house (dry) | <input type="checkbox"/> on-site living quarters | <input type="checkbox"/> Tanks (water/fuel) |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Parking area | <input type="checkbox"/> Truck Scale |
| <input type="checkbox"/> Concrete batch plant | <input type="checkbox"/> Plant site | <input type="checkbox"/> Water wells |
| <input checked="" type="checkbox"/> Conveyors | <input type="checkbox"/> Screening | <input type="checkbox"/> Waste dumps |
| <input type="checkbox"/> Crushers | <input type="checkbox"/> Settling ponds | <input checked="" type="checkbox"/> Other <u>berm</u> (southern site boundary) |
| <input type="checkbox"/> Explosive storage | <input type="checkbox"/> Sheds | _____ |
| <input checked="" type="checkbox"/> Fencing | <input type="checkbox"/> Shops | _____ |

9. Operating times

Operation is: Continuous Seasonal Intermittent

If seasonal or intermittent, check months of operation:

- | | | | |
|-----------------------------------|--------------------------------|------------------------------------|-----------------------------------|
| <input type="checkbox"/> January | <input type="checkbox"/> April | <input type="checkbox"/> July | <input type="checkbox"/> October |
| <input type="checkbox"/> February | <input type="checkbox"/> May | <input type="checkbox"/> August | <input type="checkbox"/> November |
| <input type="checkbox"/> March | <input type="checkbox"/> June | <input type="checkbox"/> September | <input type="checkbox"/> December |

Operating times:

Operating days/week 6 days/week (Monday - Saturday) Daily hours of operation 12 hours (6:00 a.m. - 10:00 p.m.)

Starting date 2020 (approx.) Operating life 30 years (approx.)

Termination date 2050 (approx.)

Maximum number of employees at any one time 6

10. Size of operation:

Total holding in acres 196.0-acres Total acres to be permitted 196.0-acres

Total acres to be disturbed and reclaimed (including roads) 187.6-acres

Total acres:

<input checked="" type="checkbox"/> Owned	<u>196.0</u> acres	<input type="checkbox"/> Leased	_____ acres
<input type="checkbox"/> Patented	_____ acres	<input type="checkbox"/> Sub-leased	_____ acres
<input type="checkbox"/> Unpatented	_____ acres	<input type="checkbox"/> Other	_____ acres

11. Site access:

Describe all access routes into the mine site, including all roads off your property used in connection with mine production or waste disposal The single access point to the site will come from Cajon Boulevard via a gated entrance at the northeast corner of the site. This access point will be for employee and small work vehicles only, and no on-road haul trucks will enter or exit the Area Q site on to public roadways.

(Use additional paper if necessary, as all routes must be completely described. If access is a leased or temporary easements submit documentation that access will be available through final reclamation)

12. List number and types of vehicles and equipment associated with the project and the number of truck trips/day for each type of vehicle.

Mobile Equipment (excavation): Front-End Loader, Dozer, Excavator, Scraper, Water Truck

Employee Vehicles _____

13. Water quality/supply: Existing private water well and 15,000 gallon tank, located within Cajon Creek Quarry (Area M) to the northwest. Water will be brought to Area Q as needed via a mobile water truck.

Source of fresh water

Total gallons of water to be used per day Maximum = 24,500 gallons/day (approx.)

Gallons per day recycled: 0 gallons/day Gallons per day fresh: 24,500 gallons/day

Chemicals to be used: None

Method of chemical disposal: N/A. No chemicals will be utilized/applied to the water supply.

Proposed sewage system: On-site employees will utilize portable bathroom facilities as needed on-site, or use existing portable bathrooms located at Cajon Creek Quarry (Area L).

14. Energy

Electricity to be consumed by the project/month 4,000 (approx.) KWH. (conveyor extension)

Natural gas to be consumed by the project/month None cu ft.

Other fuels to be consumed by the project (list type and quantity): Diesel fuel will be consumed in mobile equipment operating on-site (approximately 2,250 gallons/day maximum). No other fuel will be consumed on-site.

15. Describe in general the type of vegetation and the percentage of the site that it covers. List the animals that you have seen or that are known to occur on the site.

See attached Habitat and Jurisdictional Assessment completed by ELMT Consulting, Inc. - June 2019

16. Describe in general the topography (i.e., slopes, landforms, landscape) and relief of the site.
 Most of the existing Area Q site is flat, previously disturbed ground with few features/developments. The general direction of the surface slope appears to be to the southeast following the trend of the nearby Cajon Wash.

17. Describe any drainage channels that exist on the site. No existing drainage features exist on-site. General flow direction of surface water across the site appears to be to the south, toward the concrete-lined flood control channel (Devil Creek Diversion Channel) along the southern boundary. See attached Drainage Report completed by Sespe Consulting, Inc. - June 2019.

18. Describe any alteration and/or improvements on the site.

N/A

19. Describe the land uses on the adjacent land in each direction. Note any major or important natural or man-made features on the adjacent land; for example, major highways, stream channels or other notable features.

North: Cajon Creek Quarry (Area L). Land Use Designation = Industrial Extractive (IE)
 East: Cajon Boulevard, Industrial/Commercial Developments. Land Use Designation = Industrial Heavy (IH)
 South: Residential neighborhoods/Community of Muscoy. Land Use Designation = Muscoy/Single Residential (MS/RS-1)
 West: Southern Pacific Railroad Tracks, Area N, Cajon Creek/Lytle Creek. Land Use Designation = IE

20. Describe the site alterations that will be produced by your proposed project. For instance, describe topographic changes, storm flows that will have to be channelized, lengths of new roads and/or easements and other such changes.

See submitted Reclamation Plan and associate Figures for a detailed description of site development/proposed site alterations.

21. If your project requires any permits from other agencies, please identify the agency and type of permit. Some agencies or departments that you may have to obtain permits from are listed below.

- ◆ Air Pollution Control
- ◆ County Environmental Health Division
- ◆ State Regional Water Quality Control Board
- ◆ BLM
- ◆ Fish and Wildlife
- ◆ Forest Service

Type of permit National Pollutant Discharge Elimination System (NPDES) - State Regional Water Quality Control Board
Air Permit (as applicable) - South Coast Air Quality Management District (SCAQMD)

RECLAMATION

22. Time for reclamation to start 2050 (approx.)

Time for reclamation to be completed 2055 (approx.)

Times reclamation phases:

Phase 1 Prepare site for reclamation/revegetation. Backfill topsoil from berm (2050-2052).

Phase 2 Revegetate full site. Monitor/maintain revegetated site (2052-2055).

Phase 3 _____

Phase 4 _____

23. Reclamation methods (check where applicable)

Backfilling and grading

Stabilization of slopes

Resoiling and revegetation

Rehabilitation of drainage

Equipment and refuse removal

Mitigate hazards

24. Proposed or potential use of the land after reclamation: Revegetated open space.

HAZARDOUS WASTE SITE CERTIFICATION

This certificate must be submitted with all Development Case Applications except for legislative acts such as General Plan Land Use District changes.

INSTRUCTIONS

The applicant for this development project shall consult the most current list of identified hazardous waste sites at <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm> to determine whether the development project is located on a site included on the list.

CERTIFICATION

The undersigned owner, applicant or legal representative of the lands for which this development project application is made, hereby certifies under penalty of perjury, and in accordance with Section 65962.5(e) of the Government Code of the State of California that he (she) has consulted the most current and appropriate Hazardous Waste and Substances Sites (CORTESE) List and further certifies that the site of the proposed development project:

Is not located on a site which is included on the CORTESE list dated: _____

OR

Is located on a site included on the CORTESE list dated: 10/23/2019 (see note below)

List all of the Assessor Parcel Numbers (APNs) of the project property:

_____ 262-211-06 _____

_____ Stanley G. Bass (Arundel Company, LLC) _____

Printed Name of Person Certifying this Review


Signature of Person Certifying this Review

_____ December 6, 2019 _____

Date

Note: While the Area Q site itself is not listed on the CORTESE database, it occurs within the operational area defined as part of the Newmark Groundwater Contamination Superfund Site.

HAZARDOUS WASTE SITE CERTIFICATION

This certificate must be submitted with all Development Case Applications except for legislative acts such as General Plan Land Use District changes.

INSTRUCTIONS

The applicant for this development project shall consult the most current list of identified hazardous waste sites at <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm> to determine whether the development project is located on a site included on the list.

CERTIFICATION

The undersigned owner, applicant or legal representative of the lands for which this development project application is made, hereby certifies under penalty of perjury, and in accordance with Section 65962.5(e) of the Government Code of the State of California that he (she) has consulted the most current and appropriate list of "CAL/EPA, Facility Inventory Data Base, Hazardous Waste and Substances Sites List," and further certifies that the site of the proposed development project:

Is not located on a site which is included on the Cortese List dated: _____

OR

Is located on a site included on the Cortese List dated: 11/7/2019 (see note below)

List all of the Assessor Parcel Numbers (APNs) of the project property:

262-211-03, 262-211-05,

C. Brock Lodge (CalMat Co.)

Printed Name of Person Certifying this Review



Signature of Person Certifying this Review



Date

Note: While the Area Q site itself is not listed on the CORTESE database, it occurs within the operational area defined as part of the Newmark Groundwater Contamination Superfund Site.

HAZARDOUS WASTE SITE CERTIFICATION

This certificate must be submitted with all Development Case Applications except for legislative acts such as General Plan Land Use District changes.

INSTRUCTIONS

The applicant for this development project shall consult the most current list of identified hazardous waste sites at <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm> to determine whether the development project is located on a site included on the list.

CERTIFICATION

The undersigned owner, applicant or legal representative of the lands for which this development project application is made, hereby certifies under penalty of perjury, and in accordance with Section 65962.5(e) of the Government Code of the State of California that he (she) has consulted the most current and appropriate list of "CAL/EPA, Facility Inventory Data Base, Hazardous Waste and Substances Sites List," and further certifies that the site of the proposed development project:

Is not located on a site which is included on the Cortese List dated: _____

OR

Is located on a site included on the Cortese List dated: 11/7/2019 (see note below)

List all of the Assessor Parcel Numbers (APNs) of the project property:

****See attached APN list (23 parcels total)****

C. Brock Lodge (Vulcan Lands, Inc.)

Printed Name of Person Certifying this Review



Signature of Person Certifying this Review



Date

Note: While the Area Q site itself is not listed on the CORTESE database, it occurs within the operational area defined as part of the Newmark Groundwater Contamination Superfund Site.

FINANCIALLY RESPONSIBLE PARTY INFORMATION (Part I) AND AGREEMENT (Part II)

The Financially Responsible Party (FRP) is the business entity or individual that: is responsible for all fees and costs associated with the application(s); is responsible for paying for both County of San Bernardino (herein referred to as "County") staff and consultant fees and costs necessary to complete the processing of the application(s) with a trust account; is deemed the owner of funds held in the trust account; and, will receive accounting documents (invoices/ /receipts) during the processing of the application.

The following information sheet (Part I) and Agreement (Part II) establishes the business entity or individual to be named as the FRP and states that the business entity or individual agrees to indemnify the County against various claims, actions, lawsuits, etc., including, but not limited to, legal challenges to application approval with a trust account. For business entities, liability of the owner, partners, etc. shall be determined in accordance with the laws of the State of California.

FINANCIALLY RESPONSIBLE PARTY INFORMATION PART I

Select the department in which you request to establish a Trust Account:

Land Use Services Department Department of Public Works

The FRP is a (choose one and complete below): Business Entity Individual

Business Entity

Business Entity Name: Arundel Company, LLC

Type, i.e. Corporation, LLC, LP, GP, LLP or Sole Proprietorship: LLC

State Entity Registered In: Delaware Entity Number: 201521210123

Business Entity Representative Name: Stanley G. Bass

If the FRP is a business entity, except for sole proprietorships, the representative must supply adequate proof that he/she may financially encumber that legal entity.

Individual

FRP Name: _____

Mailing Address: 1200 Urban Center Drive

Birmingham, AL 35242

City _____ State _____ Zip _____

Phone: (205) 298-3000 Email: contact: gorej@vmcmail.com

Does this FRP have an existing trust account(s) with the County? No If yes, please check department below:

Land Use Services Department Department of Public Works

If yes, provide FRP name used on existing Trust Account(s): _____

..... **For Office Use Only**

Permit Number: _____ Type of Application: _____

Received By: _____ Date: _____

Entered By: _____ Date: _____

Wincams Work Order Number: _____

FINANCIALLY RESPONSIBLE PARTY AGREEMENT PART II

This agreement ("Agreement") is entered into by the County of San Bernardino (herein referred to as "County") and Arundel Company, LLC ("Financially Responsible Party"; herein referred to as "FRP"). [If the FRP is a business entity, except for sole proprietorship, the representative must supply adequate proof that he/she may financially encumber that legal entity.] This Agreement incorporates by reference the Financially Responsible Party Information (Part I) completed by FRP.

Except as provided in Paragraph 8, "Indemnification," below, this Agreement is limited in scope to Land Use Services Department/Department of Public Works fees and costs associated with the following trust account: Arundel Company, LLC. A new trust account shall be established for each new application or applicant and will require a separate FRP agreement.

1. Deposits and Continuation of Work. The FRP will pay the trust account deposit required at the time of submittal of an application with a trust account in an amount established by the County Code or by applicable department policy; will pay invoices immediately upon receipt of invoice, subject to the department stopping work until payment is received; and agrees to be responsible for payment of all fees and costs associated with the application.
2. Consultant Fees. If it is deemed necessary by the applicable department to utilize consultant services, the FRP will pay a deposit to cover consultant fees and costs prior to County's execution of the contract with the consultant, with charges against the consultant's contract to be billed on an hourly basis against the deposit.
3. Ownership. The FRP agrees that all funds deposited in the trust account will be held by the County in an account under the name of the FRP, and that the FRP shall be considered the owner of all funds in said account. The FRP will receive accounting documents (invoices/ /receipts) during the processing of the application(s).
4. Clearance or Issuance. The FRP agrees that the applicable department is not required to issue any clearances or permits without receipt of full payment of fees, unless specifically waived by the County's Board of Supervisors, by Board Action.
5. Subsequent Trust Accounts and Applications. The FRP agrees that if there is an outstanding amount on any other Land Use Services Department/Department of Public Works applications with a trust account for which the FRP is the applicant or permittee, subsequent applications with a trust account will not be accepted until such amounts are paid.
6. Refunds. The FRP agrees that the County may refund any monies remaining in the trust account at the completion of work to the FRP, regardless of the source of monies deposited into the Trust Account. The County will exercise due diligence to locate the FRP based on the contact information on file. If the County is unable to locate the FRP, the County will follow all applicable provisions of the California Government Code regarding escheatment.
7. Designation. The FRP agrees that the person or entity designated as the FRP maintains that designation until the application(s) with a trust account has been approved, disapproved or withdrawn and any and all appeals and/or legal challenges have concluded.
8. Indemnification. Pursuant to County Code section 51.0113 and/or Development Code section 81.01.070, the FRP agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its "Indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), officers, and its authorized officers, employees, agents, advisory agencies or committees, appeal boards or legislative body and volunteers) from any and all claims, actions, or proceedings against the County or its Indemnitees to attack, set aside, void, or annul an approval of the County and/or its Indemnitees concerning a map or permit or any other action, losses, damages, and/or liability arising out of this Agreement and the application(s) from any cause whatsoever, including the acts, errors or omissions of any person and

for any costs or expenses incurred by Indemnitees on account of any claim except where such indemnification is prohibited by law.

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

The FRP 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.

Although the County may, at its sole discretion, participate at its own expense in the defense of any such action, such participation shall not relieve the FRP of their obligations under this condition to reimburse the County or its Indemnitees for all such expenses. County will act reasonably to promptly notify the FRP of any claim, action, or proceeding and that the County will cooperate fully in the defense.

The FRP agrees that its indemnification obligations under this Agreement remain in effect even though a court may order the County to set aside its approval of the application.

9. Transferability. This Agreement is non-transferable. In the event of a transfer of applicant or property, the FRP shall notify the County within ten (10) working days in writing. In such event, a new Financially Responsible Party Information (Part I) and Agreement ("FRP Forms") will be required of the new applicant or property owner. Applicant shall be responsible for all costs and expenses incurred by the County through the date County receives the written notice of the transfer from Applicant pursuant to this Agreement. County shall not be responsible for any unnecessary costs or expenses incurred by Applicant due to Applicant's failure to comply with the terms of this Agreement, including the provision of written notice to the County of a transfer.
10. Termination. This Agreement shall terminate upon: a) completion of the underlying County Land Use Services Department/Department of Public Works services or County's receipt of Applicant's notice of a transfer pursuant to Paragraph 9, above; and 2) payment by Applicant of any remaining Land Use Services Department/Department of Public Works fees or refund of any fund balance by the County to Applicant after payment of all Land Use Services Department/Department of Public Works fees. Paragraph 8, "Indemnification," above, shall survive termination of this Agreement.
11. Change of Address. In the event of change of address of the FRP, the County must be notified within ten (10) working days in writing.
12. Notification. Any notification(s) shall be directed to the appropriate department as indicated below:

Land Use Department
Attn: Administration
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
(909) 387-4000

Department of Public Works
Attn: Administrative Services
825 East Third Street
San Bernardino, CA 92415
(909) 387-7910

13. This Agreement shall be governed by and construed according to the laws of the State of California.

Executed on the 6th day of December, 2019

Arundel Company, LLC (contact: Stanley G. Bass)
Financially Responsible Party (Please print and sign)



FINANCIALLY RESPONSIBLE PARTY INFORMATION (Part I) AND AGREEMENT (Part II)

The Financially Responsible Party (FRP) is the business entity or individual that: is responsible for all fees and costs associated with the application(s); is responsible for paying for both County of San Bernardino (herein referred to as "County") staff and consultant fees and costs necessary to complete the processing of the application(s) with a trust account; is deemed the owner of funds held in the trust account; and, will receive accounting documents (invoices/ /receipts) during the processing of the application.

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FINANCIALLY RESPONSIBLE PARTY INFORMATION PART I

Select the department in which you request to establish a Trust Account:

Land Use Services Department Department of Public Works

The FRP is a (choose one and complete below): Business Entity Individual

Business Entity
Business Entity Name: <u>CalMat Co.</u>
Type, i.e. Corporation, LLC, LP, GP, LLP or Sole Proprietorship: <u>Corporation</u>
State Entity Registered In: <u>Delaware</u> Entity Number: <u>C0132449</u>
Business Entity Representative Name: <u>C. Brock Lodge</u>
If the FRP is a business entity, except for sole proprietorships, the representative must supply adequate proof that he/she may financially encumber that legal entity.

Individual
FRP Name: _____

Mailing Address: 1200 Urban Center Drive
Birmingham, AL 35242

City _____ State _____ Zip _____

Phone: (205) 298-3000 Email: contact: gorej@vmcmail.com

Does this FRP have an existing trust account(s) with the County? No If yes, please check department below:

Land Use Services Department Department of Public Works

If yes, provide FRP name used on existing Trust Account(s): _____

..... **For Office Use Only**

Permit Number: _____ Type of Application: _____

Received By: _____ Date: _____

Entered By: _____ Date: _____

Wincams Work Order Number: _____

FINANCIALLY RESPONSIBLE PARTY AGREEMENT PART II

This agreement ("Agreement") is entered into by the County of San Bernardino (herein referred to as "County") and CalMat Co. ("Financially Responsible Party"; herein referred to as "FRP"). [If the FRP is a business entity, except for sole proprietorship, the representative must supply adequate proof that he/she may financially encumber that legal entity.] This Agreement incorporates by reference the Financially Responsible Party Information (Part I) completed by FRP.

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1. Deposits and Continuation of Work. The FRP will pay the trust account deposit required at the time of submittal of an application with a trust account in an amount established by the County Code or by applicable department policy; will pay invoices immediately upon receipt of invoice, subject to the department stopping work until payment is received; and agrees to be responsible for payment of all fees and costs associated with the application.
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7. Designation. The FRP agrees that the person or entity designated as the FRP maintains that designation until the application(s) with a trust account has been approved, disapproved or withdrawn and any and all appeals and/or legal challenges have concluded.
8. Indemnification. Pursuant to County Code section 51.0113 and/or Development Code section 81.01.070, the FRP agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its "Indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), officers, and its authorized officers, employees, agents, advisory agencies or committees, appeal boards or legislative body and volunteers) from any and all claims, actions, or proceedings against the County or its Indemnitees to attack, set aside, void, or annul an approval of the County and/or its Indemnitees concerning a map or permit or any other action, losses, damages, and/or liability arising out of this Agreement and the application(s) from any cause whatsoever, including the acts, errors or omissions of any person and

for any costs or expenses incurred by Indemnitees on account of any claim except where such indemnification is prohibited by law.

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

The FRP 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.

Although the County may, at its sole discretion, participate at its own expense in the defense of any such action, such participation shall not relieve the FRP of their obligations under this condition to reimburse the County or its Indemnitees for all such expenses. County will act reasonably to promptly notify the FRP of any claim, action, or proceeding and that the County will cooperate fully in the defense.

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10. Termination. This Agreement shall terminate upon: a) completion of the underlying County Land Use Services Department/Department of Public Works services or County's receipt of Applicant's notice of a transfer pursuant to Paragraph 9, above; and 2) payment by Applicant of any remaining Land Use Services Department/Department of Public Works fees or refund of any fund balance by the County to Applicant after payment of all Land Use Services Department/Department of Public Works fees. Paragraph 8, "Indemnification," above, shall survive termination of this Agreement.

11. Change of Address. In the event of change of address of the FRP, the County must be notified within ten (10) working days in writing.

12. Notification. Any notification(s) shall be directed to the appropriate department as indicated below:

Land Use Department
Attn: Administration
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
(909) 387-4000

Department of Public Works
Attn: Administrative Services
825 East Third Street
San Bernardino, CA 92415
(909) 387-7910

13. This Agreement shall be governed by and construed according to the laws of the State of California.

Executed on the 13th day of December, 2019

CalMat Co. (contact: C. Brock Lodge) 
Financially Responsible Party (Please print and sign)

FINANCIALLY RESPONSIBLE PARTY INFORMATION (Part I) AND AGREEMENT (Part II)

The Financially Responsible Party (FRP) is the business entity or individual that: is responsible for all fees and costs associated with the application(s); is responsible for paying for both County of San Bernardino (herein referred to as "County") staff and consultant fees and costs necessary to complete the processing of the application(s) with a trust account; is deemed the owner of funds held in the trust account; and, will receive accounting documents (invoices/ /receipts) during the processing of the application.

The following information sheet (Part I) and Agreement (Part II) establishes the business entity or individual to be named as the FRP and states that the business entity or individual agrees to indemnify the County against various claims, actions, lawsuits, etc., including, but not limited to, legal challenges to application approval with a trust account. For business entities, liability of the owner, partners, etc. shall be determined in accordance with the laws of the State of California.

FINANCIALLY RESPONSIBLE PARTY INFORMATION PART I

Select the department in which you request to establish a Trust Account:

Land Use Services Department Department of Public Works

The FRP is a (choose one and complete below): Business Entity Individual

Business Entity

Business Entity Name: Vulcan Lands, Inc.

Type, i.e. Corporation, LLC, LP, GP, LLP or Sole Proprietorship: LLC

State Entity Registered In: New Jersey Entity Number: C2492621

Business Entity Representative Name: C. Brock Lodge

If the FRP is a business entity, except for sole proprietorships, the representative must supply adequate proof that he/she may financially encumber that legal entity.

Individual

FRP Name: _____

Mailing Address: 1200 Urban Center Drive

Birmingham, AL 35242

City _____ State _____ Zip _____

Phone: (205) 298-3000 Email: contact: gorej@vmcmail.com

Does this FRP have an existing trust account(s) with the County? No If yes, please check department below:

Land Use Services Department Department of Public Works

If yes, provide FRP name used on existing Trust Account(s): _____

..... **For Office Use Only**

Permit Number: _____ Type of Application: _____

Received By: _____ Date: _____

Entered By: _____ Date: _____

Wincams Work Order Number: _____

FINANCIALLY RESPONSIBLE PARTY AGREEMENT PART II

This agreement ("Agreement") is entered into by the County of San Bernardino (herein referred to as "County") and Vulcan Lands, Inc. ("Financially Responsible Party"; herein referred to as "FRP"). [If the FRP is a business entity, except for sole proprietorship, the representative must supply adequate proof that he/she may financially encumber that legal entity.] This Agreement incorporates by reference the Financially Responsible Party Information (Part I) completed by FRP.

Except as provided in Paragraph 8, "Indemnification," below, this Agreement is limited in scope to Land Use Services Department/Department of Public Works fees and costs associated with the following trust account: Vulcan Lands, Inc.. A new trust account shall be established for each new application or applicant and will require a separate FRP agreement.

1. **Deposits and Continuation of Work.** The FRP will pay the trust account deposit required at the time of submittal of an application with a trust account in an amount established by the County Code or by applicable department policy; will pay invoices immediately upon receipt of invoice, subject to the department stopping work until payment is received; and agrees to be responsible for payment of all fees and costs associated with the application.
2. **Consultant Fees.** If it is deemed necessary by the applicable department to utilize consultant services, the FRP will pay a deposit to cover consultant fees and costs prior to County's execution of the contract with the consultant, with charges against the consultant's contract to be billed on an hourly basis against the deposit.
3. **Ownership.** The FRP agrees that all funds deposited in the trust account will be held by the County in an account under the name of the FRP, and that the FRP shall be considered the owner of all funds in said account. The FRP will receive accounting documents (invoices/ /receipts) during the processing of the application(s).
4. **Clearance or Issuance.** The FRP agrees that the applicable department is not required to issue any clearances or permits without receipt of full payment of fees, unless specifically waived by the County's Board of Supervisors, by Board Action.
5. **Subsequent Trust Accounts and Applications.** The FRP agrees that if there is an outstanding amount on any other Land Use Services Department/Department of Public Works applications with a trust account for which the FRP is the applicant or permittee, subsequent applications with a trust account will not be accepted until such amounts are paid.
6. **Refunds.** The FRP agrees that the County may refund any monies remaining in the trust account at the completion of work to the FRP, regardless of the source of monies deposited into the Trust Account. The County will exercise due diligence to locate the FRP based on the contact information on file. If the County is unable to locate the FRP, the County will follow all applicable provisions of the California Government Code regarding escheatment.
7. **Designation.** The FRP agrees that the person or entity designated as the FRP maintains that designation until the application(s) with a trust account has been approved, disapproved or withdrawn and any and all appeals and/or legal challenges have concluded.
8. **Indemnification.** Pursuant to County Code section 51.0113 and/or Development Code section 81.01.070, the FRP agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its "Indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), officers, and its authorized officers, employees, agents, advisory agencies or committees, appeal boards or legislative body and volunteers) from any and all claims, actions, or proceedings against the County or its Indemnitees to attack, set aside, void, or annul an approval of the County and/or its Indemnitees concerning a map or permit or any other action, losses, damages, and/or liability arising out of this Agreement and the application(s) from any cause whatsoever, including the acts, errors or omissions of any person and

for any costs or expenses incurred by Indemnitees on account of any claim except where such indemnification is prohibited by law.

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

The FRP 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.

Although the County may, at its sole discretion, participate at its own expense in the defense of any such action, such participation shall not relieve the FRP of their obligations under this condition to reimburse the County or its Indemnitees for all such expenses. County will act reasonably to promptly notify the FRP of any claim, action, or proceeding and that the County will cooperate fully in the defense.

The FRP agrees that its indemnification obligations under this Agreement remain in effect even though a court may order the County to set aside its approval of the application.

9. **Transferability.** This Agreement is non-transferable. In the event of a transfer of applicant or property, the FRP shall notify the County within ten (10) working days, in writing. In such event, a new Financially Responsible Party Information (Part I) and Agreement ("FRP Forms") will be required of the new applicant or property owner. Applicant shall be responsible for all costs and expenses incurred by the County through the date County receives the written notice of the transfer from Applicant pursuant to this Agreement. County shall not be responsible for any unnecessary costs or expenses incurred by Applicant due to Applicant's failure to comply with the terms of this Agreement, including the provision of written notice to the County of a transfer.
10. **Termination.** This Agreement shall terminate upon: a) completion of the underlying County Land Use Services Department/Department of Public Works services or County's receipt of Applicant's notice of a transfer pursuant to Paragraph 9, above; and 2) payment by Applicant of any remaining Land Use Services Department/Department of Public Works fees or refund of any fund balance by the County to Applicant after payment of all Land Use Services Department/Department of Public Works fees. Paragraph 8, "Indemnification," above, shall survive termination of this Agreement.
11. **Change of Address.** In the event of change of address of the FRP, the County must be notified within ten (10) working days in writing.
12. **Notification.** Any notification(s) shall be directed to the appropriate department as indicated below:

Land Use Department
Attn: Administration
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
(909) 387-4000

Department of Public Works
Attn: Administrative Services
825 East Third Street
San Bernardino, CA 92415
(909) 387-7910

13. This Agreement shall be governed by and construed according to the laws of the State of California.

Executed on the 13th day of December, 2019

Vulcan Lands, Inc. (contact: C. Brock Lodge)
Financially Responsible Party (Please print and sign)

