



# LAND USE SERVICES DEPARTMENT

## PLANNING COMMISSION STAFF REPORT

**HEARING DATE: May 7, 2015**

### Project Description

<b>APN:</b>	0496-011-75
<b>Applicant:</b>	Matcon Corporation
<b>Community:</b>	Hinkley/1 <sup>st</sup> Supervisorial District
<b>Location:</b>	Approx. 1.25 Miles SW of Halstead Rd. & Black Canyon Rd. Intersection
<b>Project No:</b>	AP20150002/SMAR
<b>Staff:</b>	Reuben J. Arceo
<b>Applicant Rep:</b>	George Webber
<b>Proposal:</b>	Reestablish Mining/Reclamation Plan 90M-010 to expand the existing quarry and Reclamation Plan boundary from 25 acres of disturbance to 48.2 acres.

**AGENDA ITEM # 5**

### Vicinity Map



6 Hearing Notices Sent On: April 23, 2015

Report Prepared By: Reuben J. Arceo

### **SITE INFORMATION**

**Parcel Size:** Eighty (80) Acres

**Terrain:** Generally flat to moderate slope with existing quarry and rock outcrops

**Vegetation:** Mix of White Bursage and Allscale series on flat terrain and White Bursage and Creosote Bush on elevated slopes.

### **SURROUNDING LAND DESCRIPTION:**

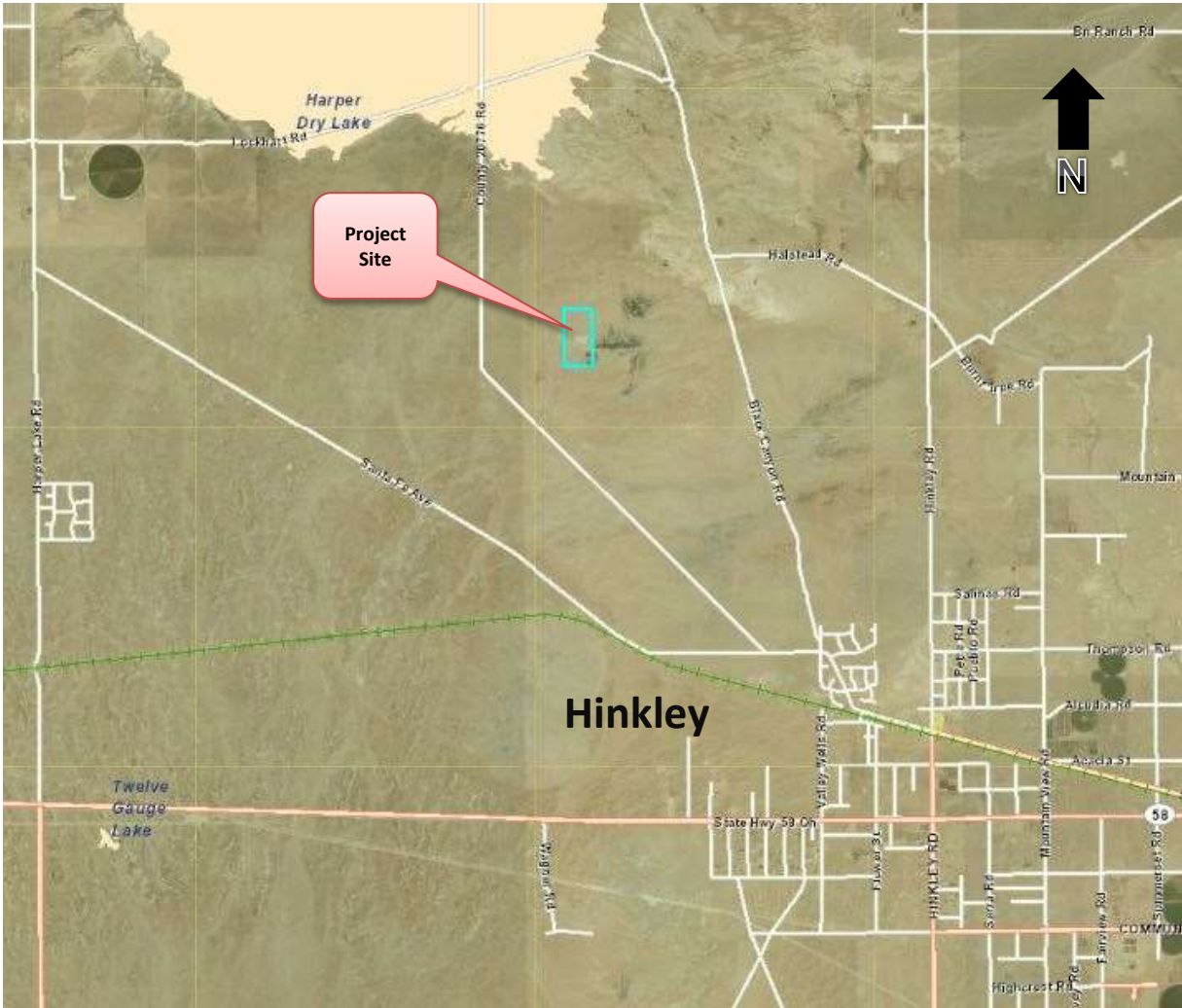
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Existing Quarry	Resource Conservation (RC)
North	Vacant/Undeveloped	Resource Conservation (RC)
South	Vacant/Undeveloped	Resource Conservation (RC)
East	Vacant/Undeveloped	Resource Conservation (RC)
West	Vacant/Undeveloped	Resource Conservation (RC)

	<b><u>AGENCY</u></b>	<b><u>COMMENT</u></b>
City Sphere of Influence:	None	N/A
Water Service:	Ground Water Well	N/A
Sewer Service:	None	N/A

**STAFF RECOMMENDATION:** That the Planning Commission ADOPT a Mitigated Negative Declaration, ADOPT the proposed Findings, APPROVE the Revision to the Mining/Reclamation Plan subject to the Conditions of Approval and FILE the Notice of Determination.

In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days after the Planning Commission hearing.

VICINITY MAP  
Lynx Cat Mountain Quarry





**OFFICIAL LAND USE DISTRICT MAP**  
**ZONING DESIGNATION**  
**Resource Conservation (RC)**

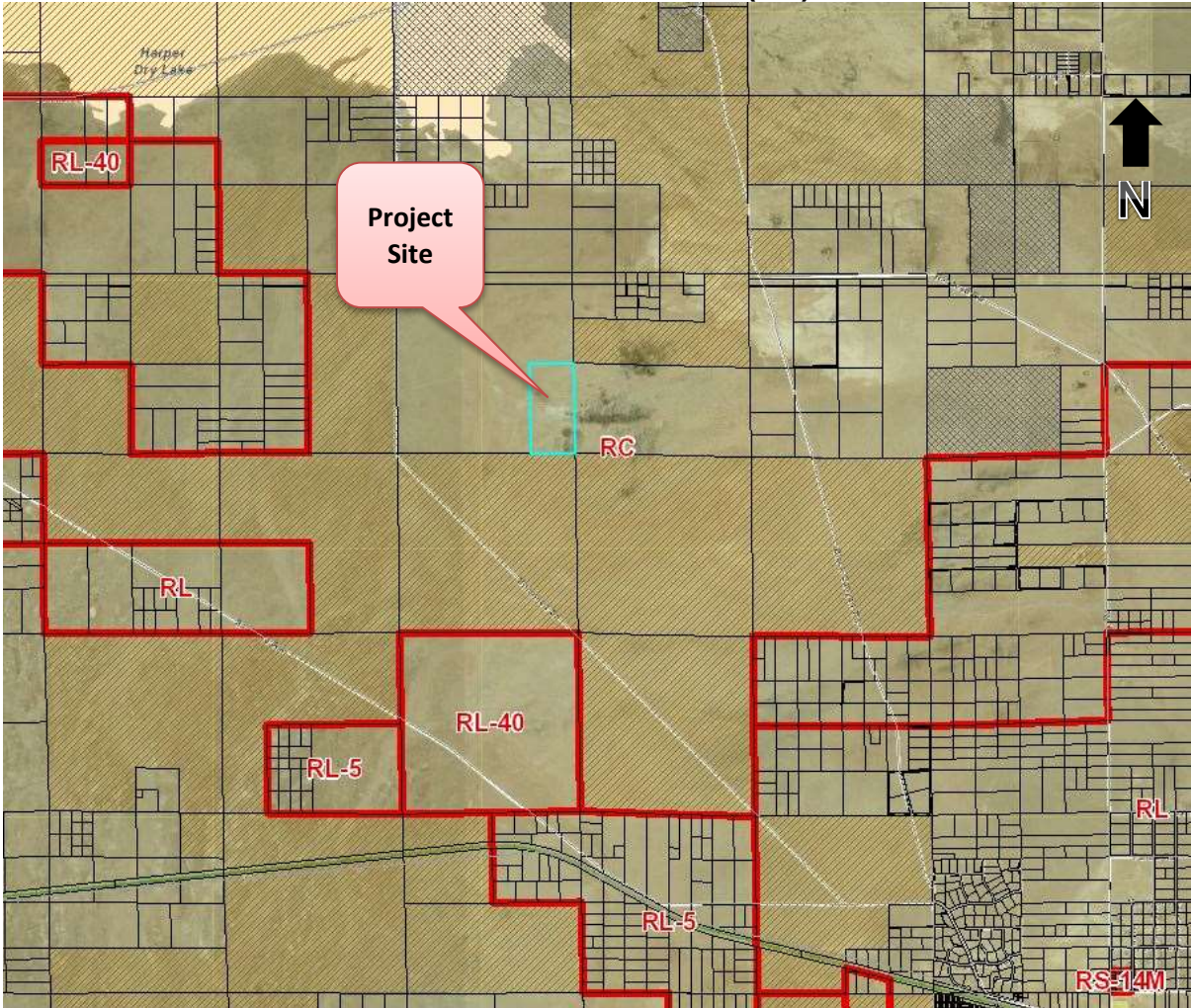
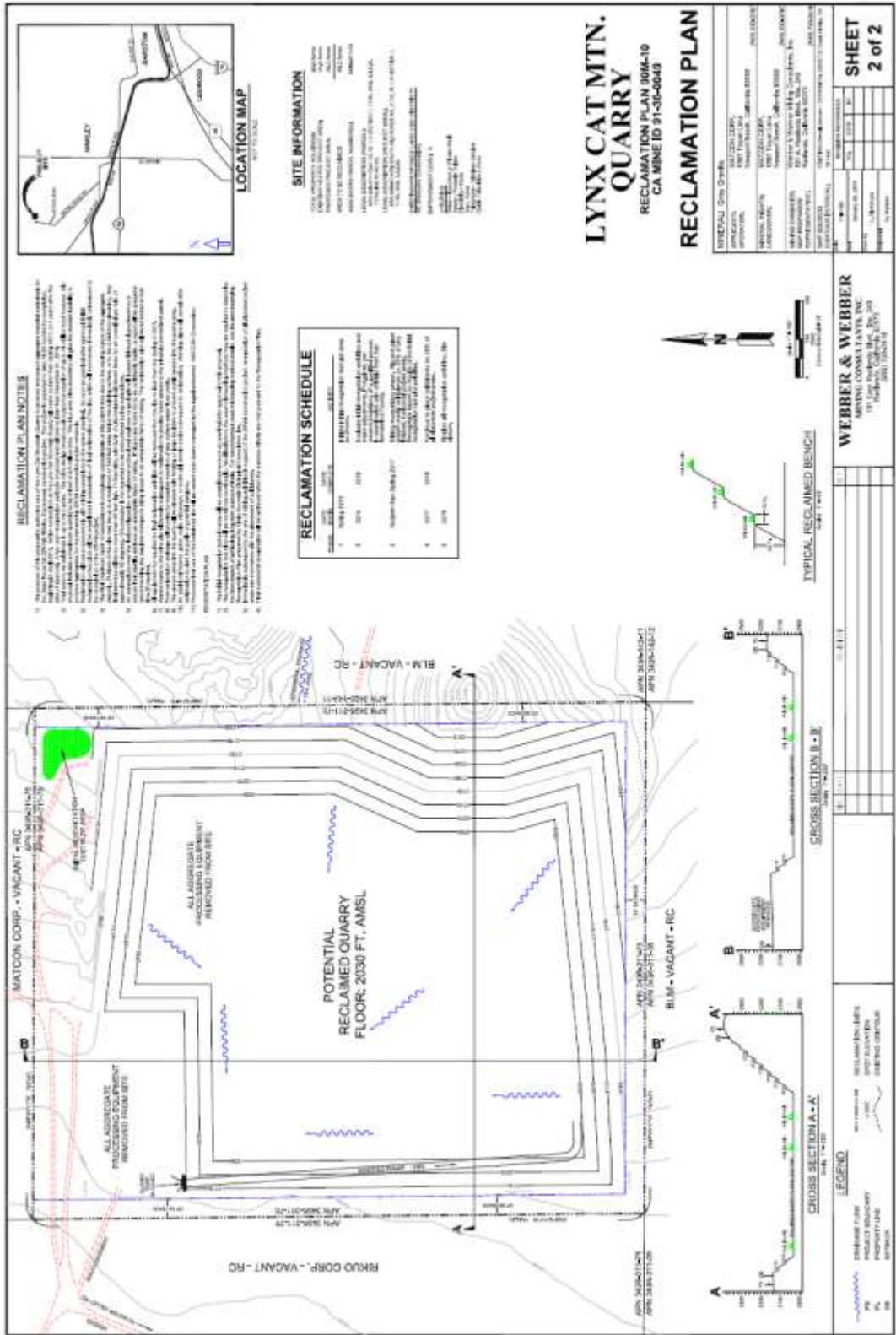






Figure 2  
Lynx Cat Mountain Quarry  
Reclamation Plan



SITE PHOTOS

**Figure 5  
Mine Photos**



**View from entrance of the existing quarry,  
facing east.**



**View from the northeast corner of the private mine site facing  
southwest.**



**View from west of the existing quarry site,  
facing east.**



**View from the northwest corner of the private mine site,  
facing southeast**

**Overview of quarry hill looking northeast**





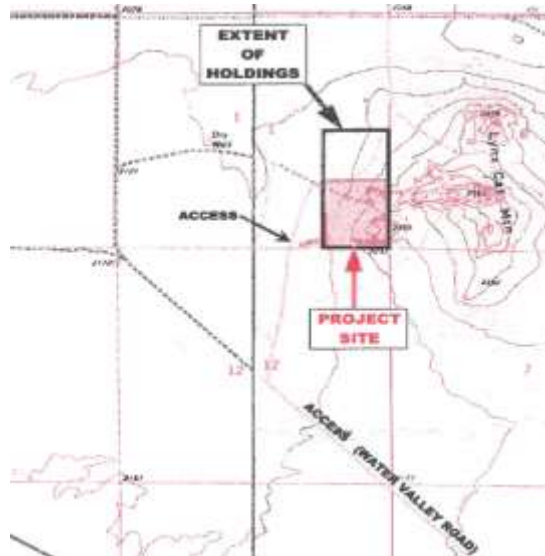
**Overview of upper portion of quarry viewing east**



## **PROJECT DESCRIPTION AND BACKGROUND:**

**Project:** This application is for a proposed revision to the existing Mining/Reclamation Plan to permit excavation within the existing Lynx Cat Mountain Quarry (Quarry) to provide aggregate and fill material for use during the construction of the State Route 58 Hinkley Expressway project (SR-58 Project). The applicant, Matcon Corporation, proposes to continue mining the vested surface mine and expand the operation by an additional 23.2 acres located to the south of the original quarry for a total of 48.2 acres within an 80 acre parcel (Project) as noted in Figure 3 below. The Project also includes the installation and operation of an ancillary hot mix asphalt batch plant onsite to meet the demand for the SR-58 Project. The asphalt plant will be located near the mine entrance but can be relocated onsite to increase production efficiency as shown in Figure 1, the Mine Site Plan.

**Figure 3  
Quarry Expansion Holdings**



The Quarry is situated at an average elevation of 2,240 feet, approximately one mile south of Harper Dry Lake. The quarry is identified as CA Mine ID# 90-36-0049 and was previously owned by Calico Rock Milling Company. The quarry is a vested surface mining operation, which obtained its first Reclamation Plan approval for the land holdings by San Bernardino County on June 28, 1990. Originally operating as the Gray Granite Quarry, the Quarry has been mined since 1963. Calico Rock obtained Reclamation Plan approval to mine and reclaim the site until December 31, 2020, at which time the site will revert to open space. The Gray Granite Quarry takes its name from the exposures of gray granite outcrops. County records indicate that the current operation was not successful in benefitting from the Senate Bill 108 (SB108) process to continue operating under its original Reclamation Plan. Section 2770(h)(6) of the Surface Mining and Reclamation Act (SMARA) (Public Resources Code section 2710 et seq.), requires that if a mining operation remains idle (as defined in Section 2727.1) for over one (1) year, a new reclamation plan must be established, consistent with current reclamation standards as described in SMARA and State Mining & Geology Board Regulations.

### Mine Operation

Approval of the proposed revised Reclamation Plan, as shown in Figure 2 will allow access to a total reserve of 16 million tons of aggregate. To meet the demands of the SR-58 Project, 4.5 million tons of Portland-Cement-Concrete aggregate is required to provide the fill and engineering materials for use during construction over a period of 16-24 months. Road construction is scheduled to begin April 1, 2015, for 9 months in 2015 and continue for 7 months in 2016. During peak demand periods of operation, the project may operate up to 24 hours per day, 7 days per week, for the estimated 16-month duration of the SR-58 Project. Mining activities will include blasting. The volume of offsite truck traffic will be up to 450 trucks per day, hauling 11,250 truck trips or loads per month throughout the duration of the Hinkley Highway project. Table 1 below lists a number of the operational parameters involved with the Lynx Cat Mountain Quarry.

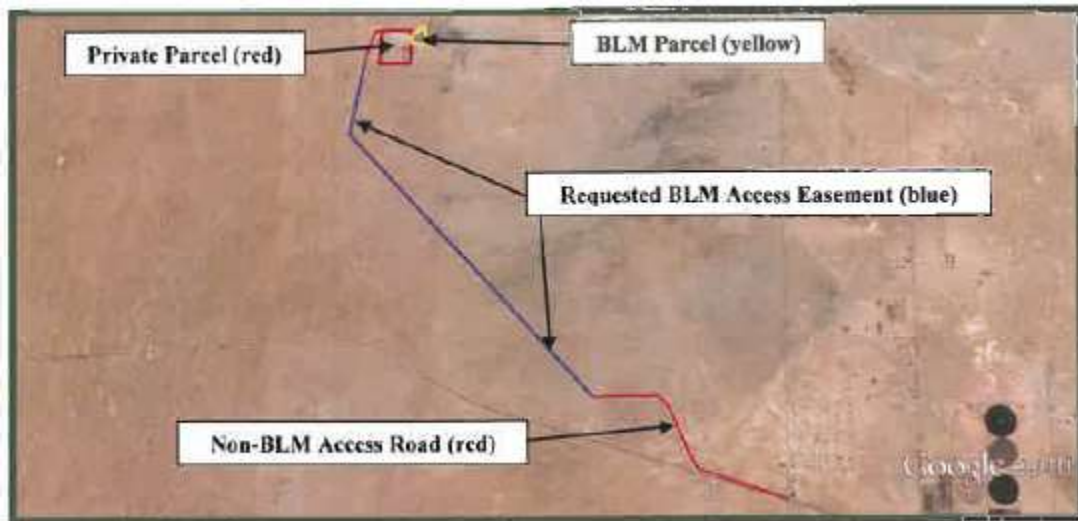
**Table 1: Lynx Cat Mine Reclamation Parameters**

	<b>1990 Approval</b>	<b>Proposed</b>
Acreage	25	45
Annual Production Rate (tons)	3,000	2,250,000
Quarry Operation Time Period	December 31, 2020	16-24 Months
Estimated Reclamation Date	2020	2019

### Location and Access: SR-58 Project

The Quarry is located approximately five (5) miles north of State Route 58 northwest of the community of Hinkley. Access to the site from Highway 58 will be provided by Hinkley Road north to Santa Fe Avenue west, and then northwesterly via an unnamed BLM-dirt road as shown in Figure 4 below.

**Figure 4  
Lynx Cat Mountain Quarry Access**



Authorization for access through the BLM-administered land will be made pursuant to an access agreement between the mine owner and the BLM. The Quarry is the nearest aggregate source for the SR-58 Project. Use of this site would allow material delivery to the SR-58 Project site to remain local and minimize traffic congestion, wear on existing roads and minimize air quality impacts to the region. SR-58 is a significant transportation corridor extending a total of 240 miles from US Route 101 near San Luis Obispo to Interstate 15 in Barstow. SR-58 crosses three major north-south routes: I-5, SR-99 and U.S. 395. SR-58 is the only east-west corridor for interregional travelers in the area, and carries a high volume of interstate trucks that transport agricultural and commercial commodities.



As lead agency for the SR-58 Project, Caltrans proposes to widen SR-58 from a two-lane conventional highway to a four-lane expressway near Hinkley. The total length of the project is 8.9 miles. Since the project is jointly funded by the Caltrans and the Federal Transportation Administration, a draft Environmental Impact Report and Environmental Impact Statement (EIR/EIS) was posted for review and comment on January 4, 2013, for the 45 day review and comment period. A Final EIR/EIS is posted on the Caltrans website for review.

#### Environmental Setting:

The Quarry site's terrain is gently to moderately sloping throughout most of the parcel, except within the existing quarry and rocky outcrops to the east and southeast of the site. No USGS-designated blue line streams occur on site. The Quarry's access road runs through relatively flat terrain, although there are some rocky areas with slight rises along the road. Parcels surrounding and adjacent to the proposed site are vacant and undeveloped property in private and public ownership. Given the site's remoteness, no schools, hospitals or other sensitive receptors are located near the quarry and the nearest residence is located approximately three miles easterly of the site.

The mine site lies within the Harper Valley Groundwater Basin of the South Lahontan Hydrologic Region. The 640 square mile basin has an estimated total storage capacity of 7,000,000 acre-feet. Fresh water, required for dust suppression purposes, will be extracted from an onsite well. At maximum operation, up to 160,000 gallons of water daily may be utilized for dust suppression and aggregate washing. Water usage may occur over a period of 24 months and the applicant estimates that 48,000 gallons of fresh water per day will be consumed during the SR 58 project operations. Since this will be temporary, no significant impact on the water basin is anticipated.

The Project site is located in Desert Tortoise habitat. The Desert Tortoise is an endangered species protected under state and federal law. Staff consulted with the US Fish and Wildlife Service and the California Department of Fish and Wildlife in the review of the biological assessment and surveys of the site. The applicant has submitted a formal application for incidental take of the tortoise to be authorized under Section 2081 of the California Fish and Game Code. The application identifies 73 minimization and mitigation measures that would be implemented before, during, and after mining operations. In general, the measures provide for worker education; minimizing impacts by delineating construction areas and restricting impacts to those areas; biological monitoring; habitat compensation and other typical measures identified in the 2081 permit.

The Applicant's Reclamation Plan details the methods and procedures and sequences to be employed to reclaim the existing disturbed areas and proposed expansion area and will establish a monitoring program and financial assurances as required by SMARA to ensure that reclamation is completed in accordance with the Reclamation Plan.

On April 6, 2015, in conformance with SMARA Section 2774 (d)(2), the County informed the California Office of Mine Reclamation (OMR) of the Project's scheduled May 7, 2015 Planning Commission hearing. In conjunction with the required hearing notice, the County included responses to OMR comments raised in its March 25, 2015, letter, which responses are attached as Exhibit D, concerning OMR's review of the Project's Reclamation Plan. With the amendment to the Reclamation Plan incorporating the changes suggested by OMR, the Project's Mining/Reclamation Plan meets all State and County SMARA requirements.

#### **ANALYSIS:**

Land Use and Reclamation: Pursuant to Section 2776 SMARA, no person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit as long as the vested right continues and as no substantial changes are made in

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the operation (land use). The applicant has vested rights for the continuation of the surface mining operation of the Quarry. The amended Lynx Cat Mountain Reclamation Plan will incorporate the following:

- Amend the existing Reclamation Plan to encompass the new area designed for use as a pit, quarry or excavation, along with any other changes to make the Reclamation Plan as amended conform to current SMARA performance standards.
- Obtain approval of the amended Reclamation Plan covering the new area, any facilities, roads, sumps, drainage systems, or storage or processing areas, utilized in connection with operations within the existing and expanded area. Areas encompassed within such plan shall conform to SMARA's reclamation standards in effect at the time the Reclamation Plan is approved.

The site is located within the Resource Conservation (RC) land use zoning district, which allows mineral resource development (mining) subject to a CUP. However, in that the use is vested, the only required approval is to amend the Reclamation Plan.

Initial Study. In compliance with the California Environmental Quality Act (CEQA), an Initial Study, attached as Exhibit C, was completed and routed to the State Clearinghouse for circulation (SCH# 2015031072). The 30-day comment period commenced on March 23, 2015, and concluded on April 22, 2015. Comments were received from the Lahontan Regional Water Quality Control Board (LRWQCB) and the County was informed that California Fish & Wildlife had no comments on the initial study. Staff did review the comment letter from LRWQCB and determined that concerns raised in the comment letters have been adequately addressed in the Initial Study (Ref. Section III Air Quality, IV Biological Resources and Section V Cultural Resources and Section XVI Transportation and Traffic) and conditions of approval. Please refer to Exhibit E to review the County's response to the LRWQCB. The response to comments did not trigger the need for substantial revisions or re-circulation of the Initial Study.

Reclamation Plan – The goal of the Project's Reclamation Plan is to return the Project site to privately-owned vacant open space consistent with the Resource Conservation Land Use District as shown in Figure 5 of the Reclamation Plan. Complete reclamation of the site will include:

- Removal of all processing/miscellaneous equipment, scale/scale house and refuse.
- Final grading of Project slopes.
- Mitigation of any potential hazards.
- Revegetation with indigenous species.

Reclamation of disturbed areas will commence immediately after mining is completed. Final reclamation will occur within seven (7) years of the termination of the excavation activities. Table 2 below details the projected scheduled to reclaim all disturbed areas, present and future.

**Table 2: Lynx Cat Mountain Mine Reclamation Schedule**

<b>Reclamation Schedule</b>	
<b>Timeline</b>	<b>Reclamation Operation</b>
Spring 2015	Place soil islands within the initial revegetation test plot area as per Reclamation Plan Map.
2015-2016	Monitor/evaluate initial revegetation test plot activities of the designated Revegetation Manager in coordination with officials from San Bernardino County.
No later than	Mining excavations cease. Rip and place growth media soil islands on 25%

Spring 2017	of any finished, horizontal disturbed project areas. Revegetate, based on results of initial revegetation activities.
2017-2024	Continue to place soil islands on 25% of all disturbed quarry area.
2024	Finalize all revegetation activities. Site closure.

**Recommendation:** That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration;
- 2) **ADOPT** the findings contained in the Staff Report;
- 3) **APPROVE** Mining/Reclamation Plan 90M-010 for the proposed 48.2-acre Project area;
- 4) **FILE** the Notice of Determination.

**ATTACHMENTS:**

- Exhibit A: Findings  
Exhibit B: Conditions of Approval  
Exhibit C: Initial Study/Mitigated Negative Declaration  
Exhibit D: County's Response to OMR Comments, April 6, 2015  
Exhibit E: County's Response to LRWQCB Comments



## **EXHIBIT A**

### **Findings**

**FINDINGS for Lynx Cat Mountain Quarry Revision to the existing Mine and Reclamation Plan to permit temporary excavation of the quarry as a borrow pit to provide aggregate for use during construction of State Route 58 Hinkley Expressway Project on 48.2 acres (Project) (APN: 0496-011-75)**

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

1. The Reclamation Plan No. 90M-010 as conditioned complies with the California Surface Mining And Reclamation Act (Public Resources Code Sections 2772-2773) and any other applicable provisions.
2. The Reclamation Plan, as conditioned, complies with applicable requirements of State mining regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).
3. The Reclamation Plan and the potential end use of the Project site as reclaimed, as conditioned, is in compliance with the Reclamation Plan and are consistent with the Development Code, General Plan and any applicable resource plan or element.
4. The Reclamation Plan has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.
5. The Project site and/or resources will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other open space resources.
6. The Reclamation Plan, as conditioned, will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan; with regard to this Project: open space.
7. The County has responded to comments and recommendations raised by the Office of Mine Reclamation (OMR), a division of the State Department of Conservation, in its review of the Project's Mine/Reclamation Plan. In a letter dated March 25, 2015, OMR provided comments on the Project's Mine/Reclamation Plan.. On April 6, 2015, the County provided comment responses to OMR and notified OMR Planning Commission hearing scheduled for May 7, 2015, at which time approval of the Project was to be considered. Pursuant to the County's responses, and Conditions of Approval required for this Project, the concerns expressed by OMR have been addressed.
8. The Project will not have a significant adverse impact on the environment, subject to implementation of the proposed Conditions of Approval and mitigation measures. An Initial Study (IS) was prepared in compliance with the CEQA and a Mitigated Negative Declaration (MND) has been reviewed and considered prior to its adoption and prior to approval of the Project. The IS/MND reflects the independent judgment of the County of San Bernardino.

## **EXHIBIT B**

### **Conditions of Approval**



## **CONDITIONS OF APPROVAL**

### **CONDITIONAL USE PERMIT** **Lynx Cat Mountain Quarry**

#### **GENERAL REQUIREMENTS**

##### Conditions of Operation and Procedures

#### **LAND USE SERVICES – Planning (909) 387-8311**

1. This conditional approval is for Mining/Reclamation Plan No. 90M-010 for the Lynx Cat Mountain Quarry, CA ID# 91-36-0049 for an existing surface mining operation within an 81.53-acre parcel of land. The proposal is to revise and reestablish Mining/Reclamation Plan 90M-010 to expand and allow continued use of the vested quarry site to provide Portland, Cement, Concrete (PCC) aggregate, landscape and fill materials for use during the construction of the State Route 58 Hinkley Expressway Project (SR-58 Project). The proposal requests authorization to quarry for a limited period of two (2) years. The revision will increase the current area of reclamation by an additional 23.2 acres. The total area to be mined and reclaimed will be limited to 48.2 acres.

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

2. The revised Mining/Reclamation Plan No. 90M-010 shall be effective for a period of 2 years for active mining and an additional 7 years for reclamation to satisfy the SR-58 project demands. After the mining activities have been completed, the site will be reclaimed to vacant open space and wildlife habitat managed by the legal owners.
3. The San Bernardino County Land Use Services Department shall be notified in writing, within 30 days, about any:
  - A) Change in operating procedures, or inactive periods of operation for one (1) year or more.
  - B) Changes of Company ownership, address, or telephone during the life of the Conditional Use Permit or Reclamation Plan.
  - C) Any changes to provisions in lease agreements or real property that will affect the approved Mining/Reclamation Plan.

4. The approved Mining/Reclamation Plan shall be bound in a 3-ring notebook and shall incorporate the approved mining plans, Biological Assessment for Desert Tortoise at the Lynx Cat Mtn. Mine, dated December 2014, Slope Stability Investigation by CHG Consultants Inc., dated June 30, 2014, Traffic Assessment by George Dunn Engineering, dated February 3, 2015, Revegetation Plan by Circle Mtn. Biological Consultants, Inc., dated December 2014, Air Quality Assessment prepared by Lilburn Corp., dated February 2, 2015, updated Financial Assurances , and Lynx Cat Quarry Focused Surveys for Agassiz's Desert Tortoise, Habitat Assessments for Burrowing Owl and Mojave Ground Squirrel, and General Biological Resource Assessment, dated December 2014. The Mining/Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.
5. The applicant/operator shall ascertain and comply with requirements of all Federal, State, County, and Local agencies as are applicable to the project areas. They include, but are not limited to: the San Bernardino County Departments of Planning, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, Bureau of Land Management, Mojave Desert Air Quality Management District, State Fire Marshall, Lahontan Regional Water Quality Control Board, Caltrans District 8, California Department of Fish and Game, State Mining and Geology Board, U.S. Fish and Wildlife Service, Mine Safety and Health Administration (MSHA), the California Occupational Safety and Health Administration (Cal-OSHA), and California Highway Patrol.
6. Indemnification. In compliance with the SBCC § 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the applicant may agree to relinquish such approval.

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

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

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

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

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

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

8. Annual Reporting. The applicant/operator shall submit a report summarizing the past year's Mining/Reclamation activity to the Department of Conservation, Office of Mine Reclamation and the Land Use Services Department each year. Mine site inspections will occur in conjunction with the annual report or at other times as appropriate.
9. Funds. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.

10. Project Account. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.
11. Amendment. If the Mining/Reclamation Plan procedures change from those outlined in the revised Mining/Reclamation Plan No. 90M-010, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.
12. Conditions. All conditions of this revised Mining/Reclamation Plan are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the revocation of the permit granted to use the property.
13. Clean Water Act. The Army Corp. of Engineers (COE) regulates discharge of dredged fill materials into Waters of the United States pursuant to Section 404 of the Clean Water Act. If the COE agrees that the delineated waters on the site are jurisdictional and the project will result in the discharge of materials into waters of the United States, a 404 permit may be required and will need to be obtained from the Los Angeles COE District Office. A pre-construction notification should be submitted to the COE District office early in the environmental process.
14. Regional Water Quality Control Board (RWQCB). The RWQCB regulates discharge to surface waters under the Clean Water Act (CWA) and the California Porter-Cologne Water Quality Act; therefore, a Section 401 permit may be required in conjunction with the 404 permit, if the COE concurs that the site supports waters of the United States. Effective July 1, 2010, all dischargers are required to obtain coverage under the Construction General Permit Order 2009-0009-DWQ adopted on September 2, 2009. A Section 401 water quality certification may be required as part of the approval by the COE if a 404 permit is deemed necessary by the COE.
15. Project Account. The Job Costing System (JCS) account number is AP20150002. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Work and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,200.00 shall be in the project account at the time of the project approval.
16. Condition Compliance. The applicant/operator shall process a Condition Compliance Review through the County in accordance with the direction stated in

the Conditional Approval letter, for verification of conditions for each phase of the project as approved in the Reclamation Plan. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase. A minimum balance of \$1,200.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase.

17. Fees. Prior to issuance of the approved Permits, all fees due under actual cost Job No. AP20150002 shall be paid in full.
18. Mitigation. Implementation of the mitigation measures required for this project shall be verified according to the methods identified in the Mitigation Monitoring and Compliance Program. Planning verification of compliance shall be requested through submittal of a Mitigation Monitoring and Compliance Application along with the required fee deposit. A qualified third party consultant with experience in mine operations shall do mitigation monitoring compliance verification to be funded by the applicant/operator. Annual reports shall be prepared by the operator that summarizes compliance with regulatory agency monitoring requirements and submitted to Land Use Services by Oct 1st of each year.
19. Deliveries. Transportation and delivery of materials should be conducted primarily during daylight hours only and restricted per BLM requirements if applicable.
20. Operation. This project may operate up to 24 hours per day, seven (7) days per week during peak demand periods for the estimated duration of the SR-58 project up to 2 years. The estimated volume of offsite truck traffic may be up to 450 trucks per day, hauling up to 11,250 truck trips or loads per month for the project duration. Typical operations are expected to be six (6) days per week and 16 hours per day, with blasting restricted to daylight hours only from Monday through Friday. The processing plant would operate approximately eight (8) hours per day. Should results of a noise study indicate that operations would not comply with the County noise ordinance, the Planning Director may require modification of such operations.
21. Blasting. Stripping of soil and blasting shall not be conducted during periods of sustained high winds (25 mph greater than 1 hour) or during high intensity rainstorms.
22. Explosives. The storage of explosives onsite is not part of this conditional approval.

23. Asphalt Batch Plant. Batch plant structures and related improvements shall be completely removed from the subject site within 30 days of project cessation. Any further modifications and/or alterations to the batch plant as noted in the approved mining plan will require review by the Planning Division.
24. Asphalt Batch Plant Requirements. Applicant shall ascertain and comply with requirements of all Federal, State, County and Local Agencies as are applicable to the proposed use and the project area. They may include, but are not limited to: 1) State: Caltrans; Fire Marshall; South Coast Air Quality Management District; Santa Ana Regional Water Quality Control Board, California Highway Patrol, 2) County: Department of Public Health; Environmental Health Services Division; Local Enforcement Agency (LEA); Department of Land Use Services, Divisions of Building & Safety and Code Enforcement; Department of Public Works; Flood Control District; California Occupational Safety and Health Administration (Cal-OSHA)..

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

25. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.
26. Weed Abatement. The developer shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

27. Noise Level. Noise level shall be maintained at or below County Standards, Development Code §83.01.080. For information, contact DEHS at 1-800-442-2283.
28. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, per week or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to



an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. Seq. For information, please call DEHS/LEA at: 1-800-442-2283.

**COUNTY FIRE – Community Safety (909) 386-8400**

29. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
30. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

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

31. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
32. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

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

33. Bureau of Land Management. Authorization for site access shall be provided from the U.S. Department of the Interior, Bureau of Land Management, Barstow Field Office (BLM) prior to initiating new land disturbance activities affecting APN 0496-011-75.
34. Mine/Reclamation Documentation. Prior to authorizing a proposed expansion of the operations, the Mining/Reclamation Plan text and maps shall be revised to reflect the project as approved by the Planning Commission.
35. SWPPP. The means to manage storm water on site will undergo technical review, which may include County staff. The approval incorporates comments in

the Office of Mine Reclamation Letter dated March 25, 2015 concerning the proposed design for storm water conveyance.

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

#### **PUBLIC WORKS – Traffic – 909 387-4374**

37. Maintenance Agreement. The developer may enter into a maintenance agreement with the County Department of Public Works, Transportation Operations Division to insure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. The applicant shall submit a Construction Development Plan for review by Traffic. For information regarding a maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995.

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

#### **LAND USE SERVICES - Planning (909) 387- 8311**

38. Well Site. Water may be supplied through the use of an onsite well. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.
39. AQ-1 Exhaust Emissions. *The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions.*
40. AQ-2: Vehicle Maintenance. *The mine operator shall ensure that all equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.*
41. AQ-3: Fuel Sources. *The mine operator shall ensure use on-site mobile equipment powered by alternative fuel sources (i.e., methanol, natural gas, propane, or butane) as feasible.*

42. AQ-4 Dust Control. The mine operator shall ensure that periodic watering for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions occurs. For purposes of this requirement, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
43. AQ-5: Trackout. The mine operator shall take actions sufficient to prevent project-related trackout onto paved surfaces and cover loaded haul vehicles while operating on publicly maintained paved surfaces.
44. AQ-6: Graded Surfaces. The mine operator shall stabilize graded site surfaces upon completion of earth moving activity when subsequent earth moving activity is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.
45. AQ-7: Cleanup. The mine operator shall clean-up project-related trackout or spills on publicly maintained paved surfaces within 24 hours.
46. AQ-8: Earthmoving Activity. The mine operator shall reduce nonessential earth-moving activity under high wind conditions. For purposes of this requirement, a reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
47. Green House Gas Monitoring and Mitigation. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
- a) Waste Stream Reduction. The “developer” shall provide to all project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
  - b) Vehicle Trip Reduction. The “developer” shall provide to all project employees County approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
  - c) Select construction equipment based on low-emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.

- d) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.
48. BIO-1. Fish & Wildlife. Prior to the disturbing soil or vegetation, the Project Proponent shall provide evidence to the Planning Division that the California Department of Fish and Wildlife has issued a 2081 Incidental Take Permit for Desert Tortoise and Mojave Ground Squirrel.
49. BIO-2. Incidental Take Permit. The Project Proponent shall comply with the proposed measures to minimize and fully mitigate the impacts of the proposed taking specified in the Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California dated November, 2014 attached to this Initial Study Checklist as Appendix D and hereby incorporated by reference.
50. BIO-3. Biological Survey. Prior to disturbing soil or vegetation, a qualified biologist shall survey all shrubs and structures within the project site for nesting birds. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the plant in which it occurs should be left in place until the birds leave the nest. No construction is allowed near active bird nests of threatened or endangered species.
51. BIO-4 Transplanting. Silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus shall be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.
52. BIO-5 Awareness Training. Prior to the start of any onsite activities, personnel associated with the operation shall be provided with desert tortoise awareness training. The awareness program shall be provided to all new employees and reviewed with all personnel and truck drivers quarterly. A log of awareness training shall be maintained onsite and available for inspection.
53. CR-1: Archaeological Resources: The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:

*In the event archaeological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits*

*until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.*

54. CR-2: Paleontological Resources. *The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:*

*In the event paleontological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified paleontologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. In consultation with the Project proponent, the County, and the Bureau of Land Management, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.*

55. Excavation. If human remains are encountered on the property, the San Bernardino County Coroner's Office Must be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. Contact the County Corner at 175 South Lena Road, San Bernardino, CA 92415-0037 or (909) 387-2543.

56. Stockpiling and Growth Medium. The operator shall stockpile all available growth medium and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Re-vegetation areas shall be ripped to a depth of one-foot, decompacted and shall be supplemented by broadcast seeding with native and locally adapted seed per the approved reclamation plan. Stockpiled growth medium shall be stored separately from silt and overburden material stockpiles and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods.

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

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

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

59. Storm Water Pollution Prevention Program (SWPPP). The operator shall prepare a SWPPP outlining how storm water shall be conveyed or directed on and off-site during operations to avoid impacts to groundwater and surface water quality. Within the SWPPP, the operator shall list Best Management Practices (BMPs) to be employed on site to avoid water quality impacts. The SWPPP shall be submitted to the Lahontan Regional Water Quality Control Board and a copy submitted to Planning or provide evidence from LRWQCB that the SWPPP is not needed. For more information, contact CRBRWQCB at (760) 340-4521.
60. On-Site Lighting and Illumination. The area of illumination from any lighting shall be confined to be within the site boundaries and to minimize impacts to night sky views from surrounding properties. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. On-site lighting shall be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting shall be limited to that necessary for maintenance activities, security and safety purposes. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign.
61. Permit Maintenance. The applicant/operator shall maintain and annually renew existing permits to operate the processing plant, onsite generators, and any other applicable equipment from the MDAQMD and be in compliance with said permits.
62. Exhaust Control Measures. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (Development Code, Section 83.01.040 (c)) including but not limited to:



- A. Equipment/vehicles shall not be left idling for period in excess of five minutes;
  - B. Engines shall be maintained in good working order to reduce emissions;
  - C. Onsite electrical power connections shall be made available where feasible;
  - D. Ultra low-sulfur diesel fuel shall be utilized;
  - E. Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible;
  - F. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use;
  - G. In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.
63. Monumentation. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
64. The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

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

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

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

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

### **ON-GOING OPERATIONAL CONDITIONS General Requirements**

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

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

67. Solid Waste. No land filling of wastes shall occur on-site without an approved Solid Waste Facilities Permit.
68. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with the Development Code, Section 33.0830 et seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 909-387-4655.
69. Solid Waste Removal. All refuse containing garbage shall be removed from the premises at least one time per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.
70. Potable Water. The water purveyor shall be DEHS approved and maybe permitted; currently proposing bottled water for visitors and employees for drinking.

#### **COUNTY FIRE – Community Safety (909) 386-8400**

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

#### **LAND USE SERVICES – Planning (909) 387-8311**

72. Barriers/Signage. A barrier and signage per MSHA requirements shall be maintained around the mined slopes. The upper reach of the final reclaimed slopes shall be remediated to an inclination of 3:1(Horizontal: Vertical) or flatter.
73. Groundwater Use Compliance. Should groundwater become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency staff to ensure compliance.
74. Water Discharge. On-site groundwater may be impaired with undesirable chemical constituents; therefore, water use and discharges shall be in accordance to the water quality objectives and standards within the Lahontan Region outlined in Chapter 3 of the Basin Plan.
75. Stockpiling. On-site materials shall not be stockpiled adjacent to an active drainage unless adequate protective measures are implemented. Adequate measures shall consider the most adverse conditions the stockpile will likely experience.

76. Soil Contamination. In the event of any soil contamination on-site, the applicant/operator shall remove to a County approved disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time.
77. Overburden. The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum. The following practices shall be undertaken during the performance of surface mining operations:
- A. Erosion control facilities such as retarding basins, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control water erosion.
  - B. Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to; natural drainage courses or interior basins designed for water storage.
  - C. Resoiling. When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures are necessary.
78. Mining Operation. The mining operation shall be conducted in a uniform manner, with exterior slopes and floors trimmed as the mining operation proceeds to facilitate implementing site reclamation. Excavations shall be conducted so as to leave them in a reasonably neat and trim manner. The final site shall be graded and revegetated as per the approved Reclamation Plan Plot Plan. Any changes to the approved plans shall require a Revision Application.
79. Slope monitoring. Slope monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. The monitoring shall include the following items:
- A. Slope Stability Analysis: A qualified independent California Certified Professional Civil Engineer OR Engineering Geologist shall complete, on an annual basis or deemed necessary by County inspector, a stability assessment of new quarry development areas. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.
  - B. Review of Slope Stability Considerations: Using the information from the investigation and monitoring, the assumptions and results of the stability analysis shall be evaluated for continued approved design applicability.
80. Recycling Material. Processing and/or stockpiling of recycled materials is not permitted on site.

81. Interim Management Plan. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA, Section 2770(h) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.
82. Headlights. In consideration to recreational use in the vicinity of the project, daytime headlights shall be required at all times. Advisement to drivers and employees of this requirement shall be made on a weekly basis.
83. Site Maintenance. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. No refuse shall be retained at any time in the work areas. All refuse shall be disposed of at an approved licensed disposal facility. Refuse storage shall be maintained in closed containers
84. Reclamation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
85. Signage. Clearly legible signs denoting limits shall be posted along with fencing, berms, or rock barriers, as necessary, to protect against accidental entry to the site. Lettering shall be a minimum four (4) inches in height. As feasible, signs shall be placed every 300 feet around the perimeter of the project plan area where undisturbed ground adjoins the permit area. All signs shall be in place prior to the commencement of extraction activities.
86. Sign Maintenance. The applicant/operator should regularly review the adequacy of the signs. Care should be taken to ensure that signs do not become blocked by vegetation or become illegible from dirt or deterioration. As new phases are developed, additional signs may be needed. In evaluating the adequacy of signs, they should be considered from the viewpoint of a first-time visitor on the property, such as a vendor or a contractor. Pay special attention to any areas where public roads intersect project roads. Other drivers may not be familiar with the operation of mining equipment, the mine's traffic patterns, and equipment blind spots. Ensure that the traffic and warning signs that are provided in these areas are adequate.
87. Advertisement. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.
88. Company Identification. The applicant shall install Company identification signs on all company owned and operated haulage trucks used on public roads. The signs shall be located on both sides and the rear of each truck. The information contained on the sign shall include:

On the rear of the truck:

A. How am I driving?

On the side of the truck:

A. Company name.

- B. Truck number.
- C. Company phone number.

- B. Truck number.
- C. Company phone number.

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

- 89. Hazardous 1 – Spills/Leakage. All chemical spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility.
- 90. Hazardous 2 – Groundwater Supply. Water may be supplied through the use of groundwater. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.
- 91. Hazardous 3 – Wells. Should an on-site or off-site well become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency to ensure compliance.
- 92. Hazardous 4 – Well Condition. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to Section 115700 of the California Health & Safety Code.
- 93. Traffic -1 – Hauling. During off-site hauling activities to the SR-58 project area, the mining operator is required to comply with the Caltrans Transportation Management Plan as required by Mitigation Measure TR-1 of the Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013.
- 94. Site Lighting. Non-portable plant equipment and structures are restricted to a maximum of 35 feet in height above natural grade level.



95. Plots. Test plots shall be indicated on the Mine Reclamation Plan and required to determine the suitability of growth media for revegetation purposes. Test plots shall be conducted simultaneously with mining to determine the most appropriate planting procedures to be followed to ensure successful implementation of the Re-vegetation Plan.
96. Re-vegetation Monitoring. Monitoring will continue annually for at least five (5) years after reclamation has been completed. Following the first two years of qualitative monitoring, quantitative monitoring will be conducted. Monitoring will utilize methods appropriate to the areas under study. Beginning with the adoption of the final revision of the Reclamation Plan that encompasses all the needed changes to be consistent with the final conditions of project approval, and continuing until reclamation is completed, the applicant/operator will submit to Planning annual monitoring reports. The reports will:
- A. Describe re-vegetation actions undertaken in the reporting period;
  - B. Identify areas that have been disturbed;
  - C. Identify areas and acreage for which re-vegetation has been started;
  - D. Present results of investigations on species diversity and other measures of re-vegetation success in test and control or reference plots;
  - E. Describe successes and problems in the re-vegetation efforts for that year;
  - F. Describe steps taken to resolve problems or achieve re-vegetation success;
  - G. Describe disturbance and re-vegetation efforts planned for the next two years.
97. Revegetation Renewal. If re-vegetation is not successful, the applicant/operator shall undertake the following actions:
- A. If, during the first two years of qualitative monitoring, revegetation is clearly not successful, the applicant/operator will re-evaluate the revegetation methods and will discuss changes to these methods with the County representatives. The applicant/operator will revise the Re-vegetation Plan, secure concurrence from Planning for the changes, and begin implementing the new measures.
  - B. If the test plots do not meet the specified success criteria of the control plots after three years, the applicant/operator will make an assessment of the re-vegetation methods to identify any deficiencies contributing to planting failures. Corrective action shall be incorporated in follow-up testing.
  - C. If after five years, the re-vegetated areas (as measured by the results of the test plots) have not achieved these success criteria, the applicant/operator will immediately begin to implement the measures identified in a contingency plan.
98. Financial Assurances Re-vegetation in arid areas is tenuous at best and, therefore, the applicant shall provide in the Financial Assurance Cost Estimate the costs to monitor and report on revegetation, incidental disturbance and erosion control for a time period of five (5) years following the termination date of operation.

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

**COUNTY FIRE - Hazardous Materials (909) 386-8401**

100. Batch Plant Operations. Prior to commencement of batch plant operations, operator shall submit or update a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshall, Hazardous Materials Division at the number referenced above.
101. Batch Plant Hazardous Materials. Prior to commencement of batch plant operations, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, A Hazardous Waste Generator Permit, and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshall, Hazardous Materials Division at the number referenced above.
- 102.

**PRIOR TO FINAL CLOSURE**  
**Following Conditions Shall Be Met**

**LAND USE SERVICES – Planning (909) 387-8311**

103. Hazardous -5 Well Closure. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.
104. Tributary Drainage Flows. Upon final reclamation, provisions shall be implemented to intercept and conduct off site tributary drainage flows around or through the site to minimize erosion in a manner which will not adversely affect adjacent or downstream properties and shall be maintained five (5) years following the termination date of operation.
105. Equipment. At the time of termination of the operation for any reason, all equipment, structures and refuse associated with the operation shall be removed from the site, all hazards mitigated, and reclamation initiated within 90 days, as per the approved Reclamation Plan.
106. Access Roads. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of mining/hauling activities.
107. Site Re-Contour. The applicant/operator shall re-contour the site at the conclusion of operations (platforms, stockpiles, settling ponds, etc.). The site should resemble natural landforms where possible.
108. Reclamation Verification. Each area reclaimed shall be identified on a map and labeled for identification. The final map shall be provided to Planning for review and approval.

**CONCLUSION OF CONDITIONS**

## **EXHIBIT C**

### **Initial Study/Mitigated Negative Declaration**

**SAN BERNARDINO COUNTY**  
**INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

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

**PROJECT LABEL:**

<b>APN:</b>	<b>0496-011-75</b>
<b>APPLICANT:</b>	Matcon Corporation
<b>COMMUNITY:</b>	Hinkley
<b>LOCATION:</b>	Approximately 1.25 miles southwest of Halstead Road and the Black Canyon Road intersection
<b>PROJECT NO:</b>	AP20150002
<b>STAFF:</b>	Reuben Arceo, Contract Planner
<b>REP(S):</b>	Webber and Webber Mining Consultants
<b>PROPOSAL:</b>	Reestablish Mining and Reclamation Plan 90M-010 to expand the existing quarry and reclamation plan boundary from 25 acres of disturbance to 48.2 acres and provide PCC aggregate, landscape and fill material for the construction of the SR 58 Hinkley Expressway project.

**USGS Quad:** Twelve Gauge and Hinkley  
**T, R, Section:** T: 10N R:4W Sec: 1

**Thomas Bros.:** Page 349, Grid: B-7

**Planning Area:** Hinkley  
**Land Use Zoning:** Resource Conservation

**Overlays:** AR-4 (Airport Safety Review Area 4)

**PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department - Current Planning  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

**Contact person:** Reuben Arceo  
**Phone No:** (909) 387-4015 Fax No.: (909) 387-3223  
**E-mail:** Reuben.Arceo@lus.sbcounty.gov

**Project Sponsor:** Matcon Corporation  
c/o Webber & Webber Mining Consultants Inc.  
101 E. Redlands Boulevard, Ste. 240  
Redlands, CA 92373  
**Phone No:** (909) 793-3416

**PROJECT DESCRIPTION:**

The Lynx Cat Mountain Quarry is an existing and vested surface mining operation subject to Reclamation Plan 90M-010 requirements, as conditioned by San Bernardino County on June 28, 1990. The mine is designated by the State of California as CA Mine ID# 90-36-0049. The Lynx Cat Mountain Quarry site is an existing mine site with nearly 12 acres of land disturbance as of 2014.



The purpose of the Project is to re-establish Reclamation Plan 90M-010 and request authorization to allow for temporary use of the quarry as a borrow pit to provide PCC aggregate, landscape and fill material exclusively for use during construction of the State Route 58 Hinkley Expressway Project (SR-58 Project). The Project requests authorization for a limited mining period of two years, or upon extraction of 4.5 million tons of material, whichever comes first. Reclamation of the site will commence immediately upon termination of mining. Mined products will include PCC aggregates, rock and cobble for use in landscape improvements and retention areas, and general fill material along the SR-58 Project.

## **Mining**

The Project proposes to continue mining the original quarry area and expand southward to provide materials for the SR-58 Expressway Project exclusively. All excavations will be limited within the mining boundary shown in detail on both Mining and Reclamation Plan Maps. The quarry design shown on the maps provides for a total reserves estimate of 16 million tons; however, the Project proposes to mine a total maximum quantity of 4.5 million tons over 16-24 months, exclusively to satisfy the SR-58 project demand and projected schedule.

SR-58 Project activities are proposed to begin April 1, 2015 for 9 months in calendar year 2015 and continuing for 7 months in calendar year 2016 through July 31, 2016. Four (4) million tons of fill material will be loaded by excavators and loaders directly onto street legal 25-ton haul trucks for export to the construction alignment project. 0.5 million tons of material will be transported by loader or 35-ton off-road haul trucks to be processed on-site through the portable crushing and screening plant. Approximately 20% of the material will be washed. After processing, the sized material will be transported off-site by street legal 25-ton haul trucks. After the 16-24 month period, or extraction of 4.5 million tons, whichever comes first, mine operations will be discontinued and reclamation activities will commence.

Conventional hillside open pit quarrying methods will be implemented at the mine site, including drilling and blasting, when necessary, to extract mined material. The mine may operate up to 24 hours per day and 7 days per week to maintain Caltrans SR-58 project schedules. Typical operation is expected to be 6 days per week and 16 hours per day. Blasting will be restricted to daylight hours Monday through Friday. A single phased development is proposed and the mine will operate continuously until fully reclaimed. In the event of an unforeseen interruption in the operation resulting in an extended period of non-operation, the operator will secure the site.

All processing equipment will be mobilized to the quarry as needed to meet SR-58 project parameters and will be removed as soon as demand is met and stockpiles are depleted. During any period of non-operation or limited operations for a period of 12 months or greater, the operator (or his representative) will prepare and submit an Interim Management Plan to San Bernardino County and the State Office of Mine Reclamation. During extended periods of non-operation the operator will conduct regular inspections of the entire quarry site to insure that all gates are locked, berms have not been disturbed and that the site is generally secured during these periods of non-operation.

Excavations of the granitic aggregate material will be preceded by removal of any loose overburden material, including any vegetation. Overburden will be removed and placed into stockpiles for use during reclamation activities. The 4.0 million tons of fill material will be loaded 16 hours per day by excavators and loaders into 25-ton haul trucks for direct export offsite to the SR-58 project site. Aggregate extraction and stockpiling will be accomplished by Caterpillar D-10 dozer, or equivalent. A large loader or 35-ton off-road haul truck will typically haul and load material directly into the processing plant to crush/screen the 0.5 million tons of blasted granite required for the SR-58 project.

The portable crushing and screening rock plant will be located as near as practical to the working face of the quarry to minimize equipment movement and dust emissions. The processing plant will operate 8 hours per day. Blasting of the rock material will occur in areas of the quarry that possess competent rock, which cannot be ripped by dozers. Standard drill and blast techniques will be utilized to accomplish ore

extraction. Blasted rock will then be loaded into the processing plant by wheel loader.

In portions of the proposed quarry operation that expose the hard rock formation, benching will occur. Bench parameters will be 40 feet high with 15-foot wide benches and 0.5:1 (horizontal: vertical) faces, for an overall slope angle of approximately 50 degrees. Bench excavations will adhere to standard hillside mining techniques and will comply with Mine Safety and Health Administration (MSHA) requirements. In the remainder of the site, sloping of project areas will be graded to no steeper than 2:1 (horizontal: vertical).

During peak demand periods of operation the project may operate up to 24 hours per day, 7 days per week, 12 months per year for the estimated 16 month duration of the SR-58 project. Volume of offsite truck traffic will be 450 trucks per day, hauling 11,250 truck trips or loads per month for the 16-24 month period. Project operations will require up to 8 employees onsite during two shifts per day.

#### *Mine Waste*

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

Overburden on the project site primarily consists of seed-containing "topsoil" and rubble and generally comprises the top 0"-12" of surface material. The existence of this overburden material is not consistent throughout the site, especially in the exposed hard rock areas. This material will be removed from the surface where it exists, and stockpiled for subsequent use for reclamation/revegetation.

Equipment and vehicle maintenance servicing may produce waste oils, lubricants and solvents. It is projected that maintenance of processing equipment will generally occur offsite, but during periods of maximum production it may take place onsite. When onsite maintenance does occur, all servicing of equipment will be performed consistent with San Bernardino County Department of Environmental Health Services regulations for draining/collecting waste oils and other hazardous materials. All collected waste oils, lubricants and solvents shall be placed in covered containers and stored within secondary containment structures while onsite. These collected materials will continue to be transferred to a County approved hazardous waste handler for proper disposal or to an approved re-use facility. Ordinary refuse will continue to be collected in bins and disposed of at permitted landfills.

Use of other chemicals or hazardous materials are not proposed during normal operations at the project site and no flotation, amalgamation, smelting, leaching or other processes will occur throughout the life of the project.

#### *Production Water Data*

Fresh water will be used at the project site for dust suppression activities and aggregate washing. Water shall be provided for project operations by an offsite vendor or onsite well. At maximum production of operations, up to 160,000 gallons of water daily may be utilized for dust suppression and aggregates washing. This temporary water usage may occur over a period of 24 months according to the SR- 58 project construction estimates. Up to 70% of aggregate wash water will be recycled through a sedimentation pond system, so approximately 48,000 gallons of fresh water per day will be consumed by project operations. Bottled water will be provided for employee consumption.

Water will be recycled to the extent practical, minimizing any potential excess processing water. Minimal amounts of water will be lost through seepage from the sedimentation pond. Storm runoff water will continue to be directed into an onsite containment area within the quarry excavations where it will either evaporate or percolate back into the water table. No contaminants, such as processing chemicals, detergents, acid drainage, fuel oil or gasoline will be exposed to runoff throughout the life of the project. No septic systems are proposed.

### *Erosion and Sedimentation Control*

The Project has been designed to provide for complete retention of any onsite water flows. As quarry excavations progress, retention area(s) will be maintained to prevent water from discharging to offsite areas. No headward erosion from the quarry areas is anticipated due to the composition of the gray granite formation. Any movement of sediment will be retained onsite and will not affect offsite properties. Occasional heavy rainfall is anticipated a potential source of erosion and offsite sedimentation is mitigated for in the proposed site development design. Any rills and gulying will be address by use of non-erodible rock materials to minimize future degradation during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary will remain until evaporation and percolation has reduced the quantity of standing water onsite. Any accumulated sediments that may be deposited in the project retention area will be removed and utilized during reclamation activities.

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

### *Blasting*

Blasting of rock material is required for extraction activities at the Lynx Cat Mountain Quarry and will used periodically during the short term project. Therefore, it is proposed to continue the use of blasting during future quarry expansion activities.

All blasting related activities will be performed and managed by a licensed blasting contractor. Typically, a track drill will bore a series of 3-8 inch diameter holes vertically into the surface in a predetermined pattern. Explosives will then be loaded into the holes; in this case, Ammonium Nitrate (ANFO) will most likely be used. The blasting contractor will control access to the blast site during bench round charging as well as during/immediately after the actual detonation. The blast site will always be visually checked for persons in addition to using loud auditory alerts prior to blasting.

Storage of explosives will not occur onsite throughout the life of the project. The blasting contractor will be responsible for all handling/storage of explosives. Explosives will only be brought onsite for active blasting. Any blasting contractor utilized at the mine site will be licensed by the State of California and possess required explosives handling permits from San Bernardino County and the U.S. Bureau of Alcohol, Tobacco, and Firearms. Additionally, blasting contractors will be required to follow California OSHA and Federal Mine Health and Safety Administration (MHSA) regulations that apply to handling explosives during all activities onsite.

## **Reclamation**

The goal of reclamation of the Project site is to return the site to privately-owned vacant open space consistent with the Resource Conservation Land Use District. Complete reclamation of the site will include:

- Complete removal of all processing/miscellaneous equipment, scale/scale house, and refuse
- Final grading of project slopes
- Mitigation of any potential hazards
- Revegetation with indigenous species

As the purpose of the Project is solely to provide aggregate material for the SR-58 construction project, reclamation of disturbed areas will commence immediately after mining is completed. Final reclamation will occur within two years of the termination of the excavation activities.

### *Revegetation*

The goal of revegetation of the Project site is to accelerate the reestablishment of native vegetation subsequent to land disturbance, eventually leading to vegetative conditions that existed prior to mining. Once ripping of the surfaces is completed, the revegetation process will begin with the placement of soil islands on 25% of all accessible, horizontal areas. Soil islands will basically consist of vegetative growth media, including any stockpiled topsoil material, fine-textured waste tailings from the screening operation, and any site collected organics (shrubs, bushes, grasses). The soil island concept was developed by the National Park Service and has been successful in revegetation projects at the Joshua Tree National Monument, as well as other locations. The Park Service research concluded that desert vegetation has a much better chance of success developing naturally from an established soil island. The soil island essentially acts as a base from which other naturally occurring seeds can potentially develop and spread.

Immediately following completion of the requirement for aggregate material for the SR-58 highway project, soil islands will be placed in a manner that covers approximately 25% of all accessible horizontal surfaces. Results from the revegetation test plot will provide the most effective composition and method of seeding that will be used to revegetate the remainder of the site subsequent to mining activities. The soil islands should average 6-12 inches in thickness, depending on available stockpiled soil/organics. Depending on the results of the revegetation test plots, it's projected that revegetation efforts will not include any irrigation, fertilizers, mulch, lime or other non-native constituents unless recommended by the Revegetation Manager upon unsatisfactory results.

Under the supervision of the designated Revegetation Manager, a seed mixture described in the Revegetation Plan will be implanted in the soil islands. Seeds will be obtained from a Department of Conservation-recommended list of commercial seed suppliers, or collected from the project site and nearby areas. Progress of the revegetation activities will be assessed regularly by a qualified individual. If necessary, recommendations for adjustments to the seed mixture/seeding method will be made so the desired results can be achieved. This will be done in coordination with officials of San Bernardino County.

Successful revegetation of the site will be achieved when the success criteria set forth in the Revegetation Plan is met. This will result in enough native plant cover reestablished to resist the incursion and spread of invasive annual grasses and forbs, to help reduce erosion, and to reestablish appropriate habitat for the desert tortoise and other wildlife.



### *Cleanup*

Upon cessation of mining activities at the end of the SR-58 highway construction project, all mobile equipment not required for further revegetation activities will be removed from the site. This would include all loaders, dozers, crushing and screening plant equipment, conveyors, etc. Refuse in any form will not remain on site and will be appropriately disposed of in permitted landfills. Any structures/foundations will also be completely removed from the site.

### *Post Reclamation*

Upon completion of final reclamation activities, the Project site will visually appear as a moderately-sized enclosed quarry with the quarry floor situated somewhere between 40-100 feet below the existing surrounding surface. The quarry floor will be enclosed by the mining benches/slopes which will extend up the hillside along the eastern boundary of the quarry. All accessible slopes and horizontal areas will be vegetated with site-indigenous plants. There are no highways, residences or commercial developments within the vicinity that will be visually affected by the Project after reclamation.

### *Slopes and Slope Treatment*

All excavated benches and quarry cut slopes will remain after cessation of mining activities, as long as they achieve acceptable factor of safety. A Slope Stability Investigation has been prepared for the Project by CHJ, Inc. and details the factor of safety for the proposed quarry slopes. The final quarry walls will remain stable both statically and dynamically pursuant to the Recommendations section of the Slope Stability Investigation. Should any final quarry slopes fail to attain the minimum factor of safety standards, the operator will implement such measures necessary to bring the slopes into compliance. No fill slopes or waste/tailings stockpiles will remain subsequent to reclamation.

### *Ponds, Reservoirs, Tailings, Wastes*

There will be no reservoirs, dams, or embankments established throughout the life of the Project for purposes of major water retention. Ponding will occur within the quarry floor during heavy rainfall as the proposed drainage is self-contained with virtually 100% water/sediment retention upon completion of reclamation. Retained storm waters will then be allowed to percolate toward the natural groundwater table below and any deposited sediments removed for incorporation into revegetation activities.

If a sedimentation pond system is established to recycle processing water during site operation, it will be drained and regraded immediately following completion of the SR-58 highway construction project. Much of the sediments (tailings) produced from the pond will be utilized in aggregate products supplied to the SR-58 project. Any remaining tailings that are not sold as product will be utilized to help produce the growth media required for the soil islands.

### *Soils and Fine-Textured Waste*

A sandy-rocky type of "topsoil" exists on some portions of the Project site around the base of the granite hills, in a thickness of one to twelve inches. Other areas contain virtually no topsoil material, allowing the granitic rock to be clearly exposed. Topsoil that exists on proposed excavation areas will be removed and stockpiled prior to aggregate extraction activities. Topsoil will be removed only to allow advancement of the working excavations, so as to preclude any unnecessary surface disturbance. All topsoil that exists will be stored within topsoil stockpiles located as shown on the Mine Plan Map. This secured topsoil will be utilized to enhance the composition of the growth media for the revegetation soil islands discussed previously. Any unsold fine-textured waste tailings comprised of fine material produced by the crushing/screening operations

will be blended with stockpiled topsoil material to aid production of the growth media for the soil islands, as previously described.

### *Drainage and Erosion Controls*

The drainage system remaining after mining activities cease will essentially be confinement of any flows entering the site. Erosion occurring within the quarry area during and after reclamation will be limited by the non-erosional aspect of the granite rock. Any water retained within the Project site will not impact local roads or adjacent properties due to the lack of discharge from the Project site. Additionally, revegetation of all appropriately finished slopes will minimize any erosion that may occur on site.

### **ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]).

The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the Project's Initial Study Checklist commenced on February 6, 2015.

The proposed mine area is the southern 48.2 acre portion of a 81.53 acre land holding owned by MATCON Corporation. Access to the site from Highway 58 will be provided by Hinkley Road north to Santa Fe Avenue west, then northwesterly via an unnamed BLM managed dirt road.

The existing quarry site currently rises from about the 2150-foot elevation in the western portion, to 2350 feet (Lynx Cat Mountain) in the eastern portion of the site. The topography of the immediate region is gently-sloping alluvium punctuated by scattered groups of small granitic hills.

State Highway 58 is located approximately 4.25 miles due south of the site with Highway 395 to the west and Barstow to the east. Highway 58 is the nearest major development to the project site. All surrounding land is vacant open space comprised of private lands and public land holdings managed by the U.S. Department of Interior – Bureau of Land Management. The nearest residence is located approximately 3 miles to the east of the site, along Hinkley Road. The nearest residential enclave is the Town of Hinkley, California located approximately 5 miles southeast of the Lynx Cat Mountain Quarry. In addition to the areas proposed for mining, the Project also includes an off-site area used for access. This area consists of a 3.4-mile long unimproved road administered by BLM, which connects to Santa Fe Avenue to the south. Surrounding land uses are shown on Table 1.



**Table1. Existing Land Use and Land Use/Overlay Districts**

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT
Site	Quarry	RC (Resource Conservation)
North	Vacant	RC (Resource Conservation)
South	Vacant	RC (Resource Conservation)
East	Vacant	RC (Resource Conservation)
West	Vacant	RC (Resource Conservation)

**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

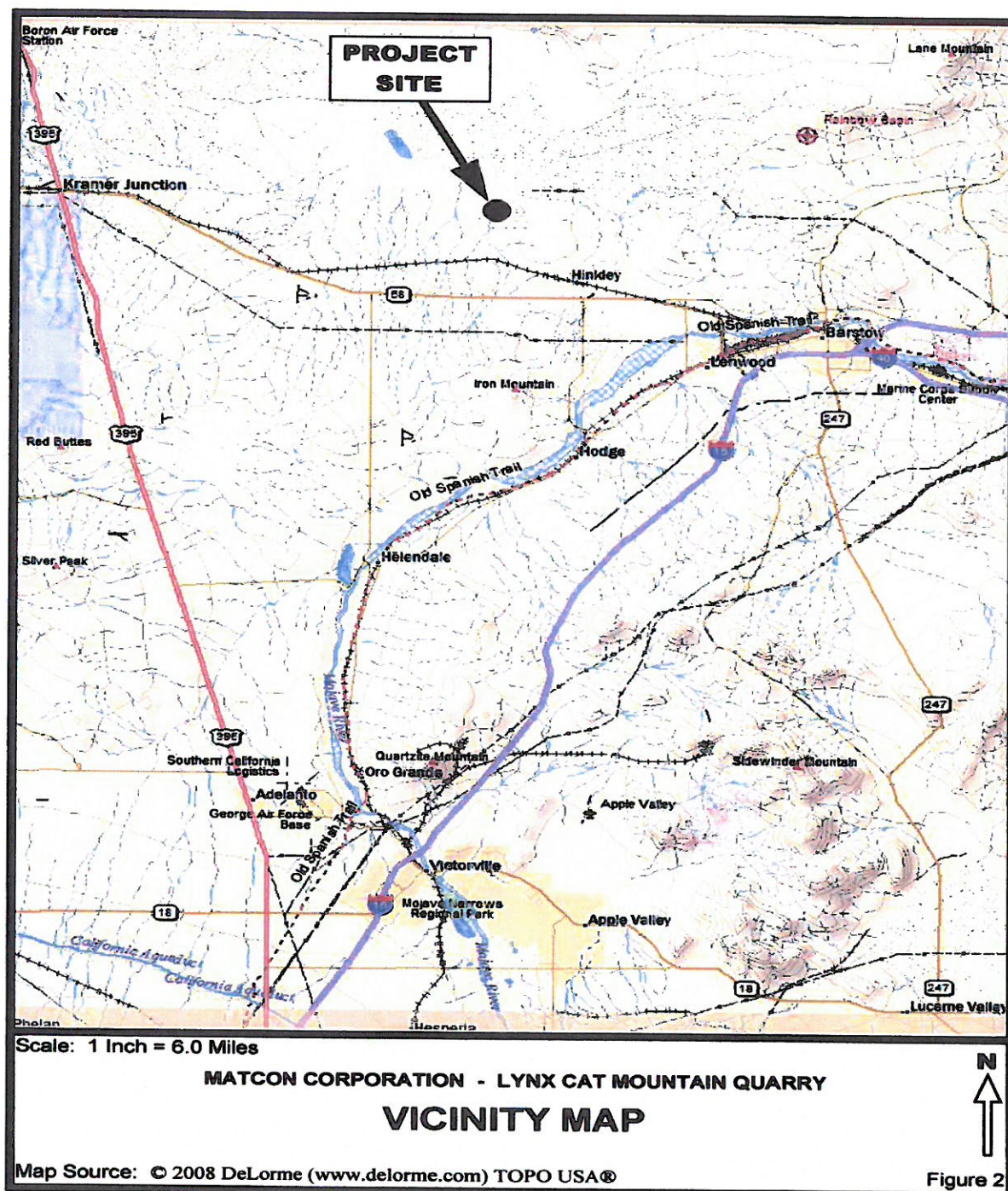
Federal: The Project is under an existing contract with the Bureau of Land Management for extraction of fill/dirt material. No further Federal approvals are required.

State of California: California Department of Fish and Wildlife

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

Regional: Mojave Desert Air Quality Management District.

Local: None

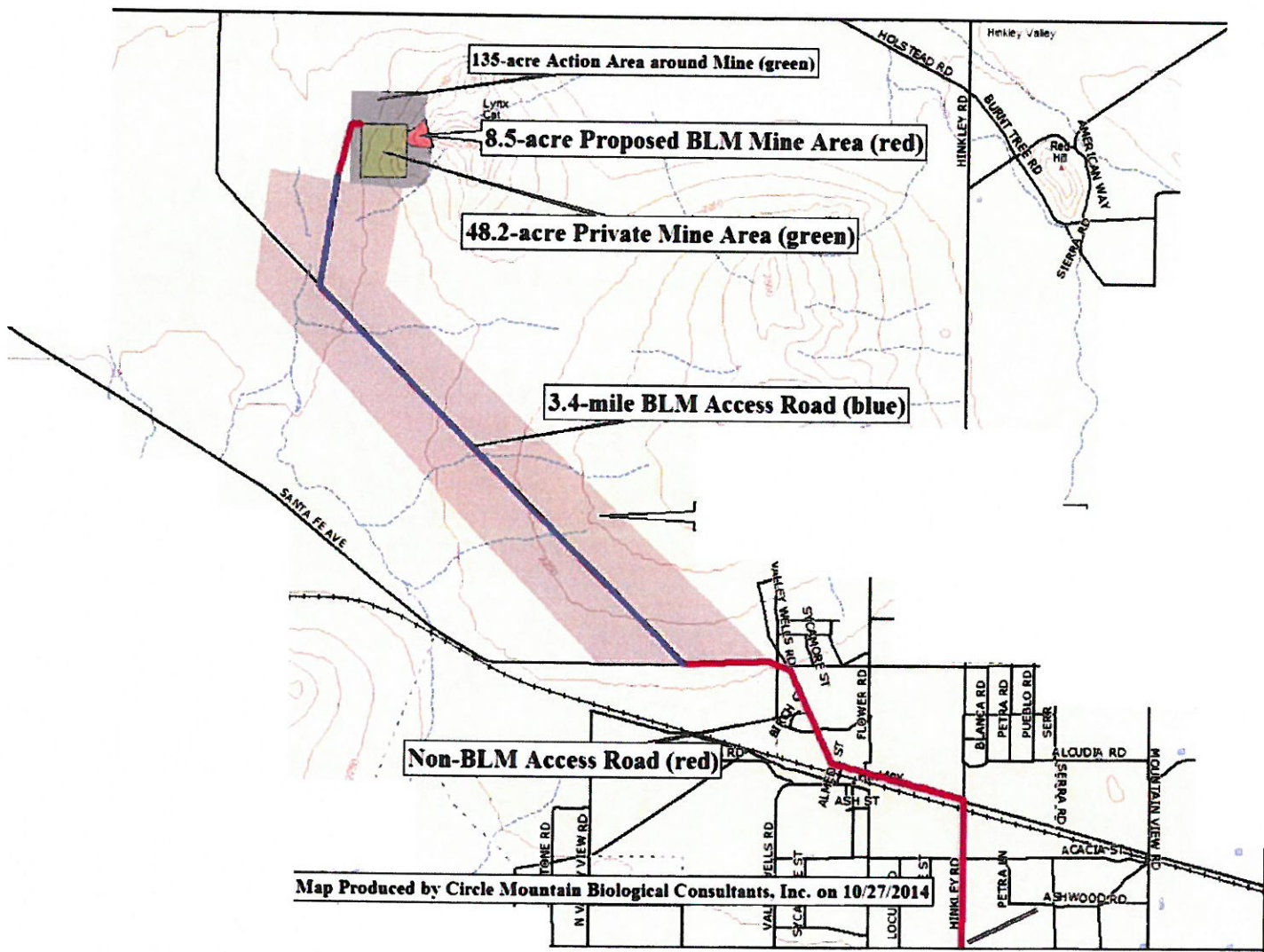


Lynx Cat Mountain  
 Quarry

Regional Location Map

Exhibit 1





Lynx Cat Mountain  
 Quarry

Vicinity Map With Proposed Access  
 Road and Mine Site

Exhibit 2

## **EVALUATION FORMAT**

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use/ Planning       | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

Because none of the environmental factors above are "checked", the Project does not require the preparation of an Environmental Impact Report.

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

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

Prepared by: Ernest Perea, Contract Planner

  
Reuben Arceo, Contract Project Manager

8-13-15

Date

  
George Kenline, Engineering Geologist

3-13-15

Date

**Appendices: (On Compact Disk)**

- A. Mining and Reclamation Plan
- B. Air Quality Assessment
- C. General Biological Resources Assessment
- D. Application for CDFW 2081 Incidental Take Permit
- E. Traffic Assessment



Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>I. AESTHETICS - Would the project</b>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

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

- I a) **No Impact.** The County General Plan Open Space Element, Policy OS 5.1. states that a feature or vista can be considered scenic if it:
- Provides a vista of undisturbed natural areas;
  - Includes a unique or unusual feature that comprises an important or dominant portion of the viewshed; or,
  - Offers a distant vista that provides relief from less attractive views of nearby features such as views of mountain backdrops from urban areas.

The Project site has been highly disturbed by past mining activities. The Project site itself does not meet the criteria for a scenic vista pursuant to County General Plan Open Space Element Policy OS 5.1. Lynx Cat Mountain to the east of the Project site meets the criteria of a scenic vista pursuant to County General Plan Open Space Element Policy OS 5.1. The Project site is approximately 100 to 300 feet below the highest elevations of Lynx Cat Mountain. As such, public views of the Lynx Cat Mountain will not be impacted and the Project will have no impact on a scenic vista.

- I b) **No Impact.** According to The San Bernardino County General Plan the Project site is not within a scenic route (Ref. General Plan Pg. IV-16). Therefore, no impact is anticipated.
- I c) **Less than Significant.** Visibility of the Lynx Cat Mountain Quarry is limited to the immediate vicinity west of the site. The existing quarry is on the western portion of a group of small hills, limiting any visibility of the site from the east.

The Project will continue to be positioned to reduce visibility of ongoing operations. The nearest public dedicated road is Santa Fe Avenue approximately 2 miles to the southwest, which is the primary potential viewpoint by the greatest number of individuals in the immediate vicinity. Santa Fe Avenue is a dirt road that is lightly traveled, so only a small number of individuals will typically have the opportunity to view the mine site.



There are no residences, commercial developments or developed recreation areas in the vicinity of the proposed project.

The Project will increase the size of mining operations, but will remain confined to the western hillside of one of the many small hills in the region. The proposed revision project will quickly be mined below the existing surface, which will minimize exposure of activities visually.

As each new level is mined, the westernmost-portion of that level will be last to be removed, keeping most activities relatively hidden from view. All other project activities such as crushing, screening, loading, maintenance of equipment, etc. will be visually noticeable only to the few travelers of Santa Fe Avenue.

Based on the above, the continued operation of mining activities will not significantly impact the existing visual character of the area. Therefore, a less than significant impact is anticipated.

- I d) **No Impact.** No new light sources are proposed. As such, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. No impacts will occur.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>II. AGRICULTURE and FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- II a) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.
- II b) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is zoned RC (Resource Conservation). The RC land use zoning district allows mining as a conditional use. There are no agricultural uses on the Project site or in the vicinity of the Project site.

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The Project site is not under a Williamson Act Contract. As such, there is no impact with respect to a Williamson Act Contract.

- II c **No Impact.** The Project site is zoned RC (Resource Conservation). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.
- II d **No Impact.** The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.
- II e) **No Impact.** The Project site is not being used for agricultural uses and is surrounded on all by vacant desert. As such, the Project would not result in conversion of Farmland to non-agricultural use and no impacts would occur.

ISSUES		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

*The following responses are based in part on the project Air Quality Assessment prepared by Lilburn Corporation dated February 2, 2015 (Appendix B) and the State Route 58 (SR-58) Hinkley Expressway Project, Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013.*

The Project Site is located in the Mojave Desert Air Basin. The Mojave Desert Air Quality Management District has jurisdiction over air quality issues and regulations within the Mojave Desert Air Basin. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the Mojave Desert Air Quality Management District has prepared the *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011*. The air and dust emissions from the operational use of the Project were evaluated and compared to the Mojave Desert Air Quality Management District standards and evaluated against the most recent thresholds applicable.

- III a) **Less than Significant.** The Mojave Desert Air Quality Management District ("District") is responsible for preparing and updating an Air Quality Management Plan. The primary purpose of an Air Quality Management Plan is for controlling emissions to maintain all federal and state ambient air standards for the District. The District has adopted a variety of attainment plans for a variety of non-attainment pollutants which together comprise the Air Quality Management Plan for the District.

A Project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly

included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast.

The Project is consistent with the zoning and land use classifications that were used to prepare the variety of Attainment Plan, (Resource Conservation/RC). In addition, based on Table 2 below, Project-generated emissions generated will not exceed emission thresholds. Therefore, the Project's emissions are in compliance with the thresholds established by the District. The Project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the Attainment Plans. Therefore, no impact is anticipated.

- III b) **Less than Significant With Mitigation Incorporated.** Operational emissions associated with the project are primarily a result of material mining and transport of materials to the State Route 58 Hinkley Expressway Project (SR-58 Project). Operational emissions for the Project were estimated by using the Emission Factors for On-Road Heavy-Duty Diesel Trucks (EMFAC 2012), SCAQMD Off-Road Mobile Source Emissions Factors (years 2015 and 2016), and AP-42 Chapters 11.19 and 13.2.2, and SCAQMD Particulate Matter Emissions Factors.

A Project is considered to have significant impacts if it generates total emissions (direct and indirect) in excess of the thresholds established by the Mojave Desert Air Quality Management District. The Project is evaluated in comparison to the District's yearly thresholds as shown in Table 2.

**Table 2. Estimated Air Pollutant Emissions and Significance (Tons/Year)**

	ROG		NO <sub>x</sub>		CO		PM <sub>10</sub>		PM <sub>2.5</sub>	
Equipment/ Plant	2015	2016	2015	2016	2015	2016	2015	2016	2015	2016
Mine Site Equipment Exhaust	2.77	2.50	18.57	16.72	12.47	11.22	1.03	0.93	0.95	0.86
Off-Road Haul Trucks	0.31	0.28	1.73	1.56	0.96	0.86	0.08 (1) 0.84 (2)	0.075 (1) 0.75 (2)	0.08 (1) 0.03 (2)	0.07 (1) 0.02 (2)
Processing Plant	---	---	---	---	---	---	0.49	0.44	0.15	0.13
On-Road Truck On- Site	0.02	0.02	0.21	0.19	0.08	0.07	0.01 (1) 2.1 (2)	0.01 (1) 1.9 (2)	0.01 (1) 0.4 (2)	0.01 (1) 0.4 (2)
Fugitive Dust (loading, unloading, & stockpiles)	---	---	---	---	---	---	0.24	0.22	0.05	0.045
<b>Emission Totals</b>	<b>3.1</b>	<b>2.8</b>	<b>20.51</b>	<b>18.47</b>	<b>13.51</b>	<b>12.15</b>	<b>4.79</b>	<b>4.33</b>	<b>1.67</b>	<b>1.54</b>
<b>MDAQMD ECQA Thresholds (Tons/year)</b>	<b>25</b>		<b>25</b>		<b>100</b>		<b>15</b>		<b>15</b>	
<b>Exceeds Threshold?</b>	<b>No</b>		<b>No</b>		<b>No</b>		<b>No</b>		<b>No</b>	

Source: Air Quality Assessment, Lilburn Corporation, February 2, 2015

(1) Exhaust Emissions

(2) Road Dust Emissions



As shown in Table 2, emissions would not exceed Mojave Desert Air Quality Management District thresholds. However, in order to ensure that impacts are reduced to the maximum extent feasible, the following mitigation measures are required:

**AQ-1: The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions.**

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

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

**AQ-4: The mine operator shall ensure that periodic watering for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions occurs. For purposes of this requirement, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance;**

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

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

**AQ-7: The mine operator shall clean-up project-related trackout or spills on publicly maintained paved surfaces within 24 hours.**

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

With implementation of Mitigation Measures AQ-1 through AQ-8, emissions would be reduced by to the maximum extent feasible.

In addition, once the haul trucks reach the SR-58 Project site, impacts relating to vehicle emissions and unloading activities would be subject to the exhaust emission and dust control measures contained in the *State Route 58 (SR-58) Hinkley Expressway Project, Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013*.

- III c) **Less than Significant.** The Project is located in a region that has been identified as being in Non-Attainment for Ozone and PM<sub>10</sub> (State) according to the California Air Resources Board Area Designation Maps. This means that the background concentration of these pollutants have historically been over the Federal and/or State Ambient Air Quality Standards. With respect to air quality, no individual project would by itself result in Non-Attainment of the Federal or State Ambient

Air Quality Standards. However, a project's air pollution emissions although individually limited, may be cumulatively considerable when taken in combination with past, present, and future development projects. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the regional Air Quality Management District.

As shown in Table 2, the thresholds for the above referenced criteria pollutants would not be exceeded by the Project. Therefore, impacts from the Project are not cumulatively considerable when included with other past, present, and future probable projects.

III d) **Less Than Significant Impact.**

*On-Site Operations*

The nearest sensitive receptors are located at least 3 miles to the east of the Project site. Therefore, no on-site operational impacts are anticipated.

*Off-Site Impacts*

The haul route from the Project site to the SR-58 Project site will be via an unnamed BLM managed dirt road south to Santa Fe Avenue then southeasterly to Hinkley Road, then south to State Route 58. Along this route are approximately six (6) residential uses (Google Earth 8/20/14) and the Hinkley Elementary School at the intersection of Santa Fe Avenue and Hinkley Road.

According to the *Air Quality Assessment* prepared by Lilburn Corporation, the Mojave Desert Air Quality Management District does not consider diesel-related cancer risks from construction equipment (i.e. haul trucks) to be an issue due to the short-term nature of construction activities. Hauling activities associated with the Project would be sporadic, transitory, and short-term in nature. The assessment of cancer risk is typically based on a 70-year exposure period. Because exposure to diesel exhaust would be well below the 70-year exposure period, haul truck activity associated with the Project is not anticipated to result in an elevated cancer risk to exposed persons due to the short-term nature of construction of the SR-58 Project.

III e) **No Impact.** The generation of objectionable odors is typically not associated with surface mining operations and there are no sensitive receptors within the Project vicinity. Therefore, no impact is anticipated.



ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION**

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

*The following responses are based in part on the Focused Surveys for Agassiz's Desert Tortoise, Habitat Assessments for Burrowing Owl and Mohave Ground Squirrel, and General Biological Resource Assessment, Circle Mountain Biological Consultants, Inc., dated December, 2014 (Appendix C) and Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California dated November, 2014. (Appendix D) Please reference these documents for further details.*

IV (a, b) **Less Than Significant with Mitigation Incorporated.** A complete Biological Resource Assessment, including Focused Survey for Agassiz's Desert Tortoise and Habitat Assessments for Burrowing Owl and Mojave Ground Squirrel survey, was completed for the proposed 48.2-acre project site and is included as Append C. Following is a summary of the Biological Assessment report findings.

**Vegetation:**

The Lynx Cat Mountain Quarry site vegetation is typical of the western Mojave Desert in San Bernardino County. The plant communities found on the site are a blend of white bursage series and allscale series on the flats to the west, and white bursage series and creosote bush series on slightly higher elevations to the east. The dominant shrubs include creosote bush (*Larrea tridentata*), burro bush (*Ambrosia dumosa*), allscale (*Atriplex polycarpa*), peach thorn (*Lycium coopen*), and desert goldenhead (*Acamptopappus sphaerocephalus*). Silver cholla and cottontop cactus are protected plant species found onsite that may be subject to pertinent development codes. Salvage of these cacti may be required.

There are six reports of Barstow woolly sunflower (*Eriophyllum mohavensis*) from the CNDDDB (CDFW 2014a) for the Hinkley, Twelve Gauge Lake, and Water Valley USGS 7.5' quadrangles. This species is designated as a List I B.2 species by the CNPS (2014) and is considered sensitive by the BLM. Barstow woolly sunflower is found mostly in open, silty, or sandy areas in saltbush scrub or creosote bush scrub habitats. It is known from barren ridges or the margins of playas, at elevations from 500 to 900 meters. The "miniature playas" that occur immediately north of the mine site and in adjacent areas appear to be ideal habitat for the species, which would likely not have been detectable since the plants are very small and would have dried up by the time of surveys, including the May 2014 effort. There are no suitable habitats on the mine site or the off-site access road. The closest records for this plant are approximately 4.2 miles south (1985), 4.8 miles west-southwest (1983), and 5.8 miles southwest (2010).

Desert cymopterus (*Cymopterus deserticola*) has been reported seven times from the CNDDDB (CDFW 2014a) for the Hinkley, Twelve Gauge Lake, and Water Valley USGS 7.5' quadrangles. This species is designated as a List I B.2 species by the CNPS (2014) and is considered sensitive by the BLM. Desert cymopterus typically occurs in Joshua tree woodland and Mojavean desert scrub, on fine to coarse, loose, sandy soil of flats in old dune areas with well-drained sand, at elevations between 625 and 910 meters. There are no dune areas on the mine site, although soils are very sandy. The closest records for desert cymopterus are 3.6 miles west- northwest (1998) and 4.8 miles northeast (2001). The species was not detected during biological surveys, and if present, would likely have been detectable, since it is a fairly large plant with persisting parts when it dies. The *Biological Assessment* considers the desert cymopterus absent from the mine site and the off-site access road.

At the County level, the San Bernardino County Development Code was revised and adopted on 12 April 2007. Chapter 88.01 Plant Protection and Management, Section 88.01.020 states, *"The provisions of this Chapter apply to the removal and relocation of regulated trees or plants and to any encroachment (for example, grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified..."*

Silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus (*Echinocactus polycephalus*) are two plant species that were observed on the subject property that are afforded protection under Chapter 88.01 Plant Protection and Management.

### **Wildlife:**

Some of the common species identified included the desert iguana (*Dipsosaurus dorsalis*), long-nosed leopard lizard (*Gambelia wislizenii*), horned lark (*Eremophila alpestris*), rock wren (*Salpinctes obsoletus*), black-tailed hare (*Lepus californicus*), and coyote (*Canis latrans*). Numerous signs of the Agassiz's Desert Tortoise (*Gopherus agassizii*) were identified throughout the project site. The project site is not found within Agassiz's desert tortoise critical habitat, nor is it within a Desert Wildlife Management Area.

#### Agassiz's Desert Tortoise

Based on the presence of numerous sign and two adult animals, Agassiz's desert tortoise occurs on the mine site, more so in level areas but also in rocky, mountainous areas, and alongside the entire length of the off-site access road. Based on information given in Section 3.2 of the *Biological Assessment*, there may be fewer than 10 tortoises onsite. However, in the interest of avoiding re-consultation under Section 7 between BLM and USFWS should this limit be exceeded, the *Biological Assessment* estimates there may be between 13 and 22 tortoises on the mine site and adjacent to the off-site access road.

#### Burrowing Owl

Burrowing owls (*Athene cunicularia*) have been reported in the CNDDDB approximately 3.0 miles and 4.0 miles to the west-northwest in 2006 and 1989, respectively, as well as 3.8 miles west-southwest of the mine site in 2007 (CDFW 2014a), so the species is known to occur in the area. Although no evidence was found on the mine site, diagnostic evidence was found in three locations adjacent to the off-site access road.

As part of the formal habitat assessment for burrowing owl, biologists recorded UTM coordinates for 43 badger digs and 58 tortoise burrows/coversites on and adjacent to the mine site and 136 badger digs, 47 tortoise burrows, and 12 kit fox dens along the off-site access road. Diagnostic burrowing owl sign was found at one badger dig, one tortoise burrow, and one kit fox den along the off-site access road.

#### LeConte's Thrashers

A pair of LeConte's thrashers (*Toxostoma lecontei*) was observed by Dougherty and LaRue approximately 5 miles west of the mine site following the 4 May 2014 survey. Then on the subsequent survey of the mine site in September 2014, LaRue observed a single individual on one occasion and a pair of adults on a second occasion, although they were proximate enough that only the pair (and not a third bird) may occur. Suitable habitat for the species is present on the site and along the entire length of the off-site access road.

#### Loggerhead Shrike

Though not observed during any of the four surveys, loggerhead shrike (*Lanius ludovicianus*) has been reported approximately 3.7 miles west-northwest of the mine site in 2006 (CDFW 2014a). Habitat on the site is suitable for the species. Large spiny shrubs, such as peach thorn, could provide nest sites and there is suitable foraging habitat throughout the mine site adjacent to the off-site access road.

#### Prairie Falcons

Suitable foraging habitat for prairie falcons (*Falco mexicanus*) and golden eagles (*Aquila chrysaetos*) is present on the mine site and in adjacent areas, and these species are known to occur in the region (LaRue, personal observation in Hinkley and Black Mountain to the northwest). No evidence of current nesting by raptors was found on the mine site or in adjacent areas, but suitable nesting habitat may be present on steeper parts of Lynx Cat Mountain to the east.

### Mohave Ground Squirrel

Mohave ground squirrel (*Xerospermophilus mohavensis*) is designated as a threatened species by the California Fish and Game Commission but is not federally listed. The *Biological Assessment* concludes that there is potential for Mohave ground squirrels to occur on the subject property and along the entire length of the off-site access road; CMBC cannot conclude that the species is absent.

### American Badger

American badger (*Taxidea taxus*) is a California Species of Special Concern and not designated by USFWS (CDFW 2014a). This species, which occurs throughout California except for the far northwestern corner of the state (Zeiner et al. 1990), is relatively intolerant of urbanization. 179 badger digs were recorded during the four surveys for the mine site and for the off-site access road. As evidenced by the lack of digs, badgers may be absent from the rockier portions of the mine site but likely occur throughout all level, sandy areas.

### **Conclusions:**

- Development of the mine site will likely impact the Agassiz's desert tortoise, which, as a state-listed species, would be considered a *significant impact* under the California Environmental Quality Act (CEQA). Since it is a threatened species, the Proponent will need to minimize and mitigate the impact to avoid "take" under state (CESA) and federal endangered species acts (FESA). A California Department of Fish and Wildlife 2081 Incidental Take Permit is required.
- The other special status species identified during the surveys are burrowing owl, LeConte's thrasher, and American badger. The species that *may occur*, and if so would require mitigation, include Mohave ground squirrel and loggerhead shrike.
- Since the California Department of Fish and Wildlife will require a 2081 Incidental Take Permit for take of desert tortoise, it is prudent that the incidental take permit also include Mohave ground squirrel as a covered species. Mitigation for this species will be combined with that given for desert tortoise, so that CDFW's incidental take permit, inclusive of specified minimization and mitigation measures, covers both species.

The following Mitigation Measures are required to reduce impacts to less than significant:

**BIO-1. Prior to the disturbing soil or vegetation, the Project Proponent shall provide evidence to the Planning Division that the California Department of Fish and Wildlife has issued a 2081 Incidental Take Permit for Desert Tortoise and Mojave Ground Squirrel.**

**BIO-2. The Project Proponent shall comply with the proposed measures to minimize and fully mitigate the impacts of the proposed taking specified in the *Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California* dated November, 2014 attached to this Initial Study Checklist as Appendix D and hereby incorporated by reference.**



**BIO-3. Prior to disturbing soil or vegetation, a qualified biologist shall survey all shrubs and structures within the project site for nesting birds. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the plant in which it occurs should be left in place until the birds leave the nest. No construction is allowed near active bird nests of threatened or endangered species.**

IV c,) **No Impact.** Based on the *General Biological Resources Assessment*, the Project will impact any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service

IV d) **Less Than Significant.** Based on the *General Biological Resources Assessment*, the Project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none exist on the site.

IV e) **Less Than Significant Impact With Mitigation Incorporated:** The San Bernardino County Native Plant Protection policy (1989) provides protection for Silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus. The Project may impact these species. Mitigation Measure BIO-4 is required.

**BIO-4. Silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus shall be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.**

IV f) **Less Than Significant Impact With Mitigation Incorporated.** The Project site and the northern 1.25 miles of the proposed (existing) access road are found within the Superior-Cronese Desert Wildlife Management Area (DWMA) as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (USFWS 1994b) and formally adopted in March 2006 as a result of the West Mojave Plan Record of Decision (BLM 2006). However, neither is found within designated critical habitat (USFWS 1994b). The DWMA designation in this area is only two miles wide, located between areas to the north associated with Harper Lake and to the south associated with the community of Hinkley. The 2.1± linear miles of access road between Santa Fe Avenue and the DWMA are in BLM-designated Category 3 habitats.

**Mitigation Measures BIO-1 through BIO-4 ensures that the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.**

ISSUES		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>V.</b>	<b>CULTURAL RESOURCES</b> - Would the project				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### SUBSTANTIATION

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

- V a) **No Impact.** The site has been generally surfaced since building 1994 XXuan, improvements, and reinforced. Associated with cultural significance is not expected to for part do (s) grant/ or having activities significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The site has been highly disturbed by previous mining activities. Therefore, there will be no impact to historical resources as a result of the Project and no mitigation measures are required.

- V b) **Less Than Significant Impact with Mitigation Incorporated:** Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

The existing Lynx Cat Mountain Quarry site is an existing mine site with approximately 10 acres of land disturbance as of 2014. There is a potential that archaeological resources not previously identified may be uncovered during earth moving activities. The following Mitigation

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Measure is required:

**CR-1: The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:**

- In the event archaeological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.

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V c) **Less Than Significant Impact with Mitigation Incorporated:** Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The existing Lynx Cat Mountain Quarry site is an existing mine site with approximately 10 acres of land disturbance as of 2014. There is a potential that paleontological resources not previously identified may be uncovered during earth moving activities. The following Mitigation Measure is required:

**CR-2: The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:**

- In the event paleontological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified paleontologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. In consultation with the Project proponent, the County, and the Bureau of Land Management, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

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V d) **Less Than Significant Impact.** The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary

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findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

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ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>VI. GEOLOGY AND SOILS - Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Sources: Lynx Cat Mining & Reclamation Plan, (Appendix A), California Department of Conservation, County of San Bernardino Geologic Hazards Overlay Maps

- VI a) ai) **No Impact.** The Project site is not located within an Alquist-Priolo Earthquake Fault Zone. Fault rupture can be a potential hazard to structures and infrastructure but are not generally considered to be hazardous to open-pit aggregate mines.
- aii) **No Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The Project site is not located in close proximity to an earthquake fault zone. The Project site is to be used for a mining

operation and seismic ground shaking is not generally considered to be hazardous to open-pit aggregate mines.

a) **No Impact.** The site is not located within a liquefaction hazard area. The Project would not build permanent structures or construct facilities with foundations that could fail as a result of liquefaction during an earthquake.

aiv) **Less Than Significant Impact.** In portions of the proposed quarry operation that contain the hardest rock, benching will occur. Bench parameters will be 40 feet high with 15-foot wide benches and 0.5:1 (horizontal: vertical) faces, for an overall slope angle of approximately 50 degrees. Bench excavations will adhere to standard hillside mining techniques and will comply with Mine Safety and Health Administration (MSHA) requirements. In the remainder of the site, sloping of project areas will be graded to no steeper than 2:1 (horizontal: vertical). Therefore, the Project site would not be expose people to landslide hazard. .

VI b)

**Less Than Significant Impact.** The Project has been designed to provide for complete retention of any onsite water flows. As quarry excavations progress, retention area(s) will be maintained to prevent water from discharging to offsite areas. No headward erosion from the quarry areas is anticipated due to the composition of the generally non-erodible gray granite material. Any erosion sediments will continue to be retained onsite and will not affect offsite properties. Occasional heavy rainfall is the only potential source of erosion and offsite sedimentation, and this occurrence has been anticipated and mitigated. Additionally, all other active project areas will continue to be graded, inspected monthly. Any rills and gulying will be repaired with compacted non-erodible rock materials to prevent erosion during potentially heavy precipitation events. At the end of mining, any water retained within the project boundary will remain until evaporation and percolation have reduced the quantity of standing water onsite. Any accumulated sediments that may be deposited in the project retention area will be removed and utilized during reclamation activities.

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

All storm water discharge is regulated by the Lahontan Regional Water Quality Control Board pursuant to site specific Storm Water Pollution Prevention Plans to manage soil erosion.

Control of surface drainage, erosion, and sedimentation of planned operations involves the following typical components:

- Limiting surface disturbance to the minimum area required for active operations.
- Diverting run-off from undisturbed areas around the active mining area as necessary.
- Using berms, ditches, sediment basins, and localized control and maintenance measures to intercept and control disturbed area drainage as necessary.
- Stabilizing disturbed areas through grading or revegetation.

The revegetation program is designed to reestablish a self-sustaining native plant community upon the conclusion of mining.

Based on the above, impacts are anticipated to be less than significant.

VI c-d) **Less Than Significant Impact.** The Project site is located in a rocky hillside area mantled with and surrounded by aprons of unconsolidated alluvial and colluvial sediments, typical of the Mojave Desert province. The terrain in the mine area includes boulder outcrops and surface deposits/mantle of colluvium and alluvium. Bedrock types in the quarry area include Mesozoic-age quartz monzonite and quartz diorite (located off site to the east). The oldest rocks in the mine area, consist of Mesozoic intrusive quartz monzonite while young colluvium and alluvium form a mantle on flatter slopes and low-lying areas of the site.

The dominant feature of the rock mass within the mine boundary is a steeply dipping, continuous and parallel north-to-south-trending joint system with the strike of these joints typically ranging between 50 and 170 degrees. Additional structures include two steeply dipping orthogonal joint systems striking between 150 and 170 degrees and 65 to 75 degrees. Together with a fourth, flat-lying, less continuous joint system, these structures constitute an orthogonal joint system common to granitic outcrops.

The granitic bedrock within the quarry area has moderately- to well-developed joint systems and few highly weathered zones. Natural outcrops include common features of arid weathering of granitic rock such as dark surface patina, exfoliation joints and orthogonal joints systems. The surface weathering profile is generally thin-extending about 3 to 5 feet below natural surface outcrop areas.

The Project is an open-pit mining operation. There are no structures on the site nor are any proposed. The Project would involve excavation to depths no greater than 40 feet below the existing ground elevation. All quarry slopes shall be designed such that they do not exceed a 40-foot vertical height. All finished quarry slopes shall have no less than a 2:1 slope ratio, horizontal to vertical. Existing slopes where re-vegetation is established will be left at 2:1 or gentler in conformance with SMARA stipulations. Therefore, impacts related to landslide, lateral spreading, subsidence, liquefaction or collapse are considered less than significant.

VI e) **No Impact.** Septic tanks and/or alternative water supply systems are not proposed as part of the Project. Therefore, no impacts are anticipated.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>VII GREENHOUSE GAS EMISSIONS - Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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- VII a) **Less Than Significant Impact.** In December September 2011, the County of San Bernardino adopted the "Greenhouse Gas Emissions Reduction Plan" ("GHG Plan"). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020 in consistency with State climate change goals pursuant to AB32. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan.

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

According to the County of San Bernardino GHG Plan, measurable reductions of GHG emissions will be achieved through the County's GHG Development Review Process by applying appropriate reduction requirements as part of the discretionary approval of new development projects. A review screening guidance standard of 3,000 MTCO<sub>2</sub>e is applied to all land uses when the County is the lead agency. Projects that exceed 3,000 MTCO<sub>2</sub>e per year of GHG emissions are required to calculate GHG reduction measures and the determination of a significant findings using the County's GHG Plan Screening Tables. Projects that garner 100 or more points on the Screening Tables do not require quantification of project specific GHG emissions.

The County may also consider the Mojave Desert Air Quality Management District (MDAQMD) guidance and incorporate all applicable standards. The MDAQMD significance threshold for GHGs (100,000 tons/yr), while higher than the County's GHG Plan of 3,000 MTCO<sub>2</sub>e/yr is more applicable to this type of project. Upon review of the Screening Tables, it was determined that the GHG reduction measures listed are related to typical long-term residential, commercial, and industrial structural development and the project activities do not apply.

Project-related GHG emissions from on-site equipment, power generators, and trucks are shown in Table 3. The CEQA threshold of 100,000 MTCO<sub>2</sub>e per year has been utilized by the MDAQMD as potentially significant to global warming. Utilizing this threshold, proposed operations of the mine

project would be well below the threshold. In addition, the GHG emissions generated from project activities are less than the County's GHG Plan Screening Guidance Standard of 3,000 MTCO<sub>2</sub>E. The mitigation measures listed as AQ-1a through AQ-1e will also reduce operational GHG emissions.

**Table 3. Project Annual Greenhouse Gas (GHG) Emissions (MTCO<sub>2</sub>e)**

Source/Phase	CO2	CH4	N2O
Onsite Truck Trips	39	0.02	negl
Onsite Equipment	2,877	5.25	negl
Total Per Year	2,916	5.27	negl
<b>Total MTCO2e</b>	<b>2,921</b>		
MDAQMD Threshold	100,000		
<b>Significant?</b>	<b>No</b>		
County GHG Plan Threshold	3,000		
<b>Significant?</b>	<b>No</b>		
Source: GHG Report, Lilburn Corporation			

The following Performance Standards apply to all Projects, including those that are emit less than 3,000 MTCO<sub>2</sub>E/YR, and will be included as Conditions of Approval for the Project.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

**1. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:**

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

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

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

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

**VII b) Less Than Significant Impact.** The State and local regulatory programs for GHG emissions and climate change are described in the response to Question VIIa above. The Performance Standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts will be less than significant, and no mitigation would be required.



ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## SUBSTANTIATION

Source: Lynx Cat Mining & Reclamation Plan, (Appendix A)

VII a-b) **Less Than Significant Impact with Mitigation Incorporated.** Mining and reclamation activities for the Project would involve the use of heavy equipment and vehicles containing fuel, oil, and grease.

These fluids could leak from construction vehicles or be inadvertently released in the event of an accident, potentially releasing petroleum compounds and metals. Unless properly managed, such releases could result in adverse health effects, present an increased risk of fire or explosion or contaminate exposed soil. This analysis assumes the routine use, storage, and disposal of hazardous materials during mining and reclamation would be in compliance with applicable regulations and codes.

Additional site-specific controls are recommended to ensure hazardous materials are not inadvertently released to the environment. This impact is considered less than significant with mitigation incorporated. Implementation of the following mitigation measure would reduce reclamation-related hazardous materials impacts to a less-than significant level:

**HAZ-1. All spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility.**

- VIII c) **Less Than Significant Impact.** The Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials. During operation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site. Therefore, less than significant impact is anticipated.
- VIII d) **Less than Significant impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.
- VIII e/f) **No Impact.** As shown on *San Bernardino County General Plan, Hazards Overlay Map* the Project Site is located within Airport Safety Review Area 4 (AR-4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use. The Project will not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident. Therefore, less than significant impact is anticipated.
- VIII g) **Less Than Significant Impact.** The Project site is remotely located and relatively inaccessible to the public. Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, less than significant impact is anticipated.
- VIII h) **Less Than Significant Impact.** As shown on *San Bernardino County General Plan, Hazards Overlay Map*, the Project site is not located within Fire Safety Overlay District. Because the site is proposed for surface mining and will not contain permanent habitable structures, it would not result in any safety hazard impacts from wild fires. Therefore, less than significant impact is anticipated.



ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## SUBSTANTIATION

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Source: Lynx Cat Mining & Reclamation Plan, (Appendix A)

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IX a) **Less Than Significant Impact.** Mining waste discharges are regulated under Article 7 of Chapter 15 (Cal. Code of Regs.). Further regulations for mines are contained in the California Water Code, Section 13260. All mining operations are subject to the Surface Mining and Reclamation Act (SMARA, CA Public Resources Code, Title 14, Division 2, Chapter 9). The Project's *Mining and Reclamation Plan* contains the following measures and design features to meet waste discharge requirements:

- Erosion of the banks due to natural rainwater run-off will be minimized by cutting to a 2:1 slope and corrected by removal of any material carried into the excavation.
- Stockpiles of topsoil and fill-dirt shall be managed to minimize water erosion. The pit floor will be graded with a slight slope rising to the east and north to permit natural drainage at a slope less than that of the natural slope of the alluvial deposit from the Slate Range Mountains to the east.
- Limiting surface disturbance to the minimum area required for active operations.
- Stabilizing disturbed areas through grading or revegetation.
- Final reclamation shall include adequate provisions to intercept and conduct off-site tributary drainage flow around or through the site to minimize erosion.

With implementation of the above, impacts are anticipated to be less than significant.

IX b) **Less Than Significant Impact With Mitigation Incorporated.** The Lynx Cat Mountain Mine is located in the Harper Valley Groundwater Basin and managed within the adjudicated Centro hydrologic subarea by the Mojave Water Agency. MWA is a State Water Project contractor, a regional groundwater management agency, and serves as Watermaster for the adjudicated Mojave Basin. This groundwater basin is defined and underlies Harper Valley in western San Bernardino and eastern Kern Counties of the central Mojave Desert. The natural recharge of the basin is mainly from infiltration of rainfall and percolation of surface runoff through alluvial fans around the edges of the valley. Harper Valley also receives some groundwater underflow from the Middle Mojave River Valley and Cuddeback Valley Groundwater Basins. In general, groundwater flows towards Harper Lake, predominantly from the southern part of the valley.

The Lynx Cat Mountain Mine is not located within an area serviced by a public water system and the project is not explicitly defined in the Water Code by project definitions, however the project is best described as an existing industrial/manufacturing activity with a proposed land use that will expand its existing approved 25 acres of disturbance to 48 acres. The applicant has indicated the surface mining operation will obtain its principal source of water from groundwater beneath the site.

Water usage may occur over a period of 24 months according to the SR- 58 project construction estimates. Up to 70% of aggregate wash water will be recycled through a sedimentation pond system, so approximately 48,000 gallons of ground water per day will be consumed by project operations. Bottled water will be provided for employee consumption. Water Code Section 10910(f)(5) does not mandate a detailed "basin-wide" analysis to compare all existing and projected future groundwater pumping against the safe yield of the entire groundwater basin nor specify a particular methodology for a sufficiency analysis, and in that

respect, affords the County substantial discretion in determining how to measure groundwater sufficiency. For groundwater basins that have not been adjudicated, information as to whether the California Department of Water Resources (DWR) has identified basins as over drafted or has projected that the basin will become over drafted if poor management conditions continue, a detailed description by the nearest public water system or County is required to comply in part pursuant to Water Code Section 10910(b), and describe efforts being undertaken in the basin or basins to eliminate the potential for a long-term overdraft impacts.

The Mojave Water Agency has been granted authority to regulate groundwater withdrawal and charge for replenishment water. The Adjudication established a "physical solution" for the Mojave Basin Area Judgment, wherein, limits were set on the amount of groundwater production that can occur in each subarea without incurring an obligation to buy imported water.

The applicant is allowed to produce as much water as needed to meet the project's demand as long as the operation is subjected to compliance with the "Physical Solution" set forth in the Mojave Basin Area Judgment (Final Judgment after trial in the Riverside County Superior Court (Case No. 208568, January 10 1996). The underlying assumption of the Adjudication was that sufficient water will be made available to meet the needs of the Mojave Basin producers in the future from a combination of natural supply, imported water, water conservation, water reuse and transfers of Free Production Allowance (FPA) among parties. If a project applicant stipulates to the Adjudication, the resulting impact of increased pumping to meet the proposed project's demand is legally considered a "net zero impact" on the available water supplies. The Physical Solution defines individual rights of all water producers with the adjudicated Basin area in a manner which will equitably allocate the natural water supplies and which will provide for equitable sharing of costs for Supplemental Water. The Judgment provided sufficient information and data to formulate a reasonable and just allocation of existing water supplies as between the individual hydrologic Subareas within the Basin Area and as among the water users within each Subarea to proceed with orderly water resource planning and development.

The applicant has indicated a water demand of 8 acre-feet per year for dust control, which can be supplied by an on-site well for the proposed life of the operation. At maximum production of operations, up to 160,000 gallons of water daily may be utilized for dust suppression and aggregates washing. According to the MWA, (Final 2010 Urban Water Management Plan, Kennedy/Jenks Consultants, June 2011) water levels within the Centro Subarea have been relatively stable with seasonal fluctuations and declines during dry years followed by recovery during wet periods. Water levels in the Harper Lake area indicate a slow recovery due primarily to reduced pumping during the past several years. Declines in water levels in wells in the vicinity of Hinkley (away from the river) show the effects of pumping and limited recharge, primarily due to agriculture.

**Implementation of the following mitigation measures would reduce reclamation-related hazardous materials impacts to a less-than significant level:**

**HYD-1. Water may be supplied through the use of groundwater. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.**

**HYD-2. Should an on-site or off-site well become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency to ensure compliance.**

**HYD-3. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to Section 115700 of the California Health & Safety Code.**

**HYD-4. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.**

IX c-f)

**Less Than Significant Impact.** The drainage system remaining after mining activities cease will essentially be confinement of any flows entering the site. Erosion occurring within the quarry area during and after reclamation will be limited by the non-erosional aspect of the granite rock. Any water retained within the Project site will not impact local roads or adjacent properties due to the lack of discharge from the Project site. Additionally, revegetation of all appropriately finished slopes will minimize any erosion that may occur on site. Therefore, less than significant impact is anticipated.

IX g/h) **No Impact.** The Project does not occur within a 100-year flood plain, nor does it include the construction of housing or would place housing within a flood plain. No impacts are anticipated.

IX i) **No Impact.** The Project Site and surrounding area is located outside of any designated dam inundation area. The Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as no levee or dam is proposed as part of the this project. Therefore, no impacts are anticipated.

IX j) **No Impact.** A seiche is an oscillating surface wave in a restricted or enclosed body of water generated by ground motion, usually during an earthquake. Inundation from a seiche can occur if the wave overflows a containment wall or the banks of a water body. As the Project Site is not located adjacent to any body of water that has the potential of seiche or tsunami, no impacts are anticipated.

ISSUES		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>X.</b>	<b>LAND USE AND PLANNING - Would the project:</b>				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### SUBSTANTIATION

X a) **No Impact.** The Project Site is surrounded by vacant desert land. The Project is consistent with the *County General Plan* and would not physically divide an established community. No impact is anticipated.

X b) **Less Than Significant Impact with Mitigation Incorporated.** The analysis contained in this Initial Study Checklist addressed the potential conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. Based on this analysis, it was determined that the Project could potentially have significant impacts on the following:

Biological Resources as described in Section IV of this Initial Study Checklist would be impacted by the Project. Mitigation Measures BIO-1 through BIO-4 are required to ensure that the Project impacts to these biological resources are less than significant.

Based on the above, it can be determined that the Project is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

X c) **Less Than Significant Impact With Mitigation Incorporated.** The Project site and the northern 1.25 miles of the proposed (existing) access road are found within the Superior-Cronese Desert Wildlife Management Area (DWMA) as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (USFWS 1994b) and formally adopted in March 2006 as a result of the West Mojave Plan Record of Decision (BLM 2006). However, neither is found within designated critical habitat (USFWS 1994b). The DWMA designation in this area is only two miles wide, located between areas to the north associated with Harper Lake and to the south associated with the community of Hinkley. The 2.1± linear miles of access road between Santa Fe Avenue and the DWMA are in BLM-designated Category 3 habitats.

Mitigation Measures BIO-1 through BIO-4 ensures that the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.



<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI.</b>	<b>MINERAL RESOURCES - Would the project:</b>				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION</b>		(Check <input checked="" type="checkbox"/> if project is located within the Mineral Resource Zone Overlay):			

XI a-b) **No Impact.** The Project involves the temporary use of the quarry as a borrow pit to provide PCC aggregate, landscape and fill material exclusively for use during construction of the State Route 58 Hinkley Expressway Project (SR-58 Project). The Project requests authorization for a limited mining period of two years, or upon extraction of 4.5 million tons of material, whichever comes first. Mined products will include PCC aggregates, rock and cobble for use in landscape improvements and retention areas, and general fill material. Therefore, the Project would not result in the loss of availability of a mineral resource that would be of value to the region and the residents of the State because the Project is providing mineral resources for the benefit of the region.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XII. NOISE</b> - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION</b> (Check if the project is located in the Noise Hazard Overlay District <input type="checkbox"/> or is subject to severe noise levels according to the General Plan Noise Element <input type="checkbox"/> ):				

XII a,c,d) **No Impact.** The nearest residence is located approximately 3 miles to the east of the site, along Hinkley Road. The nearest residential enclave is the Town of Hinkley located approximately 5 miles southeast. The Project is required to operate in conformance to all applicable noise control regulations. Therefore, no impacts are anticipated.

XII b) **Less Than Significant.** The Project involves blasting which may result in groundborne vibration. All blast related activities will be performed and managed by a licensed blasting contractor. Typically, a track drill will bore a series of 3-8 inch diameter holes vertically into the surface in a predetermined pattern. Explosives will then be loaded into the holes; in this case, Ammonium Nitrate (ANFO) will most likely be used. The blasting contractor will control access to the blast site during bench round charging as well as during/immediately after the actual detonation.

The Project site is remotely located and relatively inaccessible to the public. The nearest residence is located approximately 3 miles to the east of the site, along Hinkley Road. The nearest



residential enclave is the Town of Hinkley located approximately 5 miles southeast Therefore, the Project would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels. Therefore, less than significant impact is anticipated.

- XI e/f) **No Impact.** The Project Site is located within Airport Safety Review Area 4 (AR-4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use from the Twenty-Nine Palms Marine Air Ground Task Force Training Command Facility located approximately 70 miles to the southeast. The Project involves open-pit surface mining and does not include land uses that are considered to be sensitive to aircraft noise.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XIII. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION
XIII a) <b>No Impact.</b> The Project would not induce substantial population growth in the area either directly or indirectly because the Project consists of a temporary mining operation that will operates with an estimated 16 employees. In addition, the duration of the operation is approximately 2 years after which time the site will be reclaimed and returned to open space use. No impacts are anticipated.
XIII b) <b>No Impact.</b> The Project would not displace substantial numbers of existing housing units, or require the construction of replacement housing, as no housing units exist on the site.
XIII c) <b>No Impact.</b> Implementation of the Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, as no housing exists on the Project Site.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XIV. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

*Lynx Cat Mining & Reclamation Plan,(Appendix A)*

- XIV a) **No Impact.** The Project would not result substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, or hinder acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities because the Project consists of a mining operation with no permanent improvements proposed. After mining operations, the site would consist of vacant land. Therefore, no impacts are anticipated.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XV. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

*Lynx Cat Mining & Reclamation Plan, (Appendix A),*

- XVa/b) **No Impact.** The Project consists of a temporary mining operation that will operates with an estimated 16 employees. In addition, the duration of the operation is approximately 2 years after which time the site will be reclaimed and returned to open space use. As such, it does not generate the need for new jobs or housing which would induce population growth in adjacent areas, and ultimately increase the use of park facilities or other recreational facilities in the region. No impacts are anticipated.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC - Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SUBSTANTIATION

*The following responses are based in part on the project the Traffic Assessment prepared by George Dunn Engineering dated February 3, 2015 (Appendix E) and the State Route 58 (SR-58) Hinkley Expressway Project, Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013, and Lynx Cat Mining & Reclamation Plan, (Appendix E),*

- XVI a-b) **Less Than Significant Impact With Mitigation Incorporated.** For a period of approximately sixteen (16) months, the Project will deliver PCC aggregate, landscape and fill material via street legal 25-ton haul trucks exclusively for use during construction of the State Route 58 Hinkley Expressway Project (SR-58 Project) which is located approximately 5 miles from the Project site. At 25 tons per truck, it is estimated that 180,000 total truck trips are required. For sixteen (16) months, this is average of 11,250 truck load per month and an average of 450 loads per day based on 380 working days.

The haul route from the Project site to the SR-58 Project site will be from via an unnamed BLM managed dirt road south to Santa Fe Avenue then southeasterly via Highway 58. According to the *State Route 58 (SR-58) Hinkley Expressway Project, Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013*, construction relate traffic will could result in temporary localized disruptions along this route. These disruptions would be temporary and short-term in duration and are not expected to result in significant impacts to the roadway network in the

vicinity of the Project site with implementation of the following mitigation measure:

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

With implementation of Mitigation Measure TR-1, impacts would be less than significant.

- XVI c) **No Impact.** The nearest airport is Depue Airport (private use) located approximately 10 miles to the southeast and Barstow Dagget County Airport located approximately 26 miles to the southeast. In addition, the Project site is located within Airport Safety Review Area 4 (AR-4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use from the from the Twenty-Nine Palms Marine Air Ground Task Force Training Command Facility located approximately 70 miles to the southeast. The Project involves open-pit surface mining and does not include land uses that are considered to affect air traffic patterns at any airport or airstrip.
- XVI d) **No Impact.** Access to the site from Highway 58 will be provided by Hinkley Road north to Santa Fe Avenue west, then northwesterly via an unnamed BLM managed dirt road. These are existing roadway facilities that will not be changed by the Project. Therefore, the Project does not involve any road improvements or design features that could substantially increase hazards on public roads.
- XVIe/g) **No Impact.** Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block public emergency access routes. The Project would not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation because there are a limited amount of employees who come to work on the site. No impacts would result.

ISSUES		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XVII.</b>	<b>UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION**

*Lynx Cat Mining & Reclamation Plan,(Appendix A),*

Source:

XVII a/e) **No Impact.** The Project would not require sewer collection or treatment services and therefore no off-site discharge of treated wastewater would occur. No impacts related to wastewater treatment are anticipated.

XVII b) **Less Than Significant Impact With Mitigation Incorporated.** Ground water will be obtained by and used at the Project site for dust suppression activities and aggregate washing. Water shall be provided for Project operations by an offsite vendor and onsite well. At maximum production of operations, up to 160,000 gallons of water daily may be utilized for dust suppression and aggregates washing. The applicant has indicated a water demand of 8 acre-feet per year for dust control, which can be supplied by an on-site well for the proposed life of the operation. According to the MWA, (Final 2010 Urban Water Management Plan, Kennedy/Jenks Consultants, June 2011) water levels within the Centro Subarea have been relatively stable with seasonal fluctuations and declines during dry years followed by recovery during wet periods. The natural recharge of the



basin is mainly from infiltration of rainfall and percolation of surface runoff through alluvial fans around the edges of the valley. Harper Valley also receives some groundwater underflow from the Middle Mojave River Valley and Cuddeback Valley Groundwater Basins. In general, groundwater flows towards Harper Lake, predominantly from the southern part of the valley.

The Mojave Water Agency has been granted authority to regulate groundwater withdrawal and charge for replenishment water. The Adjudication established a "physical solution" for the Mojave Basin Area Judgment, wherein, limits were set on the amount of groundwater production that can occur in each subarea without incurring an obligation to buy imported water.

The applicant is allowed to produce as much water as needed to meet the project's demand as long as the operation is subjected to compliance with the "Physical Solution" set forth in the Mojave Basin Area Judgment (Final Judgment after trial in the Riverside County Superior Court (Case No. 208568, January 10 1996). The underlying assumption of the Adjudication was that sufficient water will be made available to meet the needs of the Mojave Basin producers in the future from a combination of natural supply, imported water, water conservation, water reuse and transfers of Free Production Allowance (FPA) among parties. If a project applicant stipulates to the Adjudication, the resulting impact of increased pumping to meet the proposed project's demand is legally considered a "net zero impact" on the available water supplies.

This temporary water usage may occur over a period of 24 months according to the SR- 58 project construction estimates. Up to 70% of aggregate wash water will be recycled through a sedimentation pond system, so approximately 48,000 gallons of fresh water per day will be consumed by Project operations. Bottled water will be provided for employee consumption.

The Project does not require the any wastewater facilities or generate the need for new facilities because of the limited number of employees who work at the site.

**With implementation of Mitigation Measure HYD-1, HYD-2, HYD-3 and HYD-4, as referenced in IX (Hydrology and Water Quality) impacts would be less than significant**

- XVII c) **Less Than Significant Impact.** Rainfall in the area ranges from one to ten inches per year, averaging about four inches per year. Under current conditions, with the low rainfall in the area, little run-off occurs and any runoff is contained on-site it either percolates or evaporates

The drainage system remaining after mining activities cease will essentially be confinement of any flows entering the site. Any water retained within the Project site will not impact local roads or adjacent properties due to the lack of discharge from the Project site. Therefore, less than significant impact are anticipated.

- XVII d) **Less Than Significant Impact With Mitigation Incorporated.** Ground water will be used at the Project site for dust suppression activities and aggregate washing. Water shall be provided for Project operations by an offsite vendor or onsite well. At maximum production of operations, up to 160,000 gallons of water daily may be utilized for dust suppression and aggregates washing. This temporary water usage may occur over a period of 24 months according to the SR- 58 project construction estimates. Up to 70% of aggregate wash water will be recycled through a sedimentation pond system, so approximately 48, 000 gallons of fresh water per day will be consumed by Project operations. Bottled water will be provided for employee consumption.

**With implementation of Mitigation Measure HYD-1, HYD-2, HYD-3 and HYD-4, as referenced in IX (Hydrology and Water Quality) impacts would be less than significant. Also see discussion under XVIIb above.**

- XVII **Less Than Significant Impact.** Equipment maintenance will be done onsite. Waste oil, lubricants and solvents will be removed from the site and disposed of at permitted facilities. All solid refuse will be kept in closed containers and removed from the site to permitted facilities as needed. The amount of solid waste is minimal and is not forecast to impact nearby landfills. Therefore, impacts are less than significant.
- f,g)

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

## SUBSTANTIATION

- a) **Less Than Significant Impact With Mitigation Incorporated.** Based on the analysis contained in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, , Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation and Traffic, are considered as having a less than significant or no impact on the environment.

The results of the Initial Study show that there are potentially significant impacts to Biological Resources Cultural Resources, Hydrology and Water Quality, and Utilities and Service Systems. These impacts will be reduced to less than significant after incorporation of mitigation measures.

Therefore the Project will not degrade the quality of the environment and no habitat, wildlife populations, or plant and animal communities would be impacted.

- b) **Less Than Significant Impact With Mitigation Incorporated.** The analysis in this Initial Study Checklist demonstrated that the Project is in compliance with all applicable regional plans including but not limited to, water quality control plan, air quality maintenance plan, and plans or regulations for the reduction of greenhouse gas emissions. Compliance with these regional plans serves to reduce impacts on a regional basis so that the Project would not produce impacts, that considered with the effects of other past, present, and probable future projects, would be cumulatively considerable. In addition, in instances where the Project has the potential to contribute to a cumulatively considerable

impact to the environment, mitigation measures have been imposed to reduce potential effects to less-than significant levels.

- c) **Less Than Significant Impact With Mitigation Incorporated.** As discussed this Initial Study Checklist, the Project would not expose persons to adverse impacts related to Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Population and Housing, or Transportation/Traffic hazards. These impacts were identified to have no impact or a less than significant impact.

With implementation of Mitigation Measure HAZ-1 and other measures identified in this Initial Study Checklist would result in a less than significant impact and there would be no substantial adverse effects on human beings, either directly or indirectly

### **XVIII MITIGATION MEASURES. Include mitigation measures here.**

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval)

**AQ-1: The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions.**

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

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

**AQ-4: The mine operator shall ensure that periodic watering for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions occurs. For purposes of this requirement, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance;**

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

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

**AQ-7: The mine operator shall clean-up project-related trackout or spills on publicly maintained paved surfaces within 24 hours.**

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

**BIO-1.** Prior to the disturbing soil or vegetation, the Project Proponent shall provide evidence to the Planning Division that the California Department of Fish and Wildlife has issued a 2081 Incidental Take Permit for Desert Tortoise and Mojave Ground Squirrel.

**BIO-2.** The Project Proponent shall comply with the proposed measures to minimize and fully mitigate the impacts of the proposed taking specified in the *Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California* dated November, 2014 attached to this Initial Study Checklist as Appendix D and hereby incorporated by reference.

**BIO-3.** Prior to disturbing soil or vegetation, a qualified biologist shall survey all shrubs and structures within the project site for nesting birds. Surveys shall end no more than three days prior to clearing. Documentation of surveys and findings shall be submitted to the California Department of Fish and Wildlife and County of San Bernardino Planning Division within ten days of the last survey. If no nesting birds are observed, project activities may begin. If an active bird nest is located, the plant in which it occurs should be left in place until the birds leave the nest. No construction is allowed near active bird nests of threatened or endangered species.

**BIO-4.** Silver cholla (*Cylindropuntia echinocarpa*) and cottontop cactus shall be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.

**CR-1:** The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:

- In the event archaeological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.

**CR-2:** The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements:

- e) In the event paleontological resources are uncovered during earthmoving activities, all work in that area shall cease immediately the County and the Bureau of Land Management shall be notified. A qualified paleontologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. In consultation with the Project proponent, the County, and the Bureau of Land Management, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.



**HAZ 1. All spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility.**

**HYD-1. Water may be supplied through the use of groundwater. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.**

**HYD-2. Should an on-site or off-site well become a source of project water, the operator shall abide by the terms of the Stipulated Judgment for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency to ensure compliance.**

**HYD-3. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to Section 115700 of the California Health & Safety Code.**

**HYD-4. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.**

#### **GENERAL REFERENCES**

CEQA Guidelines, Appendix G.

County of San Bernardino General Plan, 2007

County of san Bernardino Development Code, 2007

County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011

Mojave Desert Air Quality Management District California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011.

#### **PROJECT SPECIFIC REFERENCES**

*Air Quality Assessment prepared by Lilburn Corporation dated February 2, 2015*

*State Route 58 (SR-58) Hinkley Expressway Project, Final Environmental Impact Report /Environmental Impact Statement, Caltrans, June 2013.*



*Focused Surveys for Agassiz's Desert Tortoise, Habitat Assessments for Burrowing Owl and Mohave Ground Squirrel, and General Biological Resource Assessment, Circle Mountain Biological Consultants, Inc., dated December, 2014.*

*Application for California Department of Fish and Wildlife 2081 Incidental Take Permit, Allowing Take of Mojave Ground Squirrel and Desert Tortoise During Development of the Lynx Cat Mountain Mine Site Near the Community of Hinkley, San Bernardino County, California dated November, 2014*

*Traffic Assessment prepared by George Dunn Engineering dated February 3, 2015*

## **EXHIBIT D**

### **County's Response to OMR Comments April 6, 2015**



## Land Use Services Department Planning

Tom Hudson  
Director

April 6, 2015

Beth Hendrickson  
Reclamation Unit Manager  
Office of Mine Reclamation  
801 K Street, MS 09-06  
Sacramento, CA 95814-3529

**RE: THIRTY DAY ADVANCE NOTICE OF INTENT TO RECOMMEND APPROVAL OF REVISION TO EXISTING MINE AND RECLAMATION PLAN FOR TEMPORARY EXCAVATION OF QUARRY AS A BORROW PIT DURING CONSTRUCTION OF SR-58 HINKLEY EXPRESSWAY PROJECT, RECLAMATION NO. 90M-010 AND RESPONSE TO OMR'S COMMENT LETTER DATED MARCH 25, 2015, LYNX CAT MOUNTAIN QUARRY, CA MINE #91-36-0049, APPLICATION NO. AP20150002**

Dear Ms. Hendrickson:

Pursuant to Public Resources Code Section 2774(d)(2), the County of San Bernardino is hereby providing advance notice to the Office of Mine Reclamation (OMR) of staff's intent to recommend approval of a request by Matcon Corporation to revise their existing mine and reclamation plan, referenced as 90M-010. The decision is anticipated to occur at the Planning Commission hearing scheduled for May 7, 2015. The Lynx Cat Mountain Quarry project is located approximately one quarter mile southwest of the Halstead Road and Black Canyon Road intersection within the Hinkley community. The project site consists of a revision to the existing mine and reclamation plan to permit temporary excavation as a borrow pit to provide aggregate for use during the construction of State Route 58 Hinkley Expressway.

County staff has considered the comments offered by OMR in the letter dated March 25, 2015 and appreciates the opportunity to present responses that will facilitate the concurrent approval of the proposed Mining/Reclamation Plan amendment for the Lynx Cat Mountain Quarry. The final text and maps will be required to be made complete upon approval, incorporating final revisions and additions per OMR's comments and further stated in the following responses and/or conditions will be imposed by the County Planning Department prior to allowing new mining disturbance.

The following provides County staff's response to comments offered in OMR's March 25, 2015 letter, defined by page and paragraph regarding the Lynx Cat Mountain Quarry Reclamation Plan and supporting documents that were transmitted to OMR on February 13, 2015.

### BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD  
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GREGORY C. DEVEREAUX  
Chief Executive Officer

**COMMENT:**

**"Mining Operation and Closure**

**(Refer to SMARA Sections 2770, 2772, 2773, CCR Sections 3502, 3709, 3713)**

SMARA Section 2772(c)(3) requires that the reclamation plan include a proposed termination date. Mining is to be conducted from 2015 through 2017 and the termination date given is December 31, 2019. This only allows 2 years for the completion of reclamation. The time for vegetation to become established and meet performance standards at a mine site in the desert is typically in the 5 - 10 year range. Therefore, the termination date should be extended to allow adequate time for monitoring the progress of revegetation and achieving site closure. ))

**RESPONSE:**

*The proposed termination date of the Amended Mining/Reclamation Plan will be extended to allow adequate time (at least 7 years) to monitor for revegetation progress and feasibly attain all other reclamation performance standards before entertaining a request for site closure.*

**COMMENT:**

"In addition to revegetation requirements, an extension of the proposed termination date should be considered to reflect any future mining plans beyond the SR-58 Project. Under "Mine Operations" on page 2, the project description discusses the SR-58 project, which proposes to utilize 4.5 million tons, but also notes that the quarry design shown on the Mine Plan Map provides for total reserves of 16 million tons. OMR recommends revising the project description, the map notes, the proposed termination date, and the production amounts to reflect the proposed long-term phased mining plan. ))

**RESPONSE:**

*This comment has been considered. Although planning for future mining at the site is possible, at this time, no extension of the proposed termination date for mining is being proposed; however, the time frame to allow for successful reclamation will be adjusted to 7 years. The initial objective is to access and utilize 4.5 million tons of the site reserves for the SR-58 Project. The quarry design will allow flexibility to excavate various onsite aggregates in a manner that allows an uninterrupted supply of materials to meet the demanding SR-58 project schedule.*

**COMMENT:**

"CCR 3713(a) requires that drill holes, water wells, monitoring wells be abandoned in accordance with any applicable local ordinances and/or state laws. The revised Reclamation Plan alludes to the possibility of using an onsite well as a source for fresh water. Water well abandonment procedures should be discussed in the revised reclamation plan and be developed in accordance with any applicable local ordinance and/or state law. "

**RESPONSE:**

*The Mining/Reclamation Plan will be revised in response to this comment. Water well construction and abandonment procedures are regulated and permitted by the San Bernardino Department of Public Health - Division of Environmental Health Services (DEHS). DEHS is responsible for administration and enforcement of all Federal and State statutes and regulations regarding well water systems.*

**COMMENT:**

**"Geotechnical Requirements  
(Refer to CCR Sections 3502, 3704)**

CCR Section 3502(b)(3) requires that site-specific geologic and engineering analysis be based on the physical properties of the earth material comprising the final slope and its maximum water content. The applicant provided a Slope Stability Investigation (SSI) for the Lynx Cat Mountain Quarry, prepared by CHJ Consultants of Colton, CA, dated June 30, 2014, as a part of the reclamation plan submittal. The SSI determined the kinematic and global slope stability of the proposed final slopes using the Mine Plan Map, by Jean Huff, dated June 21, 1990, enclosure "A-2 ". The 1990 Mine Plan Map shows final quarry slope heights on the order of 160-feet at an overall angle of approximately 39 degrees and a quarry floor elevation of approximately 2230-feet above mean sea level (amsl). The applicant also included in the reclamation plan submittal a Mine Plan Map (Sheet 1 of 2) and a Reclamation Plan Map (Sheet 2 of 2) by Webber & Webber Mining Consultants, Inc. of Redlands, CA dated January 30, 2015. These maps indicate proposed final slopes heights up to 330-feet at an overall angle of approximately 50 degrees and a potential reclaimed quarry floor elevation of approximately 2030-feet amsl. Additionally, the SSI interprets groundwater to range between 2030 to 2045-feet amsl. The SSI should be revised to consider the proposed slope heights and quarry geometry shown on the Webber & Webber maps, as well as any potential impacts groundwater may have on the quarry design. "

**RESPONSE:**

*A Supplemental Slope Stability Evaluation (4/1115) was prepared by CHJ, Inc. to address the proposed slope heights, quarry geometry and potential groundwater impacts are noted in this comment. The CHJ Evaluation is enclosed with this letter.*

**COMMENT:**

**"Hydrology and Water Quality**

(Refer to SMARA Sections 2772, 2773, CCR Sections 3502, 3503, 3706, 3710, 3712)

CCR sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean Water Acts as implemented by the Regional Water Quality Control Board and the State Water Resources Control Board. Regulations approved by the State Water Resources Control Board require that a mine site which discharges storm waters that may have contacted any overburden, raw material, intermediate products, by-products, or waste products on the mine site obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). The applicant should consult with the Regional Water Quality Control Board about the requirements for this site. If the permit is required and the SWPPP is obtained, the required information, monitoring requirements and water quality standards should be incorporated into the reclamation plan to help satisfy erosion and sediment control requirements of SMARA."

**RESPONSE:**

*Consultation has been made with the Regional Water Quality Control Board and a Notice of Non-Applicability (NONA) has been submitted to the Board. A Technical Report prepared by Brash Industries accompanied the NONA submittal. Both of these documents are enclosed with this letter.*



**COMMENT:**

"CCR section 3706(f) requires that stream diversions be constructed in accordance with a stream and lake alteration agreement between the operator and the California Department of Fish and Wildlife (DFW). The mining operation will permanently alter desert washes that may be jurisdictional. The applicant should consult with the OFW and determine if the proposed project will disturb stream features that are jurisdictional. Permit requirements of OFW that relate to reclamation of the site should be incorporated in the reclamation plan prior to approval."

**RESPONSE:**

*Consultation has been made with the California Department of Fish and Wildlife (DFW) regarding any potential jurisdictional areas on the project site. An email conversation (4/2/15) with Becky Jones (Environmental Scientist, DFW Inland Deserts Region) is enclosed with this letter. Her determination is that the project will not disturb any desert washes or stream features that are jurisdictional and that a Streambed Alteration Agreement is not required.*

**COMMENT:**

**"Resoiling and Revegetation**

(Refer to SMARA Section 2773, CCR Sections 3503, 3704, 3705, 3707, 3711)

CCR Section 3711 (d) requires topsoil stockpiles to be clearly identified. OMR recommends that the reclamation plan be amended to include this provision in both the mining and reclamation plan and the revegetation plan.

**RESPONSE:**

*The Mining/Reclamation Plan will be amended in response to this comment to include the requirement for topsoil stockpiles to be clearly identified.*

**COMMENT:**

"The revegetation plan proposes placement of 12" of topsoil in islands on 25% of the site (12.05 acres) and seeding only on those islands. This would leave 75% of the site, totaling 36.15 acres, bare and unprotected from erosion. CCR Section 3711 (e) requires topsoil and suitable growth media be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration, and drainage patterns. It may be necessary to develop lower success criteria for areas between islands, but they cannot be considered reclaimed if left untreated. Both the mining and reclamation plan and the revegetation plan should be revised to discuss revegetation of the entire site and the Financial Assurance Cost Estimate should include the cost of revegetation for the entire 48.2 acres.

**RESPONSE:**

*The Mining/Reclamation Plan will be amended in response to this comment to include additional details for revegetating the site. The Financial Assurance Cost Estimate is reviewed annually and updated to reflect all incremental changes to the areas of disturbance on the project site, as required.*

**COMMENT:**

"CCR Section 3705 (b) requires test plots to be conducted simultaneously with mining to determine the most appropriate planting procedures. Test plots and treatments are described on page 7 and summarized in "Table 1. Test Plots". OMR recommends revising the design to add additional treatments to separately test the use of overburden, fines, and other waste materials as suitable growth media. This would be in addition to testing the topsoil by itself as well as blending with waste materials as is currently proposed. The application of amendments such as compost could also be tested. It may be possible to treat more than 25 % of the site if additional growth media is available. At least one plot should also be tested by scraping off the topsoil, decompacting and roughening the exposed surface, then applying seed, to mimic the treatment between islands.

Another treatment proposed for the test plots is the use of an imprinter. Alternate methods for leaving the surface in a roughened condition could also be tested, such as "moon-scaping" during the placement of growth media in the islands."

**RESPONSE:**

*Circle Mountain Biological Consultants, Inc. prepared a "Lynx Cat Mountain Quarry Amendments to the Revegetation Plan" letter in response to this comment. Please see the attached letter for details.*

**COMMENT:**

"OMR recommends revising the seed mix to be representative of the species found on site to replace the generic commercial seed mix listed in Table 2 on page 8. Note that while these are all perennial species, and only perennials can be counted for reaching revegetation success criteria, native annual species may be added to the seed mix in order to provide additional food resources for desert tortoise (*Gopherus agassiz*; ').

**Table 28. Recommended Seed Mix and Application Rate**

Common name	Latin name	Pounds	PLS/acre
Burro bush	<i>Ambrosia dumosa</i>	2	
Cheesebush	<i>Ambrosia salsola (Hymenoclea salsola)</i>	3	
Al/scale	<i>Atriplex polycarpa</i>	2	
Nevada joint-fir	<i>Ephedra nevadensis</i>	2	
Rubber rabbitbrush	<i>Ericameria nauseosa</i>	2	
California buckwheat	<i>Eriogonum fasciculatum</i>	3	
Big gal/eta	<i>Hilaria rigida (Pleuraphis rigida)</i>	2	
Creosote bush	<i>Larrea tridentata</i>	2	
Peach thorn	<i>Lycium cooperi</i>	3	
Desert needlegrass	<i>Stipa speciosa</i>	3	
Mojave aster	<i>Xylorhiza tortifolia</i>	1	
		<b>Total 25 "</b>	

**RESPONSE:**

*The seed mix will be revised in response to this comment. Circle Mountain Biological Consultants, Inc. prepared a "Lynx Cat Mountain Quarry Amendments to the Revegetation Plan" letter in response to this comment. Please see the attached letter for details.*

**COMMENT:**

"CCR Section 3705(m) requires that the reclamation plan include success criteria that can be quantified by cover, density, and species-richness. Revegetation success criteria are discussed on pages 10 and 11 and summarized in Table 3. " Revegetation Targets". The 'targets', which are the success criteria to be achieved in order to consider the revegetation efforts successful, are set at 80 % of predisturbance conditions (baseline). OMR considers this percentage unrealistic to achieve for desert mine reclamation in a short amount of time normally allowed for monitoring (+/- 5 years).

We recommend that these targets be revised to between 40% and 60% of baseline as shown in the examples listed in Tables 3B, and 3C on Page 5 of OMR's March 25, 2015 response letter. They should also be specified as native perennials per the same unit area that will be used for sampling, such as 50 m2 plots. The revegetation sampling methodology will need to be revised to specify the islands versus areas outside of islands. Untreated areas outside the islands should have a separate, lower set of success criteria, such as the example below, which can be refined based on test plot results.

**RESPONSE:**

*Circle Mountain Biological Consultants, Inc. prepared a "Lynx Cat Mountain Quarry Amendments to the Revegetation Plan" letter in response to this comment. Please see the attached letter for details.*

**COMMENT:**

The information in "Table 4. Tasks and Timeline" states that monitoring for the success of revegetation will be ongoing every 3 years. This is inappropriate in the context of a 7-year monitoring period and should be changed to every year until the success criteria is achieved. "

**RESPONSE:**

*The Revegetation Plan will be revised in response to this comment to reflect annual monitoring until success criteria are achieved*

**COMMENT:**

"On page 8, there is a discussion of salvaging and transplanting two (2) species of cacti in the expansion areas. In addition to the performance standards above, a separate standard should be established for salvaged and transplanted cacti. A total count of all salvageable individual cactus plants in the expansion area should be tallied and a survival percentage of 60% applied. These figures should be added to the revegetation plan, such as in the example shown on Page 5 of OMR's March 25, 2015 response letter.

**RESPONSE:**

*The Revegetation Plan will be revised in response to this comment to add a Table 3C to establish a separate standard for salvaged and transplanted cacti.*

**COMMENT:**

**"Administrative Requirements**

(Refer to SMARA Sections 2772, 2773, 2774, 2776, 2777, Public Resources Code Section 21151. 7)

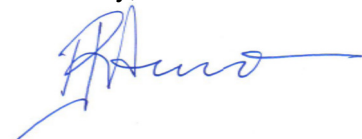
SMARA Section 2772(c)(1 0) states that the reclamation plan shall include an applicant's signed statement accepting responsibility for reclamation per the approved reclamation plan. Please provide a copy of this statement in the approved reclamation plan. SMARA Section 2774 addresses the requirements with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. Once OMR has provided comments, a proposed response to the comments must be submitted to the Department at least 30 days prior to lead agency approval. The proposed response must describe whether you propose to adopt the comments. If you do not propose to adopt the comments, the reason(s) for not doing so must be specified in detail. At least 30 days prior notice must be provided to the Department of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days' notice must be given to the Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that your agency allows adequate time in the approval process to meet these SMARA requirements. "

**RESPONSE:**

*The Mining/Reclamation Plan will be amended in response to this comment to include the applicant's signed statement accepting responsibility for reclamation per the approved Reclamation Plan.*

The County appreciates the opportunity to response to OMR's comments. Should you have any questions regarding this advance notice and response to comments, please feel free to call me directly at 909 677-9907.

Sincerely,



Reuben J. Arceo  
Contract Planner  
San Bernardino Land Use Services Department

RJC:RG:mp

Attachment: OMR Comments dated March 25, 2015  
CHJ Consultants, Supplemental Slope Stability Evaluation, April 1, 2014  
Brash Industries, NONA Technical Report, February 23, 2015  
California Fish & Wildlife email transmittal, April 2, 2015  
Circle Mountain Biological Consultant, Amendment to Revegetation Plan, March 30, 2014

Cc: George H. Kenline, Engineering Geologist  
Karen E. Watkins, Planning Manager, Land Use Services  
Terri Rahhal, AICP, Planning Director, Land Use Services  
Gia Kim, Assistant Director of Land Use Services  
George Webber, Webber and Webber Mining Consultants, Inc.

## **EXHIBIT E**

### **County's Response to LRWQCB Comments**



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**Exhibit E**

**RESPONSE to COMMENTS  
for the  
Lynx Cat Mountain Quarry Mining & Reclamation Plan  
MITIGATED NEGATIVE DECLARATION  
COUNTY FILE NO: AP20150002  
State Clearinghouse No. 2015031072**

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**County of San Bernardino  
Land Use Services Department**

**April 22, 2015**

## Comment Letter from the Lahontan Regional Water Quality Control Board

### RESPONSES TO COMMENTS RECEIVED ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Comment letters that were received are identified as follows:

#### **State Agencies**

Lahontan Regional Water Quality Control Board, April 17, 2015.

#### **Local Agencies**

None

#### **Individuals**

None

Responses to each comment are provided on the following pages. The County's responses to the comments immediately follow the comment letter and are identified as "**COUNTY RESPONSE:**"

#### **COMMENT NO. 1: Possible Contamination of Source of Well Water.**

*There is plume of hexavalent chromium in the Hinkley area and the Project may impact well water quality and contribute to the expansion of the plume through well pumping.*

#### **COUNTY RESPONSE:**

The source of the plume is from the PG&E Compressor Station located near the southwest corner of Community Boulevard and Summerset Road. The plume has polluted an area 2.5 miles long and more than a mile wide and has spread in a northwesterly direction from the source according to the Lahontan Regional Water Control Board.

Ground water will be obtained by and used at the Project site for dust suppression activities and aggregate washing. Water will be provided for Project operations by an offsite vendor and onsite well. Bottled water will be provided for employee consumption. Well water usage is planned to occur over a period of 24 months according to the SR- 58 project construction estimates.

The Project site is located approximately 5 miles northwest of the plume so it is not expected that well water will be contaminated during the next 24-months nor will well pumping contribute to the expansion of the plume.

In addition, the Initial Study/Mitigated Negative Declaration contains the following mitigation measure:

## Comment Letter from the Lahontan Regional Water Quality Control Board

*HYD-1. Water may be supplied through the use of groundwater. Evidence shall be provided that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. Evidence shall be submitted to DEHS/Water Section for approval. For information, call DEHS/Water Section at (909) 387-4666.*

With implementation of Mitigation Measure HYD-1, the comment is addressed.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 2: Best Management Practices for Sedimentation Pond. (Groundwater Quality).**

*Best Management Practices (BMPs) or mitigation measures should be implemented to preclude constituents in the sedimentation pond from potentially impacting groundwater.*

#### **COUNTY RESPONSE:**

Pursuant to the requirements of the National Pollution Discharge Elimination System (NPDES), the Project is required to receive approval from the County for a Water Quality Management Plan and Stormwater Best Management Practices. Development Code Chapter 83.15, *Conditional Compliance for Water Quality Management Plans*, will ensure that the Project's Conditions of Approval provide for Water Quality site design, source control and treatment control BMPs as appropriate.

With implementation of standard requirements, the comment is addressed.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 3: Best Management Practices for Sedimentation Pond. (Exposure to Runoff).**

*Best Management Practices (BMPs) or mitigation measures should be implemented to preclude contaminated runoff and residual blasting components from contaminating water.*

#### **COUNTY RESPONSE:**

As noted in the response to Comment No. 2 above, the Project is required to receive approval from the County for a Water Quality Management Plan and Stormwater Best Management Practices. Development Code Chapter 83.15, *Conditional Compliance for Water Quality Management Plans*, will ensure that the Project's Conditions of Approval provide for Water Quality site design, source control and treatment control BMPs as appropriate.

## Comment Letter from the Lahontan Regional Water Quality Control Board

In addition, the Mitigated Negative Declaration contains the following mitigation measure:

*HAZ-1. All spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility.*

With respect to blasting, blasting of rock material is required for extraction activities at the Lynx Cat Mountain Quarry and will be used periodically during the short term project. Therefore, it is proposed to continue the use of blasting during future quarry expansion activities.

Based on the Mining and Reclamation Plan, the mine operator shall take every precaution available to prevent possible contamination of groundwater from blasting residue. This shall include the following: 1) wetting the blast area before and immediately after each blast to minimize potential airborne contaminants, 2) blasting activities shall not occur during periods of sustained winds greater than 25 m.p.h., 3) blasting activities shall not occur during periods of sustained precipitation to prevent potential contaminant runoff, and 4) if excavations encounter subsurface groundwater, all blasting activities shall be halted at the project site until further notice.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 4: Jurisdictional Waters (Blue-Line Streams).**

*The Project area may include marked and unmarked “blue-line” streams that are under the jurisdiction of the U.S. Army Corps of Engineers or the California Department of Fish and Wildlife.*

#### **COUNTY RESPONSE:**

Based on the *General Biological Resource Assessment* prepared for the Project by Circle Mountain Biological Consultants, Inc. (December 2014), no impacts to “blue-line” streams is anticipated.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

**COMMENT NO. 5: Jurisdictional Waters (Blue-Line Streams) Impacted by Access Road.**

*Exhibit 2 of the Mitigated Negative Declaration shows several “blue-line” streams near the quarry area and crossing the access road. Impacts should be avoided or minimized through mitigation.*

**COUNTY RESPONSE:**

Exhibit 2 of the Mitigated Negative Declaration was copied from the *General Biological Resource Assessment* prepared for the Project by Circle Mountain Biological Consultants, Inc. (December 2014).

As part of the *General Biological Resource Assessment*, field surveys were conducted on both sides of the access road. Based on the results of the field survey, the *General Biological Resource Assessment* concluded that “no impacts to blue line streams are anticipated, and CDFW is not likely to require a 1600 Streambed Alteration Agreement.” (Ref. Section 4.2.2.a of the *General Biological Resource Assessment*).

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

**COMMENT NO. 6: Identification of Pollutants from Non- Point Sources.**

*The identification of non-point sources pollutants should be identified and not be allowed to enter and degrade surface or groundwaters.*

**COUNTY RESPONSE:**

As noted in Section IXa of the Initial Study/Mitigated Negative Declaration, mining waste discharges are regulated under Article 7 of Chapter 15 (Cal. Code of Regs.). Further regulations for mines are contained in the California Water Code, Section 13260. All mining operations are subject to the Surface Mining and Reclamation Act (SMARA, CA Public Resources Code, Title 14, Division 2, Chapter 9). The Project’s *Mining and Reclamation Plan* contains the following measures and design features to meet waste discharge requirements:

- Erosion of the banks due to natural rainwater run-off will be minimized by cutting to a 2:1 slope and corrected by removal of any material carried into the excavation.
- Stockpiles of topsoil and fill-dirt shall be managed to minimize water erosion. The pit floor will be graded with a slight slope rising to the east and north to permit natural drainage at a slope less than that of the natural slope of the alluvial deposit from the Slate Range Mountains to the east.

## **Comment Letter from the Lahontan Regional Water Quality Control Board**

- Limiting surface disturbance to the minimum area required for active operations.
- Stabilizing disturbed areas through grading or revegetation.
- Final reclamation shall include adequate provisions to intercept and conduct off-site tributary drainage flow around or through the site to minimize erosion.

With implementation of the above, impacts are anticipated to be less than significant.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 7: Beneficial Uses of Water.**

*The environmental document should identify and list the beneficial uses of water resources within the Project area and include an analysis of the potential impacts to water quality with respect to those beneficial uses.*

#### **COUNTY RESPONSE:**

The County of San Bernardino is the SMARA lead agency for the Project and the CEQA lead agency for this project. SMARA contains a number of provisions addressing drainage diversion structures, waterways (14 California Code of Regulations (CCR) (14 CCR Section 3706) and stream protection, including surface water and groundwater (14 CCR Section 3710). SMARA also requires that erosion control methods be designed for the 20-year/1-hour intensity storm event (14 CCR Section 3706(d)) and control erosion and sedimentation (14 CCR Section 3706(c)). The SMARA regulations also require reclamation plans to include performance standards for drainage and erosion to protect water quality, including streams, surface water, and groundwater. These performance standards must ensure compliance with the Clean Water Act, the Porter-Cologne Act, and other legal requirements (14 CCR Sections 3706, 3710(a)).

As noted in the response to Comment No. 6 above, there are several erosion and sedimentation controls proposed that would serve to prevent impacts to the beneficial uses of water.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 8: Water Quality Objectives and Standards.**

*The objectives and standards outlined in Chapter 3 of the Lahontan Basin Plan should be used when evaluating thresholds of significance for Project impacts.*

#### **COUNTY RESPONSE:**



## **Comment Letter from the Lahontan Regional Water Quality Control Board**

Pursuant to the requirements of the National Pollution Discharge Elimination System (NPDES), the Project is required to receive approval from the County for a Water Quality Management Plan and Stormwater Best Management Practices. Development Code Chapter 83.15, *Conditional Compliance for Water Quality Management Plans*, will ensure that the Project's Conditions of Approval provide for Water Quality site design, source control and treatment control BMPs as appropriate.

With implementation of standard requirements, the comment is addressed.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 9: No Net Loss of Function and Value.**

*The Lahontan Regional Water Quality Control Board requests that site facilities, equipment staging areas, and excavated soil stockpiles be microsituated outside stream channels and floodplain areas. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters. Equipment should use existing roadways to the extent feasible.*

#### **COUNTY RESPONSE:**

The Project proposes to continue mining the original quarry as well as an additional area to the south to provide materials for the SR-58 Expressway Project exclusively. All excavations will occur within mining boundary shown in detail on both Mining and Reclamation Plan Maps. The quarry area does not contain any areas that contain stream channels and floodplain areas.

Notwithstanding the above, the County will include a Condition of Approval to ensure that site facilities, equipment staging areas, and excavated soil stockpiles are microsituated outside stream channels and floodplain areas.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 10: Vegetation Clearing.**

*Vegetation clearing should be kept to a minimum.*

#### **COUNTY RESPONSE:**

The Mining and reclamation Plans provides for limiting surface disturbance to the minimum area required for active operations.

Comment Letter from the Lahontan Regional Water Quality Control Board

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

**COMMENT NO. 11: Use of Stockpiled Material for Revegetation.**

*The Lahontan Regional Water Quality Control Board concurs with the requirement to retain the “top 0” -12” of surface material” and stockpile this material for use during reclamation and revegetation.*

**COUNTY RESPONSE:**

The County concurs with the comment.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

**PERMITTING REQUIREMENTS**

**COMMENT NO. 12: Streambed Alteration Agreement.**

*A Clean Water Act Section 401 permit may be required.*

**COUNTY RESPONSE:**

As noted in the response to Comment Nos. 4 and 5 above, based on the *General Biological Resource Assessment*, “no impacts to blue line streams are anticipated.” In addition, no waters under the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board are anticipated to be impacted. As such, a Section 401 permit is not required.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

**COMMENT NO. 13: Regional Water Quality Board Permits and NPDES Permit.**

*A Clean Water Act Section 402 (p) permit and a NPDES General Permit may be required.*

**COUNTY RESPONSE:**

## **Comment Letter from the Lahontan Regional Water Quality Control Board**

Pursuant to the requirements of the National Pollution Discharge Elimination System (NPDES), the Project is required to receive approval from the County for a Water Quality Management Plan and Stormwater Best Management Practices. Development Code Chapter 83.15, *Conditional Compliance for Water Quality Management Plans*, will ensure that the Project's Conditions of Approval provide for Water Quality site design, source control and treatment control BMPs as appropriate. The County will ensure that copies of any applicable permits will be provided to the County prior to commencement of mining activities.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***

### **COMMENT NO. 14: NPDES General Permit, Limited Threat Discharges to Surface Waters, or General Waste Discharge Requirements to Land with a Low Threat to Water Quality.**

*The above permits may be required.*

#### **COUNTY RESPONSE:**

The County will ensure that the applicant provide evidence of any applicable permits prior to commencement of mining activities.

***Finding: No revisions to the Initial Study/Mitigated Negative Declaration are required.***