

LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: January 19, 2023

Project Description

APNs:	0542-201-02 through 10, 14, 15, 16, 18, 35. and 36
Applicant: Location:	CalPortland Company Approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow
Project No: Staff: Rep:	MRAA-2022-00004 Steven Valdez Lilburn Corporation
Proposal:	An Amended Mining Reclamation Plan for CalPortland Company's Vested Baxter Quarry (90M-02) (CA MINE ID # 91-36-0036) to include the reclamation of additional iron ore reserves to cover approximately 263 acres.

6 Hearing Notices Sent on: January 4, 2023 Report Prepared By: Steven Valdez, Planner

SITE INFORMATION:

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Project Size:	263 acres			
Terrain:	Open Pit Quarries			
Vegetation:	Creosote Bush Scrub			

SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
SITE	Iron ore mine	Open Space (OS); treated as Resource Land Management (RLM)	Resource Conservation (RC)
North	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)
South	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)
East	Vacant BLM land	Resource/Land Management (RLM)	Resource Conservation (RC)
West	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)

STAFF RECOMMENDATION: THAT THE PLANNING COMMISSION **ADOPT** THE MITIGATED NEGATIVE DECLARATION, **ADOPT** THE RECOMMENDED FINDINGS, **APPROVE** THE AMENDED MINING RECLAMATION PLAN 90M-02 (CA MINE ID # 91-36-0036), AND **DIRECT** STAFF TO FILE THE NOTICE OF DETERMINATION.¹

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

AGENDA ITEM #2

Vicinity Map



Figure 1 – Regional Location Map Baxter Quarry



Figure 2 – Project Vicinity Map Baxter Quarry



Figure 3 – Baxter Quarry Site/Mine Plan

LILBURN

MINE PLAN Baxter Quarry Revised Reclamation Plan 90M-02 San Bernardino County, CA FIGURE 3



Figure 4 –Baxter Quarry Reclamation Plan

CalPortland Baxter Quarry Revision Reclamation Plan No. 90M-02/MRAA-2022-00004 APNs: 0542-201-02 through 10, 14, 15, 16, 18, 35, and 36 Planning Commission Hearing: January 19, 2023



Figure 5 – Baxter Quarry Cross Section



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Photograph 1: View of the existing mining area.



Photograph 2: Looking at the steep hillside on the southern portion of the site.

PROJECT DESCRIPTION:

The applicant, CalPortland, is proposing to amend a previously approved reclamation plan (90M-02), to include the reclamation of additional iron ore reserves within a vested quarry. The vested quarry, known as the Baxter Quarry, comprises of approximately 452 acres of private lands. The existing reclamation plan currently covers approximately 130 acres. The proposed amendment would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry.

Although CalPortland's existing operations are vested and permitted by right without a use permit, the quarry is subject to the reclamation and financial assurance requirements of the Surface Mining and Reclamation Act (Pub. Resources Code § 2710 et seq. [SMARA]) and the County Development Code, Chapter 88.03. As is common for mining operations, CalPortland's existing reclamation plan only covered portions of the overall vested quarry that were subject to active mineral recovery operations at the time.

The Baxter Quarry supplies iron ore for CalPortland's cement plants and to other markets. The local source of iron ore reduces the need to import iron ore from more distant sources, thus reducing environmental impacts and transportation costs.

To comply with SMARA, the project would update the reclamation standards applicable to the quarry to SMARA's current, modern requirements. These current reclamation requirements are enumerated in SMARA Section 2772.1 and Articles 1 and 9 of the SMARA Regulations (codified at Section 3500 et seq. of title 14 of the California Code of Regulations). Because the quarry is vested and no discretionary use permit to conduct mining operations is required to authorize the recovery of the mineral resource or continued operation of the quarry, only the reclamation plan amendment is required to be approved by the County as the lead agency.

Project Mining Background

As highlighted above, the existing Reclamation Plan for the Baxter Quarry (Reclamation Plan #90M-02) was approved by the County in 1990 and covers approximately 130 acres. The Quarry is located on patented (private) lands owned by CalPortland. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres.

The proposed amendment will include reclamation of an additional approximately 69 acres (including some areas explored and partially mined in the past) for a total disturbance area of approximately 118 acres within the 263-acre reclamation plan boundary. Surrounding land uses include the vacant public desert lands administered by the Bureau of Land Management (BLM) to the east, south, and north. The Mojave Trails National Monument established in 2016, is adjacent to the site on the west and northwest. The main railroad line from Los Angeles to Las Vegas is located along the Mojave River to the south. There are no adjacent or nearby residences within 6 miles.

Based on years of mining and drilling samples, CalPortland plans to continue mining in the existing West Deposit (19 acres) and in two additional surface quarries, the Lillian Belle Deposit

(15 acres) and the East Deposit (10.5 acres). In approximately 15 to 20 years, depending on iron ore demand, underground mining will be initiated from the floor of the Lillian Belle Deposit to access the approximate 4 million tons of iron ore resources in the Central Deposit. Table 1 lists the existing and planned operational areas for the deposits, overburden stockpile, topsoil, staging/operational areas, and roads. The quarry site is privately-owned vested mining operations with a County Land Use Category designation of Resource Land Management (RLM) and zoning designation of Resource Conservation (RC).

Baxter Quarry					
Deposits and Other Areas	Existing Disturbance (acres)	Proposed New Areas (acres)	Total Disturbance Areas (acres)		
West	19.2	0	19.2		
Lillian Belle	0	14.9	14.9		
East	0	10.5	10.5		
Surface Quarries Subtotal	19.2	25.4	44.6		
Central (underground)	0	2 (portal within Lillian Belle)	2 (portal within Lillian Belle)		
Overburden Stockpile	26.0	24.0	50		
Staging/Operations Areas	2	16.3	18.3		
Topsoil Stockpiles ¹	0	3(6)	3(6)		
Test Plots ¹	0	(1)	(1)		
On-Site Access Road	2	0	2		
Totals	49.2	68.7	117.9		

Table 1 Existing and Planned Operational and Reclamation Areas Baxter Quarry

Mining Operations and Activities

The Baxter Quarry will continue operation in the existing reclamation plan area but proposes to amend the current reclamation plan to accommodate reclamation of an additional 69 acres of vested lands. The project does not propose any change to CalPortland's existing vested mining operations including productions levels, mining systems or processes, and ultimate throughput, based on market demand. The site will continue to be mined at an average production rate of approximately 150,000 tons annually with a maximum rate of 300,000 tons/year, based on market demand, which will provide adequate reserves for up to 50 years (end of year 2073). The three surface quarries are estimated to contain approximately 3 million short tons (2.7 short tons/cubic yard) of iron ore. Underground mining will be initiated from the floor of the excavated Lillian Belle Deposit to access the approximately 4 million tons of iron ore resources in the Central Deposit. The surface areas estimated iron ore reserves, the average ore and overburden estimated per year, and the estimated life of mine are listed for each deposit in Table 2 below.

Surface mining operations consist of drilling and blasting, excavating by loader, and loading ore from the active quarry face directly into a track-mounted portable crushing and magnetic separator plant located and moved as needed within each pit. The crushed and magnetically

separated iron ore is loaded onto 45-ton off-road haul trucks (typical) by a loader and transported to the adjacent ore stockpiles and loading area located to the east of the West Deposit, and in the future, adjacent to the to be developed Lillian Belle and East Deposits where it is loaded into street-legal trucks for transport off-site. During underground mining, the ore will be conveyed out the portal to the portable crushing and magnetic separator plant located in the floor of the Lillian Belle Pit. Off-site truck loading and shipping will be conducted in the staging area to its east.

Table 2
Estimated Deposits' Production and Areas
(through 2052 – Iron Ore Reserves)

Deposit	Surface Area (acres)	Iron Ore Reserves (million tons)	Annual Average Ore Excavated (tons)	Annual Average Waste Excavated (tons)	Estimated Years
West	19.2	2.0	150,000	50,000	7 - 10
Lillian Belle	14.9	0.5	150,000	50,000	3.5 - 5
East	10.5	0.5	150,000	50,000	3.5 - 5
Central (underground)	Portal within Lillian Belle Pit	4.0	150,000	varies	27 - 30
Totals		7.0	150,000	50,000	40 - 50

The separated overburden is expected to total approximately 25% of excavated material. Surface alluvium overlying the Lillian Belle Deposit will be salvaged and stored in soil stockpiles in the staging area to its north, south, and east. Overburden will be loaded into off-road 45-ton haul trucks (typical) and transported along interior haul roads to the overburden stockpile.

There are no changes proposed for annual production with the amended plan. Mining and processing operations produce an average of 500 tons/day of ore and 175 tons/day of overburden or non-spec iron ore based on an annual production rate of 150,000 tons of ore and 50,000 tons of overburden on 250 to 300 annual operational days. Daily production will vary due to demand and overburden ratio. The processing plant is separately permitted through the Mojave Desert Air Quality Management District (MDAQMD) with a maximum throughput of 400 tons/hour and an annual throughput of nearly 1.5 million tons.

Approximately five employees work onsite in one shift with no nighttime mining operations.

West Deposit:

The West Deposit consists of an oval-shaped pit totaling 19.2 acres. No surface expansion is planned, only an additional 50 feet of depth is proposed. The deposit is currently at a depth of

1,200 feet amsl. The planned depth is another two benches to a final floor elevation of 1,150 feet amsl. The deposit is mined with 25-foot vertical cuts with a 21 to 25-foot horizontal bench (1 vertical:1 horizontal; 1V:1H). The "inter bench" is sloped at approximately 70° to 80°, which creates a bench off-set of approximately 4 feet for a horizontal bench of 21 feet (refer to Figures 3 and 4). Bench heights and widths may slightly vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is approximately 45° or 1.H:1V. Approximately 2 million tons of ore will be excavated over the next seven to 10 years from this deposit.

Lillian Belle Deposit:

The Lillian Belle Deposit has been drilled with some past mining operations. The site will be developed as an oval-shaped open pit on approximately 14.9 acres. The deposit will be mined to a depth of 150 to 175 feet with a pit floor of 1,050 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. Bench heights and widths may vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is 45° or 1H:1V. Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

East Deposit:

The East Deposit has also been drilled with some past mining operations and will be developed as a hillside quarry on approximately 10.5 acres. The deposit will be mined to a depth of approximately 75 feet on the north to a floor elevation of 1,150 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. On the south, the existing ridge rises to 1,500 to 1,600 feet amsl. This ridge will be mined from the 1,400-foot amsl elevation northward to the pit floor for a depth of approximately 250 feet. This steeper south wall of the East Deposit area is planned to be mined at 55 degrees using 25-foot faces and 18-foot-wide benches. Bench heights and widths may vary with deposit geometry as determined in the field. Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

Central Deposit (Underground):

CalPortland has evaluated the use of a Room and Pillar (R & P) underground mining method for the Central Deposit. Room and pillar or pillar is a mining system in which the mined material is extracted across a horizontal plane, creating horizontal arrays of rooms and pillars. To do this, rooms of ore are dug out while pillars of untouched material are left to support the roof overburden. Room and pillar mining was one of the earliest methods used, although with significantly more man-power.

The deposit is 300 feet below ground surface and can be accessed from the bottom of the adjacent Lillian Belle Deposit once excavated. The mine phasing is to first complete the West Deposit followed by the Lillian Belle and the East Deposits as described above. The Central Deposit would be accessed by a portal located in the west central pit floor of the Lillian Belle Deposit. The entrance portal and underground staging area including ventilation fans and other

underground mining facilities will be located here. Iron ore would be conveyed to the crusher and magnetic separator plant located east of the portal with product stockpiled in the staging area to the east. From there, it will be loaded onto street-legal haul trucks for delivery to market. Underground mining is regulated by the Federal Department of the Interior, Mine Safety and Health Administration (DOI MSHA) and is not part of SMARA except for surface disturbances related to the ongoing underground mining. All surface areas utilized during the underground mining phase will be reclaimed per the approved reclamation plan and SMARA.

The finalized mine/excavation plan for the Central Deposit will be prepared by a Certified Professional Underground Mining Contractor. The plan will be monitored and regulated during mining by the Federal agency, MSHA. Surface subsidence from underground mining will not occur due to the depth of the deposit under the surface and the conservative pillar design to support open stopes. The preliminary underground R & P design leaves about 49% of the material in the ground for underground support pillars, hanging wall and footwall support pillars for each mining level, coupled with the 300 feet of depth to the deposit. With these support parameters used with the mine design, there will be no subsidence of the surface area above the underground operation.

Slope Stability:

The *Slope Stability Investigation Report* prepared by Terracon May 2021 addressed slope stability in representative slopes for the existing and future quarries' reclamation and overburden stockpile. Slope stability calculations for feasibility of reclamation rock slope configurations and kinematic analysis of potential failure geometries in rock benches were performed for the area pits and deepening of the existing West Deposit pit. Based on geologic field observations and results of the slope stability analysis, the amended Reclamation Plan's proposed rock and stockpile reclamation slopes will meet sufficient static factors of safety for the proposed end use (FS) in excess of 1.5 and seismic factors of safety at or greater than 1.1 in conformance with Division of Mine Reclamation (DMR) criteria.

Overburden Stockpile:

Overburden material is estimated to be approximately 25% of the total reserves, about 50,000 tpy that will vary year to year or 2 million tons for the life of mine. The existing overburden stockpile is located south and southeast of the West Deposit. The stockpile currently covers about 26 acres and will be expanded south and east on an additional 24 acres. The average height is approximately 100 feet up to a maximum of 150 feet with the top elevation of 1,500 feet amsl. Final slopes will be 2H:1V. This configuration is considered stable by inspection/practice. In addition, the presence of large angular clasts in stockpile fill materials improves the stability of these slopes.

Processing Plant and Mobile Equipment:

Typical heavy off-road construction-type equipment including two loaders, three 45-ton haul trucks, a drill rig, and water truck are currently utilized for mining, hauling, and road maintenance activities on-site. A portable track-mounted crusher/magnetic separator plant and diesel

generator are used for ore crushing and separating. The plant is currently within the West Deposit and will be moved to the active mining area as mining progresses. Over time, replacement equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Haul trucks, diesel equipment, and the processing plant meet requirements of the MDAQMD and the California Air Resources Board's (CARB) off-road diesel vehicles regulations to reduce diesel pollutants. The portable processing plant is operated under MDAQMD Permit No. 12469 and the generator set under Permit No. 12473.

Water:

Water will continue to be used for dust control measures only. No water is used for processing activities. Consistent with current practice, water will be applied to the working areas, roads, and material transfer points. A 4,000-gallon water truck (typical) transports water obtained from Baker and off-site private wells approximately five times per operating day. In 2020, approximately 2.5 acre-feet were used. No change in water usage is expected under the project. Water used for dust control will evaporate and therefore, the project will not produce any run-off water. There is no surface water within the project vicinity.

Dust Control:

Existing dust control measures are in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); 403 (prohibits visible dust from crossing property lines and for controlling fugitive dust). The dust control measures are operative with periodic monitoring by MDAQMD and CalPortland personnel ensuring that the regulatory standards are met. The principal dust control measure is water spraying at the processing plant and of roads, operational quarry areas, and active overburden stockpiles. A 4,000-gallon water truck (typical) is used for dust control. Water for dust control will continue to be obtained from Baker and off-site private wells and no change in water usage is expected. On occasion, if deemed a more effective method for road dust, CalPortland utilizes approved dust suppressant agents on roads.

Hazardous Materials and Waste:

Consistent with current practice, no hazardous materials are or will be used on-site, with the exception of fuel and oil for the generator and mobile equipment. No hazardous waste is produced on the mine site. Scheduled equipment maintenance, repairs, and re-fueling is conducted with portable maintenance/fuel trucks implementing appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. There is a 2,000-gallon red dye (diesel for off-road equipment) and a 240-gallon clear diesel tank located currently to the southeast of the West Deposit along with an office and employee trailer. Approximately 850 gallons are consumed per operating week and are not expected to increase as a result of the project.

CalPortland has a Hazardous Materials Business Plan (HMBP) on file with the County that describes methods and procedures to minimize the potential for hazardous material and waste releases including an emergency response and contingency and spill response procedures.

Public Access and Safety:

The Baxter Quarry area is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. The road is signed and gated about 0.75 miles within the site. When operations move east, the gate and signage will be moved to the far eastern project boundary. The Baxter Quarry is in an isolated remote section of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. Quarry areas will have warning signs, roads not used will be blocked or closed, and safety berms six feet in height will be constructed along the quarry rims. Any unauthorized roads will be blocked or closed at the property boundary.

Erosion and Sedimentation Control:

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of surface drainage, erosion, and sedimentation of the operations will involve the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Diverting runoff from flowing unchecked into quarries or down stockpile slopes; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the Storm Water Pollution Protection Plan (SWPPP) to be updated periodically with mine site development and employ storm water Best Management Practices (BMPs).

Blasting:

Blasting operations involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) for handling explosive materials. The transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment is directed and supervised by a qualified blasting contractor. The blasting contractor and the explosive delivery company must be properly trained and licensed in accordance with all Federal, State, and local agencies and regulations and must show evidence of compliance with the California blasting license program, U.S. Department of Transportation Hazardous Materials (HAZMAT) Certificate of Registration California HAZMAT Transportation License, hold a general liability insurance policy for explosive transportation. CalPortland and its contractors currently hold applicable licenses

and permits. Drilling is currently conducted 5 to 6 days a week, 8 hours/day with depths of 28 feet. Blasting currently takes place approximately 5 times per year. No substantial increase in the number of blasts per year is expected. Blasting activities typically take place between the hours of 8 AM and 2 PM on weekdays (Monday through Friday). No explosives are stored onsite.

RECLAMATION:

The project addresses reclamation of mining operations over portions of CalPortland's vested quarry. CalPortland will reclaim the site to meet SMARA requirements as implemented by the County that will minimize impacts to the surrounding environment and provide public safety. Reclamation starts with the initiation of mining and development of new quarry areas, roads or new overburden stockpiles and includes the following:

- Stockpile available surface material for future use as a seed bed in separate identified
- Stockpiles seeded with an erosion control ground cover, water sprayed to create a crust, and/or covered with a larger rock material to limit wind and water erosion;
- Sloping and grading of completed quarry and stockpile slopes for safety, slope stability, and erosion control;
- Ripping of compacted areas and roads prior to revegetation;
- Covering disturbed areas with salvaged soil and alluvium overburden to aid in revegetation.
- Revegetation hydroseeding and broadcast seeding followed by covering broadcast seeded areas with layer of soil or alluvium by pulling chains or screens over the area;
- Upon completion of mining, remaining equipment, any structures, and internal roads not needed for site access will be reclaimed;
- The Lillian Belle portal will be closed per MSHA and SMARA requirements; and
- Monitoring and remediation until success criteria achieved.

Final reclamation will include the removal of all equipment, any structures, and debris from the site within two years of the termination of all mining onsite. Any remaining overburden or ore stockpiles will be deposited into the quarry benches or floor or transported to the overburden stockpile. Compacted surfaces in the staging areas and roads to be reclaimed will be loosened by mechanical means and seeded with native plant species.

CalPortland's vested quarry comprises approximately 452 acres. The project would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry. Within the 263acre reclamation plan boundary, CalPortland's mining activities would disturb approximately 118 acres, which will be reclaimed except for the access roads and internal quarry and overburden stockpile roads needed for revegetation access and site maintenance. Mining of the surface deposits may continue until approximately 2040. Revegetation will take place thereafter on the upper benches of the Lillian Belle Deposit. The finished benches will be solid rock; portions as feasible will be ripped, covered with soil and alluvium, and revegetated. The staging areas will be revegetated upon removal of all equipment and recontouring the surface. Approximately 50 acres will be revegetated (Lillian Belle pit, pit floors, overburden stockpile top, roads, and staging areas) minus the remaining roads and the slopes composed of hard rock faces. The finished quarry benches shall be inclined 1H:1V (horizontal to vertical), with the vertical faces approximately 25 feet in height at an 80° slope. The 18- to 21-foot-wide horizontal benches shall be inclined two percent toward the faces to capture precipitation and falling rock material. Bench heights may vary with material encountered during excavations. A protective berm will be maintained around the deposits' rims and accessible benches and shall be posted with warning signs of steep slope hazard. The ends of the benches will be blocked with large rock (larger than ¼ ton) to prevent access.

All the stockpile slopes will be reclaimed with 2H:1V slopes. The Slope Stability Report determined that the stockpile slopes at 2H:1V will meet or exceed static and seismic factors of safety in conformance with DMR criteria suitable for use as open space. The underground portal will be closed per MSHA requirements.

Revegetation

The following procedures will be implemented for revegetation.

- Rip or scarify compacted areas including closed roads to a 0.5 to 1-foot depth (if possible due to rock benches in quarries), with surface rills and furrows left to aid in water and windblown seed collection;
- Place soils that have been stockpiled in a uniform layer across the benches of Lillian Belle and for each deposit's floor and staging areas, top of OB stockpile, and roads to be reclaimed, partially mixed with underlying scarified material;
- Shape or contour final slopes and benches on the overburden stockpile for drainage and for natural appearing slopes and landforms;
- Seed with locally native species and revegetate per hydroseeding and broadcast seeding methods with a native plant species seed list as listed in the Reclamation Plan;
- Stake or flag reclaimed areas to eliminate additional disturbance;
- Monitoring and maintenance to determine if achieving the success criteria; and
- Application of remedial activities, if necessary, including but not limited to additional seeding and change of seed mix.

After revegetation, CalPortland will maintain erosion control and safety features; monitor revegetation progress; and conduct remediation as necessary until success criteria achieved. Ongoing maintenance of fencing, signs, and erosion control will be conducted.

PROJECT ANALYSIS:

Purpose and Need for the Project

The California Division of Mines and Geology (CDMG) has designated the Baxter Quarry iron ore deposits as Mineral Resource Zone 2 status (MRZ-2) (*Mineral Land Classification of the Calmat Land Co. Baxter Iron/Carbonate Rock Deposit* (OFR 90-02), CA Dept. of Conservation, Division of Mines and Geology; San Bernardino County, California, 1990). MRZs are important planning designations as they recognize the significance and importance of mineral resources and mining in land use planning.

The on-site iron ore deposits are classified as follows:

MRZ-2A - (Areas where geologic data indicate significant measured or indicated resources are present). The East or Monarch and West or Cave Canyon iron ore bodies were given this classification based upon drill hole and assay data and geologic field evaluation which shows significant iron ore deposits exist.

MRZ-2b - (Areas where geologic information indicates that significant inferred resources are present). The Lillian Belle iron ore body was given this classification based upon limited drilling and assay data and geologic field evaluation.

Project Objectives

The amended Reclamation Plan was prepared with the following objectives:

- To continue development of an existing iron ore resource pursuant to the State's and County's SMARA requirements.
- To provide iron ore from a local source to meet CalPortland's cement production needs and for other markets rather than importing material from more distant or out of state locations, resulting in decreased truck diesel fuel consumption and air pollutant emissions.
- Maintain all equipment in compliance with air quality regulations.
- Continue to implement dust control measures at active quarries, stockpile areas, and on roads per MDAQMD regulations.
- To provide reclamation to impacted mining sites to reduce visual, biological, and safety impacts, and.
- To reclaim the site for an open space end use.

Division of Mine Reclamation

The project was reviewed by DMR after County staff submitted project mining documents and reports on May 23, 2022. DMR notified the County on July 21, 2022, that corrections to the amended Reclamation Plan were required. The County responded to DMR comments in the Notice of Intent to Adopt letter on November 15, 2022.

Environmental Analysis

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA) (Exhibit A) and transmitted to the State Clearinghouse for posting and distribution on January 6, 2022. The IS concludes that the project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures, which have been incorporated in the Conditions of Approval (Exhibit B). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised on the County Environmental Website and distributed to initiate a 30-day public comment period, which concluded on September 26, 2022.

The MND addresses the project's potential impact of resources areas as follows:

Biological Resources:

A Biological Resources Assessment was prepared for the amended Reclamation Plan by ELMT Consulting, Inc. (ELMT) in February 2022. The objective of the assessment was to determine whether the Project Site supports special status or otherwise sensitive species and/or their habitats, and to address the potential effects associated with the amended Reclamation Plan on those resources. Potential impacts to Special Status Wildlife were identified. The MND and biology report address these species as follows:

Desert Tortoise:

The desert tortoise is a State and Federally listed threatened species. Surveys were conducted for the desert tortoise in 2019 per latest USFWS protocols and determined that there are no desert tortoise occurrences on site or directly adjacent to it. Most of the proposed mine site is rocky outcrop/rugged hills not suitable for desert tortoise habitat.

Desert tortoises are documented to occur approximately 11.75 miles northwest of the Project Site. Per the U.S. Fish and Wildlife (USFWS) desert tortoise Critical Habitat overlay, the Project Site is not within any USFWS designated desert tortoise Critical Habitat. Although desert tortoise is absent from the site, precautionary measures were recommended to avoid potentially injuring or killing any desert tortoise that may wander on site during operations of the quarry.

Golden Eagle:

The golden eagle is a CDFW Fully Protected species. Raptors and all migratory bird species, whether listed or not, receive protection under the Migratory Bird Treaty Act (MBTA) of 1918. There is one golden eagle location documented approximately 1.7 miles northwest of the Project Site. This location occurs on the northern portion of Cave Mountain. No golden eagle were observed within the Project Site boundaries during survey, but suitable habitat is present on site. Mitigation Measure BIO-2 was recommended to avoid potential impacts to nesting golden eagle during mining operations.

Bats:

The Project Site contains habitat that is potentially suitable for many bat species for roosting and foraging purposes. However, the bat species known in this area are not listed nor considered sensitive and are found in almost every habitat type. Most of the steep cliff faces and rocky terrain that provide suitable habitat for pallid bat, spotted bat, and fringed myotis will be avoided during project activities. To prevent impacts to potential roosting habitat within the steep terrain onsite, disturbance or removal of large boulders is recommended and will be avoided.

Nesting Birds:

The federal MBTA of 1918 (16 U.S.C 703-711) provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed

under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Vegetation suitable for nesting birds exists within and adjacent to the Project Site. Therefore, Mitigation Measure BIO-2 was recommended to avoid potential significant impacts to nesting birds, the loggerhead shrike, golden eagle, and prairie falcon.

Federal Jurisdictional Waters:

The Project Site was evaluated for the limits of state and Federal jurisdictional waters, i.e. waters of the US as regulated by the Corps and waters of the State as regulated by the RWQCB, and streambed and associated riparian habitat as regulated by the CDFW. The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediate surrounding the Project Site.

Three drainage courses may be impacted by project activities that display characteristics of Federal and/or State jurisdictional streambeds: drainage (1) west to east along the access road; drainage (2) to the south of the planned overburden stockpile; and drainage (3) to the far east. These features are ephemeral features that follow topography.

Mining activities will avoid the riverine resources on-site to the extent possible including drainage area (3) to the east of the site. However, proposed mining activities will potentially encroach into the drainage courses (1) along the access road and (2) to the south of the overburden stockpile. Potential impacts to on-site waters of the U.S., Regional Board waters of the State and CDFW jurisdiction streambed will need to be defined and regulatory approvals from the Corps, Regional Board, and CDFW will need to be obtained as applicable prior to new disturbance within jurisdictional waters. The Project is expected to result in impacts to 1,115 linear feet and 1.15 acres of jurisdictional waters. Thus, prior to impacts to the jurisdictional resources, the operator shall obtain any applicable permits from the Corps, Regional Board, and CDFW. This was included as a mitigation measure to ensure proper permits are obtained, prior to any disturbance occurring in any drainage course.

Cultural Resources:

The area is still considered fair to moderately sensitive for the presence of additional evidence of prehistoric use, despite the limited evidence identified during the study. Prehistoric resources have been identified within one mile of the Project Site and the alluvial fan bounding Cave Mountain has the potential to be associated with buried resources. Therefore, the possibility of discovering an unanticipated find remains and Mitigation Measure CR-1 and CR-2, shall be implemented to ensure that no impacts to historical and/or archaeological resources occur

Public Comments

Project notices were sent to surrounding property owners within 1300 feet of the Project Site as required by Development Code Section 85.03.080. A NOA of the IS/MND was sent to surrounding property owners and responsible agencies, as part of the CEQA process. Two comments were received, one from the California Department of Fish and Wildlife related to

special status species and the other from the Desert Tortoise Council related to the impact to the desert tortoise. The letters and responses to those comments are attached to the staff report (Exhibit C) and reflected in the Final Mitigated Negative Declaration document that is uploaded to the website. In summary, the commenters recommended that the County modify the mitigation measures in the MND to further reduce the risk of impacts determined not to be significant. These modifications do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect and, therefore, do not trigger recirculation. [See Code of Regs., tit. 14, § 15073.5(a), (b)]. The modified mitigation measures and conditions of approval added per CDFW, and DTC comments are included in the Final MND and attached to the staff report (Exhibit A).

RECOMMENDATION: That the Planning Commission:

- **1) ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits A and D);
- 2) ADOPT the Findings as contained in the Staff Report (Exhibit E);
- **3) APPROVE** the amendment to Reclamation Plan 90M-02 for the Baxter Quarry, subject to Conditions of Approval (Exhibit B); and
- 4) **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Initial Study/Mitigated Negative Declaration <u>https://www.sbcounty.gov/uploads/LUS/Environmental/Baxter_Mine/OCR_Dec%202022%20Baxte</u> <u>r%20IS_MND%20Final%20to%20County%20with%20revisions.pdf</u>
- EXHIBIT B: Conditions of Approval
- EXHIBIT C: Comment Letters and Responses
- EXHIBIT D: Mitigation Monitoring and Reporting Program
- EXHIBIT E: Findings
- EXHIBIT F: Baxter Quarries Reclamation Plan 90M-02

EXHIBIT A

Initial Study/Mitigated Negative Declaration

https://www.sbcounty.gov/uploads/LUS/Environ mental/Baxter_Mine/OCR_Dec%202022%20Ba xter%20IS_MND%20Final%20to%20County%2 Owith%20revisions.pdf

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

Baxter Quarry CA Mine ID #91-36-0036 MINING/RECLAMATION PLAN 90M-02

Operation and Reclamation Procedures

LAND USE SERVICES DEPARTMENT- Planning Division (909) 387-8311

- 1. <u>Project Description</u>. Amended Reclamation Plan for the Baxter Quarries.
- 2. <u>Project Location</u>. The Quarry is located approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow within approximately 452 acres of private lands mostly in Section 12, Township 11 North, Range 6 East, San Bernardino Base and Meridian (SBBM). The Amended Plan area totals 263 acres within Assessor Parcel Numbers (APNs) 542-201-02 to 10; 14, 15, 16, 18, 35 & 36.
- 3. <u>Effective Dates</u>. The Baxter Quarry Mining/Reclamation Plan approval (project account # MRAA-2022-00004) shall be effective from the time of approval until <u>December 31, 2077</u>. At the conclusion of all mining activities, the site will be reclaimed to vacant open space.
- 4. <u>Reclamation Plan Recordation</u>. Pursuant to Public Resources Code Section 2772.7, Planning will prepare a "Notice of Reclamation Plan Approval" on a form to be approved by the County Recorder's Office. The operator shall be responsible for review costs and recording fees.
- 5. <u>Revisions/Amendments</u>. Any substantial deviation or increase in the developed area of the site from that shown on the final approved Mining and Reclamation Plan will require submission of an additional application for review and approval. If Mining and Reclamation Plan procedures change from those outlined in the Amended Reclamation Plan for Baxter Quarries dated April 2022, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.
- 6. <u>Continuous Effect/Revocation</u>. All conditions of the Baxter Mine 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 notice of a public hearing before the Planning Commission to consider corrective measures and/or revocation of the Mining Conditional Use Permit. If revocation is confirmed, the Planning Commission may provide for a reasonable period of time to amortize any lawful existing uses and require the commencement of reclamation in accordance with approved Mining/Reclamation Plan 90M-02.
- 7. <u>Written Notification</u>. The Land Use Services Department shall be notified in writing, within 30 days, regarding any:
 - a. Change in operating procedures, or inactive periods of operation for one (1) year or more.
 - b. Changes of Company ownership, address, or telephone number during the life of the Reclamation Plan.
 - c. Changes to provisions in lease agreements or real property having any effect on the approved Reclamation Plan.
- 8. <u>SMARA and State Regulations</u>. The provisions of the California Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing SMARA ("State Regulations", California Code of Regulations

Section 3500 et seq.) are made a part of the Reclamation Plan. In the event that the State amends SMARA to the extent it adds to or conflicts with the Conditions of Approval, State law shall prevail.

- 9. <u>Mining and Reclamation Plan.</u> The approved Mining/Reclamation Plan 90M-02 and these corresponding Conditions of Approval shall be kept at the site at all times during active operations and be presented to the inspector upon request.
- 10. <u>Blasting</u>. Blasting shall be conducted in compliance with the Mine Safety and Health Administration (MSHA) and California Safety and Health Administration (Cal OSHA) requirements.
- 11. <u>Interim Management Plan</u>. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA Section 2770(h)(1) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.
- 12. <u>Additional Permits/Approvals</u>. The applicant/operator shall ascertain and comply with requirements of all County, State, and Federal agencies as may be applicable to the Project. These include, but are not limited to the following: San Bernardino County Departments of Land Use Services, Public Health, Environmental Health Services, Public Works, Fire Department, Mojave Desert Air Quality Management District (MDAQMD), Lahontan Regional Water Quality Control Board (LRWQCB) Region 6, State Fire Marshal, Environmental Health Services, California Department of Fish and Wildlife (CDFW) Region 6, U.S Fish and Wildlife, Army Corp of Engineers, State Mining and Geology Board, California Department of Conservation, California Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration (MSHA).
- 13. <u>Indemnification</u>. In compliance with SBCC §81.01.070, the developer 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 developer 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 developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer 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 developer 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 developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

14. <u>Financial Assurances</u>. The applicant/operator shall maintain an acceptable form of Financial Assurance to ensure reclamation in accordance with Reclamation Plan 90M-02. The Financial Assurance mechanism shall identify the County of San Bernardino and the California Department of Conservation (DOC) as the beneficiaries.

The Financial Assurance shall be calculated based on a cost estimate submitted by the applicant/operator and approved by the County and DOC, Division of Mine Reclamation (DMR) for the approved reclamation procedures.

Within 30 days following the mine site inspection, a Financial Assurance Cost Estimate (FACE) shall be provided to the Land Use Services Department. 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 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 DOC will follow the procedures outlined in Sections 2773.1 and 2774.1 of 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 Mining/Reclamation Plan and accepted by the County and DMR pursuant to California Code of Regulations (CCR), Section 3805.5.

- 15. <u>Annual Reporting and Inspection</u>. The applicant/operator shall provide a Mining Operation Annual Report to DMR and to the Land Use Services Department on a date established by the DOC, using forms furnished by the State Mining and Geology Board. The County is required to conduct an inspection within intervals no greater than 12 months to determine if the operation is in compliance with the approved Conditions of Approval, Reclamation Plan, and SMARA statutes and regulations. The County is required to notify DMR upon completion of the inspection that the inspection has been conducted and provide a statement regarding the status of compliance of the operation within 90 days after completion of the inspection. The operator of the mining operation is responsible for filing an application with the County to request an inspection and shall be responsible for paying the County's costs in conducting the mine site inspection.
- 16. <u>Applicant/Operator</u>. Requirements extend to the property owner and any person, lessee, tenant or sub-tenant, operator, individual, firm, association, corporation, organization, limited liability company or partnership, or any city, county, district, or the state or any department or agency thereof for any disturbance or improvements to the mined lands. The applicant/operator may include an agent or other interested party, and any heir or successor in interest in the project land use by sale or by lease of all or of a portion of the mine site including land use within any or all of the mine structures or areas on the mine site.
- 17. <u>Disturbance Limits.</u> Prior to any new ground disturbance, a Licensed Land Surveyor shall be employed to determine and permanently monument the mine boundary and limits of each road right-of-way. For each corner, GPS coordinates shall be provided in a format acceptable to Land Use Services. A final report shall be provided to Land Use Services.

Definitions

- 18. <u>Minerals</u>. Include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from organic and inorganic processes. Clay, sand, gravel, rock, decomposed granite, salts, alumina, silica, alkali, topsoil or growth medium, organic humus and gems represent the aggregate of different minerals.
- 19. <u>Aggregate Removal</u>. The applicant shall not sell or otherwise move off the mine site any sand, gravel, or other produced minerals to a public agency unless the operator certifies, under penalty of perjury, that the mining operation is identified in the AB 3098 List published pursuant to PRC Section 2717(b).
- 20. <u>Construction and Demolition (C&D)</u>. Materials left on site or produced in the process of site clearing activities, construction, renovation, or demolition of structures of all types to include roads and bridges shall be deemed as waste material. Waste materials include, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick. The Financial Assurance Cost Estimate shall include costs to remove C&D materials to an approved facility that is permitted to receive such materials.
- 21. <u>Exploration or Prospecting</u>. Includes the activities in search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.
- 22. <u>Project Design Features</u>: Project Design Features (PDFs) are aspects of the proposed project that have been designed into the mining operations.
- 23. <u>Mitigation Measures</u>: Mitigation Measures (MMs) are environmental protection measures developed during the CEQA process (in addition to the proposed PDFs) that have been determined necessary to further protect the environment.
- 24. <u>Ownership</u>. The person(s) involved in the ownership of the property include all persons having interest in the ownership of the surface and subsurface property, including mineral rights. If the applicant/operator is not the recorded owner(s) of the property, must submit a signed statement by the property and mineral rights owner(s) authorizing the applicant to act on their behalf.
- 25. <u>Operator</u>. The Operator includes the applicant and any person who is engaged in surface mining operations, and others contracted to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole involvement and compensation.
- 26. <u>Operations</u>. Surface mining operations include all, or any part of, the process involved in the mining of minerals on mined lands, borrow pitting, segregation and stockpiling of mined materials (and recovery of same).
- 27. <u>Mined Lands</u>. Include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

- 28. <u>Parcel Map</u>. The applicant/operator shall, prior to final inspection for reclamation and release of the financial assurance, record a parcel map for any and all affected parcels where unconsolidated fill is part of the final reclamation. The parcel map shall indicate those areas backfilled with uncompacted material and designate said areas as unbuildable. At such time a California Building Code (CBC) compaction report has been approved by Building and Safety before that particular area can have the building restriction removed.
- 29. <u>Produced Minerals</u>. As defined in CCR Section 3501 includes all minerals sold, given or otherwise moved off the site of the operation, as defined in the approved reclamation plan. Recycled products (e.g. broken concrete, bricks, asphaltic concrete, etc.) or stockpiles of mineral products that remain on the site are not produced minerals for purposes of CCR Section 3695(b).
- 30. <u>Transplanting.</u> Transplanted or propagated plants will be maintained for a minimum of three years, or until a qualified biologist(s) determine that the plants have been successfully established (e.g., plants are vigorous, flower, and produce seed). Successful re-establishment of the plants will be based on the replanted areas achieving density and diversity standards based on control plots.
- 31. <u>Special-status Plant Protection.</u> Special-status plants (as listed in the SBCC Section 88.01.060 (et al.), Desert Native Plant Protection, and those species identified/listed in Revegetation Plan and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan.
- 32. <u>Joshua Trees.</u> On September 22, 2020, the California Fish and Game Commission determined that the Western Joshua tree (*Yucca brevifolia*) is a potentially threatened or endangered species and should be protected under the California Endangered Species Act (CESA). This commenced a status review of the species and the Commission will make a final decision whether or not to require permanent protection status under CESA after the review; therefore, during the status review period, the Western Joshua tree is protected under CESA. During the status review period, the County does not have authority to authorize removal of Western Joshua trees pursuant to Development Code sections 88.01.040 through 88.01.060and removal shall require authorization from the California Department of Fish and Wildlife.
- 33. <u>Project Account</u>. As determined necessary on a case-by-case basis, the applicant/operator shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections. The project account number for this Mining/Reclamation Plan 90M-02 approval is MRAA-2022-00004. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff, including but not limited to: Land Use Services, Public Works, and County Counsel.Upon notice, the applicant shall deposit additional funds to maintain or return the account to a positive balance. The applicant/operator is responsible for all expenses charged to this account.

LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-4421

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

- 35. <u>Geotechnical (Soil) Report Required Before Grading</u>. If construction of inhabited structures is proposed, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
- 36. <u>Temporary Use Permit:</u> A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 254-5474

- 37. <u>Additional Requirements</u>: In addition to the Fire requirements stated herein, other onsite and offsite 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.
- 38. <u>Access 150+ feet</u>: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
- 39. <u>Access</u>: The development shall have a minimum of one points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
- 40. <u>Jurisdiction</u>: 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 applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.

MINING OPERATIONS

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

- 41. <u>Operations</u>. Extraction and processing operations shall proceed in accordance with the Amended Reclamation Plan for Baxter Quarries dated April 2022. Mineral extraction and stockpiling will adhere to the mining operations outlined in the application.
- 42. <u>Best Management Practices (BMP's)</u>. The operator shall implement BMP's procedures. BMP provisions shall include, but not limited to, the following:
 - Good Housing Keeping Dust minimization, waste spills, discharges.
 - Preventive Maintenance Minimize spills, and on-site leaks, prompt maintenance.

- Spill and Leak Preventive Response In place spill procedures and controls.
- Material Handling and Waste Mgmt. Waste covering, storm water diversion practices, waste clean ups.
- Implement Erosion and Sediment Controls Sediment and Erosion Stabilization.
- Employee Training Program- BMP Training.
- Exposure Minimization Storm resistant shelters to prevent contact of storm water with mining materials, as feasible.
- Storm Water Containment & Discharge Reduction BMP's that divert, reuse, contain or reduced volume of storm water runoff.
- 43. <u>Storm Water Pollution Prevention Program (SWPPP).</u> 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 implemented 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.
- 44. <u>Employee Training</u>. Develop an Employee Training Awareness Plan that addresses training requirements, as necessary to comply with relevant regulations and approval conditions and mitigations.
- 45. <u>Additional Environmental Control Measures</u>. In addition to the BMPs, MMs, and PDFs stated herein, the Operator shall implement the environmental control measures identified below in the specific resource sections of these COAs.
- 46. <u>Trackout and Spills</u>. The mine operator shall take actions sufficient to prevent project-related trackout onto paved surfaces and while operating on publicly maintained paved surfaces. The mine operator shall immediately clean-up project-related trackout or spills on publicly maintained paved surfaces.
- 47. <u>Chemical Spills/Leakage.</u> 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. Contaminated wastes shall be collected and disposed of at an appropriately licensed disposal or treatment facility.

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

Air Quality

- 48. <u>Air Quality General</u>. Comply with all relevant MDAQMD regulations and permit conditions to minimize air emissions.
- 49. <u>Dust Control Plan</u>. Prepare and implement a Dust Control Measures pursuant to SBCC Chapter 88.02 and Section 88.02.040 and the Mojave Desert Air Quality Management District (MDAQMD) Rule 403(C).

- 50. <u>Equipment Emission Reduction and Idling</u>. <u>Equipment Emission Reduction and Idling</u>. Maintain and operate construction equipment to minimize exhaust emissions. During mining, trucks and vehicles in loading and unloading shall comply with the California Air Resources Board's written idling policy, dated December 2015, when not in use, to reduce vehicle emissions.
- 51. <u>Exhaust Control Measures</u>. Comply with all existing and future EPA (Clean Air Non-road Diesel Rule-May 2004), CARB and MDAQMD regulations related to diesel-fueled trucks and equipment, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (SBCC, 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 substitute for diesel powered equipment where feasible; and
- f) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.

Hazardous and Hazardous Materials; Geology Slope Stability

- 52. <u>Hazardous Materials Business Plan / Emergency/Contingency Plan</u>. The operator shall establish a Business Emergency/Contingency Plan to establish protocol in the event of release or threatened release of hazardous materials and wastes. Contact Office of the Fire Marshall, Hazardous Materials Division at (909) 386-8401.
- 53. <u>Hazardous Materials Handling</u>. The operator shall be required to apply for one or more of the following permits: Hazardous Materials Permit, a Hazardous Waste Permit, and/or an Aboveground Storage Tank Permit, as appropriate.
- 54. <u>Compliance</u>. Comply with the Hazardous Materials Business Plan, SWPPP, SPCC Plan and BMPs as required and applicable by these plans and hazardous materials and waste regulatory requirements.
- 55. <u>Management of Hazardous Materials</u>. Ensure that the use, transport, management, storage and disposal of fuels (i.e. diesel and gasoline) and other hazardous materials used for mining operations (i.e. motor oil, transmission fluids, hydraulic fluids, lubricating greases, brake fluids and/or antifreeze) are in accordance with federal, state and local hazardous materials and waste management regulations and BMPs.
- 56. <u>Above Ground Storage Tank</u>. Inspect and maintain any above ground fuel storage tank to ensure that the secondary containment (i.e. double wall tank) and spill prevention controls and countermeasures are present and/or operating as required.
- 57. <u>Hazardous Materials Business Plan</u>. Maintain an updated Hazardous Materials Business Plan and hazardous materials inventory per CUPA requirements as applicable.

- 58. <u>Emergency Response Equipment</u>. Maintain all emergency and spill response equipment in proper operating condition and have available at areas where hazardous materials and waste are used, transported and/or stored.
- 59. <u>Hazardous Material/Waste Training</u>. Ensure all personnel are appropriately trained in hazardous materials and waste management, including spill prevention and response procedures.
- 60. <u>Slope Design</u>. Implement overburden slope designs and procedures recommendations identified in approved slope stability investigations and per SMARA requirements.
- 61. <u>Slope Monitoring</u>. Slope inspections and monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. A qualified independent California Certified Professional Civil Engineer and/or Engineering Geologist shall complete a stability assessment of existing and new quarry development areas when deemed necessary by the County inspector. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.

Biological Resources

59. Mitigation Measure BIO-1:

- Preconstruction surveys shall be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east;
- Worker/employee/driver desert tortoise and sensitive wildlife education and awareness program (WEAP) shall be completed prior to working on-site (see WEAP provided after MM BIO-2);
- Disturbance shall be confined to the smallest practical areas within the planned disturbance areas;
- Vehicle speeds shall not exceed 25 miles per hour on-site;
- Cross-country travel with motorized vehicles outside of the Project Site by project personnel is prohibited;
- Vehicles and equipment parked shall be inspected immediately prior to being moved;
- To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 March 15) and after protocol surveys are completed to ensure that desert tortoise are fully avoided;
- All trash and food items shall be promptly contained within closed, common ravenproofed containers;
- Firearms, dogs, or other pets shall be prohibited at the work site; and
- If desert tortoise are found during surveys, CalPortland shall coordinate with the U.S. Fish & Wildlife Service and CDFW to determine if avoidance and minimization measures can be applied, or if take permits are necessary; and in the interim to prohibit the proponent from entering into or disturbing new areas where evidence of desert tortoise is found without authorization from one or both of those agencies.
- 60. <u>Mitigation Measure BIO-2</u>: In order to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code and to protect potential golden eagle nesting areas and special status bat roosting habitat, the following measure is required:

- New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat shall be conducted onsite and within 500 feet of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction.
- If new mining activities or ground clearing occurs in an area that has not been disturbed within 2 weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a pre-construction survey by a qualified Biologist shall be conducted within 3 days prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.
- If the Biologist finds an active nest within the pre-construction survey area and . determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.
- If an active eagle nest is found, Project disturbances will not occur within 0.5 mile of the
 active nest site during breeding season (December 30 through July 1) or any disturbance
 if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer
 will be maintained throughout the breeding season or until the young have fledged and
 are no longer dependent on the nest or parental care for survival.
- To prevent impacts to potential sensitive bat roosting habitat within the steep terrain onsite, disturbance or removal of large boulders should be avoided.

Prior to start of Project activities on undisturbed areas, a WEAP for desert tortoise, desert kit fox, American badger, ring-tailed cat, desert bighorn sheep and burrowing owl shall be implemented by CalPortland for all onsite employees and truck drivers.

61. <u>Mitigation Measure BIO-3</u>: A formal jurisdictional delineation shall be forwarded to the Corps, Regional Board and CDFW for their review, and if onsite drainages are determined to be waters of the U.S., Regional Board waters of the State and/or CDFW jurisdictional streambed, regulatory permits will need to be obtained through the Corps, Regional Board and/or CDFW prior to initiating new mining within a jurisdictional area and appropriate protective measures implemented and compensation provided. The following are general protective measures that may be required to be determined by the agencies:

- Worker environmental awareness program;
- Avoidance of waters of the State and jurisdictional streambeds as possible;
- Demarcation of jurisdictional streambeds to prevent unnecessary impacts;
- Avoiding impacts to undisturbed areas and to wildlife and sensitive species through preclearance surveys, establishing buffer areas, and temporary fencing;
- Implementation of BMPs to prevent erosion and sediment discharge;
- Invasive weed control;
- Maintaining areas free of trash, debris, hazardous materials, and spills; and
- Compensation as applicable to be determined which may include a combination of onsite and/or off-site compensation and/or re-habitation.

With adherence to the regulatory permitting requirements including mitigation and compensation as applicable, the Proposed Project is not anticipated to have a significant effect on any waters of the U.S. and/or State. Therefore, less than significant impacts with mitigation are identified or anticipated.

Cultural Resources

- 62. <u>Mitigation Measure CR-1</u>: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yaamava of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- 63. <u>Mitigation Measure CR-2</u>: If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed for TCR-1 below. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- 64. <u>Mitigation Measure CR-3</u>: Should human remains, cremations, and/or funerary object be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the San Bernardino County Coroner will be notified. San Bernardino County and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves

Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

Noise

- 67. <u>Noise Level</u>. 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.
- 68. <u>Noise Operations</u>. Noise levels shall be maintained at or below County Standards, SBCC Section 83.01.080.

Tribal Cultural Resources

- 69. <u>Mitigation Measure TCR-1</u>: The Yaamava of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historicera cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN, should YSMN elect to place a monitor on-site, during treatment of the resource or other time period agreed to by the archaeologist, operator, and YSMN.
- 70. <u>Mitigation Measure TCR-2</u>: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Aesthetics (Scenery)

- 72. <u>On-Site Lighting</u>. The area of illumination from any on-site lighting shall comply with SBCC Section 83.07.040 Glare and Outdoor Lighting. Light pollution shall be minimized and confined within the site boundaries to limit impacts to 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.
- 73. <u>Site Maintenance</u>. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. 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. All refuse <u>not</u> containing garbage shall be removed from the premises at least <u>one</u> time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least <u>two</u> times per week, or as often as

necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility. For information, call DEHS/LEA at (800) 442-2283.

Reclamation and Revegetation

- 74. <u>Reclamation Plan</u>. Surface mining operations shall adhere to the Mining and Reclamation Plan. Any changes from the Reclamation Plan's provisions shall not be undertaken until review by the Land Use Services Department.
- 75. <u>Reclamation Time Schedule</u>. Reclamation shall be initiated at the earliest possible time on those portions of the disturbed lands that will not be subject to further disturbance by the surface mining operation.
- 76. <u>Reclamation and Revegetation</u>. Reclamation and revegetation of the site shall proceed in accordance with the Mining/Reclamation Plan 90M-02.
- 77. <u>Plant Seeds.</u> The operator shall provide for the collection of seed and other propagules as needed in support of the revegetation plan. Propagules shall be collected within the Project Area to the extent possible.
- 78. <u>Test Plots.</u> Test Plots shall be developed to provide data that supports successful revegetation efforts within mined areas. Additional test plots shall be established if the initial tests, as well as any active revegetation areas are not successful.
- 79. <u>Barriers/Signage</u>. Safety barriers and signage per MSHA requirements shall be maintained around the mined slopes.
- 80. <u>Growth Medium Stockpiles</u>. The operator shall salvage all topsoil, subsoil and growth media suitable for sustaining revegetation as separated layers from areas to be disturbed by mining operations. Stockpiled topsoil shall be identified with clearly labeled signs stating "Topsoil Do Not Disturb" and stored separately from overburden material stockpiles and protected to preserve as much of the organic material and seeds as practicable. The locations for topsoil stockpiles are identified on the Mine Plan map.
- 81. <u>Stockpile Maintenance.</u> Stockpiles shall be maintained with temporary erosion control methods and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Revegetation shall be supplemented by broadcast seeding with native and locally adapted seed and planting of established seedlings and/or shrubs in accordance with the approved Reclamation Plan.
- 82. <u>Seed Types and Amounts</u>. A seed mix is designed for the Project site to promote a plant community similar to that found in undisturbed areas. The seed mix will serve as a guideline for the revegetation plant community. Seed types and amounts will conform to the site's Revegetation Plan. The seed mixes will be applied based on the seed mix plan cited in the Revegetation Plan.

- 83. <u>Re-vegetation Annual Monitoring</u>. The project biologist will document the progress of the revegetation effort at the mine site and submit Annual Maintenance and Monitoring reports to the County of San Bernardino as necessary.
- 84. <u>Revegetation Attainment</u>. Revegetation will be deemed successful by the County when all success criteria in the Reclamation Plan have been achieved. If these criteria have not been achieved, maintenance seeding and monitoring will continue annually until success criteria has been met.
- 85. <u>Financial Assurances Revegetation</u>. Revegetation 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 or unless the County deems the success criteria can be achieved in less time.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 254-5474

- 86. <u>Above Ground Storage Tank</u> : The applicant shall submit an Application for an Above Ground Storage Tank detailed plans to the San Bernardino County Fire Department for review and approval prior to any installation onsite. The required Fees shall be paid at time of plan submittal.
- 87. <u>Combustible Vegetation</u>: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
- 88. <u>Fire Extinguishers</u>: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
- 89. <u>Material Identification Placards</u>: The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
- 90. <u>Inspection by the Fire Department</u>: Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". A fire inspection shall be conducted for currently in use fuel tank(s)

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

- 91. <u>Tributary Drainage</u>. 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.
- 92. <u>Natural Drainage</u>. The natural drainage courses traversing the site shall not be occupied or obstructed.
93. <u>Additional Drainage Requirements.</u> In addition to drainage requirements stated herein, other "onsite" and/or "offsite" 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.

DEPARTMENT OF PUBLIC WORKS – Surveyor's Office (909) 387-7910

- 94. <u>Survey Monumentation</u>. 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 filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
- 95. <u>Record of Survey</u>. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners;
 - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

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

92. <u>Refuse Storage and Disposal</u>. 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, 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 if 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 EHS/LEA at: 1-800-442-2283.

PRIOR TO FINAL CLOSURE The Following Conditions Shall Be Met

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

- 93. <u>Equipment</u>. 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 as per the approved Mining/Reclamation Plan 90M-2.
- 94. <u>Access Roads</u>. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of ground-disturbing activities.

Baxter Quarry Conditions of Approval Mining/Reclamation Plan 90M-02 Project No. MRAA-2022-00004 Planning Commission Hearing Date: January 19, 2023

- 95. <u>Site Re-Contour</u>. The applicant/operator shall re-contour the site at the conclusion of operations (slopes, stockpiles, roads, etc.) consistent with the reclamation plan.
- 96. <u>Reclamation Verification</u>. As portions of the site are reclaimed, they shall be identified on a map. The final map shall be provided to County Planning Division for review and approval.
- 97. <u>Reclamation Completion</u>. Following reclamation verification and release of Financial Assurances pursuant to CCR Section 3805.5, Planning will prepare a "Notice of Completion" on a form to be approved by the County Recorder's Office. The operator shall pay any and all review and recording fees.
- 98. <u>Wells</u>. Upon final reclamation, evidence shall be provided that all wells if not to be used for other adjacent uses, 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.

CONCLUSION OF CONDITIONS

EXHIBIT C

Comment Letters and Responses

<u>State of California – Natural Resources Agency</u> DEPARTMENT OF FISH AND WILDLIFE Inland Deserts Region 3602 Inland Empire Boulevard, Suite C-220 Ontario, CA 91764 <u>www.wildlife.ca.gov</u>

September 26, 2022

ALIFORNIA

Steven Valdez, Senior Planner San Bernardino County - Land Use Services 385 N. Arrowhead Ave. San Bernardino, CA 92415-0187

Baxter Quarry Amended Reclamation Plan MITIGATED NEGATIVE DECLARATION SCH# 2022080603

Dear Mr. Valdez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from San Bernardino County - Land Use Services for the Baxter Quarry Amended Reclamation Plan Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the California Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the California Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act

GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Sep 26 2022

STATE CLEARING HOUSE

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(CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project involves the amendment of CalPortland's existing reclamation plan, approved by the County in 1990 (90M-02), to include the reclamation of additional iron ore reserves within the vested quarry. CalPortland's vested quarry comprises of approximately 452 acres of private lands mostly in Section 12, Township 11 North, Range 6 East, SBBM. The existing reclamation plan currently covers approximately 130 acres. The Project would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry, located within Assessor Parcel Numbers (APNs) 542-201-02 to 10; 14, 15, 16, 18, 35 & 36. **Location:** The Project is located 19 miles southwest of the community of Baker in the County of San Bernardino (County). The Project is located within Assessor Parcel Numbers (APNs) 542-201-02 to 10; 14, 15, 16, 18, 35 & 36. Specifically, the Project site is located 3.5 miles south of Interstate 15 off Basin Road, Latitude 35.055600, and Longitude -116.294335.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist San Bernardino County - Land Use Services in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Desert Tortoise (Gopherus agassizii)

Page 33 provides the information "Surveys were conducted for the desert tortoise in 2019, per latest USFWS protocols and determined that there are no desert tortoise occurrences on site or directly adjacent to it. Most of the proposed mine site is rocky outcrop/rugged hills not suitable for desert tortoise habitat. Desert tortoise[s] are documented to occur approximately 11.75 miles northwest of the Project Site." The surveys noted in the MND were conducted in June 2018 and December 2021. Desert tortoises regularly occur in "rocky outcrop/rugged hills," which is dismissed in the MND as unsuitable habitat. CDFW is concerned that the MND does not state that protocol desert tortoise surveys were conducted during the appropriate season and following the protocol methods. CDFW has provided a revision to Mitigation Measure BIO-1.

For the third bullet in Mitigation Measure BIO-1 "Disturbance shall be confined to the smallest practical areas", please provide additional details regarding what types of disturbance and where the disturbance will occur.

Because the Project is within the range of desert tortoise and in desert tortoise habitat, CDFW recommends that prior to start of Project activities, a focused survey for desert

tortoise following the *Desert Tortoise (Mojave Population) Field Manual* should be conducted by a qualified biologist. CDFW recommends the County adopt the following mitigation measure, which includes both focused and pre-construction surveys in MM BIO-1 below.

Revised Mitigation Measure BIO-1:

- Prior to any impacts to desert tortoise habitat, the Project proponent shall conduct complete protocol level surveys over all areas (i.e., 100 percent coverage) proposed to be directly or indirectly affected by the Project be conducted, using appropriately qualified biologists, following the USFWS Desert Tortoise Field Manual, accessible here:
 https://www.fws.gov/nevada/desert_tortoise/documents/field_manual/Desert-t-Tortoise-Field-Manual.pdf. To reduce the likelihood of nonconcurrence with proposed surveys, methodology, and qualifications of biologists, CDFW recommends working with the USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning your work (USFWS, 2018). Preconstruction surveys should be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east.
- If desert tortoise are found within the Project area during surveys or mining activities, and complete avoidance is not possible CDFW recommends the Project proponent acquire a CESA Incidental Take Permit (ITP) prior to any vegetation- or ground-disturbing activities. Any take of desert tortoise without take authorization would be a violation of Fish and Game Code section 2080. The IS/MND should fully describe the impacts and mitigation measures, including compensatory mitigation sufficient to reduce impacts to less than significant.
- Worker/employee desert tortoise education program prior to working on-site.
- Disturbance shall be confined to the smallest practical areas specific areas identified in the IS/MND.
- Vehicle speeds shall not exceed 25 miles per hour on-site.
- Cross-country travel with motorized vehicles outside of the Project Site by Project personnel is prohibited.
- Vehicles and equipment parked shall be inspected immediately prior to being moved.
- To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 March 15) **and after**

protocol surveys are completed to ensure that desert tortoise are fully avoided.

- All trash and food items shall be promptly contained within closed, common raven proofed containers; and
- Firearms, dogs, or other pets shall be prohibited at the work site.

Nesting Birds

The BRA states that the Project site and surrounding area provides foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). To address the above issues and help the Project applicant avoid unlawful take of nests and eggs, CDFW offers the following revisions to MM BIO-2.

Revised Mitigation Measure BIO-2

- New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season September 1st thorough January 31st. shall be conducted onsite and within 500 ft of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction.
- If new mining activities or ground clearing occurs in an area that has not been disturbed within 2-weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a preconstruction survey by a qualified-Biologist (Biologist) shall be conducted within 10 3 days prior to Project activities to-identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist-conducting the clearance survey shall document a

negative survey with a report-indicating that no impacts to active avian nests shall occur.

• If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by the Biologist shall take place within the buffer zone until the nest is vacated. The Biologist shall also serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the CDFW, Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

Golden Eagle (Aquila chrysaetos)

Page 33 of the MND states that "golden eagle (*Aquila chrysaetos*), a California fully protected and watch list species – has moderate potential to occur. Golden eagle has been documented approximately 1.7 miles northwest of the Project site. This location occurs on the northern portion of Cave Mountain. No golden eagle were observed within the Project site boundaries during survey" CDFW is concerned that the MND and Biological Resources Assessment (BRA) do not identify that the golden eagle surveys were conducted according to USFWS protocols (Pagel et. al. 2010) for golden eagle. Specifically, USFWS protocol for golden eagle nesting requires eagle nest surveys out to 2 miles from the boundary of the Project, to provide sufficient information to evaluate Project impacts to nearby nesting eagles. The MND states that surveys were conducted within the Project site and there is a moderate potential for them to occur. CDFW recommends the addition of the below Mitigation Measure to include protocol golden eagle surveys to accurately account for Project impacts to nearby.

Mitigation Measure - Golden Eagle

 Prior to any ground disturbance related to Project activities a qualified biologist, according to USFWS protocol (Pagel et.al. 2010), shall conduct protocol survey within 2 miles of Project related ground disturbance to identify areas occupied by golden eagles, provide a foundation to evaluate whether and which activities or conditions may be affecting golden eagles.

 If an active eagle nest is found, Project disturbances will not occur within 0.5 mile of the active nest site during breeding season (December 30 through July 1) or any disturbance if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival.

Desert Kit Fox (Vulpes macrotis arsipus)

The MND fails to address potential impacts to desert kit fox. The Project occurs within the range of desert kit fox, a protected species pursuant to Title 14 of the California Code of Regulations Section 460, which prohibits the take of the species at any time. CDFW recommends that surveys, following CDFW-approved protocols, be conducted over all areas proposed to be directly or indirectly affected by the Project to determine the presence or absence of this species and the number of desert kit fox that are present. This information should be included in the MND for full disclosure.

If desert kit fox is found, or have the potential to occupy the Project site, CDFW recommends the lead agency require species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the desert kit fox be incorporated into the MND. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent reoccupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

CDFW recommends the following Mitigation Measure be added to the MND:

Mitigation Measure – Desert Kit Fox and American Badger

 The Project owner shall develop and implement a Desert Kit Fox, American Badger Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the desert kit fox and American badger as a result of project activities. The final plan is subject to review, comment, revision, by the CDFW. The final plan shall include, but is not limited to, the following procedures and impact avoidance measures: Describe pre-construction survey and clearance field protocol, to determine the number and locations of single or paired kit foxes or badgers on the Project site that would need to be avoided or passively relocated and the number and locations of desert kit fox/badger burrows or burrow

complexes that would need to be collapsed to prevent re-occupancy by the animals.

- Pre-Construction Surveys. Biological Monitors shall conduct preconstruction surveys for desert kit fox and American badger no more than 30 days prior to initiation of construction activities, including preconstruction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including utility corridors and access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den.
- Monitoring and Protection Measures, Passive Hazing, and Den Excavation: The plan will include details on monitoring requirements, types and methods of passive hazing, and methods and timing of den excavation, including, but not limited to the following:
 - Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den isn't deep and doesn't curve) that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by kit fox.
 - Potentially and definitely active dens. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den. If the den is proven inactive then den may be collapsed during whelping season.
 - Active natal/pupping dens. If an active natal den (a den with pups) is detected on the site during construction, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a

> perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. The denning season for desert kit fox is approximately Mid-January to pup independence (typically by June). If the den is active during the whelping season, even if pups are not seen, disturbance is not allowed. Active natal/pupping dens will not be excavated or passively relocated.

 Address other factors and procedures that may affect the success of kit fox relocation offsite, such as: estimates of the distances kit foxes would need to travel across the Project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals will return to the Project site during construction.

American Badger (Taxidea taxus)

The MND fails to address potential impacts to American badger. The Project occurs within the range of the American badger, a California species of special concern. CDFW recommends the CEQA lead agency complete surveys for American badger over the Project area proposed to be directly or indirectly affected by the Project and that the results of such surveys be included in the MND, along with avoidance, minimization, and mitigation measures, if appropriate.

If American badger are found, or have the potential to occupy the Project site, CDFW recommends the CEQA lead agency require species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger be incorporated into the MND. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent reoccupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation. CDFW recommends the Mitigation Measure – Desert Kit Fox and American Badger (above) be added to the MND.

Ring-tailed cat (Bassariscus astutus)

CDFW is concerned that the MND fails to address Project related impacts to ring-tailed cat. The Project occurs within the range of the ring-tailed cat, a California species of special concern and fully protected species. CDFW recommends the CEQA lead

agency complete surveys for ring-tailed cat over the Project area proposed to be directly or indirectly affected by the Project and that the results of such survey be included in the MND, along with measures to avoid all impacts to the species.

If ring-tailed cat are found, or has the potential to occupy the Project site, CDFW recommends the CEQA lead agency require species-specific mitigation to avoiding impacts to the ring-tailed cat be incorporated into the /MND. Avoidance measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be fully avoided.

Special Status Bats

CDFW is concerned that the MND fails to identify specific avoidance, minimization, and mitigation measures to reduce potential Project related impacts to bat species, particularly special status bats including Townsend big eared bat (*Corynorhinus* townsendii, pallid bat (*Antrozous pallidus*), spotted bat (*Euderma maculatusm*) and fringed myotis (*Myotis thysanodes*). CDFW recommends the following Mitigation Measure be added to the MND.

Mitigation Measure- Special Status Bats

- If suitable roosting habitat for special status bats will be affected by Project activities (e.g., removal of rocky outcrops) a qualified wildlife biologist will conduct surveys for special status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to the beginning ground disturbance. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period, inspection for suitable habitat, bat sign (e.g., guano) or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include vegetation within 0.25 miles of the Project site. The type of survey will depend on the condition of the potential roosting habitat.
- If evidence of bat use is observed, the number and species of bats using the roost will the determined. Bat detectors may be used to supplement survey efforts.
- Avoidance of Maternity Roosts. Work within potential bat roosting habitat shall avoid the maternity roosting season (March 1 to July 31) to the extent feasible. If work must be conducted within the maternity roosting season, prior to the start of work within or near trees, bridges or other structures within the work area, a qualified bat biologist shall conduct a preconstruction survey to determine if bats are roosting within the Project

> work area. If bats are not roosting, no further mitigation is required. If bats are roosting, all maternity roosts shall be avoided and an appropriate nodisturbance buffer shall be established at the discretion of a qualified biologist, based on the sensitivity of the bat species. If work within the buffer is deemed necessary, a qualified biologist shall monitor work activities to ensure no disturbance to the roost(s).

- Exclusion Outside of Maternity Roosting Season. If roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the site is disturbed. A Bat Mitigation and Monitoring Plan addressing compensation, exclusion methods. And roost removal procedures will be developed and submitted to CDFW prior to implementation. Exclusion methods may include the use of one-way doors a roost entrances (bats may leave, but not re-enter, or sealing roost entrances with the site can be confirmed to contain no bats. Exclusion efforts shall not be conducted if the site is confirmed to be a maternity roost. Exclusion in the fall is recommended to avoid impacts to hibernating bats or a maternity roost (typically April through August in southern California) when flightless young are present.
- If roosts cannot be avoided or it is determined that Project activities may cause roost abandonment, such activities many not commence until permanent, elevated bat houses have been installed outside of, but near the Project area. Placement and height will be determined by a qualified wildlife biologist, but the height of the bat house will be at least 15-feet. Bat houses will be multi-chambered and be purchased or constructed in accordance with CDFW standards. The number of bat houses required will be dependent upon the size and number of colonies found at bat least one bat house will the installed for each pair of bats, (if occurring individually), or of sufficient number to accommodate each colony of bats to be relocated.

Desert Bighorn Sheep

Desert Bighorn Sheep is a fully protected species as defined by state law. (See Fish & G. Code, §§ 4700). CDFW would like to advise the project proponent that take of a fully protected species is prohibited and CDFW cannot authorize take for development. The Project must be designed to fully avoid impacts to fully protected species. CDFW recommends the MND include the following Mitigation Measure to address potential impacts.

Mitigation Measure – Desert Bighorn Sheep

Bighorn Sheep Management Plan. To avoid significant impacts to desert bighorn sheep, an adaptive management plan (Desert Bighorn Sheep Management Plan)

shall be provided to CDFW for review and approval. The Desert Bighorn Sheep Management Plan shall include measures designed to address loss of suitable habitat, forage availability, and connectivity within the home range, and to avoid death or injury of bighorn sheep.

Special-Status Plants

Small-flowered androstephium (*Androstephium breviflorum*) is known to occur near the Project area and has a blooming period of March through April. Survey dates provided for this Project were in June and December, outside of the bloom period for this species and many other species with a potential to be present. The MND states creosote bush scrub plant community occurs throughout the undeveloped/undisturbed portions of the Project site and is the dominant plant community within the surrounding landscape, and overall underlying plant community in the area. Small-flowered androstephium occurs in creosote bush scrub plant communities, and in the habitat of the Project area.

CDFW recommends that prior to start of Project activities, a botanical field survey be conducted according to the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). This protocol-level surveys will be conducted during the appropriate time of year to adequately identify special status plant species.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: <u>https://wildlife.ca.gov/Data/CNDDB/Submitting-Data</u>. The types of information reported to CNDDB can be found at the following link: <u>https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals</u>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Baxter Quarry Amended Reclamation Plan Project MND to assist County of San Bernardino in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Julian Potier at 909-938-6112 or Julian.Potier@wildlife.ca.gov.

Sincerely,

DocuSigned by: Alisa Ellsworth -84FBB8273E4C480... Alisa Ellsworth **Environmental Program Manager**

Attachments:

Mitigation Monitoring and Reporting Program (MMRP) for CDFW-Proposed Mitigation Measures

cc: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

- Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management, U.S. Fish and Wildlife Service.
- United States Fish and Wildlife Service. 2018. Mojave Desert Tortoise Pre-project Survey Protocol. 2019.

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR CDFW-PROPOSED MITIGATION MEASURES

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will beimplemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
Revised Mitigation Measure BIO-1	Prior to	Project
	commencing	Proponent
 Prior to any impacts to desert tortoise 	ground- or	
habitat, the Project proponent shall	vegetation	
conduct complete protocol level surveys	disturbing	
over all areas (i.e., 100 percent coverage)	activities	
proposed to be directly or indirectly		
affected by the Project be conducted,		
using appropriately qualified biologists,		
following the USFWS Desert Tortoise		
Field Manual, accessible here:		
https://www.fws.gov/nevada/desert tortoi		
se/documents/field manual/Desert-		
Tortoise-Field-Manual.pdf. To reduce the		
likelihood of nonconcurrence with		
proposed surveys, methodology, and		
qualifications of biologists, CDFW		
recommends working with the USFWS		
and CDFW concurrently to ensure a		
consistent and adequate approach to		
planning your work (USFWS, 2018).		
Preconstruction surveys should be		
conducted no more than 30 days prior to		

	new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east.	
•	If desert tortoise are found within the Project area during surveys or mining activities, and complete avoidance is not possible CDFW recommends the Project proponent acquire a CESA Incidental Take Permit (ITP) prior to any vegetation- or ground-disturbing activities. Any take of desert tortoise without take authorization would be a violation of Fish and Game Code section 2080. The IS/MND should fully describe the impacts and mitigation measures, including compensatory mitigation sufficient to reduce impacts to less than significant.	
•	Worker/employee desert tortoise education program prior to working on-site.	
•	Disturbance shall be confined to the smallest practical areas specific areas identified in the IS/MND.	
•	Vehicle speeds shall not exceed 25 miles per hour on-site.	
•	Cross-country travel with motorized vehicles outside of the Project Site by Project personnel is prohibited.	
•	Vehicles and equipment parked shall be inspected immediately prior to being moved.	
•	To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 - March 15) <u>and</u> after protocol surveys are completed to ensure that desert tortoise are fully avoided.	

•	All trash and food items shall be promptly contained within closed, common raven proofed containers; and		
•	Firearms, dogs, or other pets shall be prohibited at the work site.		
Revis	ed Mitigation Measure BIO-2	Prior to	Project
•	New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat-should be conducted outside the avian nesting season September 1 st thorough January 31 st -shall be conducted onsite and within 500 ft of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction.	commencing ground- or vegetation disturbing activities	Proponent
•	•If new mining activities or ground clearing occurs in an area that has not been disturbed within 2-weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a pre-construction survey by a qualified-Biologist (Biologist) shall be conducted within 40 3 days prior to Project activities to-identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist-conducting the clearance survey shall document a negative survey with a report-indicating that no impacts to active avian nests shall occur.		
•	•If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species,		

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its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by the Biologist shall take place within the buffer zone until the nest is vacated. The Biologist shall also serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the CDFW , Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.		
 Mitigation Measure - Golden Eagle Prior to any ground disturbance related to Project activities a qualified biologist, according to USFWS protocol (Pagel et.al. 2010), , shall conduct protocol survey within 2 miles of Project related ground disturbance to identify areas occupied by golden eagles, provide a foundation to evaluate whether and which activities or conditions may be affecting golden eagles. If an active eagle nest is found, Project 	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
disturbances will not occur within 0.5 mile of the active nest site during breeding season (December 30 through July 1) or any disturbance if that action is		

shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival.		
 Mitigation Measure – Desert Kit Fox and American Badger The Project owner shall develop and implement a Desert Kit Fox, American Badger Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the desert kit fox and American badger as a result of project activities. The final plan is subject to review, comment, revision, by the CDFW. The final plan shall include, but is not limited to, the following procedures and impact avoidance measures: Describe pre-construction survey and clearance field protocol, to determine the number and locations of single or paired kit foxes or badgers on the Project site that would need to be avoided or passively relocated and the number and locations of desert kit fox/badger burrows or burrow complexes that would need to be collapsed to prevent re- occupancy by the animals. Pre-Construction Surveys. Biological Monitors shall conduct pre-construction surveys for desert kit fox and American badger no more than 30 days prior to initiation of construction activities, 	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

ii n ti v (i r s a	ncluding pre-construction site nobilization. Surveys shall also address he potential presence of active dens vithin 100 feet of the Project boundary including utility corridors and access oads). If dens are detected, each den shall be classified as inactive, potentially active, or active den.	
• N P r r o li	Monitoring and Protection Measures, Passive Hazing, and Den Excavation: The blan will include details on monitoring equirements, types and methods of bassive hazing, and methods and timing of den excavation, including, but not imited to the following:	
	 Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den isn't deep and doesn't curve) that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by kit fox. 	
	 Potentially and definitely active dens. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the 	

	den shall be excavated and	
	backfilled by hand. If tracks are	
	observed, the den shall be	
	progressively blocked with	
	natural materials (rocks, dirt,	
	sticks, and vegetation piled in	
	front of the entrance) for the	
	next three to five nights to	
	discourage the badger or kit fox	
	from continued use. After	
	verification that the den is	
	unoccupied it shall then be	
	excavated and backfilled by	
	hand to ensure that no badgers	
	or kit fox are trapped in the den.	
	If the den is proven inactive	
	then den may be collapsed	
	during whelping season.	
	gg	
0	Active natal/pupping dens. If an	
	active natal den (a den with	
	pups) is detected on the site	
	during construction. the CDFW	
	shall be contacted within 24	
	hours to determine the	
	appropriate course of action to	
	minimize the potential for	
	animal harm or mortality. The	
	course of action would depend	
	on the age of the pups, location	
	of the den on the site (e.g., is	
	the den in a central area or in a	
	perimeter location), status of	
	the perimeter site fence	
	(completed or not), and the	
	pending construction activities	
	proposed near the den Δ 500-	
	foot no-disturbance huffer shall	
	he maintained around all active	
	dens The denning season for	
	desert kit fox is annrovimately	
	Mid-lanuary to pup	
	independence (typically by	
	lung) If the dan is active during	
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 Mitigation Measure- Special Status Bats If suitable roosting habitat for special status bats will be affected by Project activities (e.g., removal of rocky outcrops) a qualified wildlife biologist will conduct surveys for special status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to the beginning ground disturbance. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period, inspection for suitable habitat, bat sign (e.g., guano) or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include vegetation within 0.25 miles of the Project site. The type of 	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

survey will depend on the condition of the potential roosting habitat.	
 If evidence of bat use is observed, the number and species of bats using the roost will the determined. Bat detectors may be used to supplement survey efforts. 	
 Avoidance of Maternity Roosts. Work within potential bat roosting habitat shall avoid the maternity roosting season (March 1 to July 31) to the extent feasible. If work must be conducted within the maternity roosting season, prior to the start of work within or near trees, bridges or other structures within the work area, a qualified bat biologist shall conduct a preconstruction survey to determine if bats are roosting within the Project work area. If bats are not roosting, no further mitigation is required. If bats are roosting, all maternity roosts shall be avoided and an appropriate no-disturbance buffer shall be established at the discretion of a qualified biologist, based on the sensitivity of the bat species. If work within the buffer is deemed necessary, a qualified biologist shall monitor work activities to ensure no disturbance to the 	
roost(s).	
• Exclusion Outside of Maternity Roosting Season. If roosts are determined to be present and must be removed, the bats will be excluded from the roosting site before the site is disturbed. A Bat Mitigation and Monitoring Plan addressing compensation, exclusion methods. And roost removal procedures will be developed and submitted to CDFW prior to implementation. Exclusion	

	doors a roost entrances (bats may leave, but not re-enter, or sealing roost entrances with the site can be confirmed to contain no bats. Exclusion efforts shall not be conducted if the site is confirmed to be a maternity roost. Exclusion in the fall is recommended to avoid impacts to hibernating bats or a maternity roost (typically April through August in southern California) when flightless young are present.	
•	If roosts cannot be avoided or it is determined that Project activities may cause roost abandonment, such activities many not commence until permanent, elevated bat houses have been installed outside of, but near the Project area. Placement and height will be determined by a qualified wildlife biologist, but the height of the bat house will be at least 15-feet. Bat houses will be multi-chambered and be purchased or constructed in accordance with CDFW standards. The number of bat houses required will be dependent upon the size and number of colonies found at bat least one bat house will the installed for each pair of bats, (if occurring individually), or of sufficient number to accommodate each colony of bats to be relocated.	

	Prior to	Project
Mitigation Measure – Desert Bighorn Sheep Bighorn Sheep Management Plan. To avoid significant impacts to desert bighorn sheep, an adaptive management plan (Desert Bighorn Sheep Management Plan) shall be provided to CDFW for review and approval. The Desert Bighorn Sheep Management Plan shall include measures designed to address loss of suitable habitat, forage availability, and connectivity within the home range, and to avoid death or injury of bighorn sheep.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent





Land Use Services Department Planning

Chad Nottingham Interim Director

Jevin Kaye Assistant Director

Response to Comments for the Baxter Quarry Amended Reclamation Plan MND January 6, 2023 Project No.: MRAA-2022-00004 SCH# 2022080603

Comment Period: August 26 through September 26, 2022

Re: Baxter Quarry Amended Reclamation Plan Project No.: MRAA-2022-00004

Response to Comments on Mitigated Negative Declaration (MND) - SCH# 2022080603

This letter responds to comment letters submitted to San Bernardino County from the California Department of Fish & Wildlife ("CDFW") dated September 26, 2022 and the Desert Tortoise Council dated September 15, 2022 concerning the proposal to adopt a Mitigated Negative Declaration ("MND") for the Baxter Quarry Amended Reclamation Plan (the "Proiect").

LEGAL STANDARDS GOVERNING COMMENTS ON A MITIGATED NEGATIVE DECLARATION

Where a mitigated negative declaration is proposed, CEQA provides that lead agencies "shall consider" comments received during the public review process, but CEQA does not require that the lead agency prepare written responses. (Pub. Resources Code, § 21091, subd. (d); Code of Regs., tit. 14, § 15074(d).)

Non-substantial changes to a proposed mitigated negative declaration do not require recirculation. Recirculation is necessary only if the document must be "substantially revised," meaning that the lead agency identifies a new significant effect and associated mitigation measures, or determines that the proposed mitigation will not sufficiently mitigate the potential effects and new measures are required. (Code of Regs., tit. 14, § 15073.5(a), (b).)

In addition, recirculation is not required if, after public review and comments, the lead agency adds information to a mitigated negative declaration that only clarifies, amplifies or makes insignificant modifications, or adds mitigation measures that are unnecessary to avoid significant environmental effects and which themselves do not create new and significant effects. (Code of Regs., tit. 14, § 15073.5(c).)

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Response to Comments January 2023 PAGE **2** of **19**

CEQA's Guidelines provides that persons and agencies commenting on a proposed negative declaration shall focus on the proposed finding that the project will not have a significant effect on the environment:

(b) In reviewing negative declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should:

(1) Identify the specific effect,

(2) Explain why they believe the effect would occur, and

(3) Explain why they believe the effect would be significant.

(c) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

(Cal. Code of Regs., tit. 14, § 15204(b).) Responsible and trustee agencies shall, in addition, focus their comments on environmental information germane to that agency's statutory responsibility. (Code of Regs., tit. 14, § 15204(d).)

RESPONSES TO COMMENTS

By way of overview, CDFW's and Desert Tortoise Council's comments did not challenge the appropriateness of using an MND for this Project, or the proposed finding that the Project will not have a significant effect on the environment, or identify any new impacts. In general, the commenters merely recommended that the County modify the mitigation measures in the MND to further reduce the risk of impacts determined not to be significant. Additional mitigation measures that address non-significant impacts do not trigger recirculation. (See Code of Regs., tit. 14, § 15073.5(a), (b).) The modified mitigation measures and conditions of approval added per CDFW and DTC comments are included at the end of the Responses to Comments and will be included in the Conditions of Approval.

The following presents each comment and the County's response.

Responses to CDFW Comment Letter Dated September 26, 2022

Comment No. 1:

Desert Tortoise (Gopherus agassizii)

Page 33 provides the information "Surveys were conducted for the desert tortoise in 2019, per latest USFWS protocols and determined that there are no desert tortoise occurrences on site or directly adjacent to it. Most of the proposed mine site is rocky outcrop/rugged hills not suitable for desert tortoise habitat. Desert tortoise[s] are documented to occur approximately 11.75 miles northwest of the Project Site." The surveys noted in the MND were conducted in June 2018 and December 2021. Desert tortoises regularly occur in "rocky outcrop/rugged hills," which is dismissed in the MND as unsuitable habitat. CDFW is concerned that the MND does not state that protocol desert tortoise surveys were conducted during the appropriate season and following the protocol methods. CDFW has provided a revision to Mitigation Measure BIO-1.

For the third bullet in Mitigation Measure BIO-1 "Disturbance shall be confined to the smallest practical areas", please provide additional details regarding what types of disturbance and where the disturbance will occur.

Because the Project is within the range of desert tortoise and in desert tortoise habitat, CDFW recommends that prior to start of Project activities, a focused survey for desert tortoise following the Desert Tortoise (Mojave Population) Field Manual should be conducted by a qualified biologist. CDFW recommends the County adopt the following mitigation measure, which includes both focused and pre-construction surveys in MM BIO-1 below.

Response:

The comment does not question the data showing that desert tortoise are absent from the Project site, or identify any new and significant environmental impacts. Rather, the comment questions whether protocol surveys were conducted with the proper method. In this regard, page 33 of the MND states that the 2019 surveys were "per latest USFWS protocols," which provides evidence that applicable protocol requirements were followed.

The comment also seeks clarification regarding the third bullet of mitigation measure BIO-1, which would direct the proponent to confine disturbance "to the smallest practical areas." This measure does not contemplate a specific type or location of disturbance, but is meant to serve as best management practice under which the operator would endeavor to

Response to Comments January 2023 PAGE **4** of **19**

avoid land disturbance that is not necessary for mining and reclamation to occur as listed in Table 1 and Figure 3 of the MND and in the Amended Reclamation Plan.

The comment also recommends modifying mitigation measure BIO-1 to require additional protocol-level surveys. This unwarranted. The existing BIO-1 already requires the Project proponent to conduct a pre-construction survey for desert tortoise, provide for worker/employee education and take other measures to protect tortoise that unexpectedly enter the site or surrounding areas. These measures are adequate considering that the protocol surveys in 2019 and the more recent survey in 2021 found no evidence of desert tortoise, burrows, scat or shell remains.

Comment No. 2:

Nesting Birds

The BRA states that the Project site and surrounding area provides foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area. Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). To address the above issues and help the Project applicant avoid unlawful take of nests and eggs, CDFW offers the following revisions to MM BIO-2.

Response:

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The comment does not identify any new or significant environmental impacts. The comment summarizes the proponent's responsibility to comply with laws relating to nesting birds, migratory birds and birds of prey. These comments are noted. In addition, the commenter recommends that the County refine the location and timing of the existing pre-construction survey requirement in mitigation measure BIO-2 (see revised MM BIO-2 at end of document). The County will adopt the recommended change.

Comment No. 3:

Golden Eagle (Aquila chrysaetos)

Page 33 of the MND states that "golden eagle (Aquila chrysaetos), a California fully protected and watch list species – has moderate potential to occur. Golden eagle has been documented approximately 1.7 miles northwest of the Project site. This location occurs on the northern portion of Cave Mountain. No golden eagle were observed within the Project site boundaries during survey." CDFW is concerned that the MND and Biological Resources Assessment (BRA) do not identify that the golden eagle surveys were conducted according to USFWS protocols (Pagel et. al. 2010) for golden eagle. Specifically, USFWS protocol for golden eagle nesting requires eagle nest surveys out to 2 miles from the boundary of the Project, to provide sufficient information to evaluate Project impacts to nearby nesting eagles. The MND states that surveys were conducted within the Project site and there is a moderate potential for them to occur. CDFW recommends the addition of the below Mitigation Measure to include protocol golden eagle surveys to accurately account for Project impacts to nesting golden eagles.

Response:

The comment does not identify new or significant impacts to golden eagles, or factual information not disclosed by the MND. Rather, the comment recommends that the County require new and extensive survey requirements, in addition to the existing pre-construction surveys required by BIO-2. The existing BIO-2 would require qualified biologists to search for active nests in and around areas planned for new disturbance, and prohibit work if they are found. The commenter proposes to require additional surveys that follow federal protocols, but it is unclear exactly which elements of the protocols would be required (potentially they include aerial surveys using helicopters). In the County's view, the additional protocol surveys are unwarranted. Golden eagles have not been observed, and the steep cliffs that may provide moderate habitat will be largely avoided by the Project. The existing BIO-2 measures are adequate to address the risk of golden eagles occurring onsite or in adjacent areas. To the

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extent that golden eagles may occur at a greater distance, it must be kept in mind that the quarry has been operating since 1938 and the Project would encompass an additional 69 acres. Golden eagles at a distance already are exposed to site activity as part of the baseline condition. Based on the current record, BIO-2, as revised to include action if an active nest is found, adequately mitigates the low risk of a significant impact.

Comment No. 4:

Desert Kit Fox (Vulpes macrotis arsipus)

The MND fails to address potential impacts to desert kit fox. The Project occurs within the range of desert kit fox, a protected species pursuant to Title 14 of the California Code of Regulations Section 460, which prohibits the take of the species at any time. CDFW recommends that surveys, following CDFW-approved protocols, be conducted over all areas proposed to be directly or indirectly affected by the Project to determine the presence or absence of this species and the number of desert kit fox that are present. This information should be included in the MND for full disclosure.

If desert kit fox is found, or have the potential to occupy the Project site, CDFW recommends the lead agency require speciesspecific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the desert kit fox be incorporated into the MND. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent reoccupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

Response:

The comment does not identify any new or significant environmental impacts, or introduce information not previously disclosed in the MND. The comment merely expresses concern that impacts were not fully investigated. This concern, however, overlooks data showing that desert kit fox has not been observed onsite in any of the four biologist surveys in

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2018 and 2021. Further, a CDNNB search did not find observations of desert kit fox within five miles of the site. On this evidence, the MND did not consider desert kit fox as having the potential to occur. The commenter does not provide contrary data.

The commenter recommends that the County adopt a mitigation measure in the form of an extensive monitoring plan for desert kit fox (and American badger). Monitoring, at the recommended scale, is not warranted to mitigate the low risk, given that desert kit fox does not occupy the Project site or surrounding area. Nonetheless, as an accommodation, the County will require the Project proponent to prepare an alternative monitoring and worker education program for desert kit fox (and the American badger, ring-tailed cat, desert bighorn sheep and burrowing owl). The program will be included as a Condition of Approval and is included following the revised mitigation measure at the end of this document. Because such a program is unnecessary to avoid any significant effect and would not itself create any new, significant effects, recirculation of the MND is not required.

Comment No. 5:

American Badger (Taxidea taxus)

The MND fails to address potential impacts to American badger. The Project occurs within the range of the American badger, a California species of special concern. CDFW recommends the CEQA lead agency complete surveys for American badger over the Project area proposed to be directly or indirectly affected by the Project and that the results of such surveys be included in the MND, along with avoidance, minimization, and mitigation measures, if appropriate.

If American badger are found, or have the potential to occupy the Project site, CDFW recommends the CEQA lead agency require species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger be incorporated into the MND. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent reoccupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation. CDFW recommends the Mitigation Measure – Desert Kit Fox and American Badger (above) be added to the MND.

Response:

The comment expresses concern that the MND did not consider impacts to American badger. Like Comment No. 4 above, the comment overlooks data that the American badger was not observed in the 2018 or 2021 surveys, that the species has a low potential to occur onsite due to minimal habitat, and a CDNNB search did not reveal observations of American badger within five miles. The comment does not provide contrary data. Based on this, the MND properly concluded that mitigation for American badger was unnecessary.

The commenter recommends that the County adopt new monitoring requirements for the American badger, as the commenter recommended for desert kit fox. In response, the County will direct the proponent to implement the monitoring and education program described in the response to Comment No. 4 above. No recirculation is required.

Comment No. 6:

Ring-tailed cat (Bassariscus astutus)

CDFW is concerned that the MND fails to address Project related impacts to ring-tailed cat. The Project occurs within the range of the ring-tailed cat, a California species of special concern and fully protected species. CDFW recommends the CEQA lead agency complete surveys for ring-tailed cat over the Project area proposed to be directly or indirectly affected by the Project and that the results of such survey be included in the MND, along with measures to avoid all impacts to the species.

If ring-tailed cat are found, or has the potential to occupy the Project site, CDFW recommends the CEQA lead agency require species-specific mitigation to avoiding impacts to the ring-tailed cat be incorporated into the /MND. Avoidance measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be fully avoided.

Response:

The commenter expresses concern that impacts to the ring-tailed cat were not considered. Similar to Comment No. 4, this overlooks data showing that the ring-tailed cat was not observed during the 2018 or 2021 surveys, and that a CDNNB search found no observations

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of the ring-tailed cat within five miles of the site. The comment offers no contrary data. As such, the MND's initial conclusion that mitigation was unwarranted was correct. Nonetheless, the County will have the proponent implement a monitoring and education program as described in the response to Comment No. 4.

Comment No. 7:

Special Status Bats

CDFW is concerned that the MND fails to identify specific avoidance, minimization, and mitigation measures to reduce potential Project related impacts to bat species, particularly special status bats including Townsend big eared bat (Corynorhinus townsendii, pallid bat (Antrozous pallidus), spotted bat (Euderma maculatusm) and fringed myotis (Myotis thysanodes). CDFW recommends the following Mitigation Measure be added to the MND.

Response:

The comment does not identify new or significant environmental impacts to bat species, or introduce information not previously disclosed by the MND. The MND discussed the potential impact to these species and concluded that impacts were unlikely because the steep cliff faces and rocky terrain that provide bat habitat would mostly be avoided. The BRA identified a mitigation measure (i.e., avoid disturbing or removing large boulders). This measure was inadvertently omitted from BIO-2, but is included in the revised BIO-2 below. The comment also proposed a more extensive monitoring plan which is unwarranted in light of the absence of any known significant impact.

Comment No. 8:

Desert Bighorn Sheep

Desert Bighorn Sheep is a fully protected species as defined by state law. (See Fish & G. Code, §§ 4700). CDFW would like to advise the project proponent that take of a fully protected species is prohibited and CDFW cannot authorize take for development. The Project must be designed to fully avoid impacts to fully protected species. CDFW recommends the MND include the following Mitigation Measure to address potential impacts...

Response:

As documented in the MND and BRA, desert bighorn sheep were not observed onsite in the 2019 or 2021 surveys. While the site contains moderate habitat for bighorn sheep, it must be considered that the quarry has operated since 1938. Desert bighorn sheep, if present

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nearby, are already exposed to mining and reclamation activity. The Project does not present the risk of significant habitat loss or significantly new impacts to any desert bighorn sheep in the vicinity.

The comment does not present new information, or identify any new or significant environmental impacts. The comment mainly advises that desert bighorn sheep are protected and that impacts must be avoided. The comment is noted. The commenter also recommends that the proponent develop an adaptive management plan for CDFW review and approval. As the measure is unnecessary to avoid any identified significant effect, such a plan is unwarranted.

Comment No. 9:

Special Status Plants

Small-flowered androstephium (Androstephium breviflorum) is known to occur near the Project area and has a blooming period of March through April. Survey dates provided for this Project were in June and December, outside of the bloom period for this species and many other species with a potential to be present. The MND states creosote bush scrub plant community occurs throughout the undeveloped/undisturbed portions of the Project site and is the dominant plant community within the surrounding landscape, and overall underlying plant community in the area. Small-flowered androstephium occurs in creosote bush scrub plant communities, and in the habitat of the Project area.

CDFW recommends that prior to start of Project activities, a botanical field survey be conducted according to the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). This protocol-level surveys will be conducted during the appropriate time of year to adequately identify special status plant species.

Response:

The commenter does not identify any new or significant impacts to small-flowered androstephium (an unlisted species), or introduce information not previously disclosed. As documented in the BRA, this species blooms from March to April, has a low potential to occur onsite, and the species was not found in the December 2021 or June 2019 surveys. The comment did not provide contrary data, but recommended a new field survey in March/April to verify that the species is absent. The proponent will accommodate this request and a condition of approval will be added to note that this survey will occur, and that the results will be shared with the County and CDFW. Because the survey is not necessary to avoid any significant effects, recirculation is not required.
Comment No. 10:

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link:

https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: <u>https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-</u><u>Animals</u>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response:

The comment is information in nature and is noted.

Responses to Desert Tortoise Council Comment Letter Dated September 15, 2022

Comment No. 1:

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), as it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), population size fewer than 50 individuals, other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. This status, in part, prompted the Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Desert Tortoise Council 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California.

Response:

This comment provides general information regarding the desert tortoise and this information is noted. The comment does not identify any new or significant impacts, or introduce information that was not previously disclosed relevant to the identification of potentially-significant impacts, and does not require revisions to the MND.

Comment No. 2:

According to the Mitigated Negative Declaration/Initial Study (MND/IS), dated August 2022, "CalPortland Company (CalPortland) operates the Baxter Quarry (CA Mine ID # 91-36-0036), an existing iron ore mining and processing facility approximately 19 miles southwest of the community of Baker in the County of San Bernardino (County). CalPortland and its predecessors have mined the Baxter Quarry (project site, quarry) since 1938, before the County enacted applicable use permit requirements. CalPortland seeks to amend its existing reclamation plan, approved by the County in 1990 (90M-02), to include the reclamation of additional iron ore reserves within the vested quarry (project, reclamation plan amendment). CalPortland's vested quarry comprises of approximately 452 acres of private lands...

The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres. The proposed amendment will include an additional approximately 69 acres explored and partially mined in the past for a total disturbance area on approximately 118 acres to be reclaimed. Based on years of mining and drilling samples, CalPortland plans to continue mining in the existing West Deposit (19 acres) and in two additional surface quarries, the Lillian Belle Deposit (15 acres) and the East Deposit (10.5 acres). In approximately 15 to 20 years, depending on iron ore demand, underground mining will be initiated from the floor of the Lillian Belle Deposit to access the approximately 4 million tons of iron ore resources in the Central Deposit."

Response:

This comment restates information already in the MND and is noted. No specific response is required.

Comment No. 3:

We appreciate as given on page 10 of the MND/IS, the Amended Plan in Section 2.6, and Appendix F that a revegetation plan is part of the plan of operations. The Council recently financed several revegetation experts to produce best management practices for restoration techniques in arid lands comprising tortoise habitats. As such, we provide that resource (Abella and Berry 20161) to the County and CalPortland to supplement their existing information.

Response:

This comment is noted, and the additional resources are appreciated. No specific response is required.

Comment No. 4:

We note the following information given on page 33, "Surveys were conducted for the desert tortoise in 2019 per latest USFWS protocols and determined that there are no desert tortoise occurrences on site or directly adjacent to it. Most of the proposed mine site is rocky outcrop/rugged hills not suitable for desert tortoise habitat. Desert tortoise[s] are documented to occur approximately 11.75 miles northwest of the Project Site." We note in the associated biological report in Appendix A that the most recent surveys were in 2021 rather than 2019 as given above. We note that unambiguous tortoise sign has been found 8.9 miles west (CMBC 2003), and likely closer though a definitive data base of tortoise occurrence in the region is unavailable. Finally, tortoises regularly occur in "rocky outcrop/rugged hills," which the MND/IS dismisses as unsuitable habitat.

Response:

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The commenter is correct that the Project site contains habitat that is moderately suitable for desert tortoise. This data was contained in the BRA but not fully set forth in the MND as the MND focused on mine areas not the overall project site. This clarification does not represent a substantial change in the MND nor result in an identification of new significant impacts because the data continues to show that the site is not occupied and mitigation measure (BIO-1) is included to eliminate the low risk of desert tortoise entering the site.

The County also notes the information provided that desert tortoise sign may have been identified 8.9 miles distant from the site. The presence of tortoise sign 8.9 miles away if not inconsistent with the information in the MND that at one or more individual tortoises were sighted 11.75 miles away. The sign remains a long distance from the site and the new information does not substantially change the County's analysis or reveal any new, significant effects not discussed in the MND. To the extent that an individual tortoise comes unexpectedly within the site, BIO-1 is sufficient to eliminate the risk of a significant impact.

Comment No. 5:

Following are a few specific recommendations relative to the bulleted protection measures given under the subheading, "Mitigation BIO-1," on page 35 of the MND/IS, and italicized in the following paragraphs:

• "Preconstruction surveys should be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east;" We recommend that the County clarify that these preconstruction surveys be implemented as "clearance surveys," which are described in Chapter 6 of the USFWS (2009) Field Manual. It is not clear why these surveys would be solely restricted to the Lillian Belle area. We recommend that this measure be amended to apply to "all new ground disturbance" throughout all areas to be mined. Please note that tortoises may be found in even the most disturbed habitats, particularly under boulders, so even barren and semi-barren areas that have been previously mined should also be surveyed.

Response:

The commenter first recommends that the County clarify that the pre-construction surveys described by BIO-1 be implemented as "clearance surveys" as described in Chapter 6 of the U.S. Fish & Wildlife Service Desert Tortoise Field Manual (2009). According to Chapter 6 of that manual, however, "clearance surveys" are recommended only "for projects located in occupied desert tortoise habitat" and may be required by the terms of a biological opinion or incidental take permit. Here, the habitat appears to be unoccupied, and no biological opinion or incidental take permit is necessary or been required. As such, clearance surveys of the type described in the manual are inappropriate.

The commenter next questions why pre-construction surveys in BIO-1 "are restricted to the Lillian Belle area," and recommends that surveys be performed on all new ground

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disturbance. By way of correction, BIO-1 did not restrict surveys to the Lillian Belle area, but also extended surveys to "roads in the wash areas to the east." Pre-construction surveys are focused in these areas because they provide suitable habitat for desert tortoise. As stated in the BRA, desert tortoise prefer gentle slopes, sandy soils and a friable ground surface that is conducive to nest and burrow construction. (BRA, p. 15, Table C-1.) The new disturbance areas that meet these criteria consist of the Lillian Belle area and roads across wash areas to the east. (BRA, Appx. A Site Plan.) Other areas of new disturbance tend to be unvegetated, steep and rocky, and provide poor habitat for desert tortoise. For these reasons, BIO-1 properly focuses the pre-construction surveys in areas most likely to hold desert tortoise.

Comment No. 6:

The nine bullets fail to inform CalPortland the requisite measures to be implemented if tortoise sign is found during these clearance surveys. Although, with input from USFWS and California Department of Fish and Wildlife (CDFW) biologists, there may be circumstances using perimeter fences and other avoidance measures in lieu of take authorization provided by Section 10 of the Federal Endangered Species Act (FESA) and Section 2081 of the California Endangered Species Act (CESA), in most cases incidental take permits will be required if tortoise sign is found. We recommend that the County add this measure to the list of BIO-1 mitigation measures on page 35.

Response:

The comment correctly observes that BIO-1 does not include any specific instructions to the proponent in the unexpected event that pre-construction surveys find evidence of tortoise. The County will include, a provision in revised BIO-1 included at the end of this document, that prohibits the proponent from entering into or disturbing new areas where evidence of desert tortoise is found, and to coordinate with the U.S. Fish & Wildlife Service and/or CDFW to determine if avoidance and minimization measures can be applied or if take permits are necessary, and in the interim to prohibit disturbance without authorization from one or both of those agencies. As this change to BIO-1 is unnecessary to avoid significant environmental effects and does not itself create new and significant effects, recirculation is unnecessary.

Comment No. 7:

• To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 - March 15); Please note that tortoises may be active throughout the year, with heightened activity periods, particularly in the spring and fall, so caution should be exercised at all times, particularly if a perimeter fence is not installed. We strongly recommend that the dates be changed to "November 1 - February 1." March 15 is much too late, as tortoises in this area are typically becoming active in early February.

Response:

Currently, BIO-1 restricts new disturbance to when desert tortoises are less active (i.e., November 1 – March 15). The commenter recommends reducing this period to November 1 – February 1. The County appreciates this recommendation but declines to accept it. The work window allowed by BIO-1 is already narrow when considering the time necessary to mobilize the equipment and personnel needed to enter new mining areas, at a time of year already susceptible to weather delays. In light of the absence of desert tortoise from the site (documented by protocol surveys), the existing pre-construction survey requirements appear to be adequate to mitigate the low risk that desert tortoise may unexpectedly enter these areas.

Revised <u>Mitigation Measures BIO-1 and BIO-2</u> per CDFW and DTC comments to be included in the project's conditions of approval:

Mitigation Measure BIO-1:

- Preconstruction surveys shall be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east;
- Worker/employee/driver desert tortoise education and awareness program (WEAP) shall be completed prior to working on-site;
- Disturbance shall be confined to the smallest practical areas;
- Vehicle speeds shall not exceed 25 miles per hour on-site;
- Cross-country travel with motorized vehicles outside of the Project Site by project personnel is prohibited;
- Vehicles and equipment parked shall be inspected immediately prior to being moved.
- To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 March 15);
- All trash and food items shall be promptly contained within closed, common ravenproofed containers;
- Firearms, dogs, or other pets shall be prohibited at the work site; and
- If tortoise sign are found during surveys, CalPortland shall coordinate with the U.S. Fish & Wildlife Service and CDFW to determine if avoidance and minimization measures can be applied or if take permits are necessary, and in the interim to prohibit the proponent from entering into or disturbing new areas where evidence of desert tortoise is found without authorization from one or both of those agencies.

Mitigation Measure BIO-2: In order to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to protect potential golden eagle nesting and special status bat roosting habitat, the following condition is required:

- New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat shall be conducted onsite and within 500 ft of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction.
- If mining activities or ground clearing occurs in an area that has not been disturbed within 2 weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a pre-construction survey by a qualified Biologist shall be conducted within 3 days prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.
- If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the CDFW, Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.
- If an active eagle nest is found, Project disturbances will not occur within 0.5 mile of the
 active nest site during breeding season (December 30 through July 1) or any disturbance
 if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer
 will be maintained throughout the breeding season or until the young have fledged and
 are no longer dependent on the nest or parental care for survival.
- To prevent impacts to potential bat roosting habitat within the steep terrain onsite, disturbance or removal of large boulders should be avoided.

Condition of Approval to Prepare a Worker Education and Awareness Program (WEAP)

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Prior to start of Project activities on undisturbed areas, a Worker Education and Awareness Program (WEAP) for desert tortoise, desert kit fox, American badger, ring-tailed cat, desert bighorn sheep and burrowing owl shall be implemented by CalPortland for all onsite employees and truck drivers.

Workers Education and Awareness Program

Specific Wildlife Protection Measures:

- Require employee and driver education on desert tortoise and wildlife impacts and restrictions onsite and on the access road.
- Trucks must remain on the main road at all times; no cross country travel allowed.
- Trucks shall not leave or turn off road except in existing turnouts and unless for emergency.
- Equipment operators and drivers shall inspect for desert tortoise and other wildlife under vehicles or in the vicinity of vehicles prior to moving the vehicle.
- No littering; all trash and food items shall be stored within vehicles and only disposed of within closed, common raven-proofed containers.
- Establish an on-site speed limit of 25 mph for trucks and vehicles.
- Any routine maintenance required on the access road shall be conducted between November 1 and February 28 when desert tortoise are hibernating. If emergency repairs are required during March 1 through October 31, then pre-construction tortoise survey and onsite monitoring will be required during repair work.

Desert Tortoise and Wildlife Education for Employees and Truck Drivers

- Desert tortoise and wildlife training will include a signed acknowledgment of training and repeated annually.
- Personnel shall be trained to watch for desert tortoise and wildlife so harm to tortoise and other sensitive species is avoided.
- Training will not authorize personnel to handle tortoises or other sensitive wildlife unless animals life in danger.
- Signed acknowledgment shall include the understanding that "desert tortoises and wildlife may be encountered at any time of year, any time of day and anywhere within their range"...
- Copies of training sign-in sheets will be available at the mine site.
- Training will include procedures to follow in the event a tortoise or sensitive wildlife are encountered. An encounter procedures guide will be retained onsite and by truck drivers with all contact information, to include the Designated Biologist, BLM, SB County, US Fish & Wildlife Service and CDFW;
- Any tortoise or sensitive wildlife seen or encountered and its location will be noted on the daily log;
- The Designated biologist will have the authority to restrict activities if a tortoise or other sensitive species is encountered and could be harmed. *"Harm" is further defined as significant habitat modification or degradation where it actually kills or injures wildlife by*

significantly impairing essential behavior patterns including breeding, feeding or sheltering."

Condition of Approval to conduct survey for small-flowered androstephium (*Androstephium breviflorum*):

Prior to start of Project activities on undisturbed areas, a botanical field survey be conducted for occurrence of the small-flowered androstephium according to the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). This protocol-level surveys will be conducted during the blooming period of March through April and the results will be shared with the County and CDFW.

EXHIBIT D

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program Initial Study/Mitigated Negative Declaration CalPortland Company Baxter Quarry Amended Reclamation Plan Project No: MRAA-2022-00004

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor San Bernardino, California 92415-0182 *Contact: Steven Valdez, Senior Planner*

DECEMBER 2022

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1 Introduction

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

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Baxter Quarry Amended Reclamation Plan (County Project No. MRAA-2022-00004). The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for biological, cultural resources, and Tribal Cultural Resources (TCR).

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

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

2 Mitigation Monitoring and Reporting Program Table

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Biological Resources				
BIO-1:				
 Preconstruction surveys shall be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east; Worker/employee/driver desert tortoise and sensitive wildlife education and awareness program (WEAP) shall be completed prior to working on-site (see WEAP provided after MM BIO-2); Disturbance shall be confined to the smallest practical areas within the planned disturbance areas; Vehicle speeds shall not exceed 25 miles per hour onsite; Cross-country travel with motorized vehicles outside of the Project Site by project personnel is prohibited; Vehicles and equipment parked shall be inspected immediately prior to being moved; To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 - March 15) and after protocol surveys are completed to ensure that desert tortoise are fully avoided; All trash and food items shall be promptly contained within closed, common raven- 	Prior to New Land Disturbance	Project applicant	San Bernardino County	
proofed containers;				

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
 Firearms, dogs, or other pets shall be prohibited at the work site; and If desert tortoise are found during surveys, CalPortland shall coordinate with the U.S. Fish & Wildlife Service and CDFW to determine if avoidance and minimization measures can be applied, or if take permits are necessary; and in the interim to prohibit the proponent from entering into or disturbing new areas where evidence of desert tortoise is found without authorization from one or both of those agencies. 				
 BIO-2: In order to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code and to protect potential golden eagle nesting areas and special status bat roosting habitat, the following measure is required: New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat shall be conducted onsite and within 500 feet of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. If new mining activities or ground clearing occurs in an area that has not been disturbed within 2 weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a pre-construction survey by a qualified Biologist shall be conducted within 3 days prior to construction 	Prior to new land disturbance	Project applicant	San Bernardino County	

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Biologist does not find any		-	-	
active nests the construction				
work shall be allowed to				
proceed. The biologist				
conducting the clearance				
survey shall document a				
negative survey with a report				
indicating that no impacts to				
active avian nests shall occur.				
 If the Biologist finds an active 				
nest within the pre-				
construction survey area and				
determines that the nest may				
be impacted, the Biologist				
shall delineate an appropriate				
buffer zone around the nest.				
The size of the buffer shall be				
determined by the Biologist				
and shall be based on the				
to disturbance expected				
types of disturbance and				
location in relation to the				
construction activities These				
buffers are typically 300 feet				
from the nests of non-listed				
species and 500 feet from the				
nests of raptors and listed				
species. Any active nests				
observed during the survey				
shall be mapped on an aerial				
photograph. Only construction				
activities (if any) that have				
been approved by a Biological				
Monitor shall take place within				
the buffer zone until the nest is				
Vacated. The Biologist shall				
Serve as a Construction				
activities take place pear				
active nest areas to ensure				
that no inadvertent impacts on				
these nests occur. Results of				
the pre-construction survey				
and any subsequent				
monitoring shall be provided				
to the Property				
Owner/Developer and the				
City. The monitoring report				
shall summarize the results of				
the nest monitoring, describe				
construction restrictions				
currently in place, and confirm				
that construction activities can				
proceed within the buffer area	1	1		

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
 without jeopardizing the survival of the young birds. If an active eagle nest is found, Project disturbances will not occur within 0.5 mile of the active nest site during breeding season (December 30 through July 1) or any disturbance if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival. To prevent impacts to potential sensitive bat roosting habitat within the steep terrain onsite, disturbance or removal of large boulders should be avoided. 				
 BIO-3: A formal jurisdictional delineation shall be forwarded to the Corps, Regional Board and CDFW for their review, and if onsite drainages are determined to be waters of the U.S., Regional Board waters of the State and/or CDFW jurisdictional streambed, regulatory permits will need to be obtained through the Corps, Regional Board and/or CDFW prior to initiating new mining within a jurisdictional area and appropriate protective measures implemented and compensation provided. The following are general protective measures that may be required to be determined by the agencies: Worker environmental awareness program; Avoidance of waters of the State and jurisdictional streambeds as possible; 	Prior to new land disturbance within jurisdictional waters	Project applicant	San Bernardino County	

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
 Demarcation of jurisdictional streambeds to prevent unnecessary impacts; Avoiding impacts to undisturbed areas and to wildlife and sensitive species through pre-clearance surveys, establishing buffer areas, and temporary fencing; Implementation of BMPs to prevent erosion and sediment discharge; Invasive weed control; Maintaining areas free of trash, debris, hazardous materials, and spills; and Compensation as applicable to be determined which may include a combination of onsite and/or off-site 				
compensation and/or re- habitation.				
Cultural Resources				
CR-1: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yaamava of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	During grading and operations for life of mine	Project applicant	County of San Bernardino; and Yaamava of San Manuel Nation Cultural Resources Department if cultural resources uncovered	
CR-2: IT SIGNIFICANT pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a	During grading and operations for life of mine	Project applicant	County of San Bernardino; and Yaamava of San Manuel Nation Cultural	

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed for TCR-1 below. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			Resources Department if cultural resources uncovered	
CR-3: Should human remains, cremations, and/or funerary object be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the San Bernardino County Coroner will be notified. San Bernardino County and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.	During grading and operations for life of mine	Project applicant	County of San Bernardino	
All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological. Tribal Cultural Resources				
TCR-1: The Yaamava of San Manuel Nation Cultural Resources	During grading and operations	Project applicant	County of San Bernardino:	
Department (YSMN) shall be	for life of mine		and Yaamava	

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN, should YSMN elect to place a monitor on-site, during treatment of the resource or other time period agreed to by the archaeologist, operator, and YSMN.			of San Manuel Nation Cultural Resources Department if cultural resources uncovered	
TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	During grading and operations for life of mine	Project applicant	County of San Bernardino; and Yaamava of San Manuel Nation Cultural Resources Department if cultural resources uncovered	

EXHIBIT E

Findings

Baxter Quarries CALPORTLAND COMPANY

Findings: Amended Reclamation Plan 90M-02

The findings below are for an amended Reclamation Plan 90M-02 for the Baxter Quarry. The applicant is proposing to amend a previously approved reclamation plan, approved by the County in 1990 (90M-02), to include the reclamation of additional iron ore reserves within a vested quarry (project, reclamation plan amendment). The site will be reclaimed as Open Space Habitat. 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 amended mining Reclamation Plan:

1. THE RECLAMATION PLAN COMPLIES WITH THE CALIFORNIA SURFACE MINING AND RECLAMATION ACT (SMARA) (PUBLIC RESOURCES CODE SECTIONS 2772-2773) AND ANY OTHER APPLICABLE PROVISIONS.

The amended Reclamation Plan 90M-02 was reviewed and conditioned for compliance with SMARA. It has also been reviewed and accepted by the California Department of Conservation, Division of Mine Reclamation ("DMR") as in compliance with SMARA.

2. THE RECLAMATION PLAN COMPLIES WITH APPLICABLE REQUIREMENTS OF STATE REGULATIONS (CALIFORNIA CODE OF REGULATIONS SECTIONS 3500-3505 AND 3700-3713).

The amended Reclamation Plan 90M-02 complies with all applicable requirements of the State mining regulations and the potential end use of lands disturbed and reclaimed in compliance with the Reclamation Plan, as conditioned, are consistent with the Development Code and the Countywide Plan.

3. THE RECLAMATION PLAN AND POTENTIAL USE OF LANDS RECLAIMED IN COMPLIANCE WITH THE PLAN ARE CONSISTENT WITH DEVELOPMENT CODE CHAPTER 88.03 AND THE COUNTY WIDE PLAN AND ANY APPLICABLE RESOURCE PLAN OR ELEMENT.

The implementation of the amended Reclamation Plan 90M-02 and potential end use of lands disturbed and reclaimed in compliance with the Reclamation Plan, as conditioned, are consistent with the Development Code and Countywide Plan. No additional resource plans or elements apply.

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.

A Mitigated Negative Declaration was prepared in compliance with CEQA, and all Mitigated Measures have been incorporated into the amended Reclamation Plan 90M-02 as Conditions of Approval. All potentially significant adverse impacts identified in the Mitigated Negative Declaration are mitigated below a level of significance.

5. THE LAND AND/OR RESOURCES, SUCH AS WATER, WILL BE RECLAIMED TO A CONDITION THAT IS COMPATIBLE WITH, AND BLENDS IN WITH, THE SURROUNDING NATURAL ENVIRONMENT, TOPOGRAPHY, AND OTHER RESOURCES, OR SUITABLE OFF-SITE DEVELOPMENT WILL COMPENSATE FOR RELATED DISTURBANCE TO RESOURCES VALUES.

Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other open space resources as identified in the amened Reclamation Plan 90M-02. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure that this occurs. Groundwater resources will also be monitored and mitigated.

6. THE RECLAMATION PLAN WILL RECLAIM THE MINED LANDS TO A USABLE CONDITION WHICH IS READILY ADAPTABLE FOR ALTERNATIVE LAND USES CONSISTENT WITH THE COUNTY WIDE PLAN AND APPLICABLE RESOURCE PLAN.

The amended Reclamation Plan 90M-02, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition that is readily adaptable for alternative land uses consistent with Resource Conservation and Open Space.

7. A WRITTEN RESPONSE TO THE STATE DEPARTMENT OF CONSERVATION HAS BEEN PREPARED, DESCRIBING THE DISPOSITION OF MAJOR ISSUES RAISED BY THAT DEPARTMENT. WHERE THE COUNTY'S POSITION IS AT VARIANCE WITH THE RECOMMENDATIONS AND OBJECTIONS RAISED BY THE STATE DEPARTMENT OF CONSERVATION, THE RESPONSE SHALL ADDRESS, IN DETAIL, WHY SPECIFIC COMMENTS AND SUGGESTIONS WERE NOT ACCEPTED.

The Project was reviewed by DMR after County staff submitted the project mining documents and reports on May 23, 2022. DMR notified the County on July 21, 2022, that the submittal was incomplete. Per the County's November 15, 2022, response to DMR and Notice of Intent to Approve, no additional comments have been received as of the preparation of this report.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above-referenced Project has been determined that it will not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed with the San Bernardino County Clerk of the Board of Supervisors. The review authority finds that changes and substitution to the mitigation measures made after the public review process do not require recirculation of the MND because the proposed modified mitigation is equivalent or more effective in mitigating or avoiding the potential significant effects previously identified in the MND, will not itself cause any potentially significant effect on the environment and are enforceable as a conditions of approval to the project. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT F

Baxter Quarries Reclamation Plan 90M-02

AMENDED RECLAMATION PLAN FOR BAXTER QUARRY

CA Mine ID # 91-36-0036

San Bernardino County Reclamation Plan # 90M-02

Submitted To: SAN BERNARDINO COUNTY Planning Department 385 North Arrowhead Avenue San Bernardino, California 92415

Prepared By:



CALPORTLAND COMPANY 2025 E. Financial Way Glendora, CA 91741-4692

and

LILBURN CORPORATION

1905 Business Center Drive San Bernardino, California 92408

April 2022

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APPENDICES

- A Biological Resources Assessment, ELMT Consulting, Inc., February 2022
- B Revegetation Plan, Jericho Systems, Inc., February 2020
- C Slope Stability Investigation Report, Terracon, May 2021
- D Baxter Quarry Record of Survey, CASC, October 2021

MAP SHEETS (attached)

- 1 CalPortland Baxter Quarry Properties and Cover Sheet
- 2 Baxter Quarry Mine Plan
- 3 Baxter Quarry Reclamation Plan
- 4 Baxter Quarry Cross Sections

PROFESSIONAL CERTIFICATIONS

Slope Stability Investigation (Terracon Consultants) (Appendix C)

We have completed the Slope Stability Investigation services for the above referenced project. This study was performed in general accordance with Terracon Proposal No. PCB215002 dated January 26, 2021. This report presents the findings of the data review, geologic mapping, field testing, and structural evaluation, and provides recommendations concerning suitable slope angles and heights for reclamation consistent with Surface Mining and Reclamation Act (SMARA) requirements.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us.

Sincerely, Terracon Consultants, Inc.

John S. McKeown, C.E.G. 2396

Senior Geologist





Jay^VJ^I Martin, C.E.G.1529 Principal Geologist

Subject Matter Expert: Brian J. Williams, P.E., P.G.

Baxter Quarry Map Sheets #1 to #4

California Professional Engineer David Hattaway (No. 027799) reviewed and signed/stamped Map Sheets #1 to #4. (See Maps #1 to #4 as attachments)

Record of Survey – CASC Engineering and Consulting (Appendix D)

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT, AT THE REQUEST OF CALIFORNIA PORTLAND CEMENT COMPANY 2021.

10/28/2021 DATE

RICHARD S FURLONG, P.L.S. 8422 RECORD OF SURVEY WAS SUBMITTED FOR REVIEW TO THE COUNTY OF SAN BERNARDING ON 5/28/2021



AMENDED RECLAMATION PLAN #90M-02 FOR BAXTER QUARRY CalPortland Company CA Mine ID # 91-36-0036

1.0 MINE OPERATIONS

CalPortland Company (CalPortland) operates the Baxter Quarry (CA Mine ID # 91-36-0036), an existing iron ore mining and processing facility located in the County of San Bernardino (County). CalPortland and its predecessors have mined the Baxter Quarry (project site, quarry) since 1938, before the County enacted applicable use permit requirements. The County approved operations in 1973 and accordingly, has recognized the quarry as "vested" (i.e., a legal nonconforming use), and not subject to either the Surface Mining and Reclamation Act (Pub. Resources Code, § 2710 *et seq.* [SMARA]) or the County's use permit requirements.

CalPortland seeks to amend its existing reclamation plan, approved by the County in 1990 to include the reclamation of additional iron ore reserves within the vested quarry (Amended Plan). The Baxter Quarry supplies iron ore for CalPortland's cement plants and to other markets. The local source of iron ore reduces the need to import iron ore from more distant sources, thus reducing environmental impacts and transportation costs.

The Quarry is located approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow within approximately 452 acres of private lands mostly in Section 12, Township 11 North, Range 6 East, San Bernardino Base and Meridian (SBBM). The Amended Plan area totals 263 acres within Assessor Parcel Numbers (APNs) 542-201-02 to 10; 14, 15, 16, 18, 35 & 36. The site is accessed from Interstate 15 (I-15) south on Basin Road for 3.5 miles directly to the site. Refer to Figures 1 and 2 for a Location Map and Vicinity Map.

The existing Reclamation Plan for the Baxter Quarry (Reclamation Plan #90M-02) was approved by the County in 1990 and covers approximately 130 acres of the vested 452-acre property. The Quarry is located on patented (private) lands owned by CalPortland. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres. The proposed amendment will include an additional approximately 69 acres for a total disturbance area on approximately 118 acres to be reclaimed. Surrounding land uses include the vacant public desert lands administered by the Bureau of Land Management (BLM) to the east, south, and north. The National Trails National Monument established in 2016, is adjacent to the site on the west and northwest. The main railroad line from Los Angeles to Las Vegas is located along the Mojave River to the south. There are no adjacent or nearby residences within 6 miles.

Existing elevations at the site range from 1,600 feet above mean sea level (amsl) in the east central areas to a low of approximately 1,200 feet amsl on the east where the site flattens into the Mojave River Wash plain. Most the western half of the site is naturally around 1,400 feet amsl except for the existing West Deposit mined to a depth of 1,200 feet amsl and the overburden





stockpile which is about 1,450 feet amsl in height. Water for dust control is supplied to the site by water truck from private wells or from the Baker County Service Area. Existing operations will continue consistent with existing use; therefore, there will be no substantial change in the amount of water used. The plant community within the boundary of the project site and adjacent open space areas is mostly creosote desert scrub.

The existing West Deposit and the planned two additional surface quarries are estimated to contain approximately three (3) million short tons (2.7 short tons/cubic yard) of iron ore. In approximately 15 to 20 years depending on iron ore demand, underground mining will be initiated from the floor in the Lillian Belle Deposit to access approximately 4 million tons of iron ore resources in the Central Deposit.

It is anticipated that the site will be mined at up to a maximum of 300,000 tons/year; with an average production rate of approximately 150,000 tons annually, subject to market demand, which will provide adequate reserves for up to 50 years (end of year 2071). The Plan amendment proposes to continue mining within the existing West Deposit. Excavations will phase into the Lillian Belle and East Deposits in the final stages of the West Deposit. Thereafter, underground mining will be developed through a portal in the Lillian Belle pit floor to access the Central Deposit to its west. Table 1 lists the existing and planned operational areas for the deposits, overburden stockpile, topsoil, staging/operational areas, and roads. Refer to Figure 3 and Sheet 2 for the Mine Plan.

Existing and Planned Operational Areas Amended Reclamation Plan Baxter Quarry						
Deposits and Other Areas	Existing Disturbance (acres)	Proposed New Areas (acres)	Total Disturbance Areas (acres)			
West	19.2	0	19.2			
Lillian Belle	0	14.9	14.9			
East	0	10.5	10.5			
Surface Quarries Subtotal	19.2	25.4	44.6			
Central (underground)	0	2 (portal within Lillian Belle)	2 (portal within Lillian Belle)			
Overburden Stockpile	26.0	24.0	50			
Staging/Operations Areas	2	16.3	18.3			
Topsoil Stockpiles ¹	0	3(6)	3(6)			
Test Plots ¹	0	(1)	(1)			
On-Site Access Road	2	0	2			
Totals	49.2	68.7	117.9			

Table 1
Existing and Planned Operational Areas
Amended Reclamation Plan
Baxter Quarry

Source: CalPortland, Lilburn 2022

¹ Within staging areas

Note: Totals may be slightly different due to rounding.





CALPORTLAND CA BAXTER QUARRY MINE NOTES CA MINE ID# 91-36-0023 Mineral: Iron Ore E. Financial Wa Applican Owner of Mineral Rights ame as Owner irea Haggaro 025 E. Financial Walendora, CA 91714 Civil Enginee Same as Operator Map Preparer: CalPortland Company & Lil Geologists: CalPortland - Ed Harrison John S. McKeown, E.G. S PROJECT SITE 355 E. Cooley Driv Colton, CA 92324 Date of Map: August 2021 Utilities Water: Sewage disp Electric: Gas: Telephone: Not proposed Not proposed Mobile phones Land Use Category / Zoning (Coun Project Site: Land Use Ca Zoning - Res Surrounding Uses (LUC / Zoning): RLM / RC Legal Description: APNs: 542-201-02 to 10; 14, 15, 16, 18, 35 & 36 Reclamation Plan Boundary Area: 262.7 acres 200 0 Scale: 1 inch = 400 feet Aap Prepareu «,. Topography: Cooper Aenus, « Projection: CA SPCS, Zone 5, NAC Aerial: 2020-05-23 Portions of Sections 12; Township 11 North, Range 6 East and small portion of Section 7, T11N, R7E, SBBM, County of San Bernardino, State of California LEGEND cess and that the roads are blocked e mining area has re locked. Other potenti t notify the public that the surs, gates are closed and the public that the roads Revised Reclamation Plan Boundary (262.7 ac. Quarry areas have warning signs, roads not used will be blocked or closed, and safety berms six feet high and 12 feet wide will b constructed along the quarry rims where there is potential access. Proposed Quarry Limits Approved Reclamation Plan Boundary (130.0 ac.) Parking: There will be no as Plant and Tree Prot Per the Desert Nativ Proposed Overburden Stockpile Limits ounty Code 88.01.060, pre construction surveys will determine the number and viability or r reclamation for any rare plants. Note that there are no protected drab owite nor is the project site within the range of this speci-Proposed Mining Contou Roads to Remain Existing Topography Parcel Lines PROFESSIONAL CERTIFICATIONS Slope Stability Investigation (Terracon Consultants) (Appendix C) Ins study was performed in general accordance with Terracon Proposal No. PCB215002 dated muary 26, 2021. This report presents the findings of the data review, geologic mapping, field titing, and structural evaluation, and provides recommendations concerning suitable slope angles J heights for reclamation consistent with Surface Mining and Reclamation Act (SMARA) urements. testing, and struct and heights for We appreciate the opportunity to be of service to you on this project. If you have any que concerning this report or if we may be of further service please contact us mation Plan Sincerely, Terracon Consu 11 hot MINE PLAN Booder Quorry - Amended Redamc RECLAMATION PLAN No. 90M-02 CA Mine 10 H 91-36-0023 MARANDEDRICHARA Julin S. M. Keowaw John S. McKeown, C.E.G. 2396 Senior Geologist Jay J. Martin, C.E.G.1529 Principal Geologist Subject Matter Expert: Brian J. Wil SURVEYOR'S STATEMENT THIS MAP CORRECTLY REPRESENTS BY ME OR UNDER MY DIRECTION IN WITH THE REQUIREMENTS OF THE FE LAND SURVEYORS' ACT, AT THE REI CALIFORNIA PORTLAND CEMENT COM REQUEST OF DATE_____10/28/2021 RICHARD S FURLONG, P.I.'S. 8422 RICHARD S FURLONG, P.I.'S. 8422 RECORD OF SURVEY WAS SUBMITTED FOR REVIEW TO THE COUNTY OF SAN BERNARDING ON 5/28/2021



MINE PLAN Baxter Quarry Revised Reclamation Plan 90M-02 San Bernardino County, CA

SHEET INDEX Title SHEET INDEX Cover Mine Plan Reclamation Plan Cross Sections and Details

FIGURE 3

This Amended Plan was prepared with the following objectives:

- To continue development of an existing iron ore resource pursuant to the State's and County's SMARA requirements;
- To provide iron ore from a local source to meet CalPortland's cement production needs and for other markets rather than importing material from more distant or out of state locations, resulting in decreased truck diesel fuel consumption and air pollutant emissions;
- Maintain all equipment in compliance with air quality regulations;
- Continue to implement dust control measures at active quarries, stockpile areas, and on roads per Mojave Desert Air Quality Management District (MDAQMD) regulations;
- To provide reclamation to impacted mining sites to reduce visual, biological, and safety impacts; and
- To reclaim the site for an open space end use.

Land Owner, Operator:

CalPortland Company 2025 E. Financial Way Glendora, CA 91741-4692 (626) 691-1966 (office)

Representative:

CalPortland Company 2025 E. Financial Way Glendora, CA 91741-4692 Desirea Haggard (626) 691-1966 (office) (626) 629-9366 (cell) dhaggard@CalPortland.com

Reclamation Plan No.: 90M-02 (approved in 1990)

CA Mine ID #: 91-36-0036

County Wide Policy Plan Designations (November 2020) Land Use Categories (LUC) – Resource/Land Management (RLM) Zoning - Resource Conservation (RC)

Estimated Start Date: In operation
Estimated Operating Life: 50 years (or until December 31, 2072)

Estimated Mining Termination Date: December 31, 2072

Private Property Boundary Area: 452.1 acres

Reclamation Plan Boundary Area: 262.7 acres

Area to be Reclaimed: 117.9 acres

Estimated Reclamation Completion: December 31, 2077 (followed by revegetation monitoring until success criteria achieved)

Reclaimed End Uses: Open space

Land Holdings

CalPortland's contiguous private land holdings and those parcels that make up the reclamation plan boundary are listed below (refer to Figure 3 and Sheets 1 and 2). Table 2 lists the assessor's parcel number, area, and location. All parcels are within Section 12, Township 11 North, Range 6 East (T11N, R6E) SBBM except for a small eastern portion of APN 0542-201-02 which is within Section 7, T11N, R7E.

Mineral Resource Zoning

The California Division of Mines and Geology (CDMG) has designated the Baxter Quarry iron ore deposits as Mineral Resource Zone 2 status (MRZ-2) (*Mineral Land Classification of the Calmat Land Co. Baxter Iron/Carbonate Rock Deposit* (OFR 90-02), CA Dept. of Conservation, Division of Mines and Geology; San Bernardino County, California, 1990). MRZs are important planning designations as they recognize the significance and importance of mineral resources and mining in land use planning.

The on-site iron ore deposits are classified as follows:

MRZ-2A - (Areas where geologic data indicate significant measured or indicated resources are present). The East or Monarch and West or Cave Canyon iron ore bodies were given this classification based upon drill hole and assay data and geologic field evaluation which shows significant iron ore deposits exist.

MRZ-2b - (Areas where geologic information indicates that significant inferred resources are present). The Lillian Belle iron ore body was given this classification based upon limited drilling and assay data and geologic field evaluation.

Parcel Numbers	Area	Location:
Existing Recla	(acres) mation Plan Par	cels
0542-201-04	16.53	12
0542-201-05	20.66	12
0542-201-06	2.67	12
0542-201-07	17.22	12
0542-201-08	19.72	12
0542-201-14	20.66	12
0542-201-15	19.36	12
Existing Reclamation Plan Area ¹	116.8	
Planne	d New Areas	-
0542-201-02	17.45	12; eastern portion in Section 7, T11N, R7E
0542-201-03	20.66	12
0542-201-09	18.44	12
0542-201-10	15.95	12
0542-201-16	7.79	12
0542-201-18	24.25	12
0542-201-35	20.66	12
0542-201-36	20.66	12
Planned New Areas	145.9	
Total Amended Reclamation Plan Area	262.68	
0542-201-11	9.18	12
0542-201-12	10.0	12
0542-201-13	18.18	12
0542-201-19	9.23	12
0542-201-20	10.0	12
0542-201-21	20.0	12
0542-201-22	10.0	12
0542-201-24	80.0	13
0542-201-29	22.82	13
Parcel Areas outside Reclamation Plan Boundary	189.41	
Total Property Area	452.09	

Table 2Baxter Quarry Reclamation Plan Boundaryon CalPortland's Privately-Held Land Holdings

Sources: San Bernardino County APN information, 2021 & CASC Record of Survey, Appendix D, May 2021. ¹ – Existing Reclamation Plan parcels minus two mill site claims.

1.1 MINING OPERATIONS

As discussed above, CalPortland will continue operations in the existing reclamation plan area but proposes to amend the current reclamation plan to accommodate reclamation of an additional 69 acres of vested lands. The project does not propose any change to CalPortland's existing vested mining operations including, for example, productions levels, mining systems or processes, and ultimate throughput, based on market demand. The Amended Plan proposes to continue mining within the existing West Deposit and excavations will phase into the Lillian Belle and East Deposits in the final stages of the West Deposit. Thereafter, underground mining will be developed through a portal in the Lillian Belle pit floor to access the Central Deposit to its west. The surface area, estimated iron ore reserves, the average ore and overburden estimated per year, and the estimated life of mine are listed for each deposit in Table 3 below.

(through 2051 – Iron Ore Reserves)					
Deposit	Surface Area (acres)	Iron Ore Reserves (million tons)	Annual Average Ore Excavated (tons)	Annual Average Waste Excavated (tons)	Estimated Years
West	19.2	2.0	150,000	50,000	7 - 10
Lillian Belle	14.9	0.5	150,000	50,000	3.5 - 5
East	10.5	0.5	150,000	50,000	3.5 - 5
Central (underground)	Portal within Lillian Belle Pit	4.0	150,000	varies	27 - 30
Total Iron Ore		7.0	150,000	50,000	40 - 50

Table 3Estimated Deposits' Production and Areas
(through 2051 – Iron Ore Reserves)

Source: CalPortland 2022

Areas are rounded to the nearest tenth of an acre and tonnage to quarters. Totals may be slightly different due to rounding. All tons are short tons. Mining in deposits will overlap during phase-in periods.

Maximum annual production could be up to 300,000 tpy per existing Plan.

The following activities will be conducted prior to opening new areas for mining and overburden stockpile development to limit disturbed areas to within the reclamation plan boundary and to facilitate ongoing and future reclamation and revegetation. Note that the West Deposit is completely disturbed with no soil available as it is only being mined to an additional 50 feet in depth.

- Excavation limits will be located and marked in the field;
- Specified plants per the California Desert Plant Protection Act if found on-site that can tolerate transplant will be salvaged to the degree possible and will be replanted on reclaimed land available for revegetation; (note that there are no western Joshua trees (*Yucca brevolia*) onsite and the site is outside this species range); and

• Salvageable soils and/or growth media up to 0.5 feet to 1-foot typically will be placed in a separate identified topsoil stockpile(s) located north and south and in the staging area adjacent to the Lillian Belle Deposit which has a cover of alluvium. There are no new areas to be opened in the West Deposit and the East Deposit is a steep hillside with rock outcrops with minimal salvageable surface material. The soil stockpiles will be clearly marked and covered with larger material to limit wind and water erosion.

General Mining Operations

Surface mining operations consist of drilling and blasting, excavating by loader, and loading ore from the active quarry face directly into a track-mounted portable crushing and magnetic separator plant located and moved as needed within each pit. The crushed and magnetically separated iron ore is loaded onto 45-ton off-road haul trucks (typical) by a loader and transported to the adjacent ore stockpiles and loading area located to the east of the West Deposit, and in the future, adjacent to the to be developed Lillian Belle and East Deposits. where it is loaded into street-legal trucks for transport off-site. During underground mining, the ore will be conveyed out the portal to the portable crushing and magnetic separator plant located in the floor of the Lillian Belle Pit. Off-site truck loading and shipping will be conducted in the staging area to its east.

The separated overburden and waste rock is approximately 25% of excavated material. Surface alluvium overlying the Lillian Belle Deposit will be salvaged and stored in soil stockpiles in the staging area to its north, south, and east. Overburden will be loaded into off-highway 45-ton haul trucks (typical) and transported along interior haul roads to the overburden stockpile. The overburden stockpile is discussed in detail in Section 1.2.

Pit haul roads are typically 40 to 50 feet wide and grade is 10% or less depending on locations and conditions. All operational and reclaimed slopes will have an overall slope of 1H:1V or slightly more on the south slope of the East Deposit. The main access road is about 36 feet wide.

There are no changes proposed for annual maximum (300,000 tons/year) or average annual production 150,000 tons/tear) with this amendment. Mining and processing operations will continue to produce an average of 500 tons/day of ore and 175 tons/day of overburden based on an annual average rate of 150,000 tons of ore and 50,000 tons of overburden on 250 to 300 annual operational days. Daily production will vary due to market demand and overburden ratio. The processing plant is separately permitted through the MDAQMD with a maximum throughput of 400 tons/hour and an annual throughput of nearly 1.5 million tons.

Approximately 5 employees typically work onsite in one shift with no nighttime operations planned.

West Deposit

The West Deposit consists of an oval-shaped pit totaling 19.2 acres. No surface expansion is planned, only an additional 50 feet of depth is proposed. The deposit is currently at a depth of 1,200 feet amsl. The planned depth is another two benches to a final floor elevation of 1,150 feet

amsl. The deposit is mined with 25-foot vertical cuts with a 21 to 25-foot horizontal bench (1 vertical:1 horizontal; 1V:1H). The "inter bench" is sloped at approximately 70° to 80°, which creates a bench off-set of approximately 4 feet for a horizontal bench of 21 feet (refer to Figure 3). Bench heights and widths may slightly vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is approximately 45° or 1.H:1V. See Figure 4 and Sheet 4 for detailed cross-sections of the three deposits.

Approximately 2 million tons of ore will be excavated over the next 7 to 10 years from this deposit.

Lillian Belle Deposit

The Lillian Belle Deposit has been drilled with some past mining operations. The site will be developed as an oval-shaped open pit on approximately 14.9 acres. The deposit will be mined to a depth of 150 to 175 feet with a pit floor of 1,050 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. Bench heights and widths may vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is 45° or 1H:1V. Refer to Figure 4 for the Lilian Belle cross section and Sheet 4 for detailed cross-sections.

Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

East Deposit

The East Deposit has also been drilled with some past mining operations and will be developed as a hillside quarry on approximately 10.5 acres. The deposit will be mined to a depth of approximately 75 feet on the north to a floor elevation of 1,150 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. On the south, the existing ridge rises to 1,500 to 1,600 feet amsl. This ridge will be mined from the 1,400-foot amsl elevation northward to the pit floor for a depth of approximately 250 feet. This steeper south wall of the East Deposit area is planned to be mined at 55 degrees using 25-foot faces and 18-foot wide benches. Bench heights and widths may vary with deposit geometry as determined in the field. Refer to Figure 4 for the East Deposit cross section and Sheet 4 for detailed cross-sections. Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

Central Deposit (Underground)

CalPortland has evaluated the use of a Room and Pillar (R & P) underground mining method for the Central Deposit. The deposit is 300 feet below ground surface and can be accessed from the bottom of the adjacent Lillian Belle Deposit once excavated. The surrounding lands to the north of the Central Deposit are now part of the Mojave National Preserve, which has restricted the ability to mine this area with an open pit. In order to uncover the Central Deposit, a 300-foot highwall on the north of an open pit would need to be extended into the Preserve area.





We appreciate the opportunity to be of service to concerning this report or if we may be of further ser-Sincerely, Terracon Consultants, Inc.



Subject Matter Expert Brian J Williams, P F, PG





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n services for the above referenced project. In Jorracon Proposal No. PCB215002 dated of the data review, geologic mapping, field mendations concerning subtable slope angles ce Mining and Rectamation Act (SMARA) at on this project. If you have any questions		CROSS SECTIONS AND DETAILS Boder Query - Amended Redemation Plan RECLAMATION PLAN No. 904-02 CA Mine 10 # 91-36-0023 Summancasm.	
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CROSS SECTIONS Baxter Quarry Revised Reclamation Plan 90M-02 San Bernardino County, CA FIGURE 4

The mine phasing is to first complete the West Deposit followed by the Lillian Belle and the East Deposits as described above. The Central Deposit would be accessed by a portal located in the west central pit floor of the Lillian Belle Deposit onanapproximate 2-acre area. The entrance portal and underground staging area including ventilation fans and other underground mining facilities will be located here. Iron ore would be conveyed to the crusher and magnetic separator plant located east of the portal with product stockpiled in the staging area to the east. From there it will be loaded onto street-legal haul trucks for delivery to market.

Underground mining is regulated by the Federal Department of the Interior, Mine Safety and Health Administration (DOI MSHA) and is not part of SMARA except for surface disturbances related to the ongoing underground mining. All surface areas utilized during the underground mining phase will be reclaimed per the approved reclamation plan and SMARA. The portal will be closed per MSHA requirements and SMARA Regulations section 3713(b): "Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat." Final closure of the portal will be coordinated with MSHA and the County.

The finalized mine/excavation plan for the Central Deposit will be prepared by a Certified Professional Underground Mining Contractor. The plan will be monitored and regulated during mining by the Federal agency, MSHA. Surface subsidence from underground mining will not occur due to the depth of the deposit under the surface and the conservative pillar design to support open stopes. The preliminary underground R & P design leaves about 49% of the material in the ground for underground support pillars, hangingwall and footwall support pillars for each mining level, coupled with the 300 feet of depth to the deposit. With these support parameters used with the mine design, there will be no subsidence of the surface area above the underground operation.

Slope Stability

The *Slope Stability Investigation Report* prepared by Terracon May 2021 (see Appendix C for detailed assessment and background information) addressed slope stability in representative slopes for the existing and future quarries' reclamation and overburden stockpile. Slope stability calculations for feasibility of reclamation rock slope configurations and kinematic analysis of potential failure geometries in rock benches were performed for the project area pits and deepening of the existing West Deposit pit. The kinematic data include the measured geologic structures and pertinent data from site mapping. Global slope stability was evaluated along model sections representing the tallest and steepest proposed slopes with consideration of the major geologic units and structures as they potentially affect the wall-scale stability. The slope assessment is summarized below.

Geologic units within the amended reclamation area include stockpile fill, alluvium, recent wash deposits, talus, sand deposits, alluvial fan deposits, granitic bedrock, mixed metamorphic rocks including carbonates, and metamorphic breccia. Field work shows intrusive bodies of felsic (feldspar-rich) and mafic types within the metamorphic unit. Breccia derived from the metamorphic units that appear to overlie ore bodies is exposed in the West Deposit pit. The pit

area includes primarily alluvial cover within the Lillian Belle Deposit and carbonate rocks within the East Deposit footprint.

The presence of breccias in the ore-bearing units of the project area are the characteristic geologic structure. Breccias and associated shear/slide planes are extensively exposed in the existing pit and exhibit south-directed shearing. Slope stability calculations were performed for three representative rock types on slopes modeled as summarized in Table 4.

Summary of Global Slope Stability Wodels						
Mine Area	Overall Height (ft.)	Face Height (ft.)	Face Angle ¹	Bench Width (ft.)	Geologic Unit	Overali Slope Angle
Lillian Belle West slope	200	25	90°	25	MS schist	45
Lillian Belle Southeast slope	150 (35 alluvium 115 rock)	25	90°	25	Alluvium MS schist	35 alluvium 45 rock
East Deposit South slope	275 cut in rock 160 native in rock	25	90°	18	Carbonate	55 in cut 33 in native
West Deposit	275	25	90	25	MS breccia	45

Table 4
Summary of Global Slope Stability Models

1 as modeled for this evaluation. Bench face angles at ~70 degrees are anticipated post reclamation. Consideration of the steeper face angle (90 degrees) is a more conservative condition for slope stability calculations

Source: *Slope Stability Investigation Report* prepared by Terracon May 2021 (see Appendix C, page 15)

The results of global slope stability analyses are summarized below and in Table 5. Details of stability calculations including material type boundaries, strength parameters, and the minimum factor of safety and critical slip surface are attached in Appendix C.

Static factors of safety calculated for representative walls were 1.63 to 2.17 with seismic factor of safety ranging from 1.3 to 1.75. Based on the results of the stability analyses, the proposed rock slope configurations are considered stable under static and seismic conditions as reclaimed slopes. Sufficient static factors of safety (FS) in excess of 1.5 and seismic factors of safety at or greater than 1.1 for the proposed end use, which are in conformance with Division of Mine Reclamation (DMR) criteria, were indicated for the modeled scenario rock slopes configurations.

The overall slope angles would be on the order of 45 degrees, using a 25-foot high, 25-foot wide face to bench ratio. The south wall of the East Deposit area is planned at 55 degrees which can be achieved using 25-foot faces and 18-foot wide benches. The slope models used vertical bench faces in global calculations. Typical face angles are between 65 degrees and 80 degrees in rock slopes; therefore, the modeled global configuration is based on a more conservative geometry.

Consideration of local structural conditions in reclamation may include modification of geometry to achieve suitable face performance (preservation of sufficient bench width) and overall slope angles in the various rock materials.

Final stockpile slopes are planned at a ratio of 2V:1V or flatter. This configuration is considered stable by inspection/practice. In addition, the presence of large angular clasts in stockpile fill materials improves the stability of these slopes.

Mine Area	Materials	Slope Configuration	Static Factor of Safety	Seismic Factor of Safety (with Kh=0.15)
Lillian Belle West slope	MS schist	200H @ 45 degrees	1.68	1.34
Lillian Belle Southeast slope	Alluvium MS schist	150H @ 35 to 45 degrees	1.85	1.35
East Deposit South slope	Carbonate	275H @ 45 degrees in rock cut 160H @ 33 degrees in native rock	2.17	1.75
West Deposit	MS breccia	275H @ 45 degrees	1.63	1.30

Table 5Summary of Global Slope Stability Results

Source: Slope Stability Investigation Report prepared by Terracon May 2021 (see Appendix C, page 17)

Terracon recommended the following design/monitoring measures during operations and reclamation which have been included in the slope assessment:

- Inclusion of horizontal safety benches in final slope design per the Mine Reclamation Plan which will be an effective protection from rockfall, reduces tensional forces in surface rock, and reduces surface erosion rates.
- Quarry rims will be protected with berms as necessary to prevent slope erosion in areas where overland flow is toward slopes and also for public safety.
- Overall final cut slopes in the rock materials shall be no steeper than the slopes designed in the Reclamation Plan.
- Localized structures at the bench scale may form zones that require scaling and/or excavation to flatten or steepen face angles to achieve suitable reclamation conditions. At such time and locations as reclamation slopes are excavated, a qualified geotech professional should examine the slope conditions to determine conformance with the reclamation plan.
- Continued inspection and monitoring of mine benches and slope conditions for indications of potential instability and failure warning signs shall be implemented.
- Final reclaimed overburden stockpile slopes shall be no steeper than 2H:1V to the maximum proposed heights as shown on the Mine Reclamation Plan and surface drainage shall be conveyed away from slopes.

Plant and Mobile Equipment

The typical quarry and plant equipment listed in Table 6 are utilized for mining, hauling, and road maintenance activities on-site and ore crushing and separating. As operations progress over time, replacement equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Haul trucks, diesel equipment, and the processing plant meet requirements of the MDAQMD and the California Air Resources Board's (CARB) off-road diesel vehicles regulations to reduce diesel pollutants. The portable processing plant is operated under MDAQMD Permit No. 12469 and the generator set under Permit No. 12473.

Typical Plant and Quarry Equipment for Baxter Quarry			
Equipment	Typical No.	Current Days & Hrs./Year	Purpose
Front-End Loader (CAT 980 typ.)	1	250 - 300 days/ 2,500 hours	Mining & loading of excavated materials into the processing plant, loading mine trucks and on-road haul trucks.
Front-End Loader (CAT 988 typ.)	1	250 – 300 days/ 2,500 hours	Mining & loading of excavated materials into the processing plant, loading mine trucks and on-road haul trucks.
Off-Road Haul Trucks (CAT 745) (45-ton)	3	250 - 300 days/ 2,500 hrs. each	Transportation of ore and overburden to stockpiles.
Water Truck (4,000 gal. typ.)	1	250 - 300 days/ 1,250 hours	Water spray roads, active quarry and overburden areas, & general dust control.
Drill Rig (varies)	1	250 - 300 days/ 2,000 hours	Drill holes for placement of explosives.
Generator Set	1	250 - 300 days/ 2,500 hours	Supplies power to trailer and plant. Permitted per MDAQMD Permit No. B012473.
Light plant	1	varies	Utilized as needed.
Crushing & magnetic separator plant (crusher, hopper, magnetic separator & and conveyors)	1	250 - 300 days/ 2,000 hours	Portable tracked crushing & magnetic separator plant (currently KPI-JCI FT4250) to process ore. Permitted per MDAQMD Permit No. B012469.
Ancillary Equip.	Varies	Varies	Maintenance vehicles, pick-ups, SUVs.

Table 6Typical Plant and Quarry Equipment for Baxter Quarry

Source: CalPortland 2022

List above is typical equipment to be used on-site. Equipment types are not expected to vary. Specific equipment will change during the life of the project due to replacement of aging equipment and updated equipment and fleet emission standards.

Equipment maintenance, minor or emergency repairs, and re-fueling with portable maintenance/fuel trucks are conducted at the site by maintenance and fuel trucks with appropriate safeguards. Any used oil generated at the mine site is collected and transported for

off-site recycling or disposal by approved methods and by properly trained and licensed personnel.

Dust Control

Existing dust control measures are in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); 403 (prohibits visible dust from crossing property lines and for controlling fugitive dust). The dust control measures are operative with periodic monitoring by MDAQMD and CalPortland personnel ensuring that the regulatory standards are met. The principal dust control measure is water spraying at the processing plant and of roads, operational quarry areas, and active overburden stockpiles. A 4,000 gallon water truck (typical) is used for dust control. Water for dust control will continue to be obtained from Baker and off-site private wells and no change in water usage is expected. On occasion, if deemed a more effective method for road dust, CalPortland may utilize approved dust suppressant agents on roads.

Sanitation

Portable toilets will be supplied for use by employees and will be located on-site at the operations area.

Site Access and Public Safety

The CalPortland Baxter Quarry area is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. The road is signed and gated about 0.75 miles within the site. When operations move east, the gate and signage will be moved to the far eastern project boundary as shown on Figure 3 and Sheet 2.

The Baxter Quarry is in an isolated remote section of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. Quarry areas will have warning signs, roads not used will be blocked or closed, and safety berms six feet in height will be constructed along the quarry rims. Any unauthorized roads will be blocked or closed at the property boundary.

There are currently no known portals, shafts, tunnels or openings on the mine site. A portal will be developed to access the Central Deposit. Underground mining is regulated by the DOI MSHA and is not part of SMARA except for surface disturbances related to the ongoing underground mining. All surface areas utilized during the underground mining phase will be reclaimed per the approved reclamation plan and SMARA. The portal will be closed per MSHA requirements and SMARA Regulations section 3713(b): "Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat." Final closure of the portal will be coordinated with MSHA and the County.

If any other portals, shafts, tunnels or openings re uncovered, they will be either closed or gated or protected from public entry but preserved for bat and other wildlife if applicable in consultation with County.

1.2 MINE WASTE (OVERBURDEN)

Overburden material is estimated to be approximately 25% of the total reserves, about 50,000 tpy that will vary year to year or 2 million tons for the life of mine. The existing overburden stockpile is located south and southeast of the West Deposit. Refer to Sheet 2 for additional information. The stockpile currently covers about 26 acres and will be expanded east on an additional 24 acres. The average height is approximately 100 feet up to a maximum of 150 feet with the top elevation of 1,500 feet amsl. Slopes will be 2H:1V. This configuration is considered stable by inspection/practice. In addition, the presence of large angular clasts in stockpile fill materials improves the stability of these slopes.

The top of the stockpile will be designed with inward drainage with a 5-foot deep depression to catch precipitation which will percolate and evaporate. This design will reduce potential runoff down the stockpile slopes or haul roads and potential erosion. The overburden material is compacted by tractor roll-over.

Hazardous Materials and Waste

Consistent with current practice, no hazardous materials are or will be used on-site with the exception of fuel and oil for the generator and mobile equipment. No hazardous waste is produced on the mine site. Scheduled equipment maintenance, repairs, and re-fueling is conducted with portable maintenance/fuel trucks implementing appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. There is a 2,000-gallon red dye (diesel for off-road equipment) and a 240-gallon clear diesel tank located currently to the south of the West Deposit along with an office and employee trailer. Approximately 850 gallons are consumed per operating week and are not expected to increase as a result of the project.

CalPortland has a Hazardous Materials Business Plan (HMBP) on file with the County that describes methods and procedures to minimize the potential for hazardous material and waste releases including an emergency response and contingency and spill response procedures. CalPortland has prepared a Spill Prevention Control and Countermeasure (SPCC) Plan. The SPCC is designed to minimize the potential for spills or releases of oil and fuel and outlines procedures to be followed in the event of a spill.

Safety measures for the use of blasting materials are discussed in Section 1.6.

1.3 ORE PROCESSING

Mining operations will continue in the existing West Deposit until ore is depleted and phased to the Lillian Belle Deposit, then to the West Deposit, and eventually underground. The iron ore is crushed and separated by a portable crusher and magnetic separation plant that is track-mounted.

The plant is currently within the West Deposit and will be moved to the active mining area as mining progresses. The iron ore is stockpiled currently to the east of the West Deposit for loadout into 25-ton street legal haul trucks. Future ore stockpiles will be located mainly in the staging area of Lillian Belle.

Mobile equipment and the generator run on diesel fuel. The plant and generator are operated under MDAQMD Permit No. B012469 and B012473, respectively. Diesel fuel is brought on-site by truck and is stored in two fuel tanks as listed above. There is also a small office/employee trailer onsite.

The listed equipment and portable processing plant facility are typical and the actual plant equipment, manufacturers, and configurations may vary. There are no changes proposed in the mining, processing, and shipment of iron ore at eh site.

1.4 PRODUCTION WATER

Water will continue to be used for dust control measures only. No water is used for processing activities. Consistent with current practice, water will be applied to the working areas, roads, and material transfer points. A 4,000 gallon water truck (typical) transports water obtained from Baker and off-site private wells approximately five times per operating day. In 2020, approximately 2.5 acre-feet were used. No change in water usage is expected under the project. Water used for dust control will evaporate and therefore, the project will not produce any run-off water.

1.5 EROSION AND SEDIMENTATION CONTROL

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Allowing pits to capture precipitation and any sheet flow
- Diverting runoff from flowing down quarry slopes with rim berms and down stockpile slopes by creating inward drainage for top of stockpile; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the Storm Water Pollution Prevention Plan (SWPPP) to be updated periodically with mine site development and implementation of storm water BMPs.

1.6 BLASTING

Blasting operations involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) for handling explosive materials. The transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment is directed and supervised by a qualified blasting contractor. The blasting contractor and the explosive delivery company must be properly trained and licensed in accordance with all Federal, State, and local agencies and regulations and must show evidence of compliance with the California blasting license program, U.S. Department of Transportation hazardous materials (HAZMAT) Certificate of Registration, California HAZMAT Transportation License, and general liability insurance policy for explosive transportation. All vehicles and explosive transport magazines are to conform to all Federal, State, and local regulations associated with the transportation and handling of explosives. CalPortland and its contractors currently hold applicable licenses and permits.

The use and handling of all explosive materials are done by fully trained and experienced personnel. All blasters must possess a current blasting license issued by CAL-OSHA and be experienced in quarry blasting and hold applicable insurance. The blasting contractor's employees must be trained in accordance with CAL-OSHA and MSHA requirements and possess certification of such training.

Blasting is to only be conducted by a licensed blaster under the Office of Surface Mining (OSM) Blasting Performance standards (30 CFR Section 816.61-68). A blast design is required if conducted within 1,000 feet of any building used as a dwelling, public building, school, church, or community or institutional building outside the permit area and pre-blasting surveys are required for all residents or owners of dwellings or other structures located within 1/2 mile of the permit area (30 CFR Section 816.61-62). No such dwellings or residents exist within these distances to blasting operations.

Drilling is currently conducted 5 to 6 days a week, 8 hours/day with depths of 28 feet. Blasting currently takes place approximately 5 times per year. No substantial increase in the number of blasts per year is expected. Blasting activities typically take place between the hours of 8 AM and 2 PM on weekdays (Monday through Friday).

It is also important that basic safety requirements are practiced during blasting for on-site employees, equipment, and structures. Proper blasting design by qualified experts is the best method for eliminating the potential impacts of blasting operations. A proper blasting design involves efficient use of explosive delays and enough stemming or overburden material to confine fly rock. In addition, a number of safety measures specific to the project site will be required including removal of unstable boulders, stabilizing boulders, limiting the amount of explosive used in blasting, inspecting the site prior to blasting, posting lookouts and use of warning signals. The current blasting agents are ammonium nitrate and fuel oil (ANFO). No explosives will be stored onsite.

2.0 RECLAMATION PLAN

2.1 LAND USE

The Quarry is located in an isolated, remote area approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow within approximately 452 acres of vested, private lands mostly in Section 12, Township 11 North, Range 6 East, SBBM. The Baxter Quarry Reclamation Plan area totals 263 acres and is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. Refer to Figures 1 and 2 for the Location and Vicinity Maps.

The site is an existing vested iron ore mine operating under a reclamation plan approved by the County in 1990 that covers approximately 130 acres of which approximately 49 acres are disturbed. The Quarry area is located on patented (private) lands owned by CalPortland and surrounded by a number of unpatented claims and mill sites held by CalPortland. Surrounding land uses include vacant public desert lands administered by the Bureau of Land Management (BLM) to the east, south, and north. The National Trails National Monument established in 2016, is adjacent to the site on the west and northwest. The main railroad line from Los Angeles to Las Vegas is located along the Mojave River to the south. There are no adjacent or nearby residences within 6 miles.

Existing elevations at the site range from 1,600 feet above mean sea level (amsl) in the east central areas to a low of approximately 1,200 feet amsl on the east where the site flattens into the Mojave River floodplain. The plant community within the boundary of the project site and adjacent open space areas is creosote desert scrub. The 2020 County Wide Policy Plan (November 2020) Designations are Land Use Categories (LUC) – Resource/Land Management (RLM); and Zoning - Resource Conservation (RC).

2.2 VISIBILITY

The site is not visible by any surrounding residences or roads. The site is not part of a scenic viewshed or visible from a scenic highway. The eventual reclamation of the site will aid in blending the site with the surrounding topography and vegetation.

2.3 VEGETATION

For a complete description of the onsite vegetation, refer to the *Biological Resource Assessment Baxter Quarry Project* prepared by ELMT Consulting, Inc. (February 2022) included in Appendix A of this Plan. The Assessment documented biological resources including sensitive plants, potential impacts to sensitive plant species, and recommended protection measures.

Active Mining Areas (Disturbed)

Active mining areas have been subject to a high level of disturbances from existing mining activities and no longer comprise a native plant community. These areas are entirely devoid of

vegetation, or support ruderal/weedy plant species. Disturbed areas included the existing mining pit, dirt access roads, and stockpile areas. *Proposed Reclamation Areas*

The creosote scrub bush scrub plant community occurs throughout the undeveloped/undisturbed portions of the project site and is the dominant plant community within the surrounding landscape, and overall underlying plant community in the area. This plant community is dominated by creosote (Larrea tridentata) corresponds with Sawyer et al.'s (2009) Larrea tridentata shrubland alliance. Other plant species observed include devil's spineflower (Chorizanthe rigida), burro weed (Ambrosia dumosa), desert dicoria (Dicoria canascens), brittlebush (Encelia farinosa), turtleback (Psathyrotes ramosissima), wire lettuce (Stephanomeria pauciflora), desert willow (Chilopsis linearis), silver cholla (Cylindropuntia echinocarpa), branched pencil cholla (Cylindropuntia ramosissima), cottontop (Echinocactus polycephalus var. polycephalus), frost mat (Achyronychia cooperi), California juniper (Juniperus californica), desert croton (Croton californicus), catclaw (Senegalia greggii), (Hilaria rigida), Arabian schismus (Schismus arabicus), brittle spine flower (Chorizanthe brevicornu), and thickleaved ground cherry (Phsalis crassifolia).

The desert willow scrub (Chilopsis Woodland Alliance) is found on the northeast portion of the site in association with the Mojave River floodplain. This plant community is dominated by desert willow (*Chilopsis linearis* ssp. *arcuata*) closely corresponding with Sawyer et al.'s (2009) *Chilopsis linearis* woodland alliance. These areas are outside the planned project footprint. Other plant species found within this plant community include smoke tree (*Psorothamnus spinosus*), and plant species associated with the creosote bush scrub plant community.

Special-Status Plants

No special-status plant species (federally or state listed as endangered or threatened or ranked by the CNPS Rare Plant Rank Species considered to be significant under CEQA) were observed onsite during the survey. There are no western Joshua trees (*Yucca brevifolia*) located on the site as it is outside the range of this species.

2.4 WILDLIFE

Plant communities provide foraging habitat, nesting and denning sites, and shelter from adverse weather or predation. A detailed assessment of wildlife species that were observed during the field survey or that are expected to occur within the project site is included in the *Biological Resource Assessment Baxter Quarry Project* prepared by ELMT Consulting in Appendix A. Special status species are discussed in a separate heading below.

No fish, amphibians, or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) with frequent sources of water that would provide suitable habitat for fish and amphibians were observed on the project site.

The project area provides suitable foraging habitat for a variety of reptilian species adapted to conditions within the Mojave Desert. The only reptile species observed within the Project area was the desert iguana (*Dipsoarus dorsalis*). Other common reptile species expected to occur

within the Project area include desert glossy snake (*Arizona elegans eburnata*), Mohave shovelnosed snake (*Chionactis occipitalis*), desert banded gecko (*Coleonyx variegatus variegatus*), and northern Mohave rattlesnake (*C. scutulatus scutulatus*). No desert tortoise (*Gopherus agassizii*) (Fed./CA threatened) or signs were observed within the project areas during protocol field surveys mainly due to steep, rocky terrain.

The project area provides suitable foraging and denning habitat for a variety of mammalian species adapted to conditions within the Mojave Desert. Identification of mammals within the Project area was generally determined by physical evidence rather than direct visual identification. This is because: 1) many of the mammal species that potentially occur onsite are nocturnal and would not have been active during the survey; and 2) no mammal trapping was performed. No mammals were visually observed during surveys, but active kangaroo rat burrows were detected during surveys.

The project site provides suitable foraging and cover habitat for a variety of resident and migrant bird species adapted to conditions within the Mojave Desert. Avian species detected during the survey included red-tailed hawk (*Buteo jamaicensis*), ash-throated flycatcher (*Myiarchus cinerascens*), and common raven (*Corvus corax*).

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during breeding season. The project site and surrounding area provides foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If new ground clearance or grading occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during clearing.

State and Federal Jurisdictional Waters

The Project site was evaluated for the limits of state and Federal jurisdictional waters, i.e. waters of the US (WoUS) as regulated by the US Army Corps of Engineers (USACE) and waters of the State the Regional Water Quality Control Board (RWQCB), and streambed and associated riparian habitat as regulated by the California Department of Fish and Wildlife (CDFW).

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediate surrounding the project site. Based on this review and field investigation, four (4) riverine resources were identified within the boundaries of the project site. These features are ephemeral features that follow topography within the canyon bottoms of the rolling hills. Surface flows within with these features are only provided by direct precipitation from storm events. No surface water was observed during the field investigation. The Mojave River floodplain and six (6) unnamed drainage features were observed within the boundaries of the project site during the field investigation (Exhibit 5, *Jurisdictional Areas*). The Mojave River floodplain is located on the northeastern boundaries of the project site outside of the proposed limits of disturbance. The Mojave River floodplain is characterized by dynamic braided channel and is generally unvegetated or vegetated with a mix of creosote bush scrub and desert willow scrub. Mining activities are expected to avoid the Mojave River floodplain.

Two of the ephemeral drainage features extend west to east on the northern boundary of the project site and generally follow Basin Road. These features have been subject to routine grading activities associated with maintenance of Basin Road. The other four ephemeral drainage features are found on the southwest portion of the project site. These features generally flow in a north to south direction. These ephemeral drainage features are unvegetated or vegetated with the creosote bush scrub plant species. The unnamed drainage features all flow into the Mojave River Floodplain.

Mining activities will avoid the riverine resources on-site to the extent possible including drainage areas to the east of the site. However, proposed mining activities will potentially encroach into the riverine features along the access road and to the south of the overburden stockpile. Potential impacts to on-site waters of the U.S., Regional Board waters of the State and CDFW jurisdiction streambed will need to be defined and regulatory approvals from the Corps, Regional Board, and CDFW will need to be obtained as applicable prior to new disturbance within jurisdictional waters. The Project is expected to result in impacts to 1,115 linear feet and 1.15 acres of jurisdictional waters. Prior to impacts to the jurisdictional resources, the operator shall obtain any applicable permits from the Corps, Regional Board, and CDFW.

No hydrophitic vegetation, hydric soils and/or wetland hydrology, are present within the Project site. Therefore, no wetlands were identified during the survey.

Special-Status Wildlife

According to the CNDDB, twenty-two (22) special-status wildlife species have been reported in the *Bitter Spring, Cronese Lakes, West of Soda Lake, Dunn, Cave Mountain, Crucero Hill, Hidden Valley West, Hidden Valley East,* and *West of Broadwell Mesa* quadrangles (refer to Appendix C). Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the undeveloped/undisturbed plant communities found onsite have the potential to support the following special-status wildlife species:

- pallid bat (*Antrozous pallidus*), a California Species of Special Concern moderate potential to occur
- golden eagle (*Aquila chrysaetos*), a California fully protected and watch list species moderate potential to occur. There is one golden eagle location documented approximately 1.7 miles northwest of the Project site. This location occurs on the northern portion of Cave Mountain. No GOEA were observed within the Project site boundaries during survey.
- spotted bat (*Euderma maculatum*), a California Species of Special Concern moderate potential to occur

- prairie falcon (*Falco mexicanus*), a California watch list species moderate potential to occur
- Mojave desert tortoise (*Gopherus agassizii*), and federally and State Threatened species moderate potential to occur
- loggerhead shrike (*Lanius ludovicianus*), a California Species of Special Concern high potential to occur
- fringed myotis (*Myotis thysanodes*), no formal status low potential to occur
- desert bighorn sheep (*Ovis canadensis nelsoni*), California fully protected species moderate potential to occur
- American badger (*Taxidea taxus*), a California Species of Special Concern low potential to occur.

Based on regional significance and listing status, the potential occurrence of, Mojave desert tortoise, Mohave ground squirrel, and burrowing owl are described in further detail below.

The <u>desert tortoise</u> is a State- and federally listed threatened species. Surveys were conducted for the desert tortoise in 2019 per latest USFWS protocols and determined that there are no desert tortoise occurrences on site or directly adjacent to it. The result of the survey was that no evidence of desert tortoise was found within the project boundaries.

The <u>Mojave ground squirrel</u> is a State-listed threatened species. Although a focused MGS trapping survey was not performed, a Mohave ground squirrel habitat suitability assessment was conducted. The habitat assessment included a pedestrian field assessment, review of reported occurrences of the MGS in the region, and adherence to CDFW's criteria for assessing potential impacts to the Mohave ground squirrel. The criteria questions are as follows:

- 1. Is the site within the range of the Mohave ground squirrel?;
- 2. Is there native habitat with a relatively diverse shrub component? and
- 3. *Is the site surrounded by development and therefore isolated from potentially occupied habitat?*

There are no documented occurrences of Mohave ground squirrel within a 3-mile radius of the Project site; the closest recorded occurrence is approximately 16.5 miles northwest of the Project site within the jurisdiction of Fort Irwin. Mohave ground squirrel are thought to be extirpated east of the I-15, south of Barstow and west of Highway 247. The Project site occurs well east outside the established current range for this species and no further discussion or investigation is warranted.

The <u>burrowing owl</u> is a ground dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is not listed under the State or federal ESA but is considered both a State and federal species of special concern (SSC). The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California FGC (FGC #3513 & #3503.5).

BUOW are not documented within Project site, within a 3-mile radius, and are not documented in the *Cave Mountain* USGS quadrangle or the eight quadrangles that surround it. The assessment survey was structured to detect burrowing owl. The survey consisted of walking transects spaced to provide 100% visual coverage of the project site, including survey buffer transects around the Project site. The result of the survey was that no evidence of burrowing owl was found within the project boundaries.

No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site has a high potential to support loggerhead shrike; a moderate potential to support pallid bat, golden eagle, spotted bat, prairie falcon, desert tortoise, and desert bighorn sheep; and a low potential to support fringed myotis and American badger. Further it was determined that the Project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area. Most of the steep cliff faces and rocky terrain that provide suitable habitat for pallid bat, spotted bat, fringed myotis will be avoided.

Protection Measures

<u>Desert Tortoise</u> - Though no desert tortoise sign were observed on-site, Out of an abundance of caution, it is recommended that pre-construction desert tortoise clearance surveys be conducted prior to ground disturbing activities to ensure no desert tortoise occur within the limits of disturbance. A pre-construction clearance survey be conducted thirty (30) days prior to ground disturbing areas in undeveloped areas to confirm the absence of desert tortoise within the boundaries of the survey area.

Although not anticipated, if desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be obtained prepared and approved by the USFWS and CDFW.

In order to limit any potential impact, typical desert tortoise protection measures will be implemented during on-site operations and included as conditions of approval:

- Worker/employee desert tortoise education program prior to working on-site;
- Disturbance shall be confined to the smallest practical areas;
- Vehicle speeds shall not exceed 25 miles per hour on-site;
- Cross-country travel with motorized vehicles outside of the project area by project personnel is prohibited;
- Vehicles and equipment parked shall be inspected immediately prior to being moved.
- To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 March 15);
- All trash and food items shall be promptly contained within closed, common ravenproofed containers; and
- *Firearms, dogs, or other pets shall be prohibited at the work site.*

<u>Nesting Birds and Raptors</u> – In order to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, the following condition is required:

- New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season September 1st thorough January 31st.
- If new mining activities or ground clearing occurs inside the peak nesting season (between February 1 and August 31), a pre-construction survey by a qualified Biologist shall be conducted within 10 days prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.
- If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

With implementation of the above conditions, impacts to these special-status species will be less than significant.

Critical Habitat

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. The project site is not located within federally designated Critical Habitat. The closest Critical Habitat designation is located 2.5 miles northeast of the site for desert tortoise. Therefore, the loss or adverse modification of Critical Habitat from site development will not occur and consultation with the USFWS will not be required for implementation of the proposed project.

2.5 **RECLAMATION**

The Amended Plan addresses reclamation of mining operations over portions of CalPortland's vested quarry. CalPortland proposes to reclaim the site to meet SMARA requirements implemented by the County that will minimize impacts to the surrounding environment and provide public safety. The objectives of this Reclamation Plan are to:

- Eliminate or reduce environmental impacts from mining operations;
- Reclaim to a usable condition for post-mining end uses which will include open space/habitat;
- Reshape mining features and revegetate disturbed areas to return biological productivity and to minimize aesthetic impacts to the extent feasible; and
- Reclaim the site as necessary to eliminate hazards to public health and safety.

Reclamation starts with the initiation of mining and development of new quarry areas, roads or new overburden stockpiles and includes the following:

- Stockpile available surface material for future use as a seed bed in separate identified stockpiles seeded with an erosion control ground cover, water sprayed to create a crust, and/or covered with a larger rock material to limit wind and water erosion;
- Sloping and grading of completed quarry and stockpile slopes for safety, slope stability, and erosion control;
- Ripping of compacted areas and roads prior to revegetation;
- Covering disturbed areas with salvaged soil and alluvium overburden to aid in revegetation;
- Revegetation hydroseeding and broadcast seeding followed by covering seed with layer of soil or alluvium by pulling chains or screens over the area;
- Upon completion of mining, remaining equipment, any structures, and internal roads not needed for site access will be reclaimed, and
- Monitoring and remediation until success criteria achieved.

The development of the deposits and timing for reclamation are linked to operational parameters and product demand. Mining operations experience unscheduled development changes due to market/economic demands and variation in ore. The County will be updated in the annual monitoring report on the status of operational and reclamation timing.

Final reclamation will include the removal of all equipment, any structures, and debris from the site within two years of the termination of all mining onsite. Any remaining overburden or ore stockpiles will be deposited into the quarry benches or floor or transported to the overburden stockpile. Compacted surfaces in the staging areas and roads to be reclaimed will be loosened by mechanical means and seeded with native plant species.

CalPortland's vested quarry comprises of approximately 452 acres. The project would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry. Within the 263 - acre reclamation plan boundary, CalPortland's mining activities would disturb approximately 118 acres which will be reclaimed except for the access roads and internal quarry and overburden stockpile roads needed for revegetation access and site maintenance. Mining of the surface deposits may continue until approximately 2040. Revegetation will take place thereafter on the upper benches of the Lillian Belle Deposit. The finished benches will be solid rock; portions as feasible will be ripped, covered with soil and alluvium, and revegetated. The staging areas will be revegetated upon removal of all equipment and recontouring the surface. Approximately 50 acres will be revegetated (Lillian Belle, pit floors, overburden stockpile top, roads, and staging areas) minus the remaining roads and the slopes composed of hard rock faces.

The finished quarry benches shall be inclined 1H:1V (horizontal to vertical), with the vertical faces approximately 25 feet in height at an 80° slope. The 18 to 21-foot wide horizontal benches shall be inclined 2 percent toward the faces to capture precipitation and falling rock material. Bench heights also may vary with material encountered during excavations. A protective berm will be maintained around the deposits' rims and accessible benches and shall be posted with warning signs of steep slope hazard. The ends of the benches will be blocked with large rock (larger than $\frac{1}{4}$ ton) to prevent access. Refer to Figure 5 and Sheet 3 for the Reclamation Plan.

All the stockpile slopes will be reclaimed with 2H:1V slopes. The Slope Stability Report determined that the stockpile slopes at 2H:1V will meet or exceed static and seismic factors of safety in conformance with DMR criteria suitable for use as open space.

The stockpile slopes will be graded concurrently when a bench is completed, the final slopes will be graded as needed to create more natural surfaces to blend into or conform with the surrounding hills and topography and to create islands and pockets to place salvaged soil. This practice will enhance the capture of seeds and rainfall to facilitate revegetation and stability. The tops of stockpiles will be designed with inward drainage with a 5-foot deep depression to catch precipitation which will percolate and evaporate and avoid runoff down the stockpile slopes and reduce potential erosion. The top of the stockpile will be covered with soil and revegetated.

The access roads will be left on-site for use during revegetation and monitoring activities and for overall future site access and public safety as shown on the Reclamation Plan. Roads not needed for site and pits' access will have any road base material removed, surface ripped and covered with available soil and revegetated. Other on-site roads needed for site access will be reclaimed after reclamation of pits and stockpiles to allow access to all reclamation areas.

After revegetation, CalPortland will maintain erosion control and safety features; monitor revegetation progress; and conduct remediation as necessary until success criteria achieved. Ongoing maintenance of fencing, signs, and erosion control will be conducted.





	Baxter Quarry (90M-02)	
<i>u</i> -	91.36.0023	

Same as Owner

Desirea Haggar 025 E. Fi 626) 691-196

Same as Operator

Map Preparer: CalPortland Company & Lilburn Corporatio CalPortland - Ed Harrison John S. McKeown, E.G. Sez Terracon Consultants 1355 E. Cooley Drive Colton, CA 92324 (909) 824-7311

August 2021

Off-site water pu 1: Portable toilets Not proposed Not proposed Mobile phones

Land Use Category / Zoning (Countywide Policy Plan November 2020): <u>Project Site</u> Land Use Categories (LUC) - Resource/Land Management (RLM) Zoning - Resource Concervation (RC)

Portions of Sections 12; Township 11 North, Range 6 East and small portion of Section 7, T11N, R7E, SBBM, County of San Bernardino, State of California.

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Safety: is characterized and a second accore on Data Robert Code (in sector bet to employee and authorized personal la is characterized sequences and the second second sector of the sector between the second second second second is a second and the second and blocked second s

Quarry areas have warning signs, roads not used will be blocked or closed, and safety berms six feet high and 12 feet wide will be constructed along the quarry runs where there is potential access.

m the project site and disposed at a l access onto CalPortland's private At the completion of mining activities, all equipment, structures, and debris will be remove permitted facility. All quarry fencing and gates will remain in place to prevent unauth recovertv and to restrict the public from reclaimed mine features. Any remaining coverbunde

The overall mine areas will cover approximately 118 acres which will be reclaimed with soil and alluvium, and

After revegetation, CalPortland will maintain erosion control and safety features; mu

Revegetation activities will generally commence in late fall to early w will be undertaken by imprinting or broadcast seeding with the reco CESA listed carelidate on of the area. Seeding

Figure or early comparised area including clouds reads to 0.5 to 1.5cm dopth off possible due to reack benches in quaries), with earlies and there in the wears and reads blown set of clotters.
Place scale that have been dockpild in a wurdern have a schedule blown set clotters been dock of the scale days of th

landforms; Seed with locally native species and revegetate per methods described below and as listed below and in the approved Reclamation Flan;

TE OF CALEOPHIN

Stake or flag reclaimed areas to eliminate additional disturbance;

Monitoring and maintenance; and
Application of remedial activities, if necessary, including but not limited to additional seeding and change of seed mix

PROFESSIONAL CERTIFICATIONS

Slope Stability Investigation (Terracon Consultants) (Appendix C)

We have compreted the Step Stability Investigation services for the above referenced project. This study was performed in gancel accordance with Tarescon Proposal No. PCB216092 dated Jacumary 28, 2021. This repost prevaints the finitings of the data review, geologic mapping, fail-testing, and structural evaluation, and provides recommendations concerning subtable steps angles in the service manufacture with Surtices Mining and Recommon Act (SMARA). coming, only as usual evaluation, and provides recommendations concerning sui and heights for reclamation consistent with Surface Mining and Reclamati requirements.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us

11kt-Join S. McKoown, C.E.G. 2396 Senior Geologist JOHN & MORELAW HELECODE Juy J. Martin, C.E.G 1529 Principal Geologist Subject Matter Expert Brian J Williams, PT

RICHARD S FURLONG, PLIS. 8422 RECHARD S SURVEY WAS SUBMITTED FOR REVIEW TO THE COUNTY OF SAN BERNARDING ON 5/28/2021



RECLAMATION PLAN

Baxter Quarry Revised Reclamation Plan 90M-02 San Bernardino County, CA **FIGURE 5**

SHELLINDO Tale SHEET NDD Cover Mine Flan Bedarsoffen Plas Greet Sections and D



Acre

TOTAL pounds per ac

Revegetation Performance Standards or Surcess Criteria* 5% of Baseline Cover, 40% of Baseline Species Density & Diversity Shandwire Standards Shandards Species Density Percent Cover Species Density Species Diversity

2.6 **REVEGETATION**

A *Revegetation Plan* for the Baxter Quarry was prepared by Jericho Systems, INC., February 2020 and is included as Appendix B. It includes detailed procedures and methodologies for the revegetation effort. This section includes a summary of the Revegetation Plan.

Existing Baseline Vegetation

The existing vegetative conditions of the site were documented by a biological survey included within the *Revegetation Plan*. The majority of the proposed project footprint is on Cave Mountain and the rugged rocky hills to the south and southeast, which have little vegetation. The site consists of creosote bush shrubland. The more level areas within the Mojave River Wash to the extreme east of the mining activities consist of scattered desert willow woodland. These areas will not be disturbed by the proposed project. The goal of the revegetation plan is to establish the guidelines to monitor, maintain, and assess the results of the completed revegetation program through comparison to the established baseline data and recommended success criteria.

In order to accurately define baseline conditions of the creosote desert shrub community and to adequately measure the success of the revegetation over time, plant transects were conducted. Baseline vegetation data was obtained by sampling three 50-meter (m) long and 20 m wide transects $(1,000 \text{ m}^2)$ divided into 30-100 m² subplots. One-m² plots were sampled but due to the sparsity of vegetation, this size plot was not informative and not carried forward. All native and non-native plant species within plots were recorded.

Table 7 show the results of the plant transect data gathered on-site in terms of cover, density and species diversity. The transect data confirmed the sparsity of vegetation onsite. Creosote is the dominant species found in all 30 subplots along with big galletta grass. Acacea was observed in one subplot and cholla in three subplots. These are the only plants recorded. See Table 7 for the transect results.

I lant Comm	Trant Community Composition (Native Terenniais per 100 m)			
Transects	Shrub/Grasses Percent Cover	Shrub/Grasses Species Density	Species Diversity	
30 transects – 100 m ² each	9.4	6.3	2.1	

Table 7Plant Community Composition (Native Perennials per 100 m²)

Source: Jericho 2020; Lilburn 2021

Soil Salvage and Storage

The top foot of alluvium from mainly the Lillian Belle area will be salvaged and stored in separate identified soil stockpiles to the north and south of the pit and in the staging area to the northeast as shown on the Mine Plan (Figure 3 and Sheet 2). These stockpiles may be seeded with a native erosion control ground cover, water sprayed to form a soil crust, and/or covered with a larger rock material to limit wind and water erosion. The West Deposit is totally disturbed

with no additional soil available and the East Deposit and overburden stockpile areas are rocky steep slopes with minimal soil.

Revegetation

The revegetation procedures may be modified or changed should new information or techniques that would improve the results of the revegetation activities become available. The effort will focus on the perennial pioneer shrubs, herbs, and annuals found in the area that aid in providing organic material, holding moisture, and breaking up the surface. To implement revegetation, only native seeds will be used. Due to the minimal number of naturally occurring plants, native seeds may be purchased from commercial suppliers.

Site Preparation

- Rip or scarify compacted areas including closed roads to a 0.5 to 1-foot depth (if possible due to rock benches in quarries), with surface rills and furrows left to aid in water and wind-blown seed collection;
- Place soils that have been stockpiled in a uniform layer across the benches of Lillian Belle and for each deposit's floor and staging areas, top of OB stockpile, and roads to be reclaimed, partially mixed with underlying scarified material;
- Shape or contour final slopes and benches on the overburden stockpile for drainage and for natural appearing slopes and landforms;
- Seed with locally native species and revegetate per methods described below and as listed in Table 8;
- Stake or flag reclaimed areas to eliminate additional disturbance;
- Monitoring and maintenance; and
- Application of remedial activities, if necessary, including but not limited to additional seeding and change of seed mix.

Seed Mix

The seeds to be used for revegetation purposes include species that are either present on the site already or are present in the surrounding area as part of the creosote bush shrub plant community. The proposed seed mix or palette (see Table 8) is based on native species found in this plant community. However, the list may be revised based on the information collected from the reference site at the time of revegetation. While the shrubs (creosote) will eventually dominate the habitat type, the forbs and annuals provide early successional species that stabilize the soil.

Spe	Pounds Per	
Scientific Name	Common Name	Acre
Amsinckia tessellata var. tessellata	Fiddleneck	0.25
Chorizanthe brevicornu	Brittle spine flower	0.25
Chorizanthe rigida	Rigid spiny herb	0.25
Stillingia spinulosa	Broad leaved stillingia	0.5
Hilaria rigida	Big galleta	1.0
Stephanomeria pauciflora	Wire lettuce	0.25
Ambrosia dumosa	Burro weed	2.5
Ambrosia salsola	Burrobrush	2.5
Encelia farinosa	Brittlebush	2.0
Larrea tridentata	Creosote bush	3.0
Senegalia greggii	Catclaw, devil's claw	1.0
Cylindropuntia echinocarpa	Silver cholla	1.0
Cylindropuntia ramosissima	Branched pencil cholla	0.5
<i>Echinocactus polycephalus</i> var. <i>polycephalus</i>	Cottontop	0.5
TOTAL pounds per acre 15.5		

Table 8Proposed Native Plant Species Revegetation

Source: Jericho, Lilburn 2021

Seeding

The revegetation areas will be hydroseeded with a certified weed-free seed mix. Seed will be delivered to the site in sealed and labeled packaging, along with a California State Agricultural Code seed certification. The seed mix will be applied by hydroseeding with a low nitrogen hydroseed slurry containing seed, natural fiber mulch, and organic tackifier. The hydroseed mulch will help more of the seed stay in place and germinate compared to hand seeding.

A seed mix should be a subset of the native plants identified during surveys as listed in Table 8. Seed mix can be supplemented with locally confirmed native herbaceous species as needed based on seed availability. Species recommended were the most commonly encountered on the site and accounted for the majority of the vegetative coverage. Selection of species at the time of revegetation should be a balance of availability. Seeds will be distributed throughout an area scheduled for revegetation during the rainy season, generally between November and March, or during a suitable period based on weather forecasts and rainfall.

Where hydroseeding is not feasible due to access issues, steepness of slopes or due to potential damage to surrounding habitat, broadcast seeding will be used. Broadcasting will be conducted by hand and should not occur when there are detectable winds that might carry seed away from its intended location. Seed should be broadcast twice: first, half of the seed should be spread while moving in one direction, and then the other half of the seed should be spread while moving

perpendicular to the original direction. Seeds will be hand raked or mechanically covered by a tractor with a chain attachment.

Test Plots

Test plots will be used to provide data for ensuring revegetation efforts of mined areas are successful. The operator shall establish a minimum four-100 m² test plots representative of where mining will occur in areas consisting of creosote scrub habitat. Test plots would include surface ripping/no seeding (control plot); surface ripping, soil cover/no seeding; surface ripping, soil cover/seeding as described above; and surface ripping, soil cover/seeding as described above using mycorrhizal fungi. Additional tests would be conducted if the initial tests and any active revegetation are not successful and may include various types and amounts of seeds and different surface/soil preparation.

Irrigation

The revegetation planned for the site utilizes native seeds. The average precipitation in the area should be sufficient for seed germination and root establishment of native species. Planting in the fall or early winter, prior to anticipated winter precipitation events, will be sufficient for seed germination and root establishment and reduce weed growth that is typically associated with supplemental irrigation. Scarification of the soil and the creation of surface rills and furrows will allow for maximized collection of water from rain events and run-off.

Fertilization

No fertilization of the site is recommended. All revegetation will utilize native seeds tolerant to existing soil conditions.

Non-Native Invasive Weed Control

The purpose of the non-native invasive species control plan is to reduce or limit the occurrence of non-native invasive plant species that may invade the site where active and natural revegetation is taking place. Non-native invasive species (weeds) can compete with native plant species for available moisture and nutrients and consequently interfere with revegetation of the site.

No non-native species occurred within the sampled plots but *Schismus barbatus* (Old han schismus) occurred patchily across the site. It is important that non-native grass species be monitored and/or controlled to prevent their spread into mined areas. Non-native grasses, if their populations exceed 10%, should be removed or treated.

The occurrence of non-native invasive species on-site shall be monitored by visual inspection quarterly for the first year and then annually thereafter. No areas will be allowed to have more than 10 percent non-native invasive species ground cover. If inspections reveal that non-native invasive species are becoming or have become established on site, then removal will be initiated. Inspections shall be made in conjunction with revegetation monitoring.

Non-native vegetation will be removed using the most efficient method as determined by the site conditions. Removal may occur regularly in the first year and may consist of using mechanized equipment, hand tools and/or herbicide spraying. Herbicides may be applied to control an instance where there is an aggressive and extensive weed invasion on site. At this time, it is anticipated the herbicide to be used will be Fusillade and Roundup (glyphosate). The Biologist would also oversee their application.

Once the weed growth is under control, weeding will take on a more selective approach and be completed with hand tools and such as hoes, shovels and rakes and spraying, if essential to meet success criteria. Reports of inspections and weed control implementation shall be part of the revegetation monitoring as kept on file by the operator.

Success Criteria

Composition of the native creosote scrub plant community was determined using vegetation transects conducted within of the existing, undisturbed native habitat. Vegetation composition data, a series of performance standards or success criteria were derived. Success criteria for native perennial shrub cover was based on 45% of baseline values, while species density and species diversity were based on 40% of baselines values. Fulfillment of the performance standards is expected to indicate that revegetated areas are progressing toward the long-term goal of becoming a functioning, self-sustaining creosote scrub plant community. Refer to Table 9 for the Plant Species Composition and the Performance Standards.

(45% of Baseline Cover, 40% of Baseline Species Density & Diversity)			
	Shrub/Grasses Percent Cover	Shrub/Grasses Species Density	Species Diversity
Composition*	9.4	6.3	2.1
Success Criteria	4.25%	2.5	1

Table 9Revegetation Performance Standards or Success Criteria*(45% of Baseline Cover, 40% of Baseline Species Density & Diversity)

*Native perennial shrubs/grasses from the 2020 baseline surveys of 30 lots - 100 m² each. Sources: Jericho February 2020; Lilburn 2021

It is anticipated that each revegetated area will meet the Performance Standards at a different time. A five-year monitoring period is recommended for determination if the revegetation is successful and if not, remediation may be recommended. Monitoring will continue until success criteria met. If the performance standards are not being met, corrective measures will be implemented.

Revegetation Monitoring and Remediation

Revegetation monitoring will be conducted for three purposes: 1) to ensure that the site preparation, seeding and weed eradication follows the Revegetation Plan (implementation

monitoring), 2) to evaluate native plant establishment and vigor, and to identify and make recommendations for correcting problems (qualitative monitoring) and 3) to quantitatively measure development of the creosote scrub habitat (quantitative monitoring) to determine its progress with respect to the established success criteria. The success of the revegetation effort will be measured primarily by the analysis of the quantitatively collected data compared to the success criteria.

Implementation Monitoring - The biological monitor will ensure that the revegetation and weed control plans are followed and assist in making necessary modifications to the plan, if necessary. Monitoring records will be kept for all revegetation activities including weed control, soil preparation, and seeding activities. The monitoring records will include dates for each activity, location of each activity, the type of treatments or actions taken, any problems encountered, and modifications made to the revegetation effort. This information will be documented and used to develop an implementation (as-built) report that will be included in the annual monitoring report.

Qualitative monitoring is necessary to subjectively evaluate the general health of reseeded areas and to identify and correct any problems such as proliferation of non-native invasive species. Under qualitative monitoring, revegetated areas will be visited by the monitor on a defined schedule to evaluate the effectiveness of nonnative species control and to document the growth and vigor of seeded vegetation. The monitor will record and report observations on the qualitative monitoring and make specific recommendations for correcting any identified problems, including issues with seed germination and growth, erosion concerns, and weed control.

Quantitative monitoring will be used to annually quantify specific attributes of the revegetated habitat. Revegetation in the desert can take several years to accomplish depending on climatic conditions, rain vs. drought, and other unpredictable variables. The quantitative monitoring is designed to determine whether the revegetated site demonstrates a trend toward development of a self-sustaining creosote bush scrub habitat and to assess when the revegetated areas achieve the prescribed success criteria. Quantitative monitoring will commence after qualitative monitoring indicates that the vegetative cover within each of the revegetated areas is approaching the performance standards. This should occur between years 2 and 5 after the initial revegetation effort and continue until success criteria are achieved. This monitoring will occur annually during the spring, when the creosote bush scrub habitat is normally the most diverse.

Each revegetation site will be sampled by selecting transect locations to measure vegetation along the transect method line. Data will be collected on each area at the same time each year, in the spring, to ensure consistency between years. The monitoring data from each revegetation area will be analyzed for changes or trends in densities/cover of the most common perennial and annual species.

Revegetated area will be monitored for up to 5 years or until performance standards are met. If restoration performance standards have been met prior to 5 years, then the project will be considered successful and no further monitoring will be conducted and closure procedures can be initiated with the County. If performance standards have not been met, CalPortland will

implement alternative corrective actions based on the revegetation efforts and results of the monitoring efforts.

The Annual Revegetation Report will be prepared to summarize revegetation and monitoring efforts over the past year and to assess the results of revegetation on the disturbed areas of the site.

2.7 CLEANUP

All clean-up operations will be conducted within two years of the termination of mining. Structures, tanks, scrap material, refuse, and surplus materials will be removed, recycled, and/or disposed of at an appropriate landfill site. Excess material piles and disturbed areas will be regraded for positive drainage, scarified, and revegetated. Any spillage of fuel, oil, grease, or hazardous materials will be cleaned up in a proper and legally acceptable manner.

There are no wells on-site to be closed. A portal will be developed to access the Central Deposit. Underground mining is regulated by the DOI MSHA and is not part of SMARA except for surface disturbances related to the ongoing underground mining. All surface areas utilized during the underground mining phase will be reclaimed per the approved reclamation plan and SMARA. The portal will be closed per MSHA requirements and SMARA Regulations section 3713(b): "Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat." Final closure of the portal will be coordinated with MSHA and the County.

There are no other known portals, shafts, tunnels or openings on the mine site. If any are uncovered, they will be either closed or gated or protected from public entry but preserved for bat and other wildlife with County consultation.

2.8 POST RECLAMATION AND FUTURE MINING

The reclaimed site will allow for future exploration and development of additional resources located onsite. The reclaimed site will not preclude or necessitate any future mining activities or surface modification.

2.9 SLOPE AND SLOPE TREATMENT

The *Slope Stability Evaluation Report* prepared by Terracon May 2020 (see Section 1.1 above for a summation and Appendix C for a detailed assessment) calculated slope stability for potential failure geometries in representative slopes for the future quarry and overburden stockpiles and reclamation.

Static factors of safety calculated for representative walls were 1.63 to 2.17 with seismic factor of safety ranging from 1.3 to 1.75. Based on the results of the stability analyses, the proposed rock slope configurations are considered stable under static and seismic conditions as reclaimed slopes. Sufficient static factors of safety (FS) in excess of 1.5 and seismic factors of safety at or

greater than 1.1, which are in conformance with Division of Mine Reclamation (DMR) criteria, were indicated for the modeled scenario rock slopes configurations.

Overall highwall slopes formed in the rock units are stable by calculation at angles between 45 and 55 degrees (specific to rock unit) utilizing 275-foot-tall slopes. Consideration of local structural conditions in reclamation may include modification of geometry to achieve suitable face performance (preservation of sufficient bench width) and overall slope angles in the various rock materials.

The mine may have reclaimed rock slopes with a maximum height of approximately 275 feet based on comparison of the project boundary elevations with the proposed pit bottom elevations. The overall slope angles would be on the order of 45 degrees, using a 25-foot high, 25-foot wide face to bench ratio. The south wall of the East Deposit area is planned at 55 degrees which can be achieved using 25-foot faces and 18-foot wide benches. The slope models used vertical bench faces in global calculations. Typical face angles are between 65 degrees and 80 degrees in rock slopes; therefore, the modeled global configuration is based on a more conservative geometry.

Stockpile slopes are planned at a ratio of 2V:1V or flatter. This configuration is considered stable by inspection/practice. In addition, the presence of large angular clasts in stockpile fill materials improves the stability of these slopes.

Terracon recommended the following design/monitoring measures during operations and reclamation which have been included in the slope assessment:

- Inclusion of horizontal safety benches in final slope design per the Mine Reclamation Plan which will be an effective protection from rockfall, reduces tensional forces in surface rock, and reduces surface erosion rates.
- Quarry rims will be protected with berms as necessary to prevent slope erosion in areas where overland flow is toward slopes and also for public safety.
- Overall final cut slopes in the rock materials shall be no steeper than the slopes designed in the Reclamation Plan.
- Localized structures at the bench scale may form zones that require scaling and/or excavation to flatten or steepen face angles to achieve suitable reclamation conditions. At such time and locations as reclamation slopes are excavated, a qualified geotech professional should examine the slope conditions to determine conformance with the reclamation plan.
- Continued inspection and monitoring of mine benches and slope conditions for indications of potential instability and failure warning signs shall be implemented.
- Final reclaimed overburden stockpile slopes shall be no steeper than 2H:1V to the maximum proposed heights as shown on the Mine Reclamation Plan and surface drainage shall be conveyed away from slopes.

2.10 PONDS, WASTES

No operational ponds, reservoirs or tailings are utilized or produced at the project site. No "waste" is produced on-site. Overburden has and will be deposited in the existing overburden stockpile as detailed in Section 1.3.

No water is used in ore processing or for washing except for dust control. Therefore, no wastewater is produced. All iron ore will be crushed and separated and placed in temporary stockpiles awaiting transfer to markets. The overburden material is and will be stockpiled as shown on the mining and reclamation plan sheets and in accordance with PRC, Section 2773.3 and CCR, Section 3704.1 (h).

2.11 SOILS

Soils in the area have not been mapped or defined by the USGS Natural Resource Conservation Service (NRCS); however, soils in the ecoregion are derived from limestone and igneous rock and a nearby soil series around Fort Irwin has been described.

Cronese Series:

• The Cronese series consists of very deep, well-drained soils of igneous rock parent material on alluvial fans, fan aprons, and fan remnants. Soils are primarily gravelly loamy coarse sand.

Elevations on-site range from approximately 1,220 feet to 2,050 feet above mean sea level. Onsite surface elevations within the mine areas range from 1,600 feet above mean sea level (amsl) in the east central areas to a low of approximately 1,200 feet amsl on the east where the site flattens into the Mojave River Wash. Most the western half of the site is naturally around 1,400 feet amsl. Topography on-site generally consists of rocky outcrops and rugged hills with an existing quarry and overburden stockpile and other mine activities on approximately 49 acres. The planned footprints of the overburden stockpile and the East Deposit are rugged rock hills and slopes with minimal soil available for salvage.

The Lillian Belle Deposit has an alluvium cover. The alluvium from this area will be salvaged to a depth up to 1-foot and pushed into soil stockpiles on the north and south and in the staging area to the northeast. It is estimated that the approximately 24,200 cy could be salvaged. This would cover approximately 30 acres to 0.5 feet. The areas to be recovered would be the Lillian Belle upper benches, pit floors, the overburden stockpile top, and the three staging areas.

Due to the rocky steep conditions on-site, there will not be sufficient "topsoil" or growth media to recover 100% of the site per a uniform depth as suggested by SMARA Section 3711 (e) "Topsoil and suitable growth media shall be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration, and drainage patterns." The other two deposits' benches and the overburden stockpile slopes would be too rocky to cover with alluvium.

Most areas will be ripped as feasible to provide a rough surface for holding additional salvaged "topsoil" and seeds. It is not recommended to import other growth media from off-site as it could include nonnative seeds and non-local seeds not conducive to the site. To enhance the revegetation effort, "topsoil" will be augmented as needed by native material crushed and screened for use as growth media spread in a uniform manner to hold moisture and seeds.

2.12 DRAINAGE AND EROSION CONTROLS

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for substantial downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Allowing pits to capture precipitation and any sheet flow
- Diverting runoff from flowing down quarry slopes with rim berms and down stockpile slopes by creating inward drainage for top of stockpile; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the SWPPP to be updated periodically with mine site development and implementation of storm water BMPs.

Long-term stabilization or reclamation will generally involve final benching and grading disturbed areas, establishing effective drainage, placement of soil, and revegetation. Following reclamation, surface runoff from deposit areas will be retained in the quarry limits where it will either infiltrate or evaporate. No substantial change in off-site run-off is expected as no impervious areas are being created.

2.13 PUBLIC SAFETY

Access to the Baxter Quarry on Basin Road with an intersection on the I-15 Freeway is restricted to authorized personnel. The entrance is gated with appropriate warning signs that notify the public that the mining area has restricted access and that the roads are not open to the public. During non-operating hours, gates are closed and locked. Other potential access roads are blocked or closed at the project boundary and have signs informing the public that the roads are closed to public access.

Quarry areas have warning signs, roads not used will be blocked or closed, and safety berms six feet high and 12 feet wide will be constructed along the quarry rims where there is potential access. Active mining areas comply with all federal (MSHA) and state (Cal-OSHA) mine safety regulations. Workers, including contractor labor, are trained in mine safety and first aid. Access and haul roads have safety berms per MSHA requirements, quarries have safety benches with berms, and inactive ramps and roads in mining areas are blocked to prevent access.

Prior to blasting activities, employees working in the area are notified, and a visual search of the area is done prior to blasts to verify that no one is present in the area. Access to the blasting area is restricted while blasting activity is in progress. Standard horn signals are used to notify personnel before and after blasts (all clear).

Once mining has been completed, equipment and debris will be removed from the site upon project completion. The quarry rims and benches will have a safety berm and/or rock barriers to restrict access with warning signs to prevent anyone from entering into the pit area. Typical warning signs will be at least 18" by 18" with contrasting background lettering every 500 feet and shall read "Danger," "Open Pit Mine" or "Steep Slope" or similar.

2.14 MONITORING AND MAINTENANCE

After termination of mining, monitoring will include site monitoring to assess access control, trash dumping and other forms of human disturbances, as well as biological monitoring of revegetation progress. Site monitoring of human use (access, trash dumping and off-road vehicle use) will include monthly inspection by CalPortland personal to check access control and signs and to schedule removal of illegal dumping. Biological monitoring to qualitatively and quantitatively evaluate overall conditions of the revegetated site with respect to native plant conditions and monitoring of weed growth and control effectiveness as detailed in Section 2.6.

SMARA requires annual reporting of Mining and Reclamation activities. The reports are filed with the State Division of Mining Reclamation and the County. Revegetated areas will be monitored over a 5-year period or until success criteria is achieved following initial seeding and/or planting. Data on plant species diversity, cover, survival and vigor will be collected on revegetated sites and compared to baseline data from undisturbed sites to evaluate project success and documented in an annual report.

Monitoring and maintenance of reclamation is an ongoing responsibility of CalPortland. The project site is inspected annually by the County.

2.15 RECLAMATION ASSURANCE

CalPortland currently maintains a reclamation financial assurance mechanism/bond of \$229,712 for the Baxter Quarry. Once the proposed revision to the reclamation plan is approved by the County, CalPortland will post a revised reclamation assurance in an amount sufficient to pay for the cost of revised reclamation as outlined in Section 2. The reclamation assurance is reviewed by the County annually. The County is the lead agency for SMARA compliance and will review the Reclamation Assurance and inspect the mine site annually.

STATEMENT OF RESPONSIBILITY

The statement of responsibility for the reclamation of the site (below) will be signed by CalPortland's representative and included as a separate form upon project approval.

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq. and 3700 et. seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et. seq., and with any modifications requested by the administering agency as conditions of approval.

Signed this _____ day of _____, 20___ by:

Signature: ______Title: _____

Printed Name:	
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3.0 GEOLOGY

The following description of the iron ore deposits is from *Mineral Land Classification of the Calmat Land Co. Baxter Iron/Carbonate Rock Deposit* (OFR 90-02), CA Dept. of Conservation, Division of Mines and Geology; San Bernardino County, California, 1990. Refer to Figure 6 for a General Geology Map from this report.

Geologic Setting

The Baxter mine area is situated within a northeasterly trending foothill range on the south flank of Cave Mountain. The range consists of an assortment of rocks which include: a metasedimentary sequence made up of biotite-quartz schists, metaquartzite; carbonate rocks composed of crystalline limestone and dolomite; diorite porphyry, granitoid rock and hornfels - all of which in places are covered by fanglomerate and younger alluvium.

The two oldest rock types in the area are carbonate rocks and metasedimentary rocks which are in contact. The relative ages of these two rock types are in question because of structural complexities of the area. If it is assumed that the small exposures of metasedimentary rocks which lie above the carbonate rock near the top of the range is not in fault contact, it would indicate that the metamorphic rocks are younger. The dip of the bedding in the carbonate rock suggests the range is an anticlinal feature and therefore would account for the aerial distribution of the metasedimentary sequences bordering the north and south flanks of the range. A tentative Precambrian age is assigned to these rocks because of the wide scale distribution of similar rocks of known Precambrian age a few miles to the west. These older rocks were subsequently intruded by Jurassic age diorite porphyry followed by emplacement of a larger body of granitoid rock (Burchfiel, B.C., and Davis, 1981). Locally, emplacement of these magmatic rocks resulted in converting the host rock into hornfels and brought about development of skarn iron ore deposits through replacement of carbonate rock. There appears to be a spatial relationship between distribution of diorite porphyry and occurrences of skarn magnetite/hematite ore bodies. Typically the iron bearing skarns are in contact with diorite on one margin of the ore body and carbonate rock, which it has replaced, on its other margin.

Fanglomerate is particularly well developed in the eastern portion of the study area and younger alluvium generally fills the drainage and drapes the foothills of the ranges.

Iron Ore Deposits

Three distinct iron ore bodies occur in the Baxter Mine area - a northern ore body (Lillian Belle), an eastern body (Monarch – defined in this Plan as the East Deposit)) and a western one (Cave Canyon – defined in this Plan as the West Deposit).

The northern ore body (Lillian Belle) is mostly covered by alluvium and has generally been outlined by drilling. A minimum of 600 feet in length has been defined with an inferred width of a few tens of feet. The deposit trends in a northeasterly direction.



Figure 6 Geologic Map of Baxter Mine Area. Source: Mineral Land Classification of the Calmat Land Co. Baxter Iron/ Carbonate Rock Deposit (OFR 90-02], CA Dept. of Conservation, Division of Mines and Geology; San Bernardino County, CA, 1990

The eastern ore body (East Deposit or Monarch) trends for about 1,800 feet in an easterly direction and displays an exposed width which ranges from a few tens of feet to about 300 feet and averages about 150 feet. Its eastern and western ends are covered by alluvium. The deposit is in contact with carbonate rock on its footwall and hanging wall and abuts against metasedimentary rocks at its southern exposure.

The western ore body (West Deposit or Cave Canyon) follows a northeasterly trend for about 300 feet and ranges in exposed width from a few tens of feet to over 350 feet. The ore body is mostly bound by diorite porphyry with a small body of granitoid rock on its northeastern margin and about 600 feet of metasedimentary rock on its southern border.

The ore bodies are generally extensively fractured and admixed with calc-silicate rock and consequently has a dilution effect upon the magnetite and hematite, which makes up the ore bodies.

Mineral Land Classification

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 in accordance with the guidelines set forth by SMGB, the property was classified as follows:

MRZ-2A - (Areas where geologic data indicate significant measured or indicated resources are present). The East Deposit or Monarch and the West Deposit or Cave Canyon iron ore bodies were given this classification based upon drill hole and assay data and geologic field evaluation which shows significant iron ore deposits exist.

MRZ-2b - (Areas where geologic information indicates that significant inferred resources are present). The Lillian iron ore body was given this classification based upon limited drilling and assay data and geologic field evaluation.

Slope Stability Investigation Report (Terracon May 2021)

The following discussions are from the *Slope Stability Investigation Report* (Terracon May 2021). (See Appendix C and Sections 1.1 and 2.9).

The Baxter Quarry is located in San Bernardino County, northwest of the Mojave River where it emerges from the Afton Canyon area. The Mojave Desert is dominated by broad alluviated basins that receive sediments from adjacent uplands that bury the older topography. Playa lakes (internally drained) are a common feature of the region. The site is located in the southern foothills terrain of Cave Mountain, an area of moderate to steep slopes and moderate relief formed in Paleozoic and Mesozoic granitic and metasedimentary rocks. An alluviated plain extends east from the site area and is dominated by eolian and alluvial sands of the Mojave River floodplain.

Site Geology

Geologic units within the amended reclamation area include stockpile fill, alluvium, recent wash deposits, talus, sand deposits of two ages, younger and older alluvial fan deposits, granitic bedrock, mixed metamorphic rocks including carbonates, and metamorphic breccia. The units summarized below form the primary geologic materials in the project area and adjacent areas. The rock unit designations are based on our field mapping. Field relations show intrusive bodies of felsic (feldspar-rich) and mafic types within the metamorphic unit. Breccia derived from the metamorphic units that appear to overlie ore bodies is exposed in the West Deposit pit. The project area includes primarily alluvial cover within the Lillian Belle pit footprint and carbonate rocks within the East Deposit quarry footprint.

A detailed discussion of the onsite geological units with geologic site mapping is included in Appendix C starting on page 5.

Seismic Considerations

The ground-shaking hazard at the site was evaluated from a deterministic standpoint for use as a guide to formulate an appropriate seismic coefficient for use in slope stability analysis. The deterministic calculation of peak ground acceleration (PGA) was made using attenuation relations of Abrahamson and others (2014), Boore and others (2014), Campbell and Bozorgnia (2014) and Chiou and Youngs (2014). Refer to Appendix C for details.

Slope Stability

The results of global slope stability analyses are assessed in Appendix C and summarized in Sections 1.1 and 2.9 above.

4.0 HYDROLOGY

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediate surrounding the project site. Based on this review and field investigation, four (4) riverine resources were identified within the boundaries of the project site. These features are ephemeral features that follow topography within the canyon bottoms of the rolling hills. Surface flows within with these features are only provided by direct precipitation from storm events. No surface water was observed during the field investigation.

The Mojave River floodplain and six (6) unnamed drainage features were observed within the boundaries of the project site during the field investigation (see Figure 7). The Mojave River floodplain is located on the eastern boundary of the project site outside of the proposed limits of disturbance. The Mojave River floodplain is characterized by dynamic braided channel and is generally unvegetated or vegetated with a mix of creosote bush scrub and desert willow scrub. Mining activities will avoid the Mojave River floodplain.

Two of the ephemeral drainage features extend west to east on the northern boundary of the project site and generally follow Basin Road. These features have been subject to routine grading activities associated with maintenance of Basin Road. The other four ephemeral drainage features are found on the southwest portion of the project site. These features generally flow in a north to south direction. These ephemeral drainage features are unvegetated or vegetated with the creosote bush scrub plant species. The six unnamed drainage features all flow into the Mojave River Floodplain.

The Mojave River is considered a Traditional Navigable Water and is considered a Water of the United States. As a result, the Mojave River floodplain and six unnamed drainage features will likely fall under the regulatory authority of the Corps, Regional Board, and CDFW. The Project is expected to result in impacts to 1.15 acres and 1,115 linear feet of jurisdictional waters as shown in red on Figure 7. Prior to impacts to the jurisdictional resources, the operator shall obtain any applicable permits from the Corps, Regional Board, and CDFW.

Based on lack of evidence of springs or seeps within the reclamation footprint, the arid site conditions and site geology, it is unlikely that a static water table exists at or above the elevation of the existing and planned pits at the site. Groundwater conditions at completion of mining (reclamation stage) may include water seepage after periods of precipitation and ponding in pits of limited extent. However, groundwater is not anticipated to significantly affect the stability of the proposed reclamation slopes.

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for substantial downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of





Figure 7

BAXTER QUARRY BIOLOGICAL RESOURCES ASSESSMENT Jurisdictional Areas and Drainages surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Allowing pits to capture precipitation and any sheet flow
- Diverting runoff from flowing down quarry slopes with rim berms and down stockpile slopes by creating inward drainage for top of stockpile; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the SWPPP to be updated periodically with mine site development and implementation of storm water BMPs.

Long-term stabilization or reclamation will generally involve final benching and grading disturbed areas, establishing effective drainage, placement of soil, and revegetation. Following reclamation, surface runoff from deposit areas will be retained in the quarry limits where it will either infiltrate or evaporate. No substantial change in off-site run-off is expected as no impervious areas are being created.

REFERENCES, ACRONYMS, and GLOSSARY

REFERENCES

Biological Resources Assessment, ELMT Consulting, Inc., February 2022

Mineral Land Classification of the Calmat Land Co. Baxter Iron/Carbonate Rock Deposit (OFR 90-02), CA Dept. of Conservation, Division of Mines and Geology; Thomas P. Anderson, Senior Geologist, San Bernardino County, California, 1990.

Mining/Reclamation Plan (90M-02) for Baxter Quarry, approved by San Bernardino County, June 1990.

Record of Survey for Baxter Quarry, CASC, May 2021.

Revegetation Plan - Jericho Systems, Inc., February 2020.

Rules and Regulations, Mojave Desert Air Quality Management District, 2020.

San Bernardino County Wide Policy Plan, San Bernardino County, November 2020.

Slope Stability Investigation Report – Terracon Consultants Inc., May 2021.

Storm Water Pollution Prevention Plan, CalPortland Company, April 2020 (reviewed annually).

Surface Mining and Reclamation Act (SMARA), California Department of Conservation, State Mines and Geology Board, 2020.

U.S. Department of Agriculture, Natural Resources Conservation Service. 2016. *Web Soil Survey*. Online at http://websoilsurvey.nrcs.usda.gov/app/.

ACRONYMS

acre-feet
above mean sea level
ammonium nitrate and fuel oil
Bureau of Alcohol, Tobacco, Firearms and Explosives (federal agency)
Bureau of Land Management
Best Management Practices
California Occupational Safety and Health Administration
California Code of Regulations
California Department of Fish and Wildlife
California Endangered Species Act
California Environmental Quality Act
Code of Federal Regulations
California Native Plant Society

CUPA	Certified Unified Program Agency (Hazardous Materials Division of the San
	Bernardino County Fire Department is designated as the "CUPA.")
CWA	Clean Water Act
CY, cy	Cubic yards
DEHS	Department of Environmental Health (County)
DMR	Division of Mine Reclamation
DOC	Department of Conservation
DRECP	Desert Renewable Energy Conservation Plan (BLM 2016)
FESA	Federal Endangered Species Act
HAZMAT	hazardous materials
H:V	horizontal to vertical; typically in feet (slope inclination)
MBTA	Migratory Bird Treaty Act (protects nesting birds)
MSHA	Mining Safety and Health Administration
MDAQMD	Mojave Desert Air Quality Management District
NPDES	National Pollutant Discharge Elimination System
OSM	Office of Surface Mining
PM10	10-micron or less particulate matter
RWQCB	Regional Water Quality Control Board
SMARA	Surface Mining and Reclamation Act
SPCC	Spill Prevention, Control, and Counter-measure
SWPPP	Storm Water Pollution Prevention Plan
USACE	US Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

GLOSSARY OF TERMS

BACT: Best Available Control Technology – Air quality term used to describe air pollutant control equipment for equipment and facilities that produce air emissions.

Bench: Terrace or leveled area breaking the continuity of a slope.

Berm: An elongated earthen structure which acts as a barrier; e.g., to make it difficult for a vehicle or ORV to cross along the rim of a quarry or along a haul road, or to redirect the flow of water.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended, the intent of which is the maintenance of a quality environment for the people of California now and in the future.

Endangered species: A species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Factor of safety: Ratio of forces resisting slope failure over forces driving slope failure.

Fine Particulate Matter: Extremely small air pollutants less than 2.5 microns in diameter and that form primarily from engine combustion sources, not from fugitive dust sources (PM_{2.5}).

Haul road: A road used by haul trucks to haul ore and waste rock from the open pit to other locations usually to the processing plant or to the waste rock stockpiles.

Hazardous material: Substance with potential for corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness, which may cause injury to persons or damage to property.

Hazardous waste: Defined in Section 1004(5) of the federal Resource Conservation and Recovery Act (RCRA) as, "...a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environmental when improperly treated, stored, transported, or disposed of, or otherwise managed."

Hydrogeology: The study of surface and subsurface water.

Ore body: A generally continuous mass of ore distinct from the surrounding rock.

Overburden: Material which does not meet quality specifications and other rock types encountered during excavations which will be hauled directly to overburden stockpiles.

Rare species: A species, which, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environment worsens.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations (SMARA).

Reclamation Plan: A restoration plan for the stabilization and recovery of a mine site after cessation of mining operations for another use; generally open space or other low intensity use.

Revegetation: Establishment of native vegetation on lands that have been disturbed.

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 (Section 2595,g,7) to ensure the highest possible water quality consistent with all demands.

Sensitive species: A plant or animal species, which is recognized by the government or by a conservation group, as being depleted, rare, threatened, or endangered.

Threatened species: Species are likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Water table: The upper water level of a body of groundwater.

CROSS REFERENCE MATRIX

Amended Baxter Quarry Reclamation Plan (90M-02) (CA Mine ID# 91-36-0036) & Surface Mining and Reclamation Act

Including reference to: ARTICLE 1. GENERAL PROVISIONS. SECTION 2710 et seq. ARTICLE 2. DEFINITIONS. SECTION 2725 et seq. ARTICLE 3. DISTRICT COMMITTEES. SECTION 2740 – 2741 ARTICLE 4. STATE POLICY FOR THE RECLAMATION OF MINED LANDS. SECTION 2755 et seq. ARTICLE 5. RECLAMATION PLANS AND THE CONDUCT OF SURFACE MINING OPERATIONS. SECTION 2770 et seq., as amended CCR TITLE 14 (REGISTER 85, No. 18-5-4-83) CHAPTER 8. MINING AND GEOLOGY SUBCHAPTER 1. STATE MINING AND GEOLOGY BOARD ARTICLE 1. SURFACE MINING AND RECLAMATION PRACTIVE. SECTION 3500 et seq. ARTICLE 9. RECLAMATION STANDARDS. SECTION 3700 et seq.

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
	MINING OPERATIO	NS ANI	D CLOSURE	
SMARA 2770.5	100-year flood, Caltrans	X		
	contact			
SMARA 2772	Name and Address of		6	1.0
(c) (1)	operator/agent.			
SMARA 2772	Quantity & type of minerals		4, 10	1.0, 1.1
(c) (2)	to be mined.			Table 3
SMARA 2772	Initiation and termination		7	1.0
(c) (3)	date.			
SMARA 2772	Maximum anticipated depth		11, 12	1.1
(c) (4)	of mining.			
	Description, including map			
SMARA 2772	with boundaries, topographic		1_18	1.0, 1.1
(c)(5)	details, geology, streams,		1-10	
	roads, utilities.			
	Mining plan and time,			
SMARA 2772	schedule for reclamation		9 - 10	1.0 Table 3
(c)(6)	(concurrent or phased		<i>y</i> 10	
	reclamation).			
SMARA 2772	Proposed subsequent use		37	2.8
(c) (7)	Toposed subsequent use.		51	2.0
SMARA 2772	Description of reclamation			
	measures adequate for		28-30	2.5
	proposed end use.			
SMARA 2772	Description of containment			
(c) (8) (a)	control and mine waste		18	1.2
(c)(o)(a)	disposal.			

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)		
	MINING OPERATIONS AND CLOSURE					
SMARA 2772 (c) (8) (b)	Rehabilitation of stream banks/beds to minimize erosion	X				
SMARA 2772 (c) (9)	Impact of reclamation on future mining.		37	2.8		
SMARA 2772 (c) (10)	Applicant statement accepting responsibility for reclamation per the reclamation plan.		41	2.15		
SMARA 2773 (a)	Water quality monitoring plan specific to property.		19	1.5; SWPPP		
SMARA 2773 (a)	Sediment and erosion control monitoring plan specific to property.		19, 39	1.5, 2.12		
SMARA 2773 (a)	Revegetation plan specific to property. Monitoring Plan.		31-37	2.6; Appendix B		
SMARA 2773.1	Performance (financial) assurances.		41	2.15		
SMARA 2777	Amended reclamation plans required prior to substantial deviations to approved plans.		This application is for an Amended Reclamation Plan.			
CCR 3502 (b) (1)	Environmental setting and impact of reclamation on surrounding land uses. (Identify sensitive species, wildlife habitat, sensitive natural communities, e.g., wetlands, riparian zones, etc.).		21-28	2.1-2.4		
CCR 3502 (b) (2)	Public health and safety (exposure).		17, 40	1.1, 2.13		
CCR 3502 (b) (3)	Slopes: critical gradient, consider physical properties and landscaping.		14-16, 37-38	1.1, Tables 4 & 5; 2.9; App. C		
CCR 3502 (b) (4)	Fill materials in conformance with current engineering practice.	X				
CCR 3502 (b) (5)	Disposition of old equipment		37	2.7		
CCR 3502 (b) (6)	Temporary stream and water diversions shown.	X				

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
	MINING OPERATION	NS ANI	D CLOSURE	
CCR 3503 (a) (1)	Removal of vegetation and overburden preceding mining kept to a minimum.		28-37	2.5 - 2.6
CCR 3503 (a) (2)	Overburden stockpiles managed to minimize water and wind erosion.		18	1.2
CCR 3503 (a) (3)	Erosion control facilities (dikes, ditches, etc.) as necessary.		19, 40	1.5; 2.12
CCR 3503 (b) (1)	Settling ponds (sedimentation and water quality).	X		
CCR 3503 (b) (2)	Prevent siltation of groundwater recharge areas.	X		
CCR 3503 (c)	Protection of fish and wildlife habitat (all reasonable measures).		23-27	2.4
CCR 3503 (d)	Disposal of mine waste and overburden (stable-no natural drainage restrictions without suitable provisions for diversion).		18, 19, 39	1.2; 1.5; 2.10
CCR 3503 (e)	Erosion and drainage (grading to drain to natural courses or interior basins).		19, 40	1.5; 2.12
CCR 3503 (f)	Resoiling (fine material on top plus mulches).		28-37	2.5, 2.6
CCR 3503 (g)	Revegetation and plant survival (use available research).		31-37	2.6
CCR 3703 (a)	Sensitive species conserved or mitigated		21-22, 31-37	2.3; 2.6
CCR 3703 (b)	Wildlife habitat at least as good as pre-project if approved end use is habitat.		Wildlife Desc. 23- 27; Reveg. 31-37	Wildlife Desc. 2.4; Reveg. 2.6
CCR 3703 (c)	Wetlands avoided or mitigated at 1:1 minimum	Х		
CCR 3704 (a)	For urban use, fill compacted in accordance with UBC or local grading ordinance.	X		
CCR 3704 (b)	For resource conservation, compare to standard for that end use		31-37	2.6

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)		
	MINING OPERATIONS AND CLOSURE					
CCR 3704 (c)	Mine waste stockpiled to facilitate phased reclamation and separate from growth media.		28-37	2.5; 2.6		
CCR 3704 (d)	Final reclamation fill slopes not exceed 2:1, except when engineering and revegetation analysis allow.	X				
CCR 3704 (e)	Final landforms or fills conform with surrounding topography or end use.		28-30, 37	2.5; 2.9		
CCR 3704 (f)	Cut slopes have minimum factor of safety for end use and conform with surrounding topography.		14-16, 28-30, 37	1.1; Tables 4 &5; 2.5; 2.9; App. C		
CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.	X				
CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.		31-37	2.6		
CCR 3705 (b)	Test plots if success has not been proven previously		31-37	2.6		
CCR 3705 (c)	Decompaction of site.		28-37	2.5; 2.6		
CCR 3705 (d)	Roads stripped of road base materials, resoiled and revegetated, unless exempted.		31-37	2.6		
CCR 3705 (e)	Soil altered or other than native topsoil, required soil analysis. Amend if necessary.		31-37	2.6		
CCR 3705 (f)	Temporary access not bladed. Barriers installed.	X				
CCR 3705 (g)	Use native plant species unless exotic species meet end use.		31-37	2.6		
CCR 3705 (h)	Plant during correct season.		31-37	2.6		
CCR 3705 (i)	Erosion control and irrigation, when necessary.	X				
CCR 3705 (j)	If irrigated, demonstrate self- sustaining without for two- year minimum.	X				
CCR 3705 (k)	Weeds managed.		31-37	2.6		

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
	MINING OPERATION	NS ANI	D CLOSURE	
CCR 3705 (l)	Plant protection measures, fencing, caging.	Х		
CCR 3705 (m)	Success quantified by cover, density and species-richness. Standards proposed in plan. Sample method set forth in plan and sample size provides 80 percent confidence level, as minimum.		31-37	2.6
CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.		19, 40, 47-49	1.5; 2.12: 4.0 SWPPP
CCR 3706 (b)	Water quality, recharge, and groundwater storage shall not be diminished, except as allowed by plan.		19, 40, 47-49	1.5; 2.12; 4.0 SWPPP
CCR 3706 (c)	Erosion and sedimentation controlled during all phases as per RWQCB/SWRCB.		19, 40, 47-49	1.5; 2.12; 4.0 SWPPP
CCR 3706 (d)	Surface runoff and drainage controlled and methods designed for not less than 20 year/1 hour intensity storm event.		19, 40, 47-49	1.5; 2.12; 4.0 SWPPP
CCR 3706 (e)	Altered drainages shall not cause increased erosion or sedimentation.		19, 40, 47-49	1.5; 2.12; 4.0 SWPPP
CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.		19, 22-27, 47-49	1.5; 2.4; 2.12; 4.0 SWPPP
CCR 3706 (g)	All temporary diversions eventually removed.	Х		
CCR 3707 (a)	Return prime ag to prime ag, unless exempted.	Х		
CCR 3707 (b)	Segregate and replace topsoil by horizon.	X		
CCR 3707 (c)	Productivity rates equal pre- project or similar site for two consecutive years. Rates set forth in plan.	X		
CCR 3707 (d)	Fertilizers and amendments do not contaminate water.	Х		

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
	MINING OPERATION	NS ANI	D CLOSURE	
CCR 3708	Other ag capable of sustaining crops of area.	X		
CCR 3709 (a)	Equipment stored in designated area and waste disposed of according to ordinance.		37	2.7
CCR 3709 (b)	Structures and equipment dismantled and removed.		37	2.7
CCR 3710 (a)	Surface and groundwater protected.		19, 40, 47-49	1.5; 2.12; 4.0
CCR 3710 (a)	Surface and groundwater projected in accordance with Porter Cologne and Clean Water Acts (RWQCB/SWRCB).		19, 40, 47-49	1.5; 2.12; 4.0
CCR 3710 (b)	In-stream in accordance with CFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.	X		
CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, and aerial photos.	x		
CCR 3710 (d)	In-stream mining activities shall not cause fish to become entrapped in pools or in off- channel pits. California Fish and Game Code section 1600.	X		
CCR 3711(a)	All salvageable topsoil removed. Topsoil and vegetation removal does not proceed mining by more than one year.		31-37	2.6
CCR 3711 (b)	Topsoil resources mapped prior to stripping, location of stockpiles on map. Topsoil and growth media in separate stockpiles.		31-37	2.6
CCR 3711 (c)	Soil salvage and phases set forth in plan, minimize disturbance, designed to achieve revegetation success.		31-37	2.6

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
	MINING OPERATION	NS AN	D CLOSURE	
CCR 3711 (d)	Topsoiling phased ASAP. Stockpiles not to be disturbed until needed. Stockpiles clearly identified and planted with vegetation or otherwise protected.		31-37	2.6
CCR 3711 (e)	Topsoil redistributed in stable site and consistent thickness.		31-37	2.6
CCR 3712	Waste and tailings, and waste disposal governed by SWRCB (Article 7, Chapter 15, Title 23, CCR).		19, 40	1.2; 2.13
CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with laws.		37	2.7
CCR 3713 (b)	All portals, shafts, tunnels or openings, gated or protected from public entry, but preserve access for wildlife.		11-13, 37	1.1; 2.7