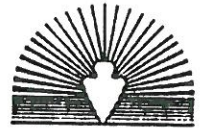




LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT

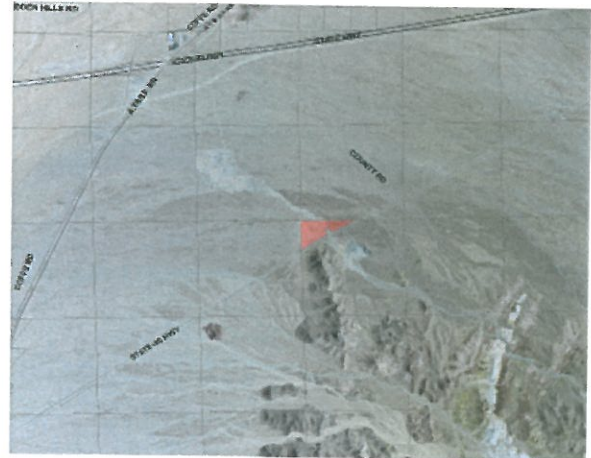


HEARING DATE: July 5, 2012

AGENDA ITEM # 3

Project Description

APN: 0655-181-18
APPLICANT: SULLY MILLER CONTRACTING
COMMUNITY: ESSEX/FIRST SUPERVISORIAL DISTRICT
LOCATION: ESSEX, CA; NORTH SIDE OF NATIONAL TRAILS HWY
PROJECT NO: AP20110033/CUP
CONTRACT STAFF: GUS ROMO
REP(S): PAUL KIELHOLD
PROPOSAL: CONDITIONAL USE PERMIT TO RE-ESTABLISH A FORMER MINING OPERATION. NEW PLAN PROPOSES DELETION OF FEDERAL LANDS, CHANGE FROM 5 TO 2 PHASES, AND INCREASE IN MINING DEPTH FROM 20 TO 30 FEET ON A 32.1-ACRE PORTION OF THE 47 - ACRE SITE



5 Hearing Notices Sent On: June 22, 2012

Report Prepared By: Gus Romo, RPG, Inc.

SITE INFORMATION:

Parcel Size: 47 acres (32.1 acres proposed for operation)
Terrain: Generally flat, gently sloping alluvial fan (2.6% slope)
Vegetation: Seasonal grasses and weeds (creosote & burro bush)

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Existing gravel pit	RC (Resource Conservation)
North	Vacant (BLM Land)	RC (Resource Conservation)
South	Vacant/former sand-gravel mine south of National Trails Hwy	RC (Resource Conservation)
East	Vacant (BLM Land)	RC (Resource Conservation)
West	Vacant (BLM Land)	RC (Resource Conservation)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	N/A
Sewer Service	N/A	N/A

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit.

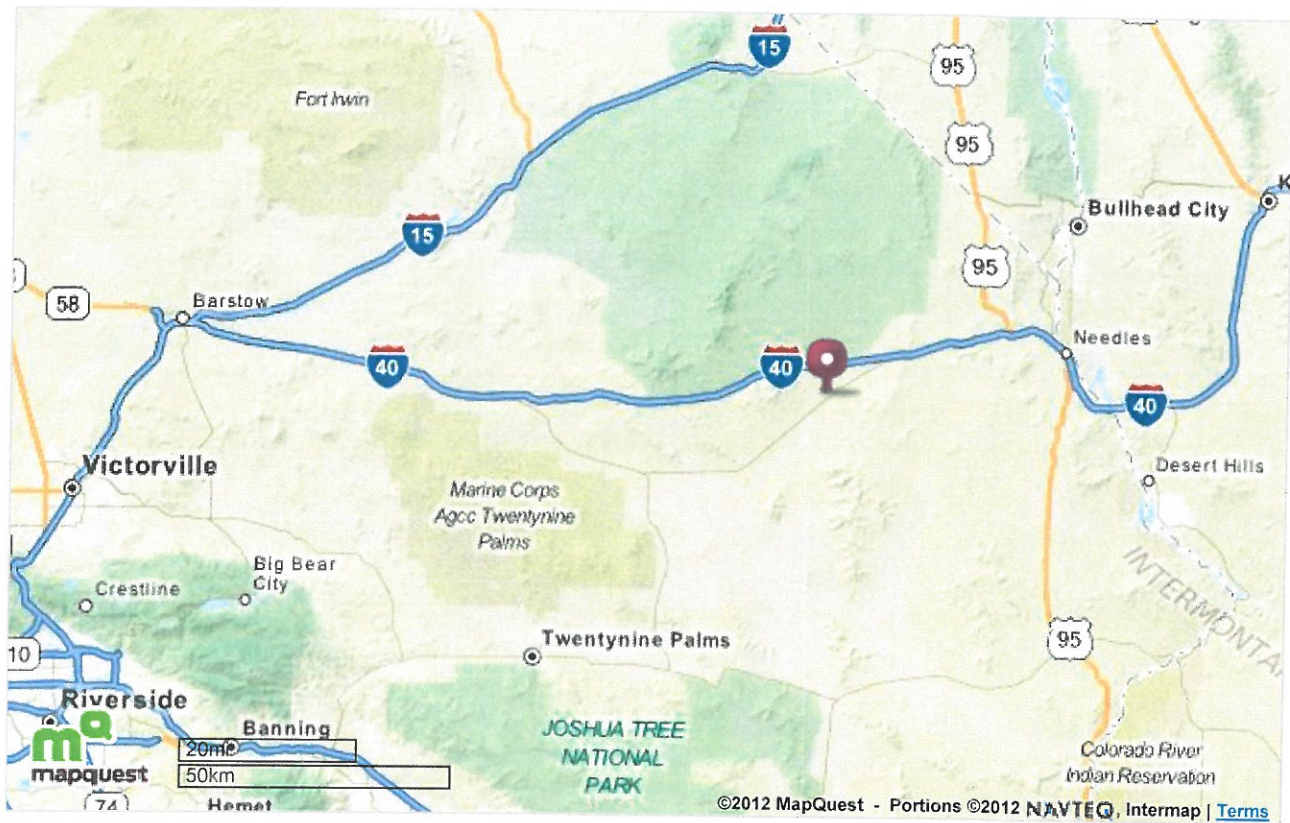
In accordance with Section 86.08.010 of the Development Code, this action may be appealed to the Board of Supervisors.

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Figure 1
Regional Location Map

mapquest m^o

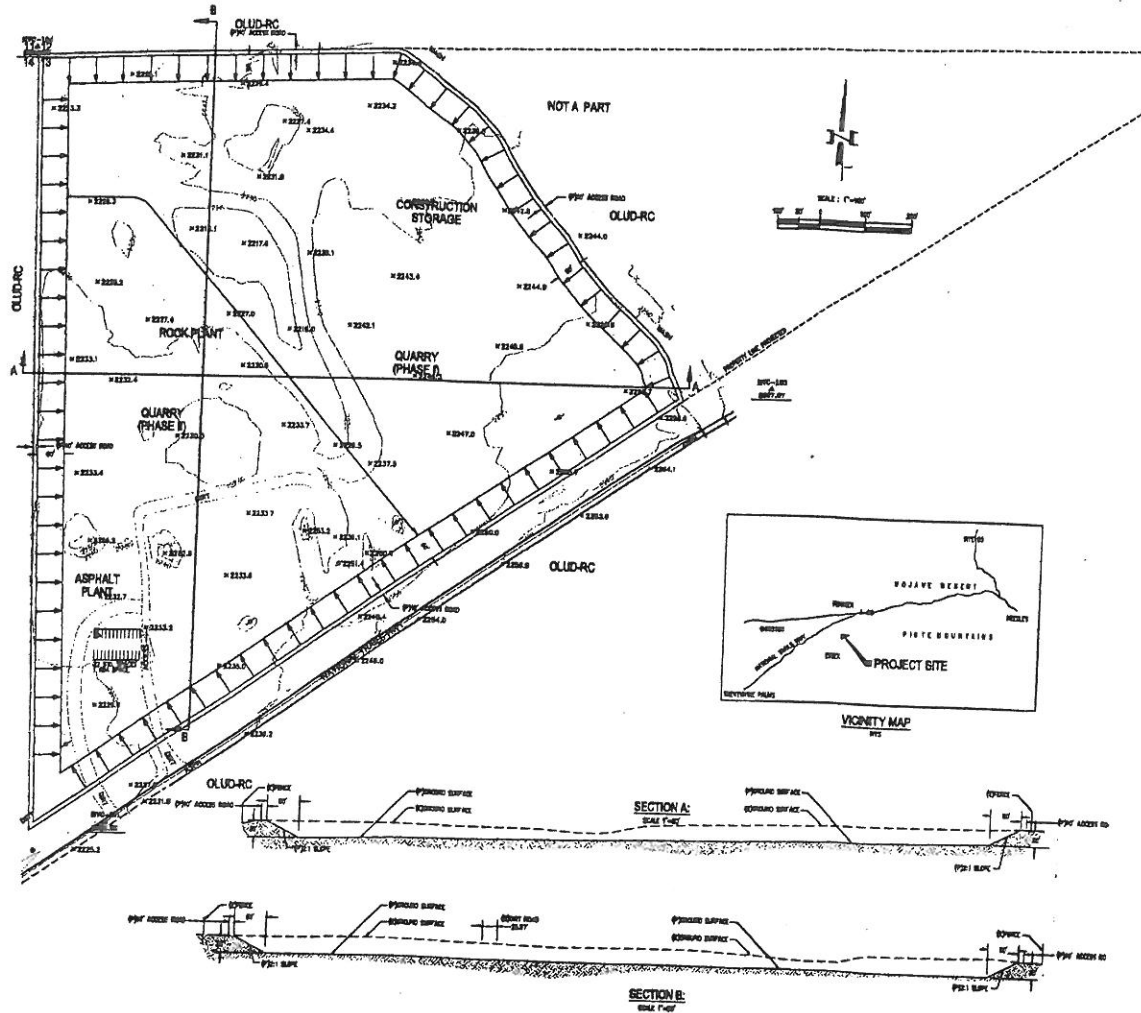
Map of:
Essex, CA



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Figure 2
Site & Vicinity Map



Essex Pit

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SUMMARY/BACKGROUND

The applicant is requesting approval of a Conditional Use Permit (CUP) to re-establish a sand and gravel mining operation for which prior land use entitlements expired in 2007. The Project site is located 5-1/2 miles north of Essex, California, on the north side of Trails National Highway. The mining plan originally encompassed 687 acres and proposed two quarries: Essex Pit 1 and Essex Pit 2, for development in 5 phases. Later phases of the mining plan and the second pit were proposed on Bureau of Land Management (BLM) land east of the current project site. Mining was never commenced on the BLM land, and the current application excludes federal lands from the mining plan and the previously approved reclamation plan. The new operation proposes mining on 32 acres of a 47-acre site. As part of this new CUP, the applicant is eliminating federal lands from the proposal, changing the prior 5-phase operation to 2 phases, and increasing the mining depth in the existing pit from 20 to 30 feet.

The applicant received a Temporary Use Permit (TUP) in 2011 to operate an asphalt batch plant in the existing quarry pit. Approval of the new mining operation and reclamation plan will extend the use of the asphalt plant as processing equipment approved for use when needed as part of the CUP. The operation will also include a screening plant and rock crushing in the quarry pit. The primary purpose of this operation is to supply aggregate for transportation improvement projects but it will also provide aggregate for solar power sites proposed in the eastern Mojave Desert region.

If this application is approved, mining will commence immediately and continue for 30 years until 2042 with reclamation to commence in Phase I in 2025, with Phase II being completed by 2047.

ANALYSIS:

Land Use Compatibility. The site is located within the Resource Conservation (RC) land use zoning designation, which allows a limited number of uses, including mining operations, subject to approval of a CUP. All properties surrounding the site are also zoned RC and vacant. An inactive sand and gravel operation exists to the south of the site, and the BLM owns the adjacent land adjacent to the east, where expansion of the existing operation was previously approved under the expired entitlements. As stated above, the applicant is no longer seeking use of federal lands for the proposed operation.

Previous and Proposed Mining Activity. Because the applicant allowed the mining operation permit to expire and reclamation had not been initiated (except for natural re-growth), this proposal was not eligible for review as a revision to the previous approved plan, and a new CUP application was required. Staff worked with the applicant and the Office of Mining Reclamation (OMR) in the review of the proposed plan, to take into consideration the existing state of the site and its 15-year history as an active mining operation. The new operating plan and the associated reclamation plan do not propose any expansion or disturbance of the project site beyond the boundaries of the existing gravel pit. The plan only provides for continued operation in the existing pit, with deeper excavation to a depth of 30 feet, where the previous approval authorized a depth of 20 feet. All proposed mining, material processing, and stockpiles will occur within the existing pit only.

Reclamation. An approval action on the CUP request will also approve the mine reclamation plan required by the Surface Mining and Reclamation Act (SMARA). The reclamation plan for

the subject site provides for backfilling of tailings materials, leaving slopes of a maximum slope of 2:1, and revegetation with a seed mix of native species of the Mojavean desert scrub community, including creosote bush and burro bush. Upon commencement of mining activities, surface soils containing plants will be removed and stockpiled as growth media for use in reclamation. The first phase of the mining operation, the northern half of the pit, is planned for mining from 2012 – 2025, with reclamation to be commenced when the operation moves to Phase II from 2025 – 2042, with final reclamation to be completed in 2047.

Environmental Review. In compliance with the California Environmental Quality Act (CEQA), an Initial Study was completed and circulated for review through the State Clearinghouse (SCH# 2012041082). The 30-day comment period ended on May 29, 2012. Comments were received from the California Department of Toxic Substances Control; the Native American Heritage Commission; the Mojave Desert Air Quality Management District (MDAQMD); and the U.S. Fish and Wildlife Service (USFWS). Staff has reviewed the comments and determined that concerns raised in the comment letters have been adequately addressed in the Initial Study (See Exhibit D). The MDAQMD letter stated that they concur with the determination that air quality impacts will be “Less Than Significant.” The USFWS merely confirmed their limited role now that the project will not include federal lands.

Mitigated Environmental Factors. Of the environmental factors potentially affected, mitigation measures are being recommended for Biological Resources, Cultural Resources, and Hazards and Hazardous Materials as summarized below:

1. Biological Resources: Although the site was mined for approximately 15 years, beginning in the late 1990's, the possibility exists that two endangered and protected species known in the area, namely the Desert Tortoise and Burrowing Owl, could inhabit the site. Although surveys were conducted for the original mining operations, and the site has been substantially disturbed by excavation of the existing pit, pre-construction surveys are required prior to commencement of additional mining activities, to ensure avoidance of potential impacts to these species. Although unlikely, protected desert plant species are also protected from disturbance.
2. Cultural Resources: The site has already been disturbed by mining operations. Therefore, impacts to cultural resources by further excavation would be unlikely. However, the site is within an 18,000 square-mile area of a desert training center that was used by General George S. Patton and closed in 1944 leaves the possibility that historical resources could exist and be uncovered with the additional depth to be excavated. A mitigation measure has, therefore, been created to ensure protection of any cultural resource that may be excavated.
3. Hazards and Hazardous Materials: Because mining and reclamation activities involve the use of heavy equipment and vehicles that contain fuel, oil, and other hazardous substances, a mitigation measure has been included to ensure all activities comply with state and local laws pertaining to proper clean-up and disposal of contaminants should an accidental spill occur.

In conclusion, the Initial Study validates that the proposed use with mitigation measures will not have a significant effect on the environment, and a Mitigated Negative Declaration is recommended. This proposed determination represents the independent judgment of the

County. All mitigation measures are included in the Conditions of Approval and are implemented through the post approval review. Confirmation of completion on the “Condition Compliance” release will forms constitute the Mitigation Monitoring and Reporting Program for this Project.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;
- 2) **ADOPT** the Findings as attached with this Staff Report (Exhibit A);
- 3) **APPROVE** a Conditional Use Permit to re-establish a former mining operation on a 32.1-acre portion of a 47-acre lot; and
- 4) **FILE** a Notice of Determination.

FIGURES:

1. Regional Location Map
2. Site and Vicinity Map

ATTACHMENTS:

- | | |
|------------|--|
| Exhibit A: | Findings |
| Exhibit B: | Conditions of Approval |
| Exhibit C: | Initial Study/Mitigated Negative Declaration |
| Exhibit D: | Comment Letter Summary |
| Exhibit E: | Mine Reclamation Plan |
| Exhibit F: | Mining & Reclamation Site Plans (Full-size) |

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EXHIBIT A

FINDINGS

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FINDINGS for approval of a Conditional Use Permit to re-establish a sand and gravel mining operation on 32.1 acres of a 47-acre site, eliminating adjacent federal lands from the original operating plan area, changing the prior 5-phase operation to 2 phases, and increasing the mining depth from 20 to 30 feet.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application. The 32.1-acre site will accommodate the proposed asphalt batch plant, screening plant, rock crushing, and mining within the boundaries of the site, and within the existing gravel pit, without any variations from code requirements or disturbance of additional area. The project conforms to all requirements of the Development Code for the proposed land use and the existing zoning. The Project specifically implements the following goal:

General Plan Goal LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further countywide economic development goals.

2. The site for the proposed use has adequate access, which means that the site design and existing conditions provide adequate legal and physical access to the site. The project is located in a remote area surrounded by vacant land, so there are no conflicts with access to surrounding properties. The site has direct access to National Trails Highway, a major arterial highway.
3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, meaning the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The proposed mining operation and project improvements have been designed to incorporate necessary improvements and to comply with the State's Surface Mining and Reclamation Act (SMARA).
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan. The proposed Conditional Use Permit site plan together with the provisions for its design and improvement are consistent with the County General Plan and RC land use designation. The Project specifically implements the following goals:

General Plan Goal ED 7: The County will conserve mineral resources for extractive industries.

General Plan Goal CO 7: The County will protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the public and the environment.

-
5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels. The site is in a remote location, miles away from existing development and population. The Project would permit re-establishment of mining activity in an existing quarry that has not posed any negative impacts on service levels within the subject neighborhood during its previous 15-year operation. No additional supporting infrastructure is required to resume operation of the existing quarry.
 6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to reduce air quality and other potential impacts and enforce performance standards.
 7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities by providing the natural resource in the form of aggregate to construct solar power plants within the Mojave Desert region.
 8. The Initial Study and the related Mitigated Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA) and represent the independent judgment of the County acting as lead agency for the project. Therefore, if the Project is approved, a Notice of Determination will be filed.

EXHIBIT B

CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS: PROCEDURAL CONDITIONS OF APPROVAL

LAND USE SERVICES DEPARTMENT - (909) 387-4105

1. This conditional approval is for Mining/Reclamation Plan No. 2012M-02 for the Sully-Miller Essex Mine: a Mining Conditional Use Permit and Reclamation Plan to re-establish a mining operation for which the previously approved permit and reclamation plan expired in 2007. The new plan proposes deletion of federal lands from the original project area, a reduction from five phases to two phases, and increased mining depth from 20 to 30 feet on a 32.1 acre portion of a 47-acre site (APN: 0655-181-18). In addition to sand and gravel mining, this approval authorizes ancillary processing, screening, rock crushing and asphalt batching in the quarry pit. A copy of the Mining/Reclamation Plan No. 2012M-02 shall be kept on site during operations at all times. A Mitigation Monitoring and Compliance Program has also been included as part of the Mining/Reclamation Plan approval. Any alteration or expansion of the approved facilities or increase in the developed area of the site from that shown on the final approved plot plans may require submission of an additional application for review and approval.
2. Mining/Reclamation Plan No. 2012M-02 shall be effective for a period of 30 years, with operations to terminate on July 5, 2042 as long as the permit is valid and the operation is in compliance with the Conditions of Approval. The Reclamation Plan shall be effective for a period of five (5) additional years to allow for monitoring of revegetation efforts and other required reclamation activities, expiring on July 5, 2047. At the conclusion of mining, all accessory uses shall be vacated and the area reclaimed or the property owner or operator shall process the appropriate application(s) for approval as a stand-alone use.
3. The San Bernardino County Land Use Services Department shall be notified in writing, within 30 days, about any:
 - A) Change in operating procedures, or inactive periods of operation for one (1) year or more.
 - B) Changes of Company ownership, address, or telephone during the life of the Conditional Use Permit or Reclamation Plan.
 - C) Any changes to provisions in lease agreements or real property that will affect the approved Mining/Reclamation Plan.

4. The approved Reclamation Plan shall be bound and shall incorporate the revegetation plan, test plot plan, and Conditions of Approval. The Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.
5. The applicant/operator shall ascertain and comply with requirements of all Federal, State, County, and Local agencies as are applicable to the project areas. They include, but are not limited to: the San Bernardino County Departments of Planning, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, Bureau of Land Management, Mojave Desert Air Quality Management District, State Fire Marshall, Colorado River Basin Regional Water Quality Control Board, CalTrans District 8, California Department of Fish and Game, State Mining and Geology Board, U.S. Fish and Wildlife Service, Mine Safety and Health Administration (MSHA), the California Occupational Safety and Health Administration (Cal-OSHA), California Highway Patrol, and County Sheriff.
6. Indemnification. 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.

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

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

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

8. This Conditional Use Permit and Reclamation Plan shall become null and void if the conditions applicable to initiation of mining have not commenced within three (3) years of the date of approval. One extension of time, not to exceed three (3) years may be granted upon written request and submittal of the appropriate fee, not less than 30 days prior to the date of expiration. PLEASE NOTE: This will be

the only notice given for the above specified expiration date. The applicant is responsible for the initiation of an extension request.

9. The applicant/operator shall submit a report summarizing the past year's mining and reclamation activity to the Department of Conservation, Office of Mine Reclamation and the Land Use Services Department each year. Mine site inspections will occur in conjunction with the annual report or at other times as appropriate.
10. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.
11. If the operation or Mine Reclamation Plan procedures change from those outlined in Reclamation Plan No. 2012M-02, the applicant/operator shall file an amendment and secure approval 90 days before such changes can be made effective.
12. All conditions of this Conditional Use Permit are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the revocation of the permit granted to use the property.
13. Proof of Department of Fish and Game fee, pursuant to California State Assembly Bill 3158, will be required prior to issuance of the Conditional Use Permit. The applicant/operator should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid.
14. The applicant/operator shall process a Condition Compliance Review through the County in accordance with the direction stated in the Conditional Approval letter, for verification of conditions for each phase of the project as approved in the Conditional Use Permit. A minimum balance of \$1,200.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase.
15. Prior to issuance of the Conditional Use Permit, all fees due under actual cost job No. AP20110033 shall be paid in full.

16. Deposit accounts with the County shall be funded prior to review of all required mitigation monitoring plans and reports, financial assurance estimates, and conduct of annual inspections.

PRIOR TO OPERATION, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387- 8311

17. *Bio-1: Within 30 days prior to site clearing or grading, preconstruction surveys will be conducted to determine if the site has become occupied by the Desert Tortoise. A California Department of Fish and Game CDFG 2081 Permit and 10a Permit will be required prior to work beginning. Regulatory measures as identified in the Mitigated Negative Declaration may be included in the work plan for the project as part of the 2081 Permit and the 10a Permit as well as any other measures CDFG deems necessary.*
18. *BIO-2: Utilizing accepted protocols, within 30 days prior to establishment of the operation, a pre-construction survey must be conducted for the Burrowing Owl by a qualified biologist.*
19. *BIO-3: Plant species protected by state law and County ordinance; yucca, agave and cactus, if any, shall be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.*
20. *CUL-1: In the event that cultural resources, including paleontological resources, are encountered; mining activities in the immediate area of the find shall be halted and the County Museum and BLM notified. Inspection of uncovered resources will be made and if necessary a recovery and curation plan implemented.*
21. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. With adherence to mandatory State Health and Safety Code Section 7050.5 which stipulates the process to be followed when human remains are encountered, no mitigation measures are necessary.
22. *HAZ-1: All spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local*

regulations regarding cleanup and disposal of the contaminant released. The contaminated waste shall be collected and disposed of at an appropriately licensed disposal or treatment facility.

23. The operator shall stockpile all growth media and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Where deemed appropriate, revegetation shall be supplemented by broadcast seeding with native and locally adapted seed and plantings of established seedlings and/or shrubs, or as per the approved reclamation plan. Stockpiled topsoil shall be stored separately from silt and overburden material stockpiles and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods. Growth media stockpiles shall be clearly identified by proper signage.
24. Mining operations shall not be conducted during periods of sustained high winds (25 mph greater than 1 hour) or during high intensity rainstorms.
25. Prior to any disturbance that could disturb or alter any drainage course, the applicant/operator shall enter into a California Department of Fish and Game 1602 Streambed Alteration Agreement or provide evidence that one is not required.
26. The Operator shall submit an Erosion Control Plan prior to any land disturbance or operations and shall construct adequate measures to control surface runoff to protect surrounding land and water resources in a manner commensurate with standard engineering practice.
27. A Storm Water Pollution Prevention Plan (SWPPP) may be required at the discretion of the Regional Water Quality Control Board. If required, the SWPPP shall outline how storm water shall be conveyed or directed on and off-site during operations to avoid impacts to groundwater and surface water quality. Within the SWPPP, the operator shall list Best Management Practices (BMPs) to be employed on-site to avoid water quality impacts.
28. The area of illumination from any lighting shall be confined to be within the site boundaries and to minimize impacts to night sky views from surrounding properties. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. On-site lighting shall be

fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting shall be limited to that necessary for maintenance activities, security and safety purposes. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign.

29. The applicant/operator shall comply with dust control measures and equipment permit requirements of the Mojave Desert Air Quality Management District (MDAQMD).
30. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (Development Code, Section 83.01.040 (c)) including but not limited to:
 - A. Equipment/vehicles shall not be left idling for periods in excess of five minutes;
 - B. Engines shall be maintained in good working order to reduce emissions;
 - C. Onsite electrical power connections shall be made available where feasible;
 - D. Ultra low-sulfur diesel fuel shall be utilized;
 - E. Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible;
 - F. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
31. Prior to operation, the project boundaries and corners shall be marked with signage and protected from surface disturbance activities. For each corner, GPS coordinates shall be provided in a format acceptable to the County.

COUNTY FIRE DEPARTMENT, Hazardous Materials Division (909) 386-8401

32. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes to their Business Emergency/Contingency Plan or a letter of exemption. Updates shall indicate the revisions/changes to the facility. Revisions must at minimum include a letter of explanation, the Cover Sheet, the Activities Page, the Business Owner/Operator Identification Page, and any other information that has changed (i.e. facility maps, inventory, etc.).

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

33. Hauled water shall be approved by DEHS and bottled water shall be provided for visitors and employees.
34. If sewer connection and services are unavailable, portable toilets shall be approved by DEHS.

GENERAL REQUIREMENTS: ON-GOING OPERATIONAL CONDITIONS

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

35. The Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b).
36. No land filling or storage of wastes, including asphalt or other construction-related debris, shall occur on-site without an approved Solid Waste Facilities Permit.
37. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with the Development Code, Section 33.0830 et seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 909-387-4655.
38. All refuse containing garbage shall be removed from the premises at least one time per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.
39. All refuse not containing garbage shall be removed from the premises at least one time every two weeks to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387-4105

40. If prehistoric, paleontological, cultural or historic resources over 50 years of age are encountered during mining activities, then activities in the immediate area of the finds should be halted so that a County approved archaeologist or

paleontologist can assess the find, determine its significance, and make recommendations for appropriate mitigation measures. The operator shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.

41. A Revegetation Plan shall be prepared by a County-approved biologist within ninety (90) days of Planning Commission approval. The Plan shall include the number, location, and spacing of test plots and shall be implemented at the conclusion of mining operations, in accordance with the reclamation plan.
42. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA, Section 2770(h) shall be submitted to Planning for review and approval within 90 days after the mining operation commences.
43. The mining operation shall be conducted in a uniform manner, with exterior slopes and floors trimmed as the mining operation proceeds. Excavations shall be conducted so as to leave them in a reasonably neat and trim manner. The final pit shall be excavated and trimmed at the pit slope angles and dimensions as per the approved Mining/Reclamation Plan Plot Plans. Backfill shall be placed with reasonable compactive efforts commensurate with the proposed end use and designated as non-engineered fill to prevent settlement and/or erosion. Any changes to the approved plans shall require a Revision Application.
44. The applicant/operator shall maintain the plant site and premises in a neat and orderly manner at all times. No refuse shall be retained at any time in the pit excavation, channel ditches or work areas. All refuse shall be disposed of at an approved licensed disposal facility. Refuse storage shall be maintained in closed containers.
45. Adequate provisions shall be made to conduct any off-site tributary drainage flow around or through the site in a manner which will not adversely affect adjacent upstream or downstream properties. The drainage adjacent to the pit shall not be occupied or obstructed and shall be addressed in the project SWPPP, if required by the Regional Water Quality Control Board per Condition No. 27.

46. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
47. Clearly legible signs denoting limits shall be posted along with fencing, gates, berms, or rock barriers, as necessary, to protect against accidental entry to the site. Lettering shall be a minimum four (4) inches in height. All signs shall be in place prior to the commencement of extraction activities.
48. The applicant/operator should regularly review the adequacy of the signs. Care should be taken to ensure that signs do not become blocked by vegetation or become illegible from dirt or deterioration. In evaluating the adequacy of signs, they should be considered from the viewpoint of a first-time visitor on the property, such as a vendor or a contractor.
49. Any advertising or identifying sign shall be constructed in compliance with sign regulations of the Development Code and permit requirements of the Land Use Services Department.
50. The applicant shall install Company identification signs on any company owned and operated trucks used on public roads. The signs shall be located on both sides and the rear of each truck, as follows:

On the rear of the truck:

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

On the side of the truck:

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

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

51. In the event of any soil contamination on-site, the applicant/operator shall remove to a County approved disposal site, any soils that become chemically

- contaminated so as to preclude any chemical leaching into the local ground water supply over time.
52. In the event of any spill(s) on site, the applicant/operator shall remove any soils and or liquid in accordance with the approved Business Plan.
53. Processing and/or stockpiling of recycled materials is not permitted on site.
54. If applicable, any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to California Health & Safety Code, Section 115700.
55. Test plots, as described in the required Revegetation Plan (Condition No. 41), shall be indicated on the Mine and Reclamation Plan and required to determine the suitability of growth media for revegetation purposes. Test plots shall be protected from surface disturbance activities and shall be conducted simultaneously with mining to determine the most appropriate planting procedures to be followed to ensure successful implementation of the Revegetation Plan. Test plots shall be implemented within one year of commencement of mining operation or at the time designated in the Revegetation Plan, whichever is sooner.
56. Revegetation Monitoring will continue annually for at least five (5) years after reclamation has been completed. Following the first two years of qualitative monitoring, quantitative monitoring will be conducted. Monitoring will utilize methods appropriate to the areas under study. Beginning with the adoption of the final revision of the Reclamation Plan that encompasses all the needed changes to be consistent with the final conditions of project approval, and continuing until reclamation is completed, the applicant/operator will submit to Planning annual monitoring reports. The reports will:
- A. Describe revegetation actions undertaken in the reporting period;
 - B. Identify areas that have been disturbed;
 - C. Identify areas and acreage for which revegetation has been started;
 - D. Present results of investigations on species diversity and other measures of revegetation success in test and control or reference plots;
 - E. Describe successes and problems in the revegetation efforts for that year;
 - F. Describe steps taken to resolve problems or achieve revegetation success;

- G. Describe disturbance and re-vegetation efforts planned for the next two years.
57. If revegetation is not successful, the applicant/operator shall undertake the following actions:
- A. If, during the first two years of qualitative monitoring, revegetation is clearly not successful, the applicant/operator will re-evaluate the revegetation methods and will discuss changes to these methods with the County. The applicant/operator will revise the Revegetation Plan, secure concurrence from Planning for the changes, and begin implementing the new measures.
 - B. If the test plots do not meet the specified success criteria of the control plots after three years, the applicant/operator will make an assessment of the revegetation methods to identify any deficiencies contributing to planting failures. Corrective action shall be incorporated in follow-up testing.
 - C. If after five years, the revegetated areas (as measured by the results of the test plots) have not achieved these success criteria, the applicant/operator will immediately begin to implement the measures identified in a contingency plan.
58. Pursuant to SMARA, Section 2772.7, the Planning Division will prepare a "Notice of Reclamation Plan Approval" on a form to be approved by the County Records Office. The operator shall pay any review and recording fees, and shall cause the notice to be recorded.

PRIOR TO FINAL CLOSURE, THE FOLLOWING CONDITIONS SHALL BE MET:

59. Upon final reclamation, provisions shall be implemented to intercept and conduct off site tributary drainage flows around or through the site to minimize erosion in a manner which will not adversely affect adjacent or downstream properties and shall be maintained five (5) years following the termination date of operation.
60. At the time of termination of the operation for any reason, all equipment, structures and refuse associated with the operation shall be removed from the site, all hazards mitigated, and reclamation initiated within 90 days, as per the approved Reclamation Plan.

61. If applicable, upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision, are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.
62. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of mining/hauling activities.
63. The applicant/operator shall re-contour the site at the conclusion of operations (platforms, stockpiles, settling ponds, etc.) to resemble natural landforms where possible, in accordance with the reclamation plan.
64. Slope Stability. All slopes shall conform to California Building Code standards. In the event that slopes exceed such standards, or if unstable conditions are identified in a site inspection, a slope stability analysis and slope monitoring plan, prepared by a qualified California Certified Professional Civil Engineer OR Engineering Geologist may be required to identify and implement mitigation measures.

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EXHIBIT C

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

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SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN: 0655-181-18
Applicant: Sully-Miller Contracting Company
Community: Essex

Location: 5 ½ miles east of Essex on the northside of National Trails Highway
Project No: AP20110033

Staff: Ernie Perea
Rep: Paul Kielhold
Proposal: Mine Reclamation Plan for sand and gravel on a 32.1 acre site

USGS Quad: Fenner California
T, R, Section: T8N R17E Sec. NW¼ of S13/S14
Thomas Bros.: Page 351 Grid F-10
Planning Area: Essex

OLUD: Resource Conservation (RC)

Overlays: Open Space Wilderness

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0184

Contact person: Ernie Perea, Contract Planning Consultant
Phone No: 951- 214-2739 **Fax No:** (909) 387-3223

E-mail: ernestperea@ymail.com

Project Sponsor: Sully-Miller Contracting Company
135 South State College Blvd., Suite 400
Brea, CA

PROJECT DESCRIPTION:

Sully-Miller Contracting Company (Sully-Miller) proposes this mine reclamation plan for a 32.1-acre portion of a parcel east of Essex, California, in the County of San Bernardino (Figure 1). The site is owned by Sully-Miller and most of the adjacent parcels are owned by the United States and are administered by the Bureau of Land Management (BLM). The site had San Bernardino County Mine Reclamation Plan approvals in the past (formerly CA Mine ID #91-33-0063) and has been completely disturbed. The improvements are proposed to consist of portable equipment: a rock crushing and screening plant and an asphalt plant.

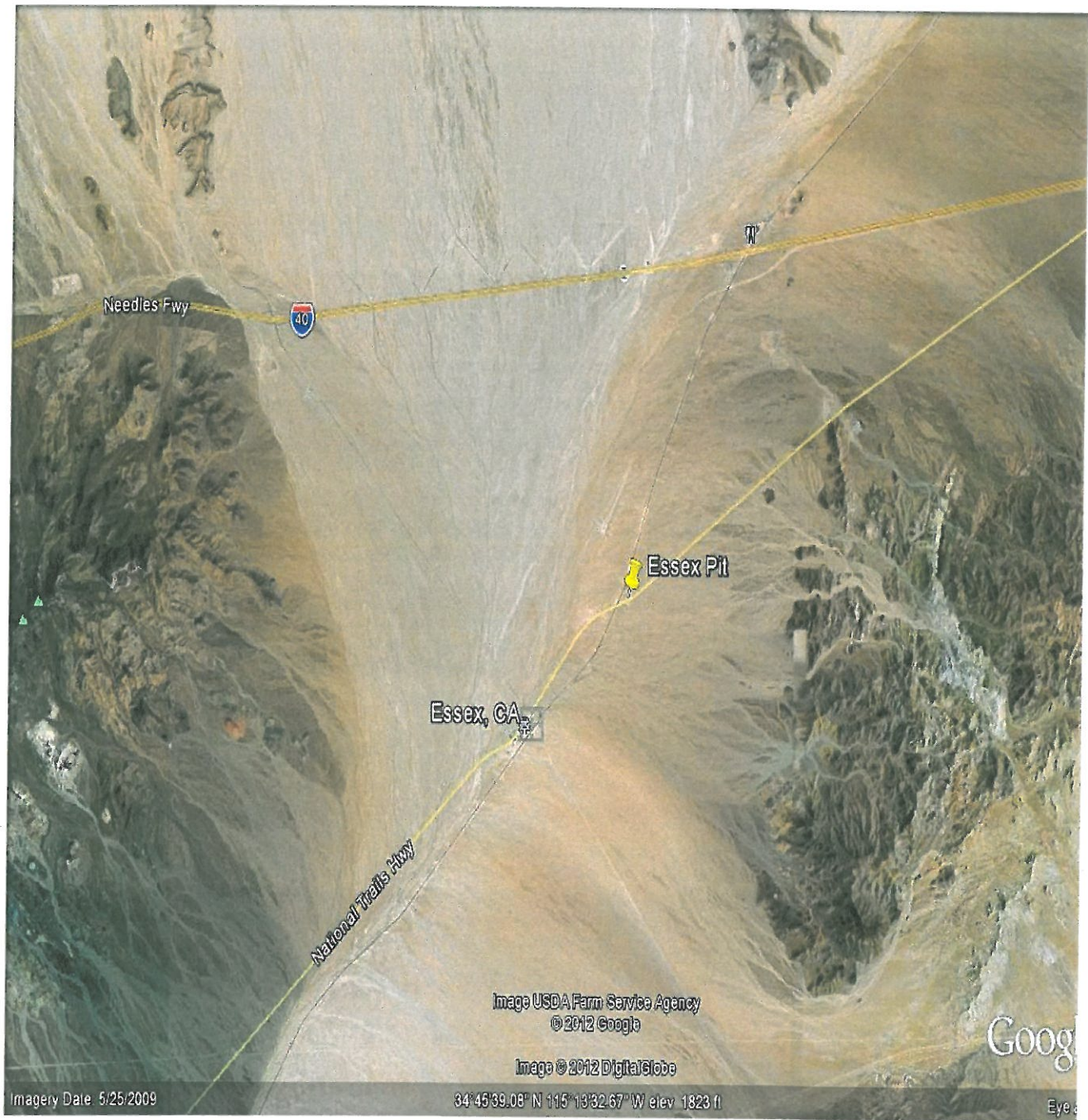
The site is 5½ miles east of Essex on the north side of National Trail Highway (Route 66). The site is the location of facilities previously approved by the County (CA Mine ID #91-33-0063) and operated intermittently by various entities primarily for highway repairs. The site can provide service to I-15, I-40, US 95, National Trail Highway and other highways in the region. The site could also provide aggregates for the many solar power sites proposed in the eastern Mojave Desert Region.

Mining will be conducted in two phases. Vegetation and top soil salvage is not expected to produce much growth media because the site has previously been mined, however, if found protected plant species, yucca and cacti, will be transplanted to the nursery area along the south side of the quarry. The upper 6"-12" of topsoil will also be stockpiled along the south side of the pit. Mining will be conducted by dozers, scrapers and loaders. Mining will occur from the east toward the west and north to the south. The rock plant and asphalt plant will remain in the original location until Phase I excavation (to the north and east) is completed then the plants will be placed below grade within the Phase I pit and Phase II will be excavated.

Mining may commence as early as 2012 and could continue intermittently for thirty years, until January 2042; with the completion of reclamation intended within five (5) years of the completion of mining (2047). Activity on the site is dependent upon repair, maintenance and construction schedules which will be determined by others, therefore the activity could occur 24 hours per day and 7 days per week. The surrounding properties are currently vacant and are expected to remain vacant because they are federally owned with the exception of the parcel south of the site which has also been used for an aggregate pit and material processing area. Temporary halts may occur due to climatic extremes such as air temperatures which are too low to allow asphalt to be applied and the absence of work contracts.

Mine wastes are expected to be composed of silts and clays which are too fine to be used in construction aggregates. Silts and clays will be reburied within the pit prior to spreading of growth media and revegetation seeding. Refuse and septage will be collected onsite and hauled to licensed facilities for disposal.

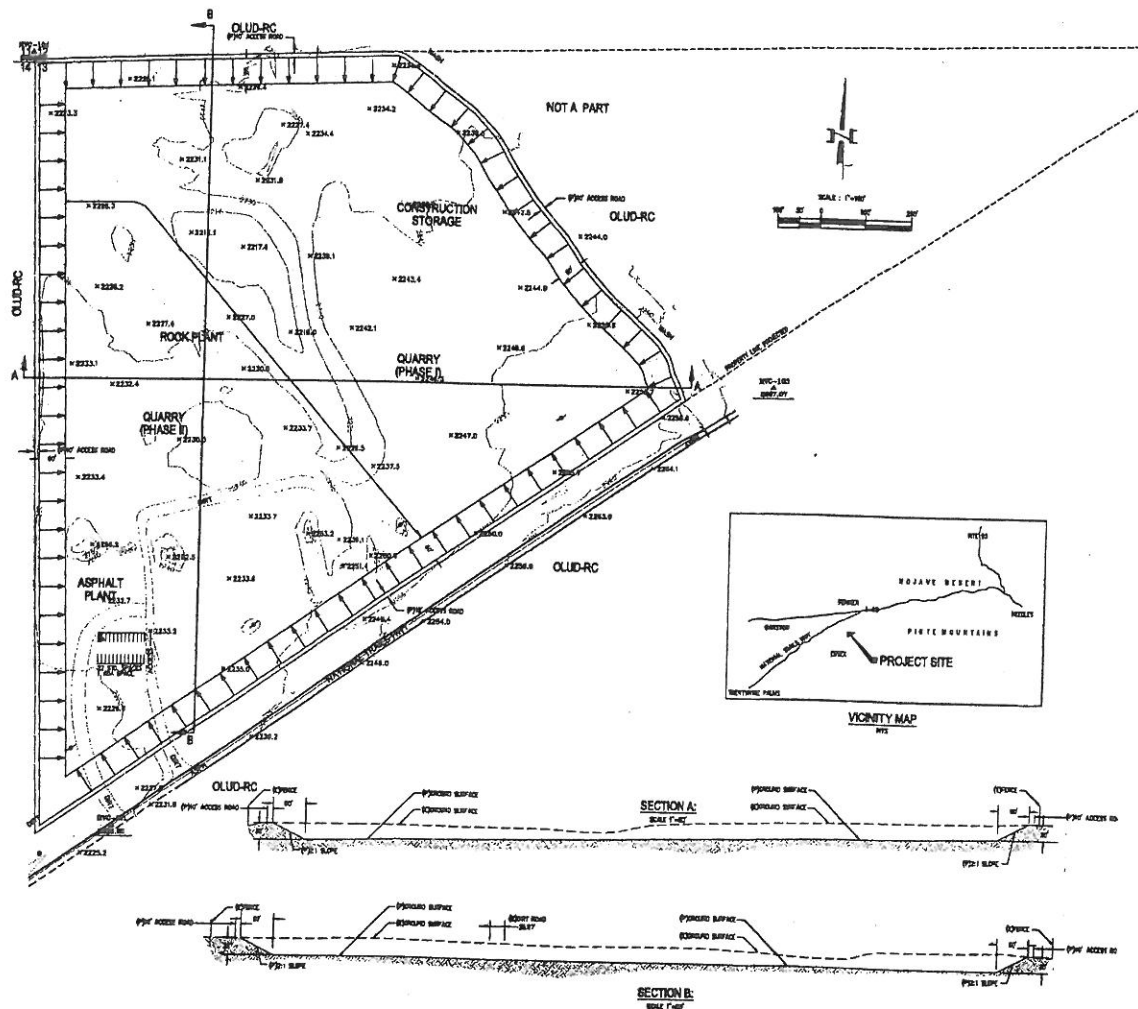
Aggregate will be moved from the pit via loaders, scrapers and dozers. Processing of excavated sand and gravel will be accomplished by a crushing and screening plant and an asphalt plant. The crushing plant uses a water spray system to control dust generation to levels permitted by the Mojave Desert Air Quality Control District. The asphalt plant uses a dry dust collection system (bag house). Material will leave the site as asphalt or other construction aggregate.



Essex Pit

Vicinity Map

Exhibit 1



Essex Pit

Location Map

Exhibit 2



Essex Pit

Site Photograph
Looking NW towards BLM Land

Exhibit 3



Essex Pit

Site Photograph
Looking North. I-40 is in the Background

Exhibit 4



Essex Pit

Site Photograph
Looking NE. Former pit is in mid-ground

Exhibit 5



Essex Pit

Site Photograph
Looking South towards
National Trails Highway

Exhibit 6

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

Table 1. Existing and Surrounding Land Use and Zoning

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Vacant	Resource Conservation (RC)
North	Vacant	Resource Conservation (RC)
South	Vacant (Former Sand and Gravel Mine)	Resource Conservation (RC)
East	Vacant	Resource Conservation (RC)
West	Vacant	Resource Conservation (RC)

The site is located upon an alluvial fan emanating from the Piute Mountains. Surface water flows are ephemeral (occurring immediately after storms) and flow from the southeast to the northwest.

The surrounding area is vegetated with a Mojavean creosote bush - burro bush scrub community dominated by creosote bush and burro bush. Also present on adjacent undisturbed areas are cassia, cheesebush, krameria, cholla, barrel cactus, sweet bush, Mormon tea, euphorbia, buckwheat, desert spineflower and several annual species. A complete species list is included in the original (pre-disturbance) assessment by Victor Horchar. Baseline vegetation data was collected during the winter of 2011-2012 from adjacent areas. The baseline vegetation data include measures of aerial extent of ground cover by plants, plant density and species diversity. Plant species protected by state law and County ordinance; yucca, agave and cactus, will be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site. The area surrounding the site is undisturbed and remains in a natural state.

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

- Mojave Desert Air Quality Management District (MDAQMD): Permit to Construct and Operate a Crushing/Screening Plant/Asphalt Plant.

EVALUATION FORMAT

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

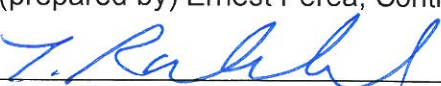
DETERMINATION: (To be completed by the Lead Agency)

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

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

Signature (prepared by) Ernest Perea, Contract Planner

Date


Signature: Terri Rahhal, Planning Manager

Date

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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I. AESTHETICS - Would the project

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

a) **No Impact.** According to The San Bernardino County General Plan the project site is not within a scenic vista. The area surrounding the site is undisturbed and remains in a natural state. Activities occurring within the immediate area include recreational off-road vehicle travel and commercial livestock grazing. Other than desert habitat, there are no unique features in the area.

b) **No Impact.** According to The San Bernardino County General Plan the project site is not within a scenic vista. The Project Site is located on National Trails Highway in the Essex area. National Trails Highway is a County Scenic Route from Oro Grande northeast to Lenwood (Barstow area). The site is not located within this designated area. Therefore, no impact is anticipated

c) **Less Than Significant Impact.** The project site is not located within a scenic vista or along a scenic highway. Activities occurring within the immediate area include recreational off-road vehicle travel and commercial livestock grazing. Other than desert habitat, there are no unique features in the area. The proposed use is an allowable use within the Resources Conservation Land Use Zoning District. Although the visual character of the site will change during mining operations, upon conclusion of mining; all equipment, processing plants, tanks, generators, conveyors and any debris will be removed from the site and the site revegetated. Upon completion of revegetation, the site will be level with an elevation 20 feet below the surrounding grade. In addition, The height of the proposed structures is permitted by the San Bernardino County Development Code and will not be out of character with other mining facilities (either or future) allowed within the area. Therefore, a less than significant impact is anticipated.

d) **Less Than Significant Impact.** The Proposed Project may include outdoor lighting that would introduce a new source of light or glare which would affect nighttime views in the

area. Section 83.07.040 of the County Development Code contains performance standards and general requirements that minimize light pollution, glare, and light trespass and curtail the degradation of the nighttime visual environment. This is a mandatory requirement that will be part of the Project Conditions of Approval.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

a) **No Impact.** The California Resources Agency defines Prime Farmland, Unique Farmland, or Farmland of Statewide Importance for San Bernardino County as farmlands which include dryland grains of wheat, barley, oats, and dryland pasture. The Project Site does not meet these characteristics. Therefore, the Proposed Project would not Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, no impact is anticipated.

b) **No Impact.** The Project Site is not designated as agricultural land use or under a Williamson Act contract and is not zoned for agricultural use. No impact is anticipated.

c) **No Impact.** No portion of the project site occurs within forest land or timberland. Therefore, the Proposed Project does not conflict with, nor could it result in the rezoning of forest or timber land. Therefore, no impact is anticipated.

d) **No Impact.** No portion of the project site occurs within forest land, and approval of the Proposed Project would not result in the loss of forest land or convert forest land to a non-forest use. No impact is anticipated.

e) **No Impact.** The Proposed Project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use because the site is not located in the vicinity of farmland or forest land. Therefore, no impacts are anticipated.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

The Project Site is located in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality issues and regulations within the MDAB. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the MDAQMD has published its California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011.

a) **No Impact.** Reclamation of the site would involve the disturbance of approximately 32 acres. The Proposed Project is an allowable use within the RC Land Use District. The project site is within the Mojave Desert Air Basin and under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use

plan that was used to generate the growth forecast.

The Project is consistent with the zoning and land use classifications that were used to prepare the Mojave Desert AQMP. In addition Project-generated emissions were modeled using the California Emissions Estimator Model (CalEEMod). Project generated emissions were modeled based on Project specific information and/or default information contained in CalEEMod. The Project's air pollutant emissions generated during all phases of the Project will not exceed construction or operational emission thresholds. (See Table 2). Therefore, the Project's emissions are in compliance with the thresholds established by the Mojave Desert Air Quality Management District. The project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the plan. Therefore, no impact is anticipated.

b) **Less Than Significant Impact:** On-site emissions for the proposed project were modeled using the Off-Road Mobile Source Emissions Factors (2013) for the on-site diesel equipment, rock crushing plant, and asphalt plant. Offsite emissions including worker trips and hauling were modeled using the CalEEMod.2011.1.1 software program.

On-site emission calculations included the use of 2-loaders, 2-scrapers, 2-rubber tire dozers, 1-water truck and the rock crushing and asphalt plants. Offsite emission calculations included estimates based on 180 bottom dump truck trips per day, 9 asphalt oil truck trips per day, and 6 water truck trips per day for a total of 195 truck trips per day.

Table 2. Project Emissions

Emissions Source	ROG	Nox	CO	PM
Loaders	1.912	14.9536	7.6208	0.8128
Scrapers	4.4528	38.5888	16.632	1.608
Rubber Tire Dozers	4.7776	40.7232	18.7984	1.7024
Water Truck	1.7128	14.8344	5.0888	0.5152
On-Road Hauling	0.14	1.03	1.63	11.58
Processing Equipment: Rock Crushing/Asphalt Plants	2.7728	18.8032	10.8368	1.1968
Total Emissions lbs/day	15.7	128.9	60.6	17.4
MDAQMD Thresholds	137	137	548	82
Exceeds Threshold?	No	No	No	No

As shown in Table 2, Project emissions would not exceed MDAQMD thresholds.

Compliance with MDAQMD Regulation II and Rules 402 and 403

Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with all applicable MDAQMD rules and regulations as the MDAB is in non-attainment status

for ozone and suspended particulates (PM₁₀ and PM_{2.5} (state)). The Project shall comply with Regulation II which requires the Applicant to obtain and implement condition for a Permit to Construct and a Permit to Operate the proposed rock crushing and asphalt plants. To limit dust production, the Applicant must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACM) for each fugitive dust source. This would include, but not be limited to the following BACMs:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - I. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading and mining activity on the site. Portions of the site that are actively being mined shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - II. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - III. The Project proponent shall ensure that all mining and processing activities are suspended when winds exceed 25 miles per hour.

Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Proposed Project would not exceed MDAQMD thresholds during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

2. All equipment used for mining and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
4. The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.
5. The aggregate crusher must obtain permits to construct and annually renew permits to operate from the MDAQMD and be in compliance with such permits.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Diesel Reduction Plan. These measures will be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines.

c) **Less Than Significant Impact.** The Project is located in a region that has been identified as being in Non-Attainment for Ozone and PM₁₀ (State) according to the California Air Resources Board Area

Designation Maps. This means that the background concentration of these pollutants have historically been over the Federal and/or State Ambient Air Quality Standards. With respect to air quality, no individual project would by itself result in Non-Attainment of the Federal or State Ambient Air Quality Standards. However, a project's air pollution emissions although individually limited, may be cumulatively considerable when taken in combination with past, present, and future development projects. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the regional Air Quality Management District.

The results of the CalEEMod computer model prepared for the Project determined that the thresholds for the above referenced criteria pollutants would not be exceeded by the Project. (See Table 2). Therefore, impacts from the Project are not cumulatively considerable when included with other past, present, and future probable projects.

d) **No Impact.** The Proposed Project is located in a remote area of northern San Bernardino County. No sensitive receptors are located within the project vicinity. Therefore, no impacts are anticipated.

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

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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IV. BIOLOGICAL RESOURCES - Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

a) Less than Significant with Mitigation Incorporated:

Animal Species

According to information contained in the County of San Bernardino General Plan, the Desert Tortoise and the Burrowing Owl have the potential to occur in the project area. The Desert Tortoise is a federally- and state-listed threatened species and the Burrowing Owl is a federal and California species of concern.

A Desert Tortoise survey was conducted for the original mining project and no animals were found. An exclusion fence was installed and clearance surveys conducted at that time. At the conclusion of mining, the processing area was left compacted. Due to the lack of Desert Tortoises originally and the current surface conditions, the site is not expected to have been occupied by Desert Tortoises, however, transient animals could occur on site, therefore, the following mitigation measures are required:

BIO-1: Within 30 days prior to site clearing or grading, preconstruction surveys will be conducted to determine if the site has become occupied by the Desert Tortoise. If the site has become occupied by the Desert Tortoise, then a Biological Opinion from United States Fish and Wildlife Service(USFWS) and a California Department of Fish and Game CDFG 2081 permit and 10a permit will be required prior to work beginning. The following measures may be included in the work plan for the project as part of the 2081 permit and the 10a permit as well as any other measures CDFG deems necessary:

- **The Applicant shall conduct an orientation program for all persons who will work on-site during construction. The program shall consist of a brief presentation from a person knowledgeable about the biology of the Desert Tortoise, the terms of the grading permit, Federal Endangered Species Act (FESA), and California Endangered Species Act (CESA). The education program shall include a discussion of the biology of the Desert Tortoise the habitat needs of this species, their status under FESA and/or CESA, and the specific measures that are being implemented during construction to protect these species. In addition, they shall be advised as to the potential impact to tortoises and potential penalties (up to \$25,000 in fines per violation and one year in prison) for taking a threatened species. A fact sheet containing this information shall also be prepared and distributed to all attendees. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at the construction office of the Applicant and shall be made available to the CDFG and USFWS upon request.**
- **Only an Authorized Biologist(s) shall be allowed to handle tortoises. The Authorized Biologist(s) shall have a Memorandum of Understanding (MOU) with the CDFG for handling tortoises. The Applicant shall submit the credentials of the proposed Biologist(s) to the CDFG and USFWS for review and approval or authorization at least 30 days prior to the onset of activities. No ground disturbing activities shall begin until a Biologist is approved or authorized.**
- **All Desert Tortoises shall be handled according to the Desert Tortoise Council's**

handling guidelines (Desert Tortoise Council 1999). An Approved Biologist must approve the haul roads prior to use. If temporary Desert Tortoise fencing is necessary, the contractor will be responsible for the installation.

- The construction right-of-way shall be clearly marked or flagged at the outer boundaries, prior to the onset of construction. All construction workers shall be instructed that their activities shall be confined to locations within the flagged or marked areas.
- The project areas shall be surveyed for Desert Tortoise burrows within 24 hours prior to the onset of site disturbance. The inspections shall be conducted by the Authorized Biologist(s) and shall provide 100% coverage of the right-of-way. Tortoise occupancy of those burrows within the area of potential effect shall be determined by the Authorized Biologist(s). Those occupied burrows within the project area which cannot be avoided shall be excavated by hand during this time period. All excavation of tortoise burrows shall be in accordance with the Desert Tortoise Council guidelines and handling procedures. Measures will be taken to prevent tortoises from re-occupying the burrow sites. Burrows shall be excavated and tortoises handled only by the Authorized Biologist(s).
- Prior to new ground disturbing activities, the authorized biologist(s) shall perform a pre-construction sweep and periodically monitor these ground disturbing activities. Each of the biologists shall have appropriate qualifications and shall be approved by the CDFG and USFWS at least 30 days prior to any ground disturbing activities.
- All tortoises found on the project site above ground or in an open trench shall be moved at least 1,000 feet outside of the right-of-way in undisturbed habitat by the Authorized Biologist(s). Desert Tortoises shall be placed in the shade of a large, marked shrub. Disposable latex gloves shall be used to handle all desert tortoises. All Desert Tortoise handling and relocation shall be done in accordance with Desert Tortoise Council protocols (Desert Tortoise Handling Guidelines prepared by the DTC, revised 1999). All materials which come in contact with desert tortoises shall be used only once and then properly discarded to minimize contact with the causative factor(s) for upper respiratory tract disease. Tortoises shall be kept upright at all times and handled in a secure but gentle manner to minimize stress including the possibility of voiding the bladder.
- Any Desert Tortoise burrow that may be affected (within 30 feet of project activities or in the opinion of the Biologist(s) shall be clearly marked by the Biologist(s) to avoid crushing and shall be carefully monitored to ensure that the Desert Tortoise and its burrow are not taken. If the Authorized Biologist(s) determines that this monitoring effort is insufficient to protect the desert tortoise, temporary fencing shall be placed between the burrow and the construction area in a manner that will direct the desert tortoise away from harm's way. The fence shall be installed and removed either by, or under the direction of, the Authorized Biologist(s).
- Each Authorized and Approved Biologist shall maintain a log during each monitoring visit that includes a record of all Desert Tortoises that are

encountered. The information shall be forwarded to the USFWS and CDFG detailing the locations of each occurrence, the general condition and health of each individual, diagnostic markings, and any actions undertaken (excavation of burrows, relocation of desert tortoises). A post-construction compliance report shall be provided to the CDFG within 90 calendar days following project completion. The report shall document the effectiveness of the mitigation measures, the level of take associated with the project including the number of desert tortoises excavated from burrows, and the number of Desert Tortoises moved from construction sites. The report will make recommendations for modifying or refining the above conditions to enhance Desert Tortoise protection.

- Construction and maintenance vehicles shall not exceed a speed of 25 mph in tortoise habitat.
- Project personnel will carefully check under parked vehicles or equipment for desert tortoises before moving them. Desert tortoises found within the parking, traffic or construction areas shall be moved by an authorized handler to a location away from danger and only as specified by CDFG/USFWS.
- Upon discovery of a Desert Tortoise in a work area, all work in that area shall stop until the Desert Tortoise is relocated. An Authorized Biologist shall be on site or on call to relocate any desert tortoise found during work activities. The desert tortoise shall be monitored until the Authorized Biologist arrives.
- Open trenches, auger holes, or other excavations that may act as pitfall traps shall be inspected prior to working in or around the excavation and prior to backfilling. Other excavations that remain open overnight will be covered to prevent them from becoming pitfall traps. Any animals found within the excavations shall be relocated.
- All material areas, equipment storage areas, construction shacks, or other facilities related to the project must be within the disturbed area.
- All project activities shall be confined within the project area. At no time shall equipment or personnel be allowed outside of the project area.
- If, in any event, a Desert Tortoise is injured as a result of project related activities during construction, it will be immediately taken to a CDFG approved rehabilitation facility. Any veterinarian bills for such injured tortoises will be paid by the Applicant. The CDFG and USFWS will be notified so they can determine the final disposition of the animal, if the injured tortoise recovers. Notification to the CDFG and the USFWS shall occur in writing, within 5 calendar days of the incident. Notification shall include the date, time, location and circumstances of the incident.
- If a tortoise is killed by project related activities during construction, or if a tortoise is otherwise found dead, a written report will be sent to the CDFG and the USFWS within five (5) calendar days. The report will include the date, time of the finding or incident (if known), location of the carcass and the circumstances (if known). Tortoise remains shall be collected and frozen as soon as possible. The CDFG and/or USFWS shall be contacted as to the ultimate disposition of the

remains.

- **A litter control program shall be instituted. The program includes the direction to all workers to eliminate food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area and to maintain covered trash containers that are regularly removed from the project site.**
- **No firearms or pets shall be allowed at the work area. Firearms carried by authorized security and law enforcement personnel are exempt from this term and condition.**
- **The Applicant shall allow the CDFG and USFWS representatives access to the project site to monitor compliance with the terms and conditions of this permit, subject to such reasonable restrictions at Applicant's requests.**
- **Neither the Biologist(s), nor the CDFG or USFWS shall be liable for any costs incurred in complying with the management measures, including cease-work orders.**

In order to mitigate potential impacts to the burrowing owl to the maximum extent feasible, a pre-construction survey is required as described in Mitigation Measure BIO-2 below:

BIO-2: Utilizing accepted protocols, within 30 days prior to establishment of the operation, a pre-construction survey must be conducted for the Burrowing Owl by a qualified biologist.

Plant Species

The site and surrounding area are vegetated with a Mojavean creosote bush - burro bush scrub community dominated by creosote bush and burro bush. Also present on adjacent undisturbed areas are cassia, cheesebush, krameria, cholla, barrel cactus, sweet bush, Mormon tea, euphorbia, buckwheat, desert spineflower, and several annual species. Baseline vegetation data was collected during the winter of 2011-2012. The baseline vegetation data include measures of aerial extent of ground cover by plants, plant density and species diversity. With implementation of the following mitigation measure, impacts will be less than significant:

BIO-3. Plant species protected by state law and County ordinance; yucca, agave and cactus, will be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.

b-c) **No Impact.** Section 404 of the Clean Water Act defines wetlands as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." [Ref. EPA Regulations listed at 40 CFR 230.3(t)].

The California Department of Fish and Game found the U.S. Fish and Wildlife Service (Section 404 definition above) wetland definition and classification system to be the most biologically valid. The Department of Fish and Game staff uses this definition as a guide in identifying wetlands.

There are no features on the site that meet the definition of wetlands.

The wash area located to the east of the site contains smoke trees which are considered to be desert riparian woodlands. The wash area is not part of the project and this area will be avoided.

Therefore, the Project site does not contain riparian habitat, sensitive natural communities, or wetlands that would fall under the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Game, or the Regional Water Quality Control Board.

d) **Less Than Significant Impact.** Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human development. Corridors effectively act as links between different populations of a species. Interference with the movement of native resident migratory fish or wildlife species occurs through the fragmentation of open space areas caused by urbanization

Wildlife nursery sites are areas that provide valuable spawning and nursery habitat for fish and wildlife. Wildlife nursery sites occur in a variety of settings, such as trees, wetlands, rivers, lakes, forests, woodlands and grasslands to name a few. The use of a nursery site would be impeded if the use of the nursery site was interfered with directly or indirectly by a project's development or activities.

The wildlife species observed onsite are characteristic of Mojavean creosote bush scrub. These species include coyote, jack rabbit, side blotched lizard, raven, vulture, dove, verdin, red-tailed hawk, roadrunner and kestrel.

The site is adjacent to National Trails Highway on the south and vacant land on the north, east and west. The location of the National Trails Highway limits the site's viability as a wildlife corridor. In addition, because of previous mining activities, the site has been disturbed and is devoid of any significant types of vegetation. That would support wildlife. Consequently, the site does not serve as a wildlife movement corridor or wildlife nursery site.

e) **Less Than Significant Impact.** The Project site is located within the Resource Conservation land use district and is identified as a "Wilderness Area" by the County General Plan. The Biotic Resources (BR) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) implements General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats, which have been identified within unincorporated areas of the county.

The BR Overlay is applied to areas that have been identified by a County, State or Federal agency as habitat for species of unique, rare, threatened or endangered plants or animals or their habitats as listed in the General Plan. As stated in the response to Question IVa above, the site has the potential to support the Desert Tortoise and the Burrowing Owl. Implementation of Mitigation Measures BIO-1 and BIO-2 would ensure potential impacts of the Proposed Project would be reduced to a less than significant level.

f) Less Than Significant Impact. The Proposed Project is subject to and in conformance with the California Desert Conservation Area Plan (West Mojave Plan). Implementation of Mitigation Measures BIO-1 would BIO-2 would ensure potential impacts of the Proposed Project would be reduced to a less than significant level. Therefore, the Proposed Project activities would be in compliance with the California Desert Conservation Area Plan (West Mojave Plan).

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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V. CULTURAL RESOURCES - Would the project

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

a) **No Impact.** Based on CEQA Guidelines Section 15064.5, "historical resources" includes a resource that is eligible for listing in the California Register of Historical Resources or a resource listed in a local register of historical resources. There are no structures of any kind located on the Project site. Therefore, the Project will not cause a substantial adverse impact on a historical resource.

b-c) **Less Than Significant with Mitigation Incorporated.** The historic records search conducted by the Archaeological Research Unit of the San Bernardino County Museum identified only that the site is within the 18,000 square mile Desert Training Center, California-Arizona maneuver area (California Historic Landmark area CHL-985). The Desert Training Center was used by General George S. Patton and closed in 1944. No additional cultural resources have been identified by County Museum or BLM staff.

In order to mitigate to cultural resources to the maximum extent feasible, the following mitigation measure is recommended:

CUL-1. In the event that cultural resources, including paleontological resources, are encountered; mining activities in the immediate area of the find will be halted and the County Museum and BLM notified. Inspection of uncovered resources will be made and if necessary a recovery and curation plan implemented.

In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Corner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. With

adherence to mandatory State Health and Safety Code Section 7050.5 which stipulates the process to be followed when human remains are encountered, no mitigation measures are necessary.

d) **Less Than Significant Impact.** In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. With adherence to mandatory State Health and Safety Code Section 7050.5 which stipulates the process to be followed when human remains are encountered, no mitigation measures are necessary.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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I. GEOLOGY AND SOILS - Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

ai) **No Impact.** The site is not located within an Alquist-Priolo Earthquake Fault Zone according to maps prepared by the State Geologist.

aii) **No Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition.

The site is not located in the vicinity of an earthquake fault and the project site is to be used for a mining operation and does not contain habitable structures. Impacts are forecast to be less than significant.

aiii) **No Impact.** According to the County General Plan Hazards Overlay Map for the Essex area, the site is not located in an area susceptible to liquefaction. As noted, the proposed project would not build permanent structures or construct facilities with foundations that could fail as a result of liquefaction during an earthquake. Additionally, because of depth of excavation is relatively shallow (20 feet) and because slide slopes would be maintained at a stable 3:1 slope, risk to mine workers during excavation and reclamation due to liquefaction would be minimal. Therefore, this impact is considered less than significant.

aiv) **Less Than Significant Impact.** According to the County General Plan Hazards Overlay Map for the Essex area, the site is not located in an area susceptible to landslides. The proposed project would involve excavation to depths no greater than 20 feet below the existing ground elevation. In addition, the side slopes of the excavated area would not be steeper than 3:1 (H: V). Therefore, the project site would not be exposed to landslide hazard, and this impact would be less than significant.

b) **Less Than Significant Impact.** The site is a gently sloping alluvial fan dissected by small ephemeral drainage courses. The large wash draining the Piute Mountains has been avoided and occurs adjacent to the site's east boundary. Run-off resulting from direct precipitation and uncontrolled run-off from surrounding areas have the potential to cause minor erosion and deposition, in both the disturbed and downgradient areas. Excavation will create a basin with internal drainage; it will collect surface flows. The processing area will be sloped to drain into the basin created by the excavation. All storm water discharge is regulated by the Colorado River Basin Regional Water Quality Control Board pursuant to site specific Storm Water Pollution Prevention Plans.

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

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

Due to the low precipitation, flat gradient of the topography, and sandy nature of the soil, drainage control does not present a significant impact. cause minor erosion and deposition, in both the disturbed and down gradient areas. Impacts are anticipated to be less than significant.

The revegetation program is designed to reestablish a self-sustaining native plant community upon the conclusion of mining. As excavations are finished they will be

revegetated with a combination of transplanted plants, growth media and native plant seeds collected from adjacent areas or purchased from commercial suppliers. all disturbed area drainage would be retained within the basins and low-lying areas; therefore, impacts are anticipated to be less than significant.

c) **Less Than Significant Impact:** Upon completion of revegetation, the site will be level with an elevation 20 feet below the surrounding grade. The site will be sloped slightly for positive drainage and revegetated with native plant species. The reclaimed slopes will be 2:1 aspect, 30 feet high and revegetated with native plants. Because of the relatively short and gentle slopes, intermediate benches will not be necessary. Therefore, the Project will not result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse

d) **No Impact.** The Project Site is not located in an area which has been identified by the County Building and Safety Geologist as having the potential for expansive soils. No impact is anticipated.

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

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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VII. GREENHOUSE GAS EMISSIONS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

Greenhouse Gas Emissions Interim Measures

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

The San Bernardino County GHG Reduction Plan (“GHG Plan”) presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below current levels by 2020, consistent with the AB 32 Scoping Plan.

a) Less Than Significant Impact. The following analysis is based on the Governor’s Office of Planning and Research, Technical Advisory on CEQA and Climate Change.

Identify Greenhouse Gas Emissions:

Project-generated GHG emissions were modeled using the California Emissions Estimator Model (CalEEMod). Project generated emissions were modeled based on Project specific information and/or default information contained in CalEEMod, The project is estimated to generate 1,658 MTCO₂e per year.

Table 3. Greenhouse Gas Emissions (Annual)

Project MTCO₂e Emissions	San Bernardino County Threshold MTCO₂e/Yr.	Mojave Desert Air Quality Management District Threshold MTCO₂e/Yr.	Exceeds Threshold?
1640.16	3,000	100,000	No

Determining Significance:

According to the County's GHG Plan, small projects that do not exceed 3,000 MTCO₂e per year will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. As shown on Table 3, the Project's emissions are 1,658 MTCO₂e per year which does not exceed the 3,000 MTCO₂e threshold.

In addition, the Mojave Desert Air Quality Management District has established a threshold of 100,000 tons of MTCO₂e per year. The Project's emissions are 1,658 MTCO₂e per year which does not exceed the 100,000 MTCO₂e threshold.

Therefore, the Project's GHG emissions are not anticipated to exceed established GHG emissions thresholds. A less than significant impact is forecast.

Mitigate Impacts

The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that are emit less than 3,000 MTCO₂e per year, and will be included as Conditions of Approval for development projects.

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

1. The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

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

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

c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

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

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a-b) **Less Than Significant Impact with Mitigation Incorporated.** Mining and reclamation activities for the proposed project would involve the use of heavy equipment and vehicles containing fuel, oil, and grease. These fluids could leak from construction vehicles or be inadvertently released in the event of an accident, potentially releasing petroleum compounds and metals. Unless properly managed, such releases could result in adverse health effects, present an increased risk of fire or explosion or contaminate exposed soil. This analysis assumes the routine use, storage, and disposal of hazardous materials during mining and reclamation would be in compliance with applicable regulations and codes.

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

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

c) **No Impact.** The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials during reclamation of the site. Potential impacts from the risk of exposure both on-site and off-site are anticipated to be less than significant with implementation of Mitigation Measures HAZ-1. During reclamation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site. No impacts are anticipated.

d) **No Impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Potential impacts from the risk of exposure both on-site and off-site are anticipated to be less than significant with implementation of Mitigation Measures HAZ-1.

e) **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay Regional Map EJFJB (Essex), the Project Site does not occur within an airport influence area. Therefore, the Proposed Project would not result in safety hazard impacts from aircraft-related uses. No impact is anticipated.

f) **No Impact.** The Project Site is not within the vicinity or approach/departure flight path of a private airstrip. Therefore, no impact is anticipated.

g) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of reclamation activities would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.

h) **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay Regional Map EJFJB (Essex), the Project Site does not occur within a Fire Safety Overlay District. Therefore, the Proposed Project would not result in any safety hazard impacts from wild fires. No impact is anticipated

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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IX. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structure which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a, f) **Less Than Significant Impact.** The site is a gently sloping alluvial fan dissected by small ephemeral drainage courses. The large wash draining the Piute Mountains has been avoided and occurs adjacent to the site's east boundary. Run-off resulting from direct precipitation and uncontrolled run-off from surrounding areas have the potential to cause minor erosion and deposition, in both the disturbed and downgradient areas. Excavation will create a basin with internal drainage; it will collect surface flows. The processing area will be sloped to drain into the basin created by the excavation. All storm water discharge is regulated by the Colorado River Basin Regional Water Quality Control Board pursuant to site specific Storm Water Pollution Prevention Plans.

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

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

Due to the low precipitation, flat gradient of the topography, and sandy nature of the soil, drainage control does not present a significant impact. cause minor erosion and deposition, in both the disturbed and down gradient areas. Impacts are anticipated to be less than significant.

The revegetation program is designed to reestablish a self-sustaining native plant community upon the conclusion of mining. As excavations are finished they will be revegetated with a combination of transplanted plants, growth media and native plant seeds collected from adjacent areas or purchased from commercial suppliers. all disturbed area drainage would be retained within the basins and low-lying areas; therefore, impacts are anticipated to be less than significant.

b) **Less Than Significant Impact.** The Project Site is not within a groundwater storage or recharge area and, therefore, would not interfere with groundwater recharge. The Proposed Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Water will be purchased off site and delivered by truck. Less than significant impact is anticipated.

c-e) **Less Than Significant Impact...** Excavation will create a basin with internal drainage; it will collect surface flows. The processing area will be sloped to drain into the basin created by the excavation. All storm water discharge is regulated by the Colorado River Basin Regional Water Quality Control Board pursuant to site specific Storm Water Pollution Prevention Plans. The County will approve an on-site drainage control system. Therefore, less than significant impact is anticipated.

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

i) **No Impact.** According to County of San Bernardino Hazards Overlay Map EJFJB (Essex), the Project Site and surrounding area is located outside of any designated dam inundation area. The Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as no levee or dam is proposed as part of the this project. Therefore, impacts are anticipated to be less than significant.

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

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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X. LAND USE AND PLANNING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

a) **No Impact.** The Project Site is currently vacant and surrounded by open space lands. The Proposed Project is consistent with the County General Plan and would not physically divide an established community. No impacts would result.

b) **No Impact.** The Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project as the project is consistent with all applicable land use policies and regulations of the County of San Bernardino General Plan. No impacts are anticipated.

c) **Less Than Significant Impact.** Approval of the Mine Reclamation Plan would not conflict with a habitat conservation plan or natural community conservation plan. Less than significant impact is anticipated. (Also see response to Question IVf under *Biological Resources*).

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XI. MINERAL RESOURCES - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check ☐ if project is located within the Mineral Resource Zone Overlay):
«MRZ»

a-b) **No Impact.** The site has been intermittently mined for aggregate since 1987. The Proposed Project would supply aggregate to the region. Therefore, the Proposed Project would not result in the loss of availability, however, would provide a mineral resource that would be of value to the region and the residents of the State as it would be used for road improvements. Therefore, no impacts are anticipated.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XII. NOISE - Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

a, c, d) **No Impact.** Approval of the project would require mining and reclamation activities to conform to all applicable noise control regulations. There are no nearby noise sensitive land uses within the vicinity of the Project Site. Therefore, no impacts are anticipated.

b) **Less Than Significant Impact.** Ground-borne vibration can be an issue when vibration causes structural damage to existing buildings or disturbs sleep. Blasting is not proposed as part of mining activities. Equipment used for mining and reclamation would be limited to a front-loader, water truck, and haul trucks. These would not be a permanent or substantial source of vibration. Therefore no significant impacts from excessive groundborne vibration or groundborne noise levels would result.

e, f) **No Impact.** The Project Site is not located within an airport land use plan nor within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, that would expose people at the Project Site to excessive noise levels. Therefore, impacts from airport-related noise are not anticipated.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XIII. POPULATION AND HOUSING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a) **No Impact.** The Proposed Project would not induce substantial population growth in an area either directly or indirectly because The proposed project would not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to, the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations, or LAFCO annexation actions. No impacts are anticipated.

b) **No Impact.** The proposed use would not displace substantial numbers of existing housing units, or require the construction of replacement housing, as no housing units are proposed to be demolished as a result of this project. No impacts are anticipated.

c) **No Impact.** Implementation of the Proposed Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, as no housing exists at the Project Site.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XIV. PUBLIC SERVICES

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

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a) **No Impact.** The Proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, or hinder acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities because the Project consists of mining minerals for aggregate on a 32 acre parcel with no permanent improvements proposed. After mining operations, the site would consist of vacant land. Therefore, no impacts are anticipated.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a-b) **No Impact.** Approval of the Proposed Project would not generate the need for new jobs or housing which would induce population growth in adjacent areas, and ultimately increase the use of park facilities or other recreational facilities in the region. No impacts are anticipated.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XVI. TRANSPORTATION/TRAFFIC - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

a,b) **Less Than Significant Impact.** National Trails Highway provides direct access to the project site. Traffic generated by the project would include up 180 bottom dump truck trips per day, 9 asphalt oil truck trips per day, and 6 water truck trips per day for a total of 195 truck trips per day and vehicle trips to transport up to 8 personnel to and from the project site to conduct daily excavation/reclamation activities. Project-related vehicle traffic would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or

exceed, either individually or cumulatively, a level of service standard. Impacts would be less than significant.

c) **No Impact.** Approval of the reclamation plan would not affect air traffic patterns at any airport or airstrip as no airport facilities are located in the vicinity of the site. No impacts are anticipated.

d) **No Impact.** Reclamation activities would not result in an additional truck trips beyond approved mining activities and would not involve any road developments or design features that could substantially increase hazards on public roads. Therefore, less than significant impact is anticipated.

e-f) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. In addition, no road closures would be required. The Proposed Project would not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation. No impacts would result.

Potentially Significant Impact.	Less Than Significant With Mitigation Incorp.	Less than Significant	No Impact
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XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded, entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

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

b) **No Impact.** Production water will be used for dust control. The rock plant uses approximately 2,000 gallons per day and the asphalt plant has a dry dust collection system. The other uses of water are for dust control on roads and within the pit. Water will be purchased off site and delivered by truck. Domestic water for drinking will be imported for employees. Domestic wastewater and septage will be collected and removed by a licensed operator. Therefore, no impacts related to expanding a water treatment or distribution system would occur.

c) **Less Than Significant Impact.** Due to low rainfall the site has little potential for erosion and sedimentation. All operations on-site would comply with a NPDES General Permit for Storm Water Discharges associated with industrial activities and employ storm water Best Management Practices. Less than significant impacts are anticipated.

d) **Less Than Significant Impact.** Production water will be used for dust control. The rock plant uses approximately 2,000 gallons per day and the asphalt plant has a dry dust collection system. The other uses of water are for dust control on roads and within the pit. Water will be purchased off site and delivered by truck. Domestic water for drinking will be imported for employees. Therefore, adequate water supply is available to serve the project and impacts are considered less than significant.

f,g) **No Impact.** Mining and reclamation activities would not result in waste generation. Equipment maintenance will be done onsite. Waste oil, lubricants and solvents will be removed from the site and disposed of at permitted facilities. All refuse will be kept in closed containers and removed from the site to permitted facilities as needed. Upon reclamation, the Project Site would be monitored twice a year. No trash would be allowed to collect on the site. No impact is anticipated.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

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

The results of the Initial Study show that there are potentially significant impacts to Biological Resources (Desert Tortoise, Burrowing Owl), Cultural Resources (archaeological and paleontological resources), Hazardous materials (vehicle fuel leaks). These impacts will be reduced to less than significant after incorporation of mitigation measures.

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

- b) **Less Than Significant Impact.** None of the proposed mining or reclamation activities would substantially contribute to any cumulatively significant impact on the evaluated

resources. The proposed project would not result in any unmitigated adverse project effects on air quality, biological resources, drainage, or water quality, and there would be no contribution to any cumulatively considerable impacts in these issue areas. There would be no long-term loss of agricultural or forestry resources or loss of availability of a mineral resource of value to the state, region, or locally, so there would be no cumulative effect. The project would involve reclamation of the project site for continued agricultural use. There would not be an adverse change in scenic value or visual quality or noise levels that could contribute to a cumulative impact. No impacts on services or utility systems would occur as a result of project implementation that could combine with cumulative effects in the area surrounding the project.

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

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

Impacts from Hazards and Hazardous Materials would be potentially significant unless mitigated.

The implementation of the Mitigation Measures identified in this Initial Study Checklist would result in a less than significant impact and there would be no substantial adverse effects on human beings, either directly or indirectly

XVIII. MITIGATION MEASURES

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

SELF MONITORING MITIGATION MEASURES: Condition compliance will be verified by existing procedure

GENERAL REFERENCES

CEQA Guidelines, Appendix G.

County of San Bernardino General Plan, 2007

County of san Bernardino Development Code, 2007

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

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

Mine Reclamation Plan for Essex Pit, Revised February 14, 2012

PROJECT SPECIFIC REFERENCES

Air Quality and Greenhouse Gas Emissions Modeling

EXHIBIT D

COMMENT LETTER SUMMARY

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RESPONSES TO COMMENTS**California Department of Toxic Substances Control**

The Department requested that that the Mitigated Negative Declaration should identify mechanism to initiate any required investigation and/or remediation for any site that may be contaminated; that impacts to sensitive receptors be evaluated ;and that procedures to deal with potential groundwater and/or soil contamination be identified.

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

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

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

The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Potential impacts from the risk of exposure both on-site and off-site are anticipated to be less than significant with implementation of Mitigation Measures HAZ-1.

Native American Heritage Commission

The Commission letter identified the state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals. In addition, the letter stated that Native American cultural resources were not identified within the project area identified. However, the absence of

archaeological resources does not preclude their existence. The Commission urges that contact be made with the native American tribes identified by the Commission.

The historic records search conducted by the Archaeological Research Unit of the San Bernardino County Museum identified only that the site is within the 18,000 square mile Desert Training Center, California-Arizona maneuver area (California Historic Landmark area CHL-985). The Desert Training Center was used by General George S. Patton and closed in 1944. No additional cultural resources have been identified by County Museum or BLM staff.

In order to mitigate to cultural resources to the maximum extent feasible, the following mitigation measure is recommended:

CUL-1. In the event that cultural resources, including paleontological resources, are encountered; mining activities in the immediate area of the find will be halted and the County Museum and BLM notified. Inspection of uncovered resources will be made and if necessary a recovery and curation plan implemented.

In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. With adherence to mandatory State Health and Safety Code Section 7050.5 which stipulates the process to be followed when human remains are encountered, no mitigation measures are necessary.

In addition, In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

U.S. Fish and Wildlife Service (USFWS)

Via Email the USFWS made the following comment:

The site is not on Bureau of Land Management land so there is no nexus for formal consultation (i.e. Biological Opinion) under section 7 of the Endangered Species Act. If the site is occupied by desert tortoise, then the applicant should pursue a section 10(a)(1) B permit for incidental take. The USFWS also stated that "My understanding is that the site is highly disturbed and that no desert tortoise are present."

Carl Benz, USFWS

In response to this comment, Mitigation Measure BIO-1 is amended to delete references to the BLM and a "Biological Opinion."

BIO-1. Within 30 days prior to site clearing or grading, preconstruction surveys will be conducted to determine if the site has become occupied by the Desert Tortoise. If the site has become occupied by the Desert Tortoise then a Biological Opinion from United States Fish and Wildlife Service(USFWS) and a California Department of Fish and Game CDFG 2081 permit will be required prior to work beginning. If the site is occupied by Desert Tortoise,...

- ~~• Thirty (30) days prior to any ground disturbing activity, the Authorized Biologist(s) shall inform the Bureau of Land Management (BLM) in writing that the project site is to be cleared and BLM will be allowed to salvage any Yucca sp., cactus and other desert plant species to be destroyed due to the proposed actions until a given date.~~

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EXHIBIT E

MINE RECLAMATION PLAN

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**MINE RECLAMATION PLAN FOR THE
ESSEX PIT, SAN BERNARDINO COUNTY, CALIFORNIA
(FORMERLY CA MINE ID #91-36-0063)**

Prepared for:

**Sully-Miller Contracting Company
135 South State College Blvd., Suite 400
Brea, California 92821**

Prepared by:

**Paul Kielhold
33562 Yucaipa Blvd., No. 4-231
Yucaipa, California 92399**

**August 8, 2011
(Revised February 14, 2012
and May 29, 2012)**

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MINING

1. MINING OPERATION INTRODUCTION

Sully-Miller Contracting Company (Sully-Miller) proposes this mine reclamation plan for a 32.1-acre portion of a 47-acre parcel east of Essex, California, in the County of San Bernardino (Figure 1). The site is owned by Sully-Miller and most of the adjacent parcels are owned by the United States and are administered by the Bureau of Land Management (BLM). The site had San Bernardino County Mine Reclamation Plan approvals in the past (formerly CA Mine ID #91-33-0063) and has been completely disturbed and reclamation has begun. Mining equipment has been removed, slopes reduced and revegetation has begun. The improvements are proposed to consist of portable equipment: a rock crushing and screening plant and an asphalt plant.

The site is 5½ miles east of Essex on the north side of National Trail Highway (Route 66). The site is the location of facilities previously approved by the County (CA Mine ID #91-33-0063) and operated intermittently by various entities primarily for highway repairs. The site can provide service to I-15, I-40, US 95, National Trails Highway and other highways in the region. The site could also provide aggregates for the many solar power sites proposed in the eastern Mojave Desert Region. The site is located upon an alluvial fan emanating from the Piute Mountains. Surface water flows are ephemeral (occurring immediately after storms) and flow from the southeast to the northwest. Vegetation on site was disturbed by previous mining and creosote bush (*Larrea tridentata*) and burrobrush (*Ambrosia dumosa*) are becoming re-established. This mine plan has been designed to avoid the drainage feature east of the site.

The historic records search conducted by the Archaeological Research Unit of the San Bernardino County Museum identified only that the site is within the 18,000 square mile Desert Training Center, California-Arizona maneuver area (California Historic Landmark area CHL-985). The Desert Training Center was used by General George S. Patton and closed in 1944. No additional cultural resources have been identified by County Museum or BLM staff. In the event that cultural resources, including paleontological resources, are encountered; mining activities in the immediate area of the find will be halted and the County Museum and BLM notified. Inspection of uncovered resources will be made and if necessary a recovery and curation plan implemented.

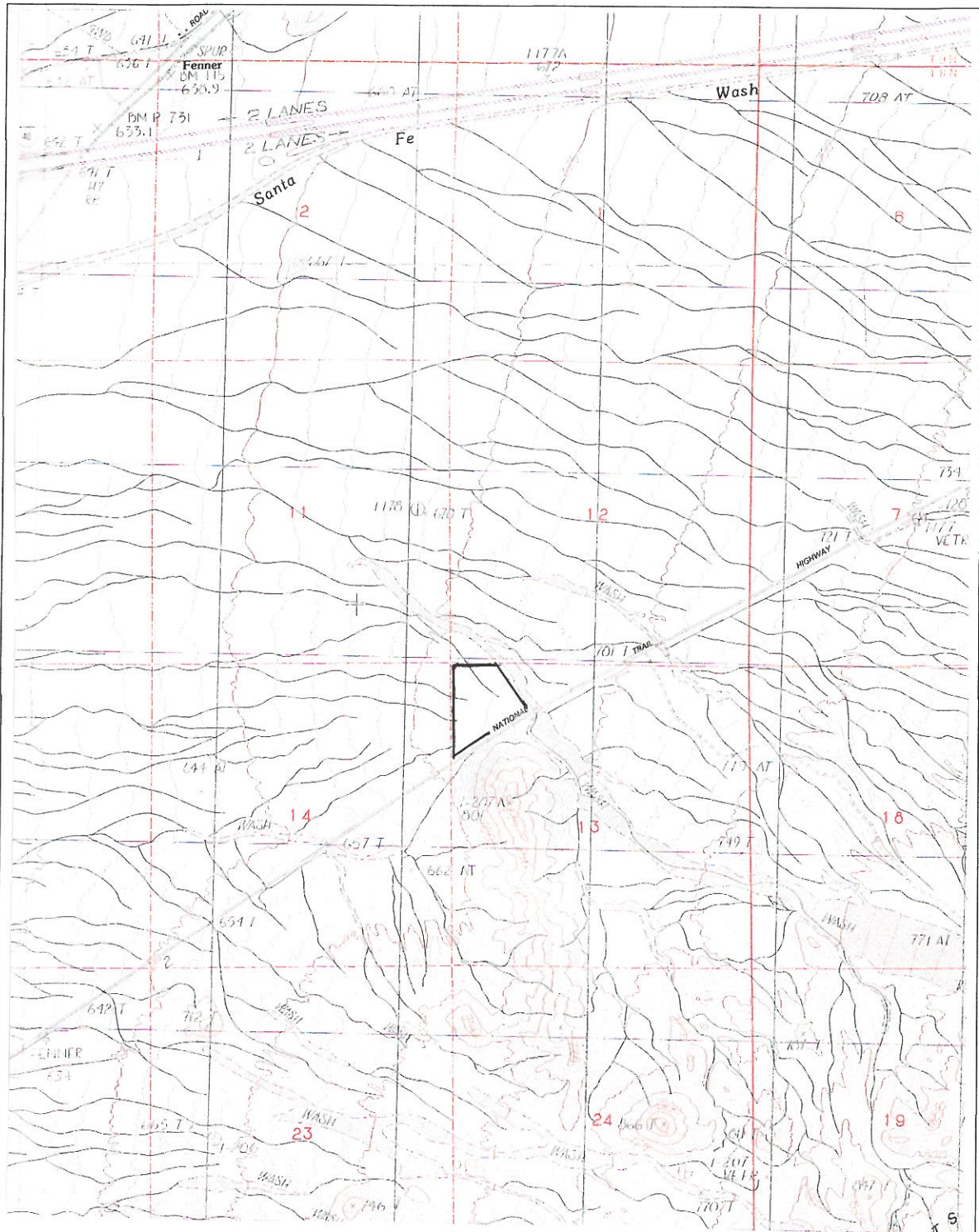


FIGURE 1: PROJECT LOCATION MAP

Source – U.S. Geological Survey
 Fenner, Calif.
 7.5 Minute Series

Mining will be conducted in two phases. Vegetation and top soil salvage is not expected to produce much growth media because the site has previously been mined, however, if found, protected plant species, yucca and cacti, will be transplanted to the nursery area along the south side of the quarry. The upper 6"-12" of material will also be stockpiled along the south side of the pit. Mining will be conducted by dozers, scrapers and loaders. Mining will occur from the east toward the west and north toward the south. The rock plant and asphalt plant will remain in the original location until Phase I excavation (to the north and east) is completed then the plants will be placed below grade within the Phase I pit and Phase II will be excavated.

Mining may commence as early as 2012 and could continue intermittently for thirty years, until January 2042; with the completion of reclamation intended within five (5) years of the completion of mining (2047). Activity on the site is dependent upon repair, maintenance and construction schedules which will be determined by others, therefore the activity could occur 24 hours per day and 7 days per week. The surrounding properties are currently vacant and are expected to remain vacant because they are federally owned with the exception of the parcel south of the site which has also been used for an aggregate pit and material processing area. Temporary halts may occur due to climatic extremes such as air temperatures which are too low to allow asphalt to be applied and the absence of work contracts.

2. MINE WASTE

Mine wastes (tailings) are expected to be composed of silts and clays which are too fine to be used in construction aggregates. Silts and clays will be reburied within the pit prior to spreading of growth media and revegetation seeding. Refuse and septage will be collected onsite and hauled to licensed facilities for disposal.

3. PLANNED ORE PROCESSING METHODS

Aggregate will be moved from the pit via loaders, scrapers and dozers. Processing of excavated sand and gravel will be accomplished by a crushing and screening plant and an asphalt plant. The crushing plant uses a water spray system to control dust generation to levels permitted by the Mojave Desert Air Quality Management District. The asphalt plant uses a dry dust collection system (bag house). Material will leave the site as asphalt or other construction aggregate (sand and gravel).

4. PRODUCTION WATER DATA

Production water is used for dust control. The rock plant uses approximately 2,000 gallons per day and the asphalt plant has a dry dust collection system. The

other uses of water are for dust control on roads and within the pit. Water will be purchased off site and delivered by truck.

5. EROSION AND SEDIMENT CONTROL

The site is a gently sloping alluvial fan dissected by small ephemeral drainage courses. The large wash draining the Piute Mountains has been avoided and occurs adjacent to the site's east boundary. Excavation will create a basin with internal drainage; it will collect surface flows. The processing area will be sloped to drain into the basin created by excavation. All storm water discharge is regulated by the Colorado River Basin Regional Water Quality Control Board pursuant to a site specific Storm Water Pollution Prevention Plan.

6. BLASTING

No blasting is expected to be needed nor is proposed.

RECLAMATION

1. LAND USE

The site and surrounding parcels are vacant. The site has been the location of previous mining and was cleared of native vegetation which is becoming reestablished. The lands to the west, north and east are administered by the federal government and are expected to remain vacant. The parcel to the south was the site of a sand and gravel operation which is no longer operating.

2. VISIBILITY

The site is adjacent to National Trails Highway. The height of the proposed structures is permitted by the San Bernardino County Development Code and they will not obstruct any scenic vistas.

3. VEGETATION

The site and surrounding area are vegetated with a Mojavean creosote bush - burro bush scrub community dominated by creosote bush and burro bush. Also present on adjacent undisturbed areas are cassia, cheesebush, krameria, cholla, barrel cactus, sweet bush, Mormon tea, euphorbia, buckwheat, desert spineflower and several annual species. A complete species list is included in the original (pre-disturbance) assessment by Victor Horchar. Baseline vegetation data was collected during the winter of 2011-2012. The baseline vegetation data include measures of aerial extent of ground cover by plants, plant density and species diversity. Plant species protected by state law and County ordinance; yucca, agave and cactus, will be transplanted during growth media salvage to areas which remain undisturbed until they are used in revegetation of the site.

4. WILDLIFE

The wildlife species observed onsite are characteristic of Mojavean creosote bush scrub and are listed in the original assessment by Victor Horchar. These species include coyote, jack rabbit, side blotched lizard, raven, vulture, dove, verdin, red-tailed hawk, roadrunner and kestrel.

The desert tortoise is a federally- and state-listed threatened species and is known to occur in the region. A desert tortoise survey was conducted for the original mining project and no animals were found. An exclusion fence was installed and clearance surveys conducted at that time. At the conclusion of mining, the processing area was left compacted.

Due to the lack of desert tortoises originally and the currently compacted surface, the site is not expected to have been occupied by desert tortoises, however, transient animals could occur on site, therefore, clearance surveys shall be conducted within 30 days prior to the proposed use reoccupying the site.

5. RECLAMATION METHODS AND SCHEDULE

Reclamation will be phased concurrent with mining operations. Excavation will proceed from east to west side, and north to south, returning to the processing plant area. The length of time between phases will depend upon market demand for aggregate and aggregate products (asphalt). The following phases are proposed:

Phase I – north and east of the plants (16 acres) – 2012 to 2025

Phase II – area beneath the plants (16 acres) – 2025 to 2042

The excavation area will first have cactus, yuccas and agaves (if any) transplanted and growth media (6"-12" deep) stockpiled. Excavation will occur in that portion of the site until the usable material is exhausted. The excavated area will be finished to 2:1 slopes with the floor no deeper than 20 feet below surrounding grade after back filling with fine material. Growth media and any transplanted plants will be returned to the area from which they were salvaged. At this time, transplanting and soil salvage will also be occurring within the next area until both phases have been mined and reclaimed.

6. REVEGETATION

The revegetation program is designed to reestablish a self-sustaining native plant community upon the conclusion of mining. As excavations are finished they will be revegetated with a combination of transplanted plants, growth media and native plant seeds collected from adjacent areas or purchased from commercial suppliers. Successful revegetation will have occurred when one-quarter the baseline measures (cover, density and diversity) have been achieved.

Baseline vegetation data was collected on January 27, 2012 through the use of fourteen (14), 50-meter transects. Due to the previous use of the site for mining, the transects were located on adjacent federal lands. The vegetative cover type is Mojavean creosote bush (*Larrea tridentata*) and burro bush (*Ambrosia dumosa*) scrub with a cover (vertical canopy projection) of 8 per cent. This small amount of cover appears to be representative of this region of the Mojave Desert. In addition to the relatively low cover, there is low plant density and species diversity on the site. The plant density was 8 plants per 100 square meters and the diversity was six (6) species total. Therefore, revegetation efforts will be deemed successful when there is two percent cover by two species with an average density of two plants per 100 square meters. The site will be revegetated with native species intended to reestablish a self-sustaining plant community using salvaged cactus plants and commercially available seeds. Due to variations in plant production not all species are available or feasible to use in all years; however, the intended suite of species is listed below. Rates indicated below are pounds of pure live seed per acre.

REVEGETATION SEED MIX – ESSEX PIT			
NAME	SPECIES	RATE (LBS. PLS/AC)	FORM
Creosote bush	<i>Larrea tridentata</i>	2	shrub
Burro bush	<i>Ambrosia dumosa</i>	4	shrub
Cheese bush	<i>Hymenoclea salsola</i>	2	shrub
Desert mallow	<i>Spharalcea ambigua</i>	1	shrub
Desert plantain	<i>Plantago insularis</i>	1	forb
Indian ricegrass	<i>Achnatherum hymenoides</i>	1	grass
or Big galleta	<i>Pleuraphis rigida</i>	1	grass
or Purple three awn	<i>Aristida pupurea</i>	1	grass

7. SITE CLEANUP

Upon conclusion of mining; all equipment, processing plants, tanks, generators, conveyors and any debris will be removed from the site, unless needed for revegetation in which case it would be removed at the conclusion of revegetation.

8. POST-RECLAMATION AND FUTURE MINING

Upon completion of revegetation, the site will be level with an elevation 20 feet below the surrounding grade. The site will be sloped slightly for positive drainage and revegetated with native plant species. Reclamation and revegetation will not preclude or obstruct future mining.

9. SLOPES AND SLOPE TREATMENT

The reclaimed slopes will be 2:1 aspect, 20 feet high and revegetated with native plants. Because of the relatively short and gentle slopes, intermediate benches

will not be necessary. The resulting basin slopes will allow ingress/egress of equipment and the allow use of the reclaimed site by wildlife.

10. PONDS, RESERVOIRS, TAILINGS AND WASTES

No ponds or reservoirs are proposed for use on the site. The only mining related waste will be soil particles which are too fine for use as aggregate. These materials will be replaced into the basin from which they were excavated.

11. SOILS AND FINE TEXTURED WASTES

Soil is generally lacking from the site due to previous mining. As stated above, fines will be replaced into the basin from which they are excavated prior to application of growth media and revegetation.

12. DRAINAGE AND EROSION CONTROL

The site is near the top of a gently (2.9%) sloping alluvial fan emanating from the Piute Mountains in an area which receives about 4 inches of precipitation annually. Regional drainages occur east and south of the site. Upon cessation of mining, the processing area will be nearly level, draining internally to the site. The finished pit will be a closed basin 30 feet deep with 2:1 slopes.

13. PUBLIC SAFETY

The entry along National Trails Highway will be fenced with chain-link and gated to discourage trespassing. The excavation slopes will be 2:1 slopes and are not expected to be a safety concern.

14. MONITORING AND MAINTENANCE

Reclamation success will be monitored on an annual basis unless determined by the monitor to be needed more frequently. Monitoring will commence when the approved activity (excavation or material processing) has ceased with no intention of restarting. Monitoring is planned to continue for a period of five years or until the reclamation success criteria (25 % of the baseline plant cover, density and diversity) have been met.

15. RECLAMATION ASSURANCE

The site currently has a bond for reclamation pursuant to the former mine reclamation plan. When the proposed mine reclamation plan is approved and implemented the financial assurance cost estimate will be reviewed and adjusted as required by SMARA to include equipment as it is added to the site and as the excavation is established and expanded.

GEOLOGY

The site is located in Fenner Valley within the Eastern Mojave Desert. The site is near the top of a low relief alluvial fan emanating from the Piute Mountains. The fan is composed of intermixed rock, sand, clay and silt deposits. A site specific geologic survey has not been conducted. Instead, reliance has been made upon knowledge of past mining operations and surface observation.

HYDROGEOLOGY/GOUNDWATER

The Eastern Mojave Desert region receives about 4" of precipitation annually. Temperatures range from summertime highs near 125° Fahrenheit (F) to wintertime lows near 25° F. Evaporation far exceeds precipitation in this region. Information regarding depth to groundwater is minimal however water well data near Essex indicates a depth in excess of 500 feet below ground surface. Surface flows are generally sheet flows from the southeast to the northwest where they join Santa Fe Wash and Fenner Wash.



Photo 1. Southwest corner of site, looking south across National Trail Highway.



Photo 2. Looking east from the proposed asphalt plant area.



Photo 3. Looking north across former pit from proposed rock plant area.



Photo 4. Looking west from the asphalt plant area.



Photo 5. Area of baseline data collection.

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EXHIBIT F

MINING & RECLAMATION SITE PLANS (FULL-SIZE)