



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 18, 2014

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**REGARDING: PROJECT NO. R2007-00670-(5)
SURFACE MINING PERMIT NO. 200700001
AVENUE T BETWEEN 126TH STREET EAST AND 136TH STREET EAST
APNs: 3039-021-009, 3039-036-002, 3039-036-001**

The Regional Planning Commission, by its action of **December 17, 2014**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **December 31, 2014**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

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Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

A handwritten signature in blue ink, appearing to read "Paul McCarthy".

Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion), Notice of Determination (1 original, 1 copy)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

PMC:AMC

**FINDINGS OF THE REGIONAL PLANNING COMMISSION AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2007-00670-(5)
SURFACE MINING PERMIT NO. 200700001**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Surface Mining Permit No. 200700001 ("SMP") on December 17, 2014.
2. The permittee, Leбата Inc. ("permittee"), requests the SMP to authorize the construction and operation of a surface mine ("Project") on a property located on the south side of East Avenue T between 131st Street East and 136th Street East the unincorporated community of Pearblossom ("Project Site") in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.150.
3. The Project Site is 310 gross acres (310 net acres) in size and consists of three legal lots. The Project Site is rectangular in shape with gentle-sloping topography and is undeveloped.
4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-2-5.
5. The Project Site is located within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-2-5
 - South: A-2-1
 - East: A-2-5
 - West: A-2-1
7. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land
 - South: Vacant land
 - East: Vacant land and single-family residence
 - West: Vacant land
8. Ordinance No. 1797 established the A-2-5 zone on the subject property on July 30, 1957.
9. The site plan for the Project depicts mining facilities, including the Vac-Lite Plant, Ready-Mixed Batch Plant, Asphalt Plant, Parking Lot, Truck Driver Parking Lot, Scale House and Truck Scales, and Processing Facilities Site, all occupying the northwest corner of the subject property. Raw cement silos and the Raw Cement

and Aggregate Transfer and Distribution Facility are depicted in the center of the property near the railway line.

10. The Project Site is accessible via East Avenue T to the north. Primary access to the Project Site will be via an entrance/exit on East Avenue T.
11. The Project will provide a total of 18 vehicle spaces, including two disabled-accessible spaces, and 63 truck parking spaces. The Lowered Facilities Alternative will provide 14 vehicle parking spaces, including two disabled-accessible spaces and 40 truck parking spaces.
12. The County Department of Public Works ("Public Works"), the County Fire Department, and the County Department of Public Health all recommend approval of this Project and have recommended conditions of approval, which are included in the Project's conditions.
13. Regional Planning staff prepared a draft Environmental Impact Report ("draft EIR"), which evaluated the potential Project-specific and cumulative environmental impacts of the Project. The draft EIR was released for public comment on February 20, 2014, and the public comment period closed on April 7, 2014. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project. After the close of the comment period for the Draft EIR, Regional Planning staff prepared a final EIR ("Final EIR") in accordance with section 15089 and 15132 of the State CEQA Guidelines, the contents of which include: an introduction describing the process and FEIR contents, public comment letters/testimony and response to comments, EIR errata/revisions, MMRP, replacement of supplemental EIR appendices, and Findings of Fact.
14. Areas of potential environmental impacts addressed in the final EIR include: land use consistency and compatibility, geotechnical hazards, flood hazards, noise, water quality, air quality, health risk and climate change, biological resources, visual qualities, traffic and circulation, hazards and hazardous materials, and water supply/quantity. Areas that required no further environmental review as described in the Initial Study were agricultural/forestry, cultural resources, mineral resources, population/housing, public services, recreation, and utilities/services
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. Written comments on the draft EIR were provided by four public agencies and the Union Pacific Railroad. Verbal comments were provided by four members of the public who spoke at the March 27, 2014 public hearing conducted by the County Hearing Examiner in Lancaster, CA. FEIR Section B provides all letters of comment, summarizes verbal testimony, and provides responses to comments.

17.A duly-noticed public hearing was held on December 17, 2014 before the Commission. Commissioners Valadez, Louie, Shell, Pedersen, and Modugno were present. Staff presented the case and recommended approval. The applicant's representatives, Jim McGee and John Hecht, presented testimony in favor of the request and answered questions by the Commission.

The Commission discussed the Project's end use of open space and whether that end use could be reconsidered in the future, given the changes in land use patterns that could occur in 50 years. The applicant's representatives responded that it could be, but that the Project's Reclamation Plan would have to be revised to accommodate any other use. Staff also responded that the County Code has a process whereby surface mining permits and their reclamation plans can be modified through a Periodic Review, which typically occurs every 10 years.

The applicant also asked whether a Public Works condition regarding the permittee's fair share contribution to Caltrans for an additional left turn pocket could be slightly revised. The Commission determined that the existing condition as drafted was appropriate and that the applicant could pursue the condition change at a future date, if desired by the applicant.

There being no further testimony, the Commission closed the public hearing, certified the Final EIR, and approved the Lowered Facilities Alternative as recommended by staff and agreed to by the applicant.

18. The Commission finds that the Project site is compatible with the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Community Plan"). This designation is intended for low-intensity and rural land uses. Surface mining is a land use that should occur in rural and scarcely populated areas, and is, therefore, consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed Project:

- *Conservation and Open Space Element Policy No. 23: "Encourage the multiple use of flood prone areas for recreation, agriculture, ground water recharge and wildlife habitat."*

The end use of the subject property after reclamation will be open space.

The following policies of the Community Plan are applicable to the proposed Project:

- *Managed Resource Production Policy No. 145: "Maintain, where feasible, aquifer recharge zones to assure water quality and quantity."*

After reclamation, the subject property will be capable of recharging the aquifer.

19. The Commission finds that the Project complies with Section 22.24.170 of the County Code, as establishments in the A-2 zone are subject to the following development standards:

- Front, side, and rear yards shall be provided as required in the R-1 zone.
All required setbacks are provided on the Project site.

20. Pursuant to Section 22.56.1380 of the County Code, surface mining operations must comply with the following regulations:

- Slopes must meet minimum requirements as specified;
- Measures must be taken to avoid erosion and sedimentation;
- Measures must be taken to protect water quality;
- Measures must be taken to protect fish and wildlife habitat;
- Measures must be taken to control water runoff;
- Setbacks from property lines, roads, and water channels must be adhered to;
- Measures to avoid or minimize dust, vibrations, smoke, dirt, odors, and bright lights must be implemented;
- Topsoil shall be salvaged for future reclamation purposes;
- Fencing shall be erected as required;

Upon implementation of the requirements detailed in the MMRP, the project will comply with all of the above regulations.

22. The Commission finds that the hours of operation proposed for the various components of the Project are appropriate based on the specific factual circumstances of the Project. Section 3.6.7.1 of the Draft EIR contains an analysis of sections 22.56.1380 and 22.56.1390 of the County Code and concludes:

Comparing these two sections of the County Planning and Zoning Code, it becomes clear that a "surface mining operations" use is considered different than a use for "stockpiling of rock, sand and gravel," "batch plant or mixing plant" operations, or "accessory uses to mining operations." Given this difference, the hours of operation limitation of Section 22.56.1380 of the County Planning and Zoning Code should apply only to "surface mining operations" and not to the "specific uses" described in Section 22.56.1390 of the County Planning and Zoning Code.

The Commission neither adopts nor rejects the foregoing analysis. Rather, the Commission finds that it is within its sound discretion, where appropriate based on the specifics of a particular project, to establish hours of operation different than those set forth in section 22.56.1380(J) pursuant to the introductory provision of that section, which states that the regulations of that section shall apply "[u]nless the Commission or hearing officer deems otherwise, and so specifies in the permit...."

23. The Commission finds that the requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to public health, safety or general welfare. The proposed site for the aggregate surface mine is located in a remote area, away from incompatible land uses. With proposed MMRP and conditions, and with the selection of the Lowered Facilities Alternative, impacts from the surface mining operation will be minimized. Truck traffic from the Project will occur in the early morning hours, outside of the peak travel time, and will adhere to a County-approved haul route that will further ensure that impacts to the surrounding community are minimized.

Therefore, the requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to public health, safety or general welfare.

24. The Commission finds that an EIR was prepared for the Project, which found that ecological impacts would not be significant with the incorporation of mitigation measures identified in the MMRP. Furthermore, siting a sand and gravel mine at the location will minimize the need to obtain aggregate resources from other mining facilities located further away from the Los Angeles metropolitan area, reducing CO² emissions from trucks having to travel far distances, thereby creating a beneficial impact. Furthermore, Joshua trees from the site will be saved and transplanted elsewhere onsite, and topsoil from the site will be saved for reclamation purposes. At the end of the 50-year permit, the site will be fully reclaimed to an ecologically beneficial end use of open space.

Therefore, adverse ecological effects resulting from surface mining operations will be prevented or minimized.

25. The project site is adjacent to and south of East Avenue T, which is a 100-foot-wide highway at the Project site. Furthermore, all roads used by Project vehicles, including the haul route, are adequately wide and paved to carry project traffic, including trucks and employee vehicles.

Therefore, the proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate.

26. The General Plan and Community Plan (a component of the General Plan) encourage the responsible development of surface mining in the County, particularly in mineral resource areas. The General Plan specifically calls for uses other than surface mining in mineral resource areas to be designed so as not to preclude the future extraction of mineral resources. When surface mining occurs, the mining shall be subject to a number of conditions regarding slope control, erosion control, control of water runoff and flooding, protection of fish and wildlife, provision of adequate setbacks, control of dust and noise, and the salvage of topsoil. The proposed site

will incorporate all these conditions through SMP conditions, MMRP mitigation measures, and the reclamation and mining plans.

Therefore, the proposed site for surface mining operations is consistent with the General Plan for Los Angeles County.

27. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Surface Mining Permit to 50 years.
28. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at a library (Littlerock Library) located in the vicinity of Pearblossom community. On August 25, 2014, a total of 95 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 14 notices to those on the courtesy mailing list for the Antelope Valley East Zoned District and to any additional interested parties.
29. The Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.
30. The Commission finds that the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Commission reviewed and considered the Final EIR, along with its associated MMRP, and Findings of Fact, and finds that they reflect the independent judgment of the Commission. The Findings of Fact are incorporated herein by this reference, as set forth in full.
31. The Commission finds that the MMRP for the Project is consistent with the conclusions and recommendations of the Final EIR and that the MMRP's requirements are incorporated into the conditions of approval for the Project.
32. The Commission finds that the MMRP, prepared in conjunction with the Final EIR, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment resulting from the Project.
33. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits NorthSection, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to public health, safety or general welfare.
- B. Adverse ecological effects resulting from surface mining operations will be prevented or minimized.
- C. The proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate.
- D. The proposed site for surface mining operations is consistent with the General Plan for Los Angeles County.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

- 1. Certifies that the Final EIR for the project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; adopts the Findings of Fact and the MMRP; finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during the Project implementation; and
- 2. Approves Surface Mining Permit Number 200700001, subject to the attached conditions.

ACTION DATE: December 17, 2014

VOTE: Concurring:Dissenting:Abstaining:Absent,5:0:0:0

Concurring: Valadez, Shell, Louie, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

PMC:AMC
December 17, 2014

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2007-00670-(5)
SURFACE MINING PERMIT NO. 200700001**

PROJECT DESCRIPTION

The applicant, Lebata Inc., is proposing to mine aggregate within an approximately 282.4-acre area of a 310-acre site, install various related industrial plants and facilities to support the mining operation, and reclaim disturbed lands to the end use of open space. The applicant is requesting a 50-year permit to mine approximately 46.48 million gross tons of aggregate. Also proposed as part of the facility is a Ready-Mixed Concrete Plant, A Vac-Lite Plant, an Asphalt Mixing Plant, a Raw Cement and Aggregate Transfer Facility, and a Water Reclamation and Fines Recovery Facility. Approximately 300,000 tons of raw cement would be delivered to the site annually via rail for processing as a component of Ready-Mixed Concrete.

The plant would employ up to 156 people working two or three shifts per day (including truck drivers), six days per week (Monday through Saturday). The maximum number of people working per shift would be 88. Excavation activities would occur from 6:00 a.m. to 10:00 p.m., depending on the time of year.

Lowered Facilities Alternative

The project Environmental Impact Report (EIR) identified a number of alternatives, one of which was the Lowered Facilities Alternative. The Lowered Facilities Alternative would place mining facilities below grade in a depression and would help reduce visual and noise impacts. Staff favors the Lowered Facilities Alternative as a preferred alternative.

Parking for the Lowered Facilities Alternative would be comprised of the following:

- Forty truck parking spaces (including 30 bottom dump trucks and 10 mixers);
- Six vehicle spaces and one disabled-accessible space near the office trailer;
- Six vehicle spaces and one disabled-accessible space near the equipment maintenance shop, parts, room, office, locker room, and restrooms.

The Lowered Facilities Alternative involves the excavation and processing of 42.29 million gross tons of material, a 9 percent reduction from the Project. However, this reduction occurs because of the road prism for the Longview Road extension, which will traverse the project's northern half. This extension may be deleted from the Master Plan of Highways, in which case, mining quantities would rise back to original figures.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los

Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7 and until all required monies have been paid pursuant to Condition Nos. 10, 12, and 15. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition,

upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on December 17, 2064.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Surface Mining Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. The permittee may request in writing a single one-year time extension prior to such expiration date. Such written request must be accompanied by payment of all applicable fees.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$5,000.00**. The deposit shall be placed in a performance fund draw-down account, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The permittee shall replenish the fund to provide for additional inspections to cover the life of the grant. If the actual costs incurred have reached 80 percent of the initial deposit (\$4,000.00), and the permittee has been notified, the permittee shall deposit supplemental funds to bring the balance up to the initial deposit (\$5,000.00) within 10 business days of such notification. Inspections may be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Pursuant to County Code Section 22.56.1460, the permittee shall pay to County Public Works ("Public Works") such sums as are necessary to compensate said department for expenses incurred while reviewing and inspecting the premises to determine the permittee's compliance with permit conditions and applicable laws.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible for expenses incurred while reviewing and inspecting the premises to determine the permittee's compliance with the permit conditions and applicable laws.

If the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Public Works and Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

12. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$3,104.75** (\$3,029.75 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
13. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are attached hereto and incorporated by this reference as if set forth fully herein.
14. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMP and agrees to comply with the mitigation measures imposed by the Environmental Impact Report certified for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
15. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required

by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

16. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
17. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
18. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said Department.
19. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
20. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
21. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

22. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

23. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS –SURFACE MINING PERMIT

24. Except where a public emergency has been declared by a federal, state, or local agency altering the hours of operation for the uses authorized by this grant, the hours of operations of such uses shall be as specified in the table below:

Days and Hours of Operation

Activity	Days of the Week¹	Normal Hours of Operation
Mining Excavation	Mon.-Sat.	6:00 am to 10:00 pm depending on time of year (no nighttime mining)
Aggregate Processing	Mon.-Sat.	24 hours per day
Ready-Mixed Concrete Plant operations	Mon.-Sat.	24 hours per day
Vac-Lite Plant operations	Mon.-Sat.	24 hours per day
Asphalt Mixing Plant operations	Mon.-Sat.	24 hours per day
Cement Transfer Station operations	Mon.-Sat.	24 hours per day
Raw Cement Distribution operations	Mon.-Sat.	24 hours per day
Equipment Fueling and Maintenance	7 Days	24 hours per day
Loading, Trucks Entering or Departing	Mon.-Sat.	24 hours per day

¹ Contracts often require that the suppliers of PCC-grade aggregate provide materials on a 24-hour basis. These contracts involve large-scale public works projects, such as highway resurfacing by Caltrans, major public works road projects, and U.S. Army Corps of Engineer projects, among others. In such instances, the project would operate in conformity with all County regulations on Sundays, excluding any mining and excavation operations.

25. Beginning on December 17, 2024 (or sooner if necessary), and every 10 years thereafter through the life of this grant, in conjunction with the Periodic Review process, the Permittee shall initiate an "End Use" review with Regional Planning. The purpose of this review is to determine if land use and/or other conditions have changed sufficiently to warrant in the Project's approved "Open Space" end use. The cost of said review shall be borne by the Permittee.

PROJECT SITE SPECIFIC CONDITIONS

26. This grant shall authorize the establishment and operation of a surface mine and related ancillary facilities, known as the "Lowered Facilities Alternative," on a 310-acre property and for the reclamation of the site.
27. Temporary slopes shall not be created that will interfere with the construction of finished slopes conforming to the requirements of the approved Mining and Reclamation Plan.
28. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of this grant. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall also comply with all permits, approvals, or findings issued by other government agencies or departments, including, but not limited to, the permits, approvals, and/or findings by:
 - a. County Department of Public Health ("Public Health");
 - b. Public Works;
 - c. California Air Resources Board (CARB);
 - d. Regional Water Quality Control Board (RWQCB);
 - e. Antelope Valley Air Quality Management District (AVAQMD);
 - f. CDFW;
 - g. United States Army Corps of Engineers;
 - h. California Department of Health Services.
29. Unless otherwise specified in the approved Mining and Reclamation Plan, temporary slopes affecting off-site property shall meet the requirements of Chapter 70 of Title 26 of the County Code.
30. The permittee shall comply with the approved Stormwater Pollution Prevention Plan (SWPPP).
31. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
32. The permittee shall comply with applicable rules and regulations of the RWQCB-Lahontan Region, and the AVAQMD.
33. Surface mining operations and related structures shall not be located within 50 feet of any public street or highway or any lot or parcel of land other than the project site as defined in the Lebata FEIR unless the written consent of the owner of such property is first secured and recorded in the County Recorder's Office.

34. The boundaries of all property used, or intended to be used, for surface mining operations shall be posted within 90 days following the effective date of this mining permit, and permanently thereafter, with signs displaying the message "SURFACE MINING" in letters not less than four inches in height. Said signs shall also display, in letters not less than one inch in width, the message: "This property may be used at any time for the extracting and processing of sand and gravel and similar materials by Title 22 of the County Code, County of Los Angeles." Such signs shall be posted not more than 500 feet apart and displayed in such a manner as to give reasonable notice to nearby persons of the message contained thereon. Signs shall be promptly replaced, as needed. The permittee shall cause such signs to be removed upon completion of all onsite mining and reclamation activities.
35. The permittee shall provide benches to control drainage on slopes or to provide access, or for public safety in conformance with the approved Mining and Reclamation Plan, and the 2010 Drainage Concept.
36. Unless otherwise specified in the approved Mining and Reclamation Plan, topsoil removed in surface mining operations shall be stored by the permittee at the site of mining operations and shall be used in future reclamation of the site.
37. Before commencement of any surface mining activity, the area to be used for such operations shall be enclosed with a fence as required by Chapter 11.48 of the County Code, where feasible and necessary as reasonably determined by the Director of Public Works.
38. The use and storage of explosives is prohibited.
39. The applicant shall post a sign at the facility entrance at a location visible to the public that provides the agency names and telephone numbers for their enforcement agents of the RWQCB, the AVAQMD, and Public Works. The sign shall also provide a telephone number to facilitate communication 24 hours each day the facility is in operation regarding any issues arising from operation of the facility.
40. The permittee shall ensure that all loads leaving the site shall have free board as required by state law, to minimize fugitive airborne particulate matter. Allowing illegally loaded vehicles to exit shall be a violation of these conditions.
41. The permittee shall complete reclamation of land affected by surface mining operations within one year of the completion of mining operations, or as otherwise specified in the approved Mining and Reclamation Plan.
42. Final slopes shall be engineered and contoured to be geologically stable, and to control drainage in the manner described in the 2010 Drainage Concept. Final slopes shall also be as specified in the approved Mining and Reclamation Plan.

43. Revegetation shall occur in accordance with the revegetation specifications and monitoring schedule contained in the approved Mining and Reclamation Plan.
44. The facility is authorized to mine up to 46.48 million tons of material to produce 36.84 million tons of total product (sand and gravel). Since actual annual production will vary with market demand and market demand can fluctuate, no more than 2.0 million net tons of product per year may be shipped during the life of the permit, except in emergency situations as declared by a public agency.
45. Upon approval of the Reclamation Plan by the County, the Reclamation Plan will be submitted to the State of California, Department of Conservation, Office of Mine Reclamation.
46. The permittee shall make the site available for inspection by Public Works upon request by an authorized representative of said Department. The permittee shall, upon request by the County, make the site available for inspection by Regional Planning. Use of the subject property during the term of this grant as a Class 1, 2 or 3 Waste Disposal Site (landfill), as those terms are used in the California Code of regulations is prohibited. Only marketable products such as aggregate materials (e.g., sand, gravel, rock products, and construction base), ready-mixed concrete, Vac-lite products, asphaltic concrete, raw cement, and natural fines may be exported from the site. Permanent side slopes shall be in accordance with the approved Mining and Reclamation Plan, 2010 Drainage Concept, and Mitigation Measure LFA-1 (Slope Stability verification) in the MMRP contained within the Lebata FEIR.
47. The permittee shall provide financial assurance for the completion of reclamation as required by Section 2770 and 2773.1 of the California Public Resources Code and Title 22 of the County Code and shall provide to Public Works such information as the Department deems necessary to set the amount of the assurances. The amount of the initial financial assurance shall be as indicated in the approved Reclamation Plan, Attachment D - Financial Assurance Cost Estimate, and revised annually thereafter, as required by SMARA.
48. Should the mine become "idle" as defined in Section 2727.1 of the California Public Resources Code, the permittee shall comply with all requirements for submission of an interim management plan set forth in Section 2770 of said Code and Title 22 of the County Code.
49. The permittee shall, within one year of any of the following events, unless otherwise specified in the approved Mining and Reclamation Plan, remove all machinery and other facilities not permitted by applicable zoning regulations and reclaim all mined areas not already reclaimed:
 - Upon abandonment of the mine without intent to reopen
 - Upon revocation or expiration of the permittee's right to mine

- If the mine becomes "idle", as defined in Section 2727.1 of the California Public Resources Code, and the permittee is required to reclaim because the mine is considered abandoned pursuant to the provisions of Section 2770 of said Code

The permittee shall notify in writing the Director of Planning of any of the above occurrences within 30 days of said occurrence.

50. The permittee shall file a covenant with the County Recorder containing the following statement within 30 days following the effective date of this grant:
 - "This property is subject to the approved Mining and Reclamation Plan, requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce the Mining and Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law."
51. The permittee shall document the results of the Joshua tree transplantation in a report prepared every five years for the duration of the project. The report shall include a description of the transplantation methods and shall address the time since transplantation, survival, condition, flowering status, and evidence of reproduction of the transplanted Joshua trees. The reports shall be provided to the Regional Planning staff biologist and CDFW, in electronic format, within 30 days of the completion of each five-year period. The permittee shall establish and maintain the Joshua trees as required by the approved Reclamation Plan.
52. The following setbacks apply: A 50-foot setback from all property lines and rights-of-way.
53. Prior to the commencement of surface mining activities that result in the transport of processed materials offsite, the permittee shall provide the following to Public Works for review and approval:
 - An Encroachment Permit application for Avenue T East road improvements at the Project entrance.
 - Final plans for on-site/offsite drainage improvements, demonstrating conformance to the 2010 Drainage Concept.
 - All required information and/or material pertaining to the pavement conditions of Avenue T East, 106th Street East and 165th Street East, including the formula for calculating the Project's fair share of any repair and/or reconstruction of Avenue T, 106th Street East and 165th Street East, to the satisfaction of Public Works. The permittee shall reimburse the County for the cost of any repairs and/or reconstruction of Avenue T, 106th Street East and 165th Street East attributable to the Project, as agreed to by Public

Works. The timing of any necessary repairs and/or reconstruction of Avenue T, 106th Street East, and 165th Street East, and the required payment by the project proponent, shall be determined by Public Works.

54. The subject property shall be developed and maintained in substantial compliance with the Leбата FEIR and the approved Mining and Reclamation Plan. In the event that subsequent revised plans are submitted, they must be accompanied by the written authorization of the mineral estate owner.
55. All structures shall conform with the applicable requirements of the Division of Building and Safety of Public Works.
56. The subject facility shall be developed and maintained in compliance with the applicable requirements of the Public Health. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
57. The permittee shall secure any necessary permits from the AVAQMD and shall fully comply with the terms of said permits.
58. Upon receipt of a total of four independent air quality complaints by any combination of the public, AVAQMD, Public Health, Public Works, or Regional Planning within any given year, the permittee shall submit a response to Regional Planning within 30 calendar days providing an explanation of each complaint and steps taken to address them. In addition, the Director may select an independent air quality consultant to conduct testing of the mine's dust and diesel particulates surrounding the perimeter of the facility, at a frequency to be determined by the Director of Public Works in consultation with the air quality consultant. The costs of the consultant and the tests shall be borne entirely by the permittee. The Director of Public Works may reduce the frequency of the consultant testing or discontinue it altogether if the Director finds that the test results are invalid or lack beneficial value. Notwithstanding the preceding sentence, the Director of Public Works may increase the consultant testing if he or she finds the frequency insufficient.
59. If any of the tests of Condition No. 57 exceed the emission levels established by the EIR and/or the AVAQMD, the permittee shall submit a corrective action plan to Regional Planning and AVAQMD within 15 days after receipt of the report to set forth a schedule for remedial action. Regional Planning and AVAQMD shall consider the corrective action plan within 30 calendar days and provide notice to the permittee if such plan has been approved. If Regional Planning and AVAQMD do not approve the corrective action plan, the Director of Regional Planning may impose additional or different measures to reduce air quality impacts at the facility.
60. All equipment, diesel fleet vehicles, and trucks that are owned or operated by the permittee, its subsidiaries, or affiliated enterprises shall be CARB-compliant.

The permittee shall submit annual reports to Regional Planning documenting compliance with this condition.

61. Should potentially important cultural deposits be encountered, work shall be temporarily diverted from the vicinity of the discovery until a qualified archaeologist can identify and evaluate the importance of the find, conduct any appropriate assessment, and implement measures to mitigate impacts on significant resources. The analysis and disposition of recovered artifacts shall be in accordance with the requirements of California Public Resources Code Section 21083.2, in consultation with culturally affiliated Native Americans.
62. In the event human remains are discovered, work in that area shall immediately cease and the County Coroner immediately contacted. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
63. During the first spring season, following Project approval, a qualified botanist shall collect one or more crowned muilla (*Muilla coronata*) specimens and sent to the Ranch Santa Ana Botanic Garden as voucher(s) for scientific research. Information regarding fees, specimen preparation and sending specimens by mail can be found at: <http://www.rsabq.org/images/assets/Identification%20Services.pdf> or by contacting the Ranch Santa Ana Botanic Garden, 1500 N. College Avenue, Claremont, CA 91711-3157, 909-625-8767.
64. The permittee shall offer to fund a signal operation revision (i.e., re-timing) to improve traffic flow through the intersection of Fort Tejon Road, Pearblossom Highway, and Avenue T and offer to make a pro-rata fair-share contribution toward the installation of a second left-hand turn lane for northbound traffic turning left onto the non-SR-138 portion of Pearblossom Highway at this intersection. Said contribution will be equivalent to that described in EIR Appendix 9, Third Addendum (Stantec Consulting Services, Inc., letter dated August 12, 2014), indexed to the appropriate cost inflator used by Caltrans for roadway construction projects.
65. Public Works Traffic and Lighting and Caltrans will determine when and how to collect the contribution, how it will be deposited, and when it will be expended on the construction of the second left-hand turn lane.
66. If Public Works decides to paint additional striping for a dedicated right-hand turn lane, turning north onto SR-138 from 106th Street East, the permittee shall contribute its pro-rata fair share up to 19.3 percent of the cost of said striping.
67. Local deliveries made from the Project shall make use of Avenue T, whenever possible, to avoid the intersection of Ft. Tejon Road/Pearblossom Highway/Avenue T.

68. Upon the County's adoption of a General Plan Amendment that deletes the Longview Road Extension from Figure 4.5: LA County Highway Plan, the permittee shall submit a revised Reclamation Plan, inclusive of revised Reclamation Plan Figures to Public Works staff and the Department of Conservation, Office of Mine Reclamation for review and comment. Until such time as the revised Reclamation Plan has been approved by the County, Project operations shall be limited to those areas described in the original Project approval, and shall be subject to the requirements of the Reclamation Plan, as originally approved by the County.
69. The permittee shall comply with all conditions set forth in the attached Public Works, Public Health, and Fire Department letters.

Attachments:

County Department Letters

Mitigation Monitoring Program (pages 1- 26)



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 10, 2014

IN REPLY PLEASE

REFER TO FILE LD-2

TO: Paul McCarthy
Zoning Permits North Section
Department of Regional Planning

Attention Anthony Curzi

FROM: Art Vander Vis
Land Development Division
Department of Public Works

**SURFACE MINING PROJECT (SMP) NO. 200700001
PROJECT NO. R2007-00670
BIG ROCK CREEK SURFACE MINING PROJECT (LEBATA)
ASSESSOR'S MAP BOOK NO. 3039, PAGE 21, PARCEL NO. 9
ASSESSOR'S MAP BOOK NO. 3039, PAGE 36, PARCEL NOS. 1 AND 2
UNINCORPORATED COUNTY COMMUNITY OF SUN VILLAGE**

We reviewed SMP No. 200700001 for the Big Rock Creek Surface Mining project in the unincorporated County community of Sun Village. The project is to establish and operate new sand and gravel mining operations. The project involves mining a total of 46.48 million tons of sand and gravel over a period of 50 years. The project area is approximately 310 acres, and 282.4 acres are proposed for excavation for the extraction of aggregates. The project will include a ready-mixed concrete plant, a Vac-Lite Plant for producing lightweight concrete, an asphalt mixing plant, a raw cement and aggregate transfer and distribution facility, an office trailer, and a 10,000-square-foot, two-story building.

- Public Works recommends approval of the SMP.
- Public Works does NOT recommend approval of the SMP.

Upon approval of the SMP, the permittee shall comply with the following conditions, or as otherwise modified by Public Works, to the Department's satisfaction:

1. Road

1.1 Prior to the commencement of any surface mining activities that result in the transport of processed materials offsite, the permittee shall provide the following to the County of Los Angeles Department of Public Works (Public Works) for review and approval:

1.1.1. Submit street improvement plans for review and approval by Public Works and obtain an Encroachment Permit for required road improvements on Avenue T at the project entrance. Construction of all of the street improvements on Avenue T must be completed prior to any surface mining activity.

1.1.2. Obtain approved drainage plans from Public Works for on-site/off site drainage improvements, demonstrating conformance to the 2010 drainage concept or the most current.

1.1.3. Submit a roadway section analysis to Public Works for review and approval. The roadway section analysis must include a pavement section evaluation of the road segments listed below (haul route). The permittee shall be responsible to submit to Public Works the pro-rata, fair-share, costs for improving the pavement structure for these roadway segments, per the recommendations of the approved roadway section analysis.

The designated truck haul route for the project shall be as follows:

- Westbound trucks departing from the project shall turn left onto Avenue T, proceed to and turn left onto 106th Street East, then proceed to and turn right onto the Pearblossom Highway (SR-138), or
- Eastbound trucks departing from the project shall turn right onto Avenue T, proceed to and turn right onto 165th Street East, then turn left onto the Pearblossom Highway (SR 138).

Unless necessitated by a road closure or other detour plan implemented by the local jurisdiction, at no time shall any truck movement, under the permittee's control to the project site, take place on any other route except for local deliveries. The permittee shall submit an alternate haul route to Public Works/Caltrans for review and approval should unforeseen circumstances dictate the need for a different haul route.

- 1.1.4. Within 360 days after the effective date of this grant, the permittee shall pay to Public Works its pro-rata, fair share, cost to fully improve the pavement structure to sustain the entire truck traffic loading of the project operation on the designated haul route, as required to the satisfaction of Public Works.

The Director of Public Works, at his/her sole discretion, may grant an extension of time not to exceed an additional 360 days if the permittee demonstrates good faith effort toward completion of this condition.

In conjunction with the County's periodic review of the Surface Mine Permit, the project will be reviewed once every 10 years for the integrity of the pavement structures. The review period shall begin on the effective date of this grant and continuing every 10 years for the duration of this grant. The permittee shall update the roadway section analysis to include a pavement section evaluation of the road segments listed above as well as all truck counts and traffic index calculation sheets. The findings of the revised roadway section analysis shall be provided to Public Works for review and approval. The permittee shall be responsible for the pro-rata, fair share, costs of improving the pavement structure for these roadway segments, per the recommendations on the revised roadway section analysis. Upon construction of any necessary improvements to the pavement structure, the permittee shall conduct baseline deflection testing using a method approved by Public Works and submit the results to Public Works for review and approval.

The permittee shall also conduct machine-generated truck counts at the project entrance on 3 consecutive days during weekdays and shall not include any holidays. The truck counts shall be conducted by an independent count company in accordance with generally accepted traffic counting procedures. Based upon these truck counts, the permittee shall also calculate the 10-year Design Traffic

Indices along the road segments designated as the haul route and submit the Design Traffic Indices to Public Works for review and approval. In addition, the permittee shall perform deflection tests along these road segments in accordance with a Public Works approved method and submit the results to Public Works for review and approval. If the testing does not meet Public Works criteria, the permittee shall pay its pro-rata, fair share, cost to fully remediate the pavement structure. The permittee shall submit to Public Works the proposed method of remediation and schedule for commencement of the improvement for review and approval.

- 1.2. Comply with all mitigations identified in the attached Public Works' Traffic and Lighting Division memo dated November 12, 2014, to the satisfaction of Public Works.
- 1.3. Dedicate or offer right-of-way, 54 feet from centerline, along Longview Road, per CSB 2568-2 or latest Interdepartmental Engineering Committee approved alignment, to the satisfaction of Public Works. Also dedicate or offer additional right of way for a grade separation over the Southern Pacific Railroad as well as any additional slope, drainage, and maintenance easements to the satisfaction of Public Works. In order to avoid delays in the issuance of permits or occupancy, the applicant should initiate this process as soon as possible. A fee will be required for the review of the dedication documents.
- 1.4. Dedicate right-of-way, 54 feet from centerline, along the property frontage on Avenue T to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.
- 1.5. Make an offer of future right-of-way, 32 feet from centerline, along the property frontage on 136th Street East and Avenue U to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.
- 1.6. Make an offer of future right-of-way for a corner cut-off at the intersections of Avenue T and 136th Street East, Avenue T and Longview Road, and Longview Road and Avenue U to the satisfaction of Public Works. A fee will be required for the review of the dedication documents.

- 1.7. If applicable, dedicate or offer variable width right of way for the proposed Avenue P-8 corridor freeway/expressway (90-feet to 150 feet from centerline) to the satisfaction of Caltrans and Public Works. Additional right of way may be required for any proposed grade separation. A fee will be required for the review of the dedication documents.
- 1.8. Whenever there is an offer of a future street or a private and future street, provide slope and drainage easements to the satisfaction of Public Works. Submit plans, including cross-sections, to determine the slope and drainage easements for review and approval. A fee will be required for the review and approval
- 1.9. Whenever there is an offer of a future street or a private and future street, provide a drainage statement/letter to the satisfaction of Public Works.
- 1.10. Submit detailed signing and striping plans to the satisfaction of Public Works.
- 1.11. Construct a left-turn pocket and transition pavement along Avenue T at the project entrance to the satisfaction of Public Works.
- 1.12. Construct street improvements commensurate with our major highway rural section on Avenue T, along the frontage of the property or as otherwise determined by Public Works, to the Department's satisfaction.
- 1.13. Upon the County's adoption of a General Plan Amendment that deletes the Longview Road Extension from Los Angeles County Highway Plan, the permittee shall submit a revised Reclamation Plan, inclusive of revised Reclamation Plan figures to Public Works' staff and the Department of Conservation, Office of Mine Reclamation, for review/comment and approval. Until such time as the revised Reclamation Plan has been approved by the County, project operations shall be limited to those areas described in the original project approval and shall be subject to the requirements of the Reclamation Plan as originally approved by the County. Until such time as Longview Road remains a County Highway on the Highway Plan, the permittee shall be responsible for dedication and construction of improvements commensurate with the classification of Longview Road to the satisfaction of Public Works.
- 1.14. Provide drainage solutions and construct drainage improvements as applicable, per the approved drainage concept and/or hydrology, to the satisfaction of Public Works.

- 1.15. Construct transition pavement commensurate with the approved signing and striping plan to the satisfaction of Public Works.
- 1.16. On-site grading shall be compatible with all future streets and dedicated streets.

For questions regarding the road conditions, please contact Ed Gerlits of Public Works' Land Development Division at (626) 458-4921 or egerlits@dpw.lacounty.gov.

2. Reclamation Plan

- 2.1 Submit a surety bond in an amount satisfactory to Public Works. The surety bond must be submitted for review and approval by Land Development Division prior to the start of operation of the surface mining.

For questions regarding the reclamation plan conditions, please contact Mr. Gerlits at (626) 458-4921 or egerlits@dpw.lacounty.gov.

3. Drainage

- 3.1 Prior to issuance of a building permit, comply with the approved Hydrology Study dated October 9, 2014, or the latest revision.
- 3.2 Prior to issuance of a building permit, submit a grading plan for review and approval.

For questions regarding the drainage conditions, please contact Toan Duong of Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov.

4. Waterworks

- 4.1 The project is not within the boundaries of the District and must be annexed into the District through the Local Agency Formation Commission for Los Angeles County to be considered for water service.

The project must secure permanent water supply entitlements sufficient to meet the project's annual water demands as determined by the District. This entitlement may be secured through a new water supply entitlement acquisition program to secure additional State Water Project Table A water supply or other permanent water rights per the District's Memorandum of Understanding with the Antelope Valley–East Kern Water Agency adopted on September 13, 2014 (MOU).

In addition, the District will require that:

- (1) Various charges/fees to be paid by the owner/developer of the property.
- (2) On-site and off-site water system facilities be installed by a State-licensed contractor retained by the owner/developer and inspected and accepted by the District, using plans prepared by licensed engineer that are reviewed by the District.

For questions regarding the waterworks conditions, please contact Ramy Gindi of Public Works' Waterworks Division at (626) 300-3349 or rgindi@dpw.lacounty.gov.

5. Geotechnical and Materials Engineering

- 5.1 Prior to issuance of a grading permit, submit 2 sets of grading plans to the Geotechnical and Materials Engineering Division, Soils Section, for verification of compliance with County codes and policies.

For questions regarding geotechnical and material engineering condition, please contact Jeremy Wan of Public Works' Geotechnical and Materials Engineering Division at (626) 458-4925 or jwan@dpw.lacounty.gov.

For questions regarding the required revisions to the site plan, preliminary conditions, or if you require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:tb

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Attach.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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P O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 12, 2014

IN REPLY PLEASE
REFER TO FILE: T-4

Ms. Cathy Lawrence
Stantec Consulting Services Inc.
38 Technology Drive, Suite 100
Irvine, CA 92618-5312

Dear Ms. Lawrence:

LEBATA BIG ROCK CREEK SURFACE MINING PROJECT TRAFFIC IMPACT ANALYSIS – MARCH 2013 UNINCORPORATED PEARBLOSSOM AREA

As requested, we reviewed the Traffic Impact Analysis (TIA) for the Leбата Big Rock Creek Surface Mining Project located on the south side of Avenue T between 126th Street East and 136th Street East in the unincorporated Pearblossom area.

We generally agree with the TIA that the traffic generated by the project alone will not have a significant impact to County-maintained intersections in the area.

We generally agree with the TIA that the traffic generated by this project and other related projects will not have a significant cumulative impact to County-maintained intersections in the area. However, the traffic generated by this project and other related projects will have a significant cumulative impact at the California Department of Transportation-maintained intersections listed below. The project applicant shall pay its pro-rata share of the cost to construct the improvements listed below. Prior to project approval, the project applicant shall submit cost estimates and conceptual design plans for the cumulative impact mitigations to Caltrans for review and approval. The project applicant shall enter into a traffic mitigation agreement with Caltrans to pay its pro-rata share before or within 6 months of certification of the Leбата Big Rock Creek Surface Mining Project Environmental Impact Report.

1. Pearblossom Highway/Fort Tejon Road (State Route 138) at Pearblossom Highway/Avenue T

South approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane (add one left-turn lane).

The project's pro-rata share is 33 percent.

Ms. Cathy Lawrence
November 12, 2014
Page 2

2. 106th Street East at Pearblossom Highway

East approach: One left-turn lane, one through lane, and one shared through/right-turn lane (Convert one right-turn lane to one shared through/right-turn lane).

The project's pro-rata share is 19.3 percent.

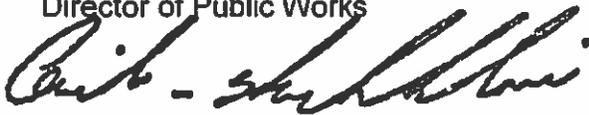
In the event the Environmental Impact Report (EIR) prepared for the Leбата Big Rock Creek Surface Mining Project determines that the project would result in significant impacts to State highway mainline facilities, the project also needs to reach an understanding with Caltrans as to the improvements necessary to mitigate the identified impacts. Therefore, if the EIR identifies significant impacts to Caltrans' mainline facilities, the following mitigation is required:

The applicant shall consult with Caltrans to determine the improvements necessary to mitigate the significant impacts to State highway mainline facilities that would result from the addition of project traffic. Once the improvements are determined, the applicant shall either construct the necessary improvements or pay an equitable share consistent with applicable law towards construction of the improvements. In furtherance of this requirement, if the EIR identifies significant impacts to Caltrans mainline facilities, the applicant shall enter into a traffic mitigation agreement with Caltrans before or within 6 months of certification of the Leбата Big Rock Creek Surface Mining Project EIR.

If you have any questions regarding the review of this document, please contact Mr. Kent Tsujii of Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4776.

Very truly yours,

GAIL FARBER
Director of Public Works



for DEAN R. LEHMAN
Assistant Deputy Director
Traffic and Lighting Division

KT:mrbr
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bc: Land Development (Narag) ✓



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2007-00670

MAP DATE: 09/08/14

LOCATION: South of Avenue T between 126th and 136th Streets, Pearblossom

THE FIRE DEPARTMENT RECOMMENDS THAT THIS PROJECT NOT TO BE APPROVED AT THIS TIME AND NOT TO PROCEED WITH THE PUBLIC HEARING PROCESS. THIS RECOMMENDATION MAY BE CHANGED WHEN ITEMS BELOW HAVE BEEN ADDRESSED.

1. Provide a minimum of four copies of the revised site plan indicating Fire Department access to all habitable structures. Additional access requirements will need to be addressed.
2. Verify if there is a public water source, or if the applicant is requesting an "Alternative Means of Fire Protection". Additional water system requirements will need to be addressed.

CONDITIONS OF APPROVAL – ACCESS

1. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
2. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
3. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
4. The edge of the fire access roadway shall be located a minimum of 5 feet from the building or any projections there from.
5. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

Reviewed by: Wally Collins

Date: November 6, 2014



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2007-00670

MAP DATE: 09/08/14

LOCATION: South of Avenue T between 126th and 136th Streets, Pearblossom

6. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
 - The Fire Apparatus Access Road shall be cross-hatch on the site plan, and the width shall be clearly noted.
7. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
8. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
9. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
10. The gradient of Fire Department vehicle access roads shall not exceed 15 percent unless approved by the fire code official. Fire Code 503.2.7
 - On paved private access roads the maximum allowable grade shall not exceed 15% except where topography makes it impracticable to keep within such grade, then an absolute maximum grade of 20% will be allowed for up to 150 feet in distances. The break shall be 50 feet in length with a maximum grade of 5%. The average maximum allowed grade shall not be more than 17%. Change in grade shall not exceed 10% in 10 feet.
 - Indicate the various grade percentages and their lengths of the Fire Department access roadway on the site plan. Provide a road profile for proposed access roads with grades greater 15 percent.

Reviewed by: Wally Collins

Date: November 6, 2014



COUNTY OF LOS ANGELES FIRE DEPARTMENT FIRE PREVENTION DIVISION

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2007-00670

MAP DATE: 09/08/14

LOCATION: South of Avenue T between 126th and 136th Streets, Pearblossom

11. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
12. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
13. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4
14. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1
15. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
16. Multiple residential and commercial buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.

Reviewed by: Wally Collins

Date: November 6, 2014



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17. Fire Apparatus Access Roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Fire Code 505.2

Gates

1. When security gates are provided, maintain a minimum access width of **TO BE DETERMINED** feet. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6
2. The method of gate control shall be subject to review by the Fire Department, prior to clearance to proceed to public hearing. All gates, to control vehicular access, shall be in compliance with the following:
 - a. The method of gate control shall be subject to review by the Fire Department.
 - b. The keypad location shall be located a minimum of 50 feet from the public right-of-way.
 - c. The applicant shall provide a minimum 32-foot turning radius beyond the keypad, prior to the gate entrance at a minimum width of 20' for turnaround purposes.



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3. Provide gate detail prior to clearance for public hearing. The gated entrance design with a single access point (ingress and egress) shall provide for a minimum width of **TO BE DETERMINED** feet, clear-to-sky, with all gate hardware is clear of the access way.
4. Gated entrance design with separate access gates for ingress and egress shall provide minimum width of 20 feet, clear-to-sky, for each side.
5. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.
6. An approved key box, listed in accordance with UL 1037 shall be provided as required by Fire Code 506. The location of each key box shall be determined by the Fire Inspector.

CONDITIONS OF APPROVAL – WATER STSTEM

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
2. All on-site fire hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall. Fire Code Appendix C106
3. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
4. All private on-site fire hydrants shall be installed, tested and approved prior to building occupancy. Fire Code 901.5.1



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- Plans showing underground piping for private on-site fire hydrants shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation. Fire Code 901.2 & County of Los Angeles Fire Department Regulation 7

Fire Flow:

1. The required fire flow for the public fire hydrants for this project is **TO BE DETERMINED** gpm at 20 psi residual pressure for **TO BE DETERMINED** hours. **TO BE DETERMINED** public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
2. The required fire flow for the on-site private fire hydrants for this project is **TO BE DETERMINED** gpm at 20 psi residual pressure for **TO BE DETERMINED** hours. **TO BE DETERMINED** on-site fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

Public Fire Hydrants:

1. Install **TO BE DETERMINED** public fire hydrant(s)
2. Verify the location, and flow test **TO BE DETERMINED** existing public fire hydrant(s).
3. Submit the completed original copy of the Fire Flow Availability Form (Form 196). The fire flow data shall be submitted to the County of Los Angeles Fire Department Land Development Unit prior to the issuance for clearance to proceed to public hearing. A fire hydrant upgrade is not necessary if existing hydrant(s) meet(s) fire flow requirements.

Private On-site Fire Hydrants:

1. Install **TO BE DETERMINED** private on-site fire hydrant(s).

Reviewed by: Wally Collins

Date: November 6, 2014



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Alternate Means of Fire Protection Requirements:

1. When requesting alternative means of fire protection for your project from the Los Angeles County Fire Department, the following documentation must be submitted:
 - Provide a "Will-Not Serve" letter from the water purveyor; or the closest water purveyor if the property does not fall into a water district's jurisdiction. In this letter the water purveyor should inform the Fire Department whether the property; falls into the water company's jurisdiction, but far exceed the existing services they provide (public fire hydrants, water meter, etc...), and there are no plans for expansion is in the near future. Ensure the water company states how far the closest public fire hydrant, water main and water meter is to the property. Also, if the project does not fall into the water company's jurisdiction and therefore cannot be served.
2. In addition to the "Will-Not Serve" letter, a written letter of appeal must be sent to the Department's Fire Marshal, for their review in requesting an "Alternative Means of Fire Protection" in lieu of inadequate public fire protection. The letter should include the type of water source on the property (on-site private well, hauled in water, etc...), the, the size of existing water storage tanks (if applicable) as well as the total square footage of all structural development being proposed. The size of water storage tanks, their location and specifications of draft hydrant outlets shall be determined in a written response by the Fire Marshal.
3. Water tanks shall provide 20' minimum paved access with an appropriate turnaround. The turn-around may be access provided around the tank as approved by many water companies. Indicate compliance on the revised site plan.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.



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December 5, 2014

TO: Anthony Curzi
Regional Planning Assistant II
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA
Environmental Health Division
Department of Public Health

M.T.

**SUBJECT: CUP CONSULTATION
PROJECT NO. R2007-00670
Lebata Big Rock Creek Surface Mining
Avenue T between 126th Street and 136th Street, Antelope Valley**

- Public Health recommends approval of this CUP.
- Public Health does NOT recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the CUP request for the above referenced project. The proposed project involves the establishment and operation of a new sand and gravel mining project. The Department recommends approval of the CUP contingent upon the following conditions being satisfied prior to issuance of the permit:

Drinking Water Program

After reviewing the letter from Lou Merzario, Project Manager II, Sespe Consulting, Inc. submitted on December 2, 2014, the Drinking Water Program recommends the approval of the CUP contingent upon the following conditions:

1. Approval of Annexation No. 2014-13 to Los Angeles County Waterworks District No. 40, Antelope Valley of the proposed project: Big Rock Creek Surface Mining in Antelope Valley.

2. Water Service Availability report from the County of Los Angeles, Department of Public Works, Waterworks District No. 40 upon completion of the construction of a service connection from Antelope Valley East Kern Water Agency (AVEK).

For questions regarding the above comments, please contact the Drinking Water Program at (626) 430-5420.

Land Use Program

The Land Use Program recommends the approval of the CUP contingent upon the following conditions:

1. A report to determine the feasibility of installing onsite wastewater treatment systems (OWTS) for the new proposed facilities shall be submitted to the DPH's Land Use Program for review and approval. The report shall be prepared in compliance with DPH's "A Professional Guide to Requirements and Procedures for Onsite Wastewater Treatment Systems (OWTS)." The guideline is available on-line at www.lapublichealth.org/eh.

The report shall consist of a soil profile excavation, exploratory boring to determine historic and seasonal high groundwater mark and presence of subsurface water, and percolation testing to confirm that the soil on the property can support the use of OWTS. Testing shall be conducted in an area likely to be utilized as a disposal field.

Note: The design and installation of OWTS shall conform to the requirements of DPH and other applicable State and County regulatory agencies.

2. The applicant shall submit proof that an application for a Waste Discharge Permit (WDR) has been filed with the Los Angeles Regional Water Quality Control Board.

For questions regarding the above condition, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or at eedwards@ph.lacounty.gov, and vbanada@ph.lacounty.gov.

Toxics-Epidemiology Program

The Toxics-Epidemiology Program recommends the approval of the CUP.

Staff from Toxics Epidemiology Program reviewed the Screen Check DEIR provided by Regional Planning of the subject project. Upon review of the Noise Element Section 4.5, the following comments are presented:

- The mitigation measure NO-1 shall be implemented in the project to reduce project noise levels at residential receptors below or in compliance with exterior noise standards contained in Title 12 section 12.08 of the County of Los Angeles Noise control Ordinance.
- The DEIR includes further (other than measure NO-1) noise reducing measures such as placement of other various berms upon the original grade level, including an 8-foot berm on the western boundary, 5-foot berm on the southern boundary, 3-foot berm on the eastern boundary and a 5-foot berm on the northern boundary. These measures should further reduce the projected increases in ambient noise levels.

Based on State land use guidelines, County Noise Ordinance, implementation of mitigation measure NO-1 and additional measures stated in the DEIR, the noise impact on the receptors should be less than significant.

If you have questions regarding the above section, please contact Robert Vasquez or Evenor Masis of the Toxics-Epidemiology Program at (213)738-3220 or at rvasquez@ph.lacounty.gov and emasis@ph.lacounty.gov.

For any other questions regarding this report, please feel free to contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

Table 103 Mitigation Monitoring and Reporting Program

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Noise						
1	Los Angeles County Department of Public Health, Environmental Health (PH)	NO-1: Berm Construction	Construct a 7-foot-tall berm with sufficient length to break the line-of-sight between R4 (a nearby sensitive receptor) and all of the plants and areas of excavation shall be constructed along the Project's eastern property line.	Berm construction shall be coincident with the initial excavation of lands adjacent to R4.	Permittee, or successor in interest PH	PH
Air Quality						
2	Antelope Valley Air Quality Management District (AVAQMD)	AQ-1: Dust Suppression	Disturbed surface areas and unpaved roads will be watered.	Twice daily	Permittee, or successor in interest AVAQMD	AVAQMD
3	AVAQMD	AQ-2: Speed Limit	Vehicle speed will be limited to 15 mph on unpaved roads.	Continuous during life of Project	Permittee, or successor in interest AVAQMD	AVAQMD
4	AVAQMD	AQ-3: Low Sulfur Diesel Fuel	Low sulfur diesel fuel will be used in all equipment.	Continuous during life of Project	Permittee, or successor in interest AVAQMD	AVAQMD

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
5	AVAQMD	AQ-4: Equipment Type and the Rate of Excavation	Aggregate material will be excavated using a dragline and portable crusher prior to exceeding 800,000 tons per year of material fed to the Aggregate Processing Facility. The following changes to the off road equipment would be required before the amount mined exceeds 800,000 tons per year: <ul style="list-style-type: none"> • The D8R dozer is eliminated; • The 980G loader used in the pit is eliminated; • The two 773 trucks used to transport material in the pit are eliminated; and • A crane, equipped with a dragline, is required. 	Based upon rate of excavation.	Permittee, or successor in interest AVAQMD	AVAQMD
6	AVAQMD	AQ-5: Primary Crusher Location and Off-Road Haul Truck Prohibition	The portable primary crusher will be located in the pit and off-road haul trucks will not be used in the pit.	Continuous during life of Project.	Permittee, or successor in interest AVAQMD	AVAQMD
7	AVAQMD	AQ-6: Dust Palliatives	Fugitive dust on unpaved roads will be controlled by the application of dust palliatives (chemical dust suppressants) and maintained in a controlled state by watering twice daily (AQ-1) or other means. The use of dust palliatives will be subject to the approval of the Regional Board of the EPA (Region 9).	As needed.	Permittee, or successor in interest AVAQMD	AVAQMD
8	AVAQMD	AQ-7: Blue Smoke Control	Blue Smoke Control equipment will be used to collect vapors from the asphalt plant's mixing drum, drag conveyor, silos, and loading area.	Installed prior to the operation of the Asphalt Mixing Plant. Operated	Permittee, or successor in interest AVAQMD	AVAQMD

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
				thereafter in concert with the Asphalt Mixing Plant operations.		
	Biological Resources					
9	Los Angeles County Department of Regional Planning (DRP)	BIO-1: Desert Tortoise Avoidance	<p>The following avoidance and minimization efforts shall be used as methods to avoid accidental take of desert tortoises as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures to minimize impacts to the desert tortoise, plus a measure of protection in the event that a desert tortoise enters within the Project boundary will be implemented:</p> <ol style="list-style-type: none"> In order to avoid any disturbance to potential desert tortoise habitat beyond the Project area, as well as the direct take of desert tortoises, undisturbed habitat areas outside the Project area and any unsurveyed construction areas, such as future phase areas, shall be designated as temporary "Environmental Sensitive Areas" (ESAs). All construction activities shall be confined within the Project impact areas only. At no time shall equipment or personnel be allowed within ESAs. Before installation of the temporary ESA and desert tortoise fencing, and prior to initiation of construction activities, a qualified biologist (referred to below as the Desert Tortoise Biologist), approved by the Department of Regional Planning (DRP), with an appropriate 	<p>Surveys, fencing and relocation shall to be completed prior to any ground disturbing activities. This will be completed in phases.</p> <p>The timing of other measures is as described.</p>	<p>Permittee, or successor in interest</p> <p>Los Angeles County Fire Department, Forestry Division (Forestry)</p> <p>DRP and its approved Desert Tortoise Biologist</p>	<p>DRP (responsible for conducting all inspections, including those required under SMARA)</p>

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>tortoise handling permit issued from USFWS shall perform a pre-construction survey for desert tortoise. If any desert tortoises or other <u>low mobility species</u> are present in the Project area, the Desert Tortoise Biologist shall be retained by the Permittee to relocate them. (If a tortoise has to be touched or moved off the Project site, then a Section 7, or a Section 10 Incidental Take Permit will be required from the USFWS, and a 2081 permit from the CDFW will also be required.) Tortoises or other <u>low mobility species</u> are to be moved to suitable habitat outside the impact area and placed in a natural or artificial burrow, or under a shrub, depending on time of day and year. The Desert Tortoise Biologist shall also be available to relocate any tortoises that may wander into the impact area during construction.</p> <p>3. Prior to any ground disturbing activities, the Permittee shall install a desert tortoise exclusion fencing (wire mesh) to exclude all tortoises from entering the Project area. This fencing may be used in conjunction with, but not replaced by, orange ESA fencing for protection of desert tortoise habitat in identified ESAs. The Desert Tortoise Biologist shall be present during all fence installation activities to ensure no impacts to sensitive biological resources occur. The exclusion fence shall be maintained by the Permittee and inspected to ensure its integrity on a daily basis.</p>			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>4. All personnel involved in Project construction shall receive Project-related environmental protection training, including desert tortoise awareness as approved by USFWS and CDFW, prior to performing onsite work. Training shall include discussion of the:</p> <ul style="list-style-type: none"> • fragility of desert habitat, • importance of listed species likely to be in the area, including the desert tortoise, • protections afforded to these species by the California and National Endangered Species Acts, • locations of temporary Environmental Sensitive Areas (ESAs) and their functions, and • correct protocol to follow should a desert tortoise or other sensitive species be encountered. <p>5. At the end of each working day, the Permittee shall inspect the integrity of all temporary ESA and desert tortoise fencing to ensure that they are in good condition and that desert tortoises would be prohibited from entry. If the fences are compromised, repairs shall be completed at that time.</p> <p>6. Open trenches, auger holes, or other excavations that may act as pit-fall traps shall be inspected by the Desert Tortoise Biologist before back filling. Any desert tortoise or other species found within the holes shall be safely removed and relocated out of harm's way by the Desert</p>			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>Tortoise Biologist. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 mile (0.40 kilometers). The open trenches shall be inspected three times per day (four times per day during the summer) by the Desert Tortoise Biologist. Other excavations that remain open overnight shall be covered to prevent them from becoming traps.</p> <p>7. Project personnel shall carefully check under parked vehicles and equipment for desert tortoises or other species before operation, especially in the morning during Project startup and anytime after being parked during the day. The Desert Tortoise Biologist shall move desert tortoises found within the parking, staging, construction, or other traffic areas, to a location away from danger, as specified in Item 2 above.</p> <p>8. To avoid impacts caused by increased raven populations on desert tortoise, raven control methods will be implemented. Within the Project site, raven-proof trash bins shall be used for construction trash storage and trash shall be placed in a sealed container and emptied at the close of business each day. All personnel will be required to pick up trash and food wrappers from the site each day. To help discourage ravens, construction water sources shall not be allowed to pool or to form permanent puddles that may offer suitable water for ravens, and tortoises shall not be able to access construction water.</p>			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>9. Construction water sources shall be designed to preclude their being accessed by tortoise.</p> <p>10. Culverts and other drains shall be installed in such a way for tortoises to enter and exit safely from each end.</p> <p>11. <u>If a desert tortoise or other listed species is injured or killed during project activities and operations, including construction, mining, or reclamation activities, within one year of a negative survey result validity window, CDFW will consider this unauthorized take of a CESA listed species if an Incidental Take Permit has not been issued to the project proponent . In the event that an unauthorized take occurs, the Permittee or Desert Tortoise Biologist shall immediately notify USFWS or CDFW directly. Work on the project will be halted until the project proponent addresses any penalties and applies for and is issued an Incidental Take Permit by the CDFW.</u></p> <p>12. If a desert tortoise or other listed species, whether dead, injured, or entrapped, is found, the Permittee or Desert Tortoise Biologist shall immediately notify USFWS or CDFW directly. Work in the immediate area is to be temporarily halted until approved to resume by CDFW and USFWS. Any entrapped desert tortoise shall be permitted to escape. The disposition of any carcasses or recovery of dead animals shall be coordinated by the Desert Tortoise Biologist</p>			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>through CDFW and USFWS.</p> <p>13. If a desert tortoise or other listed species is injured during the course of construction, the Permittee shall be notified and the Desert Tortoise Biologist shall transport the animal to a qualified veterinarian. If a desert tortoise is killed during the course of construction, it must be left in place, as is, and the Permittee and Desert Tortoise Biologist must be notified. The Desert Tortoise Biologist shall document and remove the carcass.</p> <p>14. No firearms or pets are permitted in the Project area.</p> <p>15. Compliance with the avoidance, minimization, and Mitigation Measures shall be documented by the Permittee and the Desert Tortoise Biologist, and provided to the regulatory agencies on a regular basis as determined by the agreements established for the Project.</p>			
10	DRP	<p>BIO-2: Mohave Ground Squirrel Avoidance</p>	<p>The following protocol survey, avoidance and minimization efforts shall be used as methods to avoid accidental take of Mohave ground squirrel (MGS) as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures:</p> <ol style="list-style-type: none"> 1. In order to avoid any disturbance to MGS habitat beyond the Project area, as well as the direct take of MGS, undisturbed habitat areas outside the Project area and any unsurveyed 	<p>Surveys, fencing, trapping and relocation shall be completed prior to the grading or clearing of each new area of land. This will be completed in</p>	<p>Permittee, or successor in interest Forestry DRP</p> <p>DRP and its approved MGS Biologist</p>	

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>construction areas, such as future phase areas, shall be designated as temporary “Environmental Sensitive Areas” (ESAs). All construction activities shall be confined within the Project impact areas only. At no time shall equipment or personnel be allowed within temporary ESAs.</p> <p>2. Prior to any ground disturbing activities, temporary exclusion fencing (orange construction fencing or sight weave silt fencing) will be installed and maintained along the common boundary of the temporary ESA and Project area, and in drainages leading off of the Project area in order to prevent unauthorized entry into the temporary ESA.</p> <p>3. A qualified DRP-approved biologist, working under the authority of a CDFW Memorandum of Understanding (referred to below as the MGS Biologist), will conduct surveys to determine the presence of Mohave ground squirrel (MGS) on the Project site. Mining is expected to proceed incrementally, sequentially affecting 10 to 30 acres of land at a time, over the course of the Project’s permitted life (i.e., approximately 50 years). Prior to the grading or clearing of each new area of land, one CDFW protocol MGS survey grid will be established on the parcel in an area determined to be the best potential habitat for MGS. The site will be trapped for three, five consecutive day sessions throughout the spring and early summer. An additional day will be necessary for each session to set up the</p>	<p>phases. The timing of trapping as described.</p>		

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>traps the day before trapping and to pick them up when done. As each subsequent undisturbed area is trapped, the first session for each area will be trapped between March 15 and April 30. The second session will be trapped between May 1 and May 31. The third session will be trapped between June 15 and July 15. A technical report will be prepared following the completion each of the field sessions that will describe the survey methods and results, as well as a description of the onsite habitat quality for supporting MGS. Consultation with CDFW will need to occur, in addition to obtaining the appropriate permits if MGS are detected. All technical reports will be submitted to the County.</p> <p>4. Grubbing performed post-survey is to be conducted in a manner that directs wildlife away from Project activities and does not result in the creation of an interior island where wildlife could become isolated and trapped. The operating premise is to provide wildlife an opportunity to successfully flee the Project site.</p> <p>5. All personnel involved in Project construction shall receive Project related environmental protection training including sensitive species awareness training prior to performing onsite work. Training shall include discussion of the:</p> <ul style="list-style-type: none"> • fragility of desert habitat, • importance of listed species likely to be in 			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>the area, including the MGS, the protections afforded to these species by the California and National Endangered Species Acts,</p> <ul style="list-style-type: none"> • locations of temporary ESAs and their functions, and • correct protocol to follow should a MGS or any other sensitive species be encountered. <p>6. At the end of each working day, the Permittee shall inspect the integrity of all fencing around temporary ESAs to ensure that they are in good condition. If the fence is compromised, repairs shall be completed at that time.</p> <p>7. Open trenches, auger holes, or other excavations that may act as pit-fall traps shall be inspected by the MGS Biologist before back filling. Any MGS or other species found within the holes shall be safely removed and relocated out of harm's way by the MGS Biologist. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 mile (0.40 kilometers). The open trenches shall be inspected three times per day (four times per day during the summer) by the MGS Biologist. Other excavations that remain open overnight shall be covered to prevent them from becoming traps.</p> <p>8. Project personnel shall carefully check under parked vehicles and equipment for wildlife species before operation. The MGS Biologist shall move sensitive wildlife found within the</p>			

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			<p>parking, staging, construction or other traffic areas to a location away from danger.</p> <p>9. Culvert extensions shall be installed in such a way for sensitive wildlife to enter and exit safely from each end.</p> <p>10. If a MGS, or other listed species, whether dead, injured, or entrapped, are found, the Permittee or MGS Biologist shall immediately notify CDFW directly. Work in the immediate area shall be temporarily halted while the Permittee/MGS Biologist consults with CDFW. Any entrapped MGS shall be permitted to escape. The disposition of any carcasses or recovery of dead animals shall be coordinated by the MGS Biologist through CDFW.</p> <p>11. <u>If a MGS or other listed species is injured or killed during project activities and operations, including construction, mining, or reclamation activities, within one year of a negative survey result validity window, CDFW will consider this unauthorized take of a CESA listed species if an Incidental Take Permit has not been issued to the project proponent. In the event that an unauthorized take occurs, the Permittee or MGS Biologist shall immediately notify USFWS or CDFW directly. Work on the project will be halted until the project proponent addresses any penalties and applies for and is issued an Incidental Take Permit by the CDFW.</u></p> <p>12. If a MGS or other listed species is injured during the course of construction, the Permittee</p>			

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
11	DRP	<p>BIO-3: Sensitive Native Nesting Bird Avoidance</p>	<p>must be notified and the MGS Biologist shall transport the animal to a qualified veterinarian. If it was killed during the course of construction, it must be left in place as is and the Permittee and MGS Biologist must be notified. <u>At the direction of the CDFW, the MGS Biologist would document and remove the carcass.</u></p> <p>13. No firearms or pets are permitted in the Project area.</p> <p>14. Compliance with the avoidance, minimization, and Mitigation Measures shall be documented by the Permittee and MGS Biologist, and provided to the regulatory agencies on a regular basis as determined by the agreements established for the Project.</p>			
			<p>The following avoidance and minimization efforts shall be used as methods to avoid accidental take of all native nesting birds as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures to minimize impacts to all native nesting birds:</p> <ol style="list-style-type: none"> 1. Pre-construction biological surveys are to be conducted by qualified wildlife biologist (approved by CDFW and DRP) for sensitive birds and other sensitive species (referred to below as the Sensitive Birds Biologist) prior to any site preparation activities in association with any phase. <u>The surveys shall be in accordance with the CDFW survey and mitigation protocol found within the 2012 CDFW "Staff Report on</u> 	<p>Surveys shall to be completed prior to any site preparation activities in association with any phase. This will be completed in phases. Survey timing as described.</p>	<p>Permittee, or successor in interest Forestry DRP and its approved Sensitive Birds Biologist CDFW</p>	DRP

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p><u>Burrowing Owl Mitigation" at:</u> (http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf). The surveys shall be conducted <u>30 days prior any site preparation activities (vegetation clearing) and again no later than three days prior to any site preparation activities (vegetation clearing)</u>. Results of surveys, including negative findings, shall be submitted to CDFW within three days of their conclusion. If any sensitive species are present onsite, the Permittee shall develop and implement a plan for the protection of these species, to be approved by CDFW in a timely manner. The results of any protective measures instituted as a part of the protection and monitoring plan shall be provided to CDFW in electronic format within one week of implementation. The Permittee shall be responsible for reporting all observations of threatened/endangered species or of species of special concern to CNDDDB within ten (10) days of sighting.</p> <p>2. Nesting native birds, including both sensitive and non-sensitive native birds and all migratory birds that may be present in the Project area, shall be protected during the breeding season. If any active nests are present, the Permittee, under the direct supervision of the Sensitive Birds Biologist, shall install a fence and exclude the nest site from all Project related activities. The fence shall be placed at a distance of 300</p>			

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			<p>feet (500 feet for raptors) and no work or Project related activities shall occur within this buffer until the Sensitive Birds Biologist determines that either the nest has failed or the young have fledged. The breeding season extends from February 15th through September 1st.</p> <p>3. Prior to any site preparation or construction related activities during the raptor nesting season, January 31st to August 1st, the Sensitive Birds Biologist shall conduct a site survey for active nests two weeks prior to any scheduled site development or Project related activities. If an active nest is located, then no Project related activities shall be conducted within a 500-foot radius from the nest until the Sensitive Birds Biologist has determined that the young have fledged and are independent of the adults, or that the nest has failed.</p> <p>4. The Permittee shall protect all migratory nongame native bird species, as they are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), and by Sections 3503, 3503.5 and 3513 of the California Fish and Game Code, which prohibit the take of all native birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA). This Agreement therefore does not allow the Permittee, any employees, or agents to destroy or disturb any active bird nest (§3503 Fish and Game Code) or any raptor nest</p>			

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			<p>(§3503.5) at any time of the year.</p> <p>5. If clearing is to be conducted outside of the breeding season or no breeding/ nesting birds are observed during the pre-construction survey, site preparation and Project related activities can begin. If clearing is to be conducted in the breeding season, all protective measures are in place, and concurrence has been received from CDFW, site preparation and Project related activities can begin.</p> <p>6. No firearms or pets are permitted in the Project area.</p> <p>7. Compliance with the avoidance, minimization, and Mitigation Measures shall be documented by the Permittee and Sensitive Birds Biologist, and provided to the regulatory agencies on a regular basis as determined by the agreements established for the Project.</p> <p>Burrowing owl</p> <p>8. The Sensitive Birds Biologist shall inspect all burrows that exhibit typical characteristics of owl activity no sooner than three days prior to any site preparation activities. If it is evident that the burrows are actively being used by burrowing owls, the Permittee shall not commence activities until no owl sign is present and that the burrows are not being used by adults or juvenile owls (as determined by the Sensitive Birds Biologist).</p> <p>9. (This measure was designed to determine if</p>			

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			<p>burrowing owls are present in upcoming phase areas. It allows for the Sensitive Birds Biologist to conduct spring and winter surveys to determine if just wintering or if breeding owls are present.)</p> <p>The Sensitive Birds Biologist shall perform a spring and winter burrowing owl survey of any area within one year of clearing any vegetation from that area. If evidence exists that burrowing owls are utilizing the site, the Sensitive Birds Biologist shall directly supervise the installation of Department approved exclusionary devices in order to prevent the owls from entering the burrows and shall implement an artificial burrow program near the site in one of the areas considered for restoration/creation or preservation, as part of the mitigation measures for this agreement. The approved devices shall be placed at least 60 days prior to any site related Project activities and monitored for one year to ensure they are functioning and being used by owls.</p> <p>10. (This measure includes the pre-construction survey that needs to occur just prior to clearing the next phase of mining.)</p> <p>The Permittee shall have the Sensitive Birds Biologist perform a burrowing owl survey in accordance with the standard survey protocol guidelines within 30 days prior to clearing any area. The Sensitive Birds Biologist shall inform CDFW (contact to be provided by CDFW) immediately if any birds are present. If birds are</p>			

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12	DPW	<p>BIO-4: Sensitive Native Plant Avoidance</p>	<p>present, the Sensitive Birds Biologist shall install approved exclusionary or artificial devices immediately and at least two weeks prior to clearing.</p> <p><u>11. If avoidance and minimization measure are not possible and impacts to occupied burrowing owl habitat occur, then the permittee shall follow the mitigation guidelines set forth in the "Staff Report on Burrowing Owl Mitigation (March 7, 2012)."</u></p> <p>The following avoidance and minimization efforts shall be used as methods to avoid accidental take of other sensitive native plants as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measure to minimize impacts to all sensitive native plants:</p> <ol style="list-style-type: none"> 1. Pre-construction sensitive plant surveys shall be conducted by a qualified Sensitive Plant Species Biologist, approved by CDFW and DRP. Survey results, including negative findings, shall be submitted to CDFW within 90 days of their conclusion. If any sensitive plant species are present onsite, the Permittee shall develop a protection and monitoring plan and submit it to CDFW for approval. The Permittee is responsible for implementing the CDFW-approved protection and monitoring plan. 2. The results of any protective measures instituted as a part of the protection and monitoring plan shall be provided to CDFW, in electronic format, within 30 days of 	<p>Pre-construction sensitive plant surveys shall be conducted during the appropriate blooming periods in the year prior to clearing of each mining phase. Survey results shall be submitted to CDFW within 90 days of their conclusion.</p> <p>Conditional tasks as described.</p>	<p>Permittee, or successor in interest</p> <p>Forestry</p> <p>DRP and its approved Sensitive Plant Species Biologist</p> <p>CDFW</p> <p>DPW</p>	

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
13	DRP	BIO-5: Exotic and Invasive Plant Species Control	<p>implementation. Within ten (10) days of sighting(s), the Permittee shall report all observations of threatened/endangered species, or of species of special concern, to CDFW for incorporation within the CDFW Natural Diversity Data Base.</p> <p>3. <u>Using the GPS coordinates developed during the survey completed for the <i>Updated Special-status Plant Survey and General Wildlife Survey Results</i>, the specimens of short-joint beavertail cactus (<i>Opuntia basilaris</i> var. <i>brachyclada</i>) noted in the <i>Updated Special-status Plant Survey and General Wildlife Survey Results</i>, and deemed suitable for transplantation, will be transplanted to the undisturbed areas of the setbacks. (Refer to the discussion of <i>Beavertail Cactus Protection Plan</i> in EIR Appendix 2 – Reclamation Plan.)</u></p> <p>The following avoidance and minimization efforts shall be used to avoid adverse effects on sensitive native plants and wildlife as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures to minimize the occurrence of exotic plant species:</p> <ol style="list-style-type: none"> 1. Prior to land disturbing activities onsite, the Permittee shall prepare an Exotic and Invasive Plant Species Control Program and submit it to DRP for review and approval by a DRP-approved Exotic and Invasive Plant Species Biologist. The Permittee is responsible for implementing the approved exotics and invasive plant species control program as part of the operational plan 	Exotic and Invasive Plant Species Control Program must be prepared and approved prior to land disturbing activities Continuous during life of Project.	Permittee, or successor in interest Forestry DRP and the approved Exotic and Invasive Plant Species Biologist DRP	

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
14	DRP		<p>for the Project.</p> <p>2. Invasive species control measures may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species re-vegetation, and washing off construction equipment tires to prevent introduction of invasive species seeds.</p> <p>To avoid nighttime impacts to wildlife by haul trucks along the haul routes, the Permittee shall require truck operators to limit truck speed to no more than 25 mph along 106th 116th Street East, and along Avenue T, eastbound of the Project.</p> <p>If required by the Los Angeles County Sheriff's Department, the Permittee shall install nighttime truck speed limit signs for Project trucks entering 106th 116th Street East from East Avenue T or SR 138.</p> <p><u>If truck traffic results in mortality to a listed species of wildlife species, the "kill" shall be reported to CDFW to determine if a "take" permit or other action is required.</u></p>	Continuous during life of Project.	Permittee, or successor in interest DRP Los Angeles County Sheriff's Department	DRP
15	DRP		<p>To avoid wildlife injury or mortality related to fencing materials, all hollow fence posts shall be capped and all empty bolt holes in metal fence posts shall be plugged. The use of sharp fencing materials is prohibited, including, but not limited to, spikes, glass, razor, or barbed wire.</p>	Continuous during life of Project.	Permittee, or successor in interest DRP	DRP
15	DRP		<p>The following avoidance and minimization efforts shall be used to avoid accidental take of desert kit</p>	Continuous during life of	Permittee, or successor in	DRP

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p><u>Fox Avoidance</u></p>	<p>fox as a result of the Project. During all Project activities, the Permittee shall use the following <u>Mitigation Measures to minimize impacts to the desert kit fox:</u></p> <p>The measures listed below shall be implemented prior to and during construction at the project site.</p> <ol style="list-style-type: none"> 1. <u>If any desert kit fox dens are found during preconstruction surveys, the status of the dens shall be evaluated no more than 14 days prior to project initiation. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer shall be delineated using stakes and flagging or other similar materials to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it shall be hand-excavated following U.S. Fish and Wildlife Service standardized recommendations for the protection of the San Joaquin kit fox prior to or during ground disturbance, which also apply to the desert kit fox since they are similar species. If kit fox activity is observed at a den, the den status shall change to "known" per U.S. Fish and Wildlife Service guidelines (1999), and the buffer distance shall be increased to 100 feet.</u> <p>The avoidance buffer shall be connected to areas of adjacent undisturbed habitat in order to allow foxes access to the den until the den is no longer being used. No excavation of known desert kit fox dens or pupping dens shall occur without prior consultation and authorization</p>	<p><u>Project.</u></p>	<p><u>interest</u></p> <p><u>DRP</u></p>	

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>from the CDFW.</p> <p>2. <u>All pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods and shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until CDFW has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</u></p> <p>3. <u>To prevent inadvertent entrapment of desert kit foxes or other animals during construction, all excavated steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the U.S. Fish and Wildlife Service shall be contacted.</u></p> <p><u>The measures below shall be implemented throughout the operation of the mine.</u></p>			

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			<ol style="list-style-type: none"> 1. <u>Comply with Mitigation Measure AQ-2 (15 mph speed limit on unpaved roads).</u> 2. <u>No firearms shall be allowed on the project site.</u> 3. <u>No pets shall be allowed on the project site.</u> 4. <u>The use of herbicides for vegetation control in project areas shall be restricted. No rodenticides shall be used on the property. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, the California Department of Food and Agriculture, and State and Federal legislation.</u> 5. <u>An employee education program, consisting of a brief presentation by persons who are knowledgeable about locally found species biology and legislative protection, shall be provided to contractors and personnel involved in the proposed project to address concerns pertaining to endangered species. The program shall include the following: a description of the species, including its habitat needs and potential habitat in the vicinity of the project site; an explanation of the status of the species and its protection under the California Fish and Game Code; and a list of measures being taken to reduce impacts on the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to contractors and personnel and</u> 			

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			<p>anyone else who may enter the project site.</p> <p>6. <u>If known desert kit fox dens or pupping dens are observed on the project site, the Permittee shall contact the CDFW to discuss appropriate actions. In the event that den relocation is determined to be appropriate, site selection for relocation shall take into account the potential for territorial overlap, predation, and vehicle strikes to minimize the potential for mortality of relocated animals.</u></p> <p>7. <u>A representative shall be appointed by Lebata who will be the contact source for any employee or contractor who might inadvertently kill or injure a desert kit fox or who finds a dead, injured or entrapped desert kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the CDFW.</u></p> <p>8. <u>Any contractor, employee, or agency personnel who are responsible for inadvertently killing or injuring a desert kit fox should immediately report the incident to the Lebata representative. The Lebata representative shall contact the CDFW immediately in the case of a dead, injured or entrapped desert kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or the wildlife biologist.</u></p> <p>9. <u>CDFW shall be notified in writing within three working days of the accidental death or</u></p>			

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			injury to a desert kit fox during project related activities. <u>Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.</u>			
Traffic and Circulation						
16	DPW	TC-1: Pavement Maintenance	Prior to the commencement of surface mining activities that result in the transport of processed materials offsite, Lebata shall document and submit all required information and/or material pertaining to the pavement conditions of Avenue T, 106th Street East and 165th Street East, including the formula for calculating the Project's fair share of any repair and/or reconstruction of Avenue T, 106th Street East and 165th Street East, to the satisfaction of the LACDPW. Lebata shall reimburse the County for the cost of any repairs and/or reconstruction of Avenue T, 106th Street East and 165th Street East attributable to the Project, as agreed to by the LACDPW. The timing of any necessary repairs and/or reconstruction of Avenue T, 106th Street East, and 165th Street East, and the required payment by the project proponent, shall be determined by LACDPW.		Permittee, or successor in interest DPW	DPW
Lowered Facilities Alternative - Slope Stability (Lowered Facilities Alternative)						
17	DPW	LFA-1: Slope Stability Verification	For cut slopes steeper than 1.5(H):1(V) shear strength parameters for the Upper Alluvium shall be verified, using the following verification method: <ul style="list-style-type: none"> Excavation of a vertical trench at least 30 feet deep within representative cut slope materials at the Project site and observation of the 		Permittee, or successor in interest DPW and Registered Professional	DPW

MMRP #	Monitoring Agency Approval	EIR Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
			<p>stability conditions of the vertical trench sidewalls after a minimum 24-hour period.</p> <ul style="list-style-type: none"> • Shear strength parameters can be back-calculated as demonstrated in the <i>Pit Slope Stability Evaluation</i> (EIR Appendix 4). • Once fill spoils are stockpiled, obtain representative samples to perform gradation and shear strength tests (most likely direct shear tests) to verify shear strength parameters. <p>If the gradation and shear tests serve to verify the stability of temporary 1:1 (h:v) slopes, the Project may proceed as approved. If these tests determine the temporary 1:1 (h:v) slopes are not stable, a determination is to be made, in consultation with DPW staff, of the maximum slope condition that is considered stable under temporary conditions, and the Mining Plan revised accordingly.</p>		Engineer (Geotechnical)	