

# Regional Planning Commission Transmittal Checklist

Hearing Date  
December 17, 2014  
Agenda Item No.

7

**Project Number:** R2007-00670-(5)  
**Case(s):** Surface Mining Permit No. 200700001  
Environmental Assessment Case No. 200700053  
**Planner:** Anthony Curzi

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Paul A. Curzi*



Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**PROJECT NUMBER**  
R2007-00670-(5)

**HEARING DATE**  
December 17, 2014

**REQUESTED ENTITLEMENTS**

Surface Mining Permit No. 200700001  
Environmental Assessment No. 200700053

# PROJECT SUMMARY

**OWNER / APPLICANT**

Lebata, Inc.

**MAP/EXHIBIT DATE**

February 2, 2009

**PROJECT OVERVIEW**

The applicant, Lebata Inc., proposes to conduct surface mining and processing operations on a 310-acre site. A total of 46.48 million gross tons of sand and gravel will be mined over a period of approximately 47 years in three distinct phases. The applicant is requesting a 50-year grant term for the permit. The extraction rate of unprocessed material over the life of the project is expected to range between 500,000 and 2,500,000 tons per year, and sales will not exceed 2,000,000 net tons of processed material per year. As part of the processing operations, the applicant will install accessory plants and facilities including: (1) Ready-Mixed Concrete Plant, (2) Vac-Lite Plant, (3) Asphalt Mixing Plant, (4) a 24-foot-by-60-foot office trailer, (5) an 80-foot-by-125-foot two-story building (housing an equipment maintenance shop, parts room, office, locker room, and restrooms), and (6) Raw Cement and Aggregate Transfer and Distribution Facility. The east-west Union Pacific Railroad bisects the site into two halves. 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.

As identified and described in the Draft Environmental Impact Report, staff will be recommending the Lowered Facilities Alternative.

**LOCATION**

Avenue T between 126<sup>th</sup> Street East and 136<sup>th</sup> Street East

**ACCESS**

Via Avenue T

**ASSESSORS PARCEL NUMBERS**

3039-021-009, 3039-036-002, 3039-036-001

**SITE AREA**

310 Acres

**GENERAL PLAN / LOCAL PLAN**

Antelope Valley Areawide General Plan

**ZONED DISTRICT**

Antelope Valley East

**LAND USE DESIGNATION**

N1 (Non-Urban 1)

**ZONE**

A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area)

**PROPOSED UNITS**

NA

**MAX DENSITY/UNITS**

NA

**COMMUNITY STANDARDS DISTRICT**

NA

**ENVIRONMENTAL DETERMINATION (CEQA)**

Environmental Impact Report

**KEY ISSUES**

- Consistency with the Antelope Valley Areawide General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.1300 (Surface Mining Permit Burden of Proof Requirements)
  - 22.24.170 (A-2 Zone Development Standards)

**CASE PLANNER:**

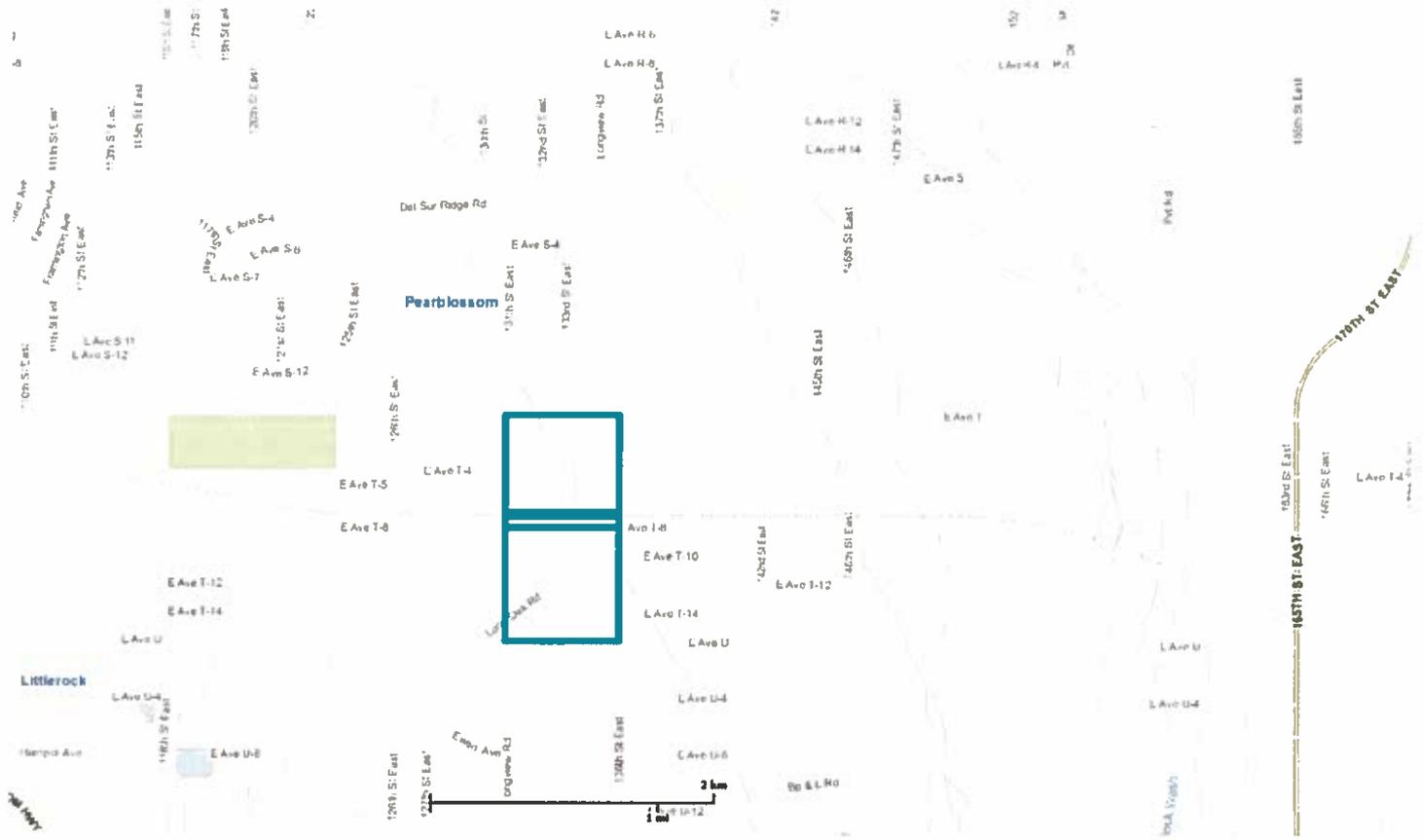
Anthony Curzi

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### **ENTITLEMENTS REQUESTED**

- Surface Mining Permit (SMP) to mine 46.48 million gross tons (30.98 million cubic yards) in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone and A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone pursuant to the Los Angeles County (“County”) Code Section 22.24.150.

### **PROJECT DESCRIPTION**

The applicant, Leбата 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 (including truck drivers), working two or three shifts per day, six days per week. The maximum number of people working per shift would be 88. Excavation activities would occur from 4:00 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.

### **SITE PLAN DESCRIPTION**

The vacant, rectangular-shaped property totals 310 acres and is bisected by the east-west Union Pacific railway. Vegetation on the property consists of high desert scrubland and grassland. The project site lies on a broad bajada extending north from the lower slopes of the San Gabriel Mountains.

The site plan 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, 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 existing railway line.

### **EXISTING ZONING**

The subject property is zoned A-2-1 and A-2-5.

Surrounding properties are zoned as follows:

North: A-2-5  
South: A-2-1  
East: A-2-5  
West: A-2-1

### **EXISTING LAND USES**

The subject property is vacant land. The Union Pacific railway, traverses the property east-west, dividing the property into northern and southern halves.

Surrounding properties are developed as follows:

North: Vacant land  
South: Vacant land  
East: Vacant land and single-family residence  
West: Vacant land

### **PREVIOUS CASES/ZONING HISTORY**

Ordinance No. 1797 established the A-2-1 zone on the subject property on July 30, 1957.

### **ENVIRONMENTAL DETERMINATION**

The County Department of Regional Planning ("Regional Planning") has determined by way of an Initial Study and identified in the Notice of Preparation sent to agencies, that an EIR was necessary for the Project. The areas of potential significant environmental impact addressed in the Draft EIR (DEIR) include the following:

- Geotechnical Hazards
- Flood Hazards
- Noise
- Water Quality
- Air Quality, Health Risks, and Climate Change

- Biological Resources – Sensitive Species/Loss of Habitat
- Visual Quality
- Traffic and Circulation
- Hazards and Hazardous Materials
- Water Supply/Quantity
- Land Use Consistency and Compatibility

The following areas require no further environmental review as described in the Initial Study.

- Mineral Resources
- Agriculture/Forestry
- Population/Housing
- Public Services
- Recreation
- Utilities/Services

As identified in the DEIR, after implementation of the required mitigation measures, the Project would result in no significant and unavoidable impacts to the environment.

A Final Environmental Impact Report (FEIR) was prepared in accordance with Section 15132 of the CEQA Guidelines, as amended. The FEIR consists of the following:

- Discussion of the EIR review process and contents of the FEIR
- Public Comment Letters and Response to Comments
- EIR Errata and Revisions
- Mitigation Monitoring and Reporting Program
- Replacement or Supplemental Appendices

## **STAFF EVALUATION**

### General Plan/Community Plan Consistency

The project site is located within 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. 15: "Protect and conserve existing mineral resources, evaluate the extent and value of additional deposits, and require future reclamation of depleted sites."*  
The project will require reclamation after each mining phase, resulting in a beneficial end use.

- *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.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.24.170 of the County Code, 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.

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;

The project will comply with all of the above regulations.

The County Code also specifies that hours of operation for surface mining shall be from 6:00 a.m. to 10:00 p.m. However, the County Code also permits the hearing officer to modify these hours as necessary. Mining excavation will be limited to the standard hours above. However, staff recommends that other facilities activities be permitted on a 24-hour basis. This is especially necessary for the staging of delivery trucks, as these vehicles need to be on the road before the morning rush hour and to deliver material to customers in a timely manner. This is because contracts often require that the suppliers of PCC-grade aggregate provide materials on a 24-hour basis. These contracts involve large-scale 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 on Sundays in conformity with all County regulations, excluding any mining and excavation operations.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.1300 of the County Code. The Burden of Proof with applicant's responses is attached. Staff believes that the applicant has met the burden of proof.

The proposed site for the aggregate surface mine is located in a remote area, away from incompatible land uses. With proposed 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.

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, locating 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 CO<sub>2</sub> 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.

The project site is south of East Avenue T, which is a 100-foot-wide highway at the project site. Furthermore, all roads used by project vehicles, including for 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.

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 SMARA-compliant Reclamation Plan.

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

#### Neighborhood Impact/Land Use Compatibility

The project site is located in a remote area, and the project will be adequately buffered from surrounding land uses. The project site is located in an area determined by the state to contain aggregate resources. As such, it is appropriate to locate this type of land use at the subject site.

The Lowered Facilities Alternative will further mitigate the noise and visual impacts of the project since machinery and facilities associated with the operation will be partially below grade.

#### **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

The California Department of Fish and Wildlife submitted comments and the FEIR and the MMRP mitigation measures were revised in response to that agency's comments.

The California Department of Conservation, Office of Mining and Reclamation has reviewed the Reclamation Plan and has advised it adequately addressed that agency's comments.

The California Department of Transportation has submitted comments and the FEIR and SMP conditions have been revised in response to that agency's comments.

The Response to Comments portion of the Final EIR provides all agency comments and the Response to Comments.

#### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

#### **PUBLIC COMMENTS**

Staff has received comments on the DEIR at a Hearing Examiner meeting held on March 27, 2014. Comments pertained to the project's potential impacts to the water table, compatibility with the area, and traffic concerns. The Response to Comments portion of the Final EIR summarizes verbal comments and the Response to Comments.

#### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2007-00670-(5), SMP Number 200700001, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE ENVIRONMENTAL IMPACT REPORT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE SURFACE MINING PERMIT NUMBER 200700001 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Anthony Curzi, Regional Planning Assistant II, Zoning Permits North Section

Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

**Attachments:**

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Correspondence

Environmental Document

Site Photographs, Aerial Image

Site Plan, Land Use Map

PMC:AMC

December 17, 2014

**DRAFT 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, Lebata 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 131<sup>st</sup> Street East and 136<sup>th</sup> Street East the unincorporated community of Pearblossom ("Project Site") in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) and A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) zones 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-2-1 and 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-2-1 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") recommends approval of this Project and has 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. *To be inserted after the public hearing to reflect hearing proceedings.*

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.
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 CO<sup>2</sup> 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**

PMC:AMC  
December 4, 2014

c: Each Commissioner, Zoning Enforcement, Building and Safety

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

**PROJECT DESCRIPTION**

The applicant, Leбата 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 **\$10,000.00**. The deposit shall be placed in a performance fund, 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 fund provides for **fifty (50) annual** inspections. Inspections shall 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.

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**

<b>Activity</b>	<b>Days of the Week<sup>1</sup></b>	<b>Normal Hours of Operation</b>
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

<sup>1</sup> 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.

**PROJECT SITE SPECIFIC CONDITIONS**

25. 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.
26. 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.
27. 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:

- County Department of Public Health ("Public Health");
- Public Works;
- California Air Resources Board (CARB);
- Regional Water Quality Control Board (RWQCB);
- Antelope Valley Air Quality Management District (AVAQMD);
- CDFW;
- United States Army Corps of Engineers;
- California Department of Health Services.

28. 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.
  29. The permittee shall comply with the approved Stormwater Pollution Prevention Plan (SWPPP).
  30. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
  31. The permittee shall comply with applicable rules and regulations of the RWQCB–Lahontan Region, and the AVAQMD.
  32. 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 Leбата FEIR unless the written consent of the owner of such property is first secured and recorded in the County Recorder's Office.
  33. 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.
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34. 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.
35. 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.
36. 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.
37. The use and storage of explosives is prohibited.
38. 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.
39. 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.
40. 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.
41. 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.
42. Revegetation shall occur in accordance with the revegetation specifications and monitoring schedule contained in the approved Mining and Reclamation Plan.
43. 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.
44. 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.

45. 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.
46. 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.
47. 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.
48. 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.

49. 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.”

50. 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 Public Works and CDFW, in electronic format, within 30 days of the completion of each five-year period
51. The following setbacks apply: A 50-foot setback from all property lines and rights-of-way.
52. 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.
53. The subject property shall be developed and maintained in substantial compliance with the Lebata 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.
54. All structures shall conform with the applicable requirements of the Division of Building and Safety of Public Works.
55. 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.

56. The permittee shall secure any necessary permits from the AVAQMD and shall fully comply with the terms of said permits.
57. 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.
58. 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.
59. 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.

60. 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.
61. 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.

62. 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.rsabg.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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. The permittee shall comply with all conditions set forth in the attached Public Works, Public Health, and Fire Department letters.

Attachments:

Mitigation Monitoring Program (pages 1- 26)

**SURFACE MINING PERMIT – BURDEN OF PROOF**

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In addition to the information required in the application by Section 22.56.1270, the applicant of a surface mining permit shall substantiate to the satisfaction of the Commission the following tracts:

- A. 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 the public health, safety or general welfare; and

The environmental document for this Project will evaluate the potential impacts and include Conditions of Approval and mitigation measures designed to minimize or eliminate any impacts to the public or surrounding property.

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- B. That adverse ecological effects resulting from surface mining operations will be prevented or minimized; and

Adverse ecological effects resulting from Project activities will be minimized or avoided through Conditions of Approval and mitigation measures.

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- C. That 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; and

The Project site is accessible from Avenue T in the Antelope Valley. Approximately 80 percent of the materials will be directed from Avenue T west to 106th Street South toward State Route 138 (Pearblossom Highway), to State Route 14 and on to Interstate 5 toward the greater Los Angeles Area and about 20 percent of the materials will be directed from Avenue T east to 165th Street South toward State Route 138 (Pearblossom Highway), to Interstate 15 toward San Bernardino and Riverside Counties.

- D. That the proposed site for surface mining operations is consistent with the General Plan for Los Angeles County.

The proposed site is designated as Non-Urban and Agricultural/Mineral Resource Area by the Los Angeles County General Plan, therefore mining activities are consistent with the land use designation set forth by the County.

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**FINDINGS OF FACT REGARDING THE  
ENVIRONMENTAL IMPACT REPORT  
FOR THE LEBATA BIG ROCK CREEK SURFACE MINING PROJECT  
COUNTY PROJECT NO. R2007-00670  
SURFACE MINING PERMIT NO. 200700001  
ENVIRONMENTAL ASSESSMENT NO. 200700053  
STATE CLEARINGHOUSE NO. 2007121054**

## PROJECT FINDINGS ORGANIZATION

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## **SECTION 1.0 INTRODUCTION**

The County of Los Angeles (“County”) Regional Planning Commission (“Commission”) hereby certifies and finds that the Leбата Big Rock Creek Surface Mining Project (“Project”) Final Environmental Impact Report (“Final EIR”), State Clearinghouse Number 2007121054, has been completed in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) and the State CEQA Guidelines (Title 14, Cal. Code Regs. Sections 15000 et seq., “CEQA Guidelines”).

The Project Final EIR consists of the following documents: (1) January 15, 2014 Draft Environmental Impact Report (“Draft EIR” or “DEIR”); (2) January 15, 2014 DEIR Technical Appendices; (3) August 2014 Final EIR, and (4) August 2014 Technical Appendices.

The Commission hereby further certifies that it received, reviewed and considered the information contained in the following: (i) the Final EIR; (ii) the application for Surface Mining Permit No. 200700001; and (iii) all hearings, and submissions of testimony from County officials and departments, the Applicant (as defined herein), the public, other public agencies, community groups, and organizations.

Concurrently with the adoption of these findings, the Commission adopts a Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as Exhibit A. Having received, reviewed and considered the foregoing information, as well as any and all information in the administrative record and the record of proceedings, the Commission hereby makes the following Findings of Fact (“Findings”) pursuant to and in accordance with Public Resources Code Section 21081 and State CEQA Guidelines Section 15090:

### **SECTION 1.1 PROJECT BACKGROUND**

#### **Section 1.1.1 Project Location.**

The Project site is located in the northern portion of unincorporated Los Angeles County. The Project site is located in the Antelope Valley, off Avenue T, in unincorporated Los Angeles County, east of the City of Palmdale, near the community of Pearblossom. The Project site is located immediately south of Avenue T and is bound by 136<sup>th</sup> Street East to the east, Avenue U to the south, and 126<sup>th</sup> Street East to the west.

These Findings specifically pertain to approximately 310 acres involving Assessor’s Parcel Numbers (“APNs”) 3039-021-009, 3039-036-001, and 3039-036-002.

#### **Section 1.1.2 Project Description**

Leбата seeks County approval to conduct surface mining activities within an approximately 282.4-acre area, install and operate the various related industrial plants and facilities, and reclaim disturbed lands to an end use of open space. Mined lands would be reclaimed in compliance with the standards specified in the Surface Mining and Reclamation Act of 1975, as amended (SMARA), the County of Los Angeles Mining Ordinance, and a SMARA-approved Reclamation Plan/Financial Assurance Cost Estimate.

The Project involves the surface mining and the processing of excavated materials at an onsite Aggregate Processing Facilities. In addition to these facilities, the project includes the following onsite accessory facilities. These accessory industrial plants and facilities include:

- Ready-Mixed Concrete Plant;
- Vac-Lite Plant (producing lightweight concrete);

- Asphalt Mixing Plant;
- Raw Cement and Aggregate Transfer and Distribution Facility;
- Water Reclamation and Fines Recovery Facilities;
- 24-foot by 60-foot office trailer (handicapped accessible); and
- 80-foot by 125-foot two-story building, which would include an equipment maintenance shop area, parts room, office, locker room, and restrooms (handicapped accessible).

The Project is accessible from Avenue T in the Antelope Valley. Approximately 80 percent of the truck traffic will be directed from Avenue T west to 106th Street East south toward State Route 138 (Pearblossom Highway), to State Route 14 and onto Interstate 5 towards the greater Los Angeles area. The remaining 20 percent will travel east on Avenue T to 165th Street East south to State Route 138, and east toward the San Bernardino and Riverside area.

Note: If the East-West High Desert Corridor (HDC) is approved, funded and constructed, Project impacts could be reduced by rerouting Project truck traffic so as to proceed 2 miles east from the Project along Avenue T to 165th Street East. Trucks would then turn north onto 165th Street East, which immediately curves onto 170th Street East and proceeds north to the East-West HDC onramp. At the onramp, trucks would either turn west or east, thereby avoiding the more congested areas of Palmdale.

#### **Aggregate Surface Mining and Processing**

The Project would extract aggregate from newly created pits in three distinct phases (Mining Phases). Mined materials would be excavated by dozers and shovels, either placed directly into the jaw crusher, or, during the initial part of each mining phase, placed into haul trucks for transport to the jaw crusher. As the mining pit deepens, material would be excavated by shovel and transported by articulating trucks for transport to the jaw crusher. From the jaw crusher, material would be conveyed out of the mining pit to the Processing Facilities Site. At the Processing Facilities Site, materials would be mechanically crushed, sorted by size and type using triple-deck and double-deck dry scalping screens. Sand would be washed to remove fine material. Finished products would be stockpiled, and products would be transported offsite via haul trucks.

Although production would vary with market conditions, the extraction rate of unprocessed material over the life of the Project is expected to range between 500,000 to 2,500,000 tons per year. Sales would not exceed 2,000,000 net tons of processed material per year. Because this resource could last about 47 years, Leбата is requesting a 50-year permit. Peak daily sales would be limited to the physical capabilities of the processing equipment, stockpiles of processed materials onsite, and product demand. Peak annual sales would be further limited by daily truck trips. If all such trips were allocated to the delivery of aggregate materials processed onsite, sales would not exceed 2,000,000 net tons of processed materials. Actual sales levels would vary over time and are a direct function of the rate of development within the Project's market area, the number and type of contracts obtained (e.g., Caltrans), the overall economy, equipment downtime, as well as hours and days of operation.

Finished products would be PCC-grade aggregate and aggregate-using products, such as concrete and asphalt. Processing also creates scalped fines as a byproduct. These and other fine materials produced during processing would be marketed for use as soil amendments, slurry used in nonstructural concrete, landfill top cover, miscellaneous fill material, among other uses; used as a soil amendment onsite in

association with revegetation activities; or placed within the mine pit after being blended with surplus sand to ensure permeability is maintained.

### **Ready-Mixed Concrete Plant**

Lebata proposes to install and operate a Ready-Mixed Concrete Plant to manufacture and deliver 150,000 cubic yards per year of ready mixed concrete on an average annual basis. This Plant would be located on the Processing Facilities Site. The actual quantity would depend upon market demand and may be as much as 225,000 cubic yards per year during peak demand.

Ready-Mixed Concrete, as a process, uses a central concrete mixer dual-drum and/or dry drum batch plant. Concrete ingredients are added to the large, enclosed rotating drums where they are thoroughly mixed. The wet concrete mixture is then transferred into concrete mix trucks for delivery to various job sites for placement. The control of the batching operations is accomplished from a portable control building located onsite. The mixing drums are fitted with a required bag-house and a vacuum that captures dust and emissions that emanate from the drums.

In addition to the dual drum central mixer and loading facility, the batch plant includes aggregate storage areas, two raw cement silos, one fly ash silo, a water tank, and conveyors. The silos are completely enclosed and the air exchanged during filling is vented through filters that remove dust particles. The tallest silo is approximately 59 feet high. The conveyors, mixing drums, and other machinery at the Project are powered by electric motors.

All trucks would exit the Project by driving over a vibrating grate to remove any loose materials. Trucks returning to the Project with unused concrete, or at the end of the workday, would wash their drums clean of concrete at the truck washout area. Truck wash water and left over concrete are collected and reclaimed in lined basins for use onsite. The resulting silts and sediments (i.e., fine material) would be transferred to a stockpile for eventual use offsite as landfill cover, among other uses.

### **Vac-Lite Plant**

"Vac-Lite" is a strong, durable, porous glass pumice aggregate of volcanic origin, making it an ideal natural material for use in structural lightweight concrete. The pumice aggregate is vacuum treated to stabilize moisture content and to enhance qualities for pumping through hoses. The pumice aggregate is of volcanic origin and is formed when volcanic gases within ejected rock expand and then suddenly cool, resulting in a porous glass aggregate. The aggregate is light gray in color and is available in ½-inch maximum aggregate size.

Lebata proposes to install and operate a Vac-Lite Plant on the Processing Facilities Site. Unprocessed volcanic material would be shipped to the site in 25-ton bottom dump trucks. The material would be unloaded into a grizzly and transported by conveyor to the silo. The material would be treated in the silo with high-pressure water and cement. Once processed, the material would be drained of water and sent via a radial stacker to stockpiles for quick shipment. Material would then be loaded into 25 tons on road trucks using a front-end loader for offsite delivery.

Annual throughput would be no more than 30,000 tons imported for processing and exported for sale. The material must remain in a wet condition after processing, so it is typically made to order. If excess is produced, it would be stored in the three-sided bunker and kept wet until sold and transported offsite.

### **Asphalt Mixing Plant**

Lebata proposes to install and operate an Asphalt Mixing Plant to manufacture and deliver 200,000 tons of asphalt per year on an average annual basis. This Plant would be located on the Processing Facilities Site. The actual quantity would depend upon market conditions and may be as much as 300,000 tons per year during peak demand.

The plant would be capable of utilizing both Recycled Asphalt Product (RAP) and ground crumb rubber. The Project consists mainly of the drying drum with baghouse and mixing drum. Utilizing a combination of the “continuous mix” and “counterflow drum mix” processes, aggregate, which has been proportioned by size gradations, is introduced into the drying drum at the end opposite the burner. As the drum rotates, aggregates are mixed and hot air is blown in a direction “counter” to the aggregate’s movement through the drying drum. Hot dry aggregate is then transferred to the adjacent mixing drum where it is blended with pre-heated asphalt oil to form asphalt. The resulting asphalt mixture is discharged at the end of the mixing drum, and then conveyed to one of three 180-ton heated storage silos, where it is loaded into transport trucks. When RAP is being used, the RAP materials are mixed with the aggregate at the end of the Drying Drum, and the mixture is transferred to the mixing drum where asphalt oil is introduced.

When rubberized asphaltic concrete (RAC) is being produced, ground crumb rubber is blended with pre-heated asphalt oil, which is pumped into a point approximately midway in the mixing drum unit where it is mixed with the hot, dry aggregate that has just come from the drying drum.

### **Raw Cement and Aggregate Transfer and Distribution Facility**

Lebata currently has no rail transport option to receive raw cement from Northern California, primarily the Sacramento area, and to deliver raw cement or aggregate materials from the Project to the Los Angeles Basin. The rail carriers have little available rail capacity and currently do not consider either type of commodity a “preferred cargo” for rail shipment. Moreover, Lebata, despite an intensive three-year search, has been unable to locate a suitable rail receiver site in the Los Angeles Basin.

Approximately 9.2 acres of the North Parcel would be used for a Raw Cement and Aggregate Transfer and Distribution Facility. This area is directly north of, and adjacent to, the railroad tracks that bisect the North and South Parcels. The raw cement portion of the facility would be able to receive and accommodate railcars, then transfer the raw cement pneumatically from the rail cars into two adjacent silos. The Project would receive approximately 300,000 tons of raw cement annually.

Raw cement would be used onsite, as a component of ready-mixed concrete at the Ready-Mixed Concrete Plant, and the remainder would be pneumatically loaded from the silos located in the Raw Cement and Aggregate Transfer and Distribution Facility into raw cement haul trucks for transport by truck to third parties or operator-owned concrete plants in the Greater Los Angeles, San Bernardino and Riverside areas. Under average operating conditions, the Ready-Mixed Concrete Facility would produce 150,000 cubic yards per year, with each cubic yard weighing approximately 4,000 pounds. Of this, raw cement comprises 12 percent by weight, or 480 pounds per cubic yard. This means the onsite Ready-Mixed Concrete Plant would use 36,000 tons of raw cement per year (i.e., 150,000 cubic yards x 480 pounds per cubic yard / 2,000 pounds = 36,000 tons of raw cement).

The aggregate portion of the facility would be able to ship Project materials by rail to the Los Angeles Basin, and would be able to receive aggregate mined and processed elsewhere for further shipment by

rail to the Los Angeles Basin. Since there is little opportunity to ship aggregate from the Project by rail, Leбата may find the need to receive aggregate by rail on occasion to supplement the Project's supply of aggregate. Such aggregate would provide certain grades of material the Project cannot produce in sufficient quantity to support operations at the Ready-Mixed Concrete Plant or Asphalt Mixing Plant. Such rail deliveries would serve to avoid the use of trucks to transport these supplemental materials to the Project.

In the future, if rail capacity becomes available and contracts are executed with the rail carrier, Leбата would then be in a position to make fuller use of the Raw Cement and Aggregate Transfer and Distribution Facility to transport raw cement and aggregate materials to the Los Angeles basin via rail. In the absence of a Raw Cement and Aggregate Transfer and Distribution Facility, Leбата would import raw cement to the Project for use in at the Ready-Mixed Concrete Plant and Vac-Lite Plant.

### **Water Supply**

The Project is estimated to use 312 acre-feet of water per year (afy). Water would be used for aggregate washing, fugitive dust control, and in the production of end products in the various plants and facilities. Leбата proposes to drill an onsite water well, the water from which would be used for the Project. However, the Antelope Valley Groundwater Basin (the Basin) is currently non-adjudicated, although a legal adjudication process has been underway since the late-1990s. It is anticipated that water rights will be quantified and assigned as part of the Basin adjudication process. It is highly unlikely the Project will receive a groundwater allocation through the adjudication process.

If the Project were to receive a groundwater allocation, its use would be defined as being within "safe yield" and, therefore, would not adversely affect groundwater levels. A Drawdown Assessment of Proposed Water Supply was completed, which determined such use would not affect area wells.

The more likely scenario is that water will be provided either by the Antelope Valley East Kern Water Agency (AVEK), or Los Angeles County Waterworks District No. 40 (LACWWD40) via AVEK, from State Water Project sources. This means the Project will not use groundwater at all. The Project must secure permanent water supply entitlements sufficient to meet the Project's annual water demands. 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 (AVEK) adopted on September 13, 2014 (MOU). Because the Project lies within the Sphere of Influence of Los Angeles County Waterworks District No. 40, the Project is being required to make application to the Local Agency Formation Commission (LAFCO) for annexation to LACWWD40. That annexation application has been submitted and is in process. If supplied by AVEK, water supply would be supplied on an interruptible basis in accordance with the MOU.

### **Water Reclamation and Fines Recovery Facilities**

At the Water Reclamation and Fines Recovery Facilities, aggregate processing wash water is drawn from the 45-foot diameter Fresh Water Tank and the used water from the Sand Washer and Dewatering Screen flows is pumped to a fines recovery system then it is pumped to the 45-foot diameter Thickener Tank. The Thickener tank separates whatever solids that are left and the clean water gravity flows back to the Fresh Water Tank. Fines are recovered and conveyed onto the Fines stockpile for subsequent sale. If this initial process does not recover the intended level of fines, Leбата would also use a traditional open pond system to settle out/recover fines. The use of an open pond system would be

subject to approval by the Regional Water Quality Control Board. (Note: Recent technological advances may eliminate the need for the open pond system, instead making use of the Thickener Tank system only.)

This system would be comprised of three to four basins approximately 80 feet x 130 feet and 10 feet deep. Wash water from Aggregate Processing Facility would be collected, and would flow by gravity in a drainage system back to the Silt Ponds. To that water, a flocculant, comprised of organic polymers, would be added to cause the fine material to “settle out” from the water column. Settled fines would be removed and deposited on the Fines stockpile by a front-end loader. These and other fine materials produced during processing would be marketed for use as soil amendments, slurry used in nonstructural concrete, landfill top cover, miscellaneous fill material, among other uses; used as a soil amendment onsite in association with revegetation activities; or placed within the mine pit after being blended with surplus sand to ensure permeability is maintained. Only EPA-approved, non-toxic flocculant would be used to ensure there are no adverse impacts to water quality.

**Days and Hours of Operation and Employment**

The Project would operate up to 303 days per year, employing 156 people, including plant operators and truck drivers, working two or three shifts per day, six days per week, depending on the type of facility. The maximum number of employees working per shift would be 88. The proposed operating hours are described in the following table.

Activity	Days of the Week <sup>1</sup>	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

<sup>1</sup> Contracts often require that the suppliers of PCC-grade aggregate provide materials on a 24-hour basis. These contracts involve large-scale 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 on Sundays in conformity with all County regulations, excluding any mining and excavation operations.

**Administration, Security, and Public Safety**

The Project would include an administration office and dispatch/operations building for everyday business. Nighttime and weekend security would be provided by 6-foot high perimeter cyclone fencing around the Processing Facilities Site, locked gates, lighting, and security trailer. The office area may be alarmed. Equipment would be disabled daily at the end of the shift. The active mining area would also be fenced with 6-foot high cyclone material.

## **Reclamation Plan**

Recent legislation (Senate Bill 668, Chapter 869, Statutes of 2006) amended PRC Section 2774 with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. These new requirements are applicable to this Reclamation Plan. Once the Department of Conservation - Office of Mine Reclamation (OMR) has provided comments on the Reclamation Plan, a proposed response to the comments must be submitted to the OMR at least 30 days prior to lead agency approval. On January 15, 2013, the DEIR was released for public review and comment. The Reclamation Plan appeared as DEIR Appendix 2. Based upon the comments received from OMR and other agencies, the Reclamation Plan was substantially revised and submitted to OMR on August 26, 2014 for review and comment. This revision was made specific to the Lowered Facilities Alternative, which DRP staff brought forward for decision as the environmentally superior alternative, other than the No Action Alternative.

The Reclamation Plan addresses the operation and reclamation of the Project, including aggregate processing facilities, Ready-Mixed concrete plant, Vac-Lite plant, asphalt mixing plant, cement transfer and aggregate distribution facility and reclamation of the site. This Reclamation Plan is designed to ensure compliance with the 14 CCR § 3700-3713 Reclamation Standards of the Surface Mining and Reclamation Act of 1975, as amended (SMARA) and the County of Los Angeles Zoning Code Part 9, Surface Mining Permits, Section 22.56.

The Reclamation Plan is intended to ensure that adverse environmental effects are prevented or minimized and that the mined land is reclaimed to a natural condition. The Reclamation Plan was also prepared to provide the County of Los Angeles and reviewing agencies with general information and specific data regarding the proposed mine site. Studies, analyses and reports are included to describe the conditions of the Project site prior to the commencement of excavation activities. In addition, the Reclamation Plan prescribes what will be done to satisfy the many requirements of the State Mining and Reclamation Act, of 1975, as amended (SMARA). Specifically, the Reclamation Plan provides the following performance standards:

- Performance Standards for Financial Assurances (California Resources Code § 3702)
- Performance Standards for Wildlife Habitat (California Resources Code § 3703)
- Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring (California Resources Code § 3704)
- Performance Standards for Revegetation (California Resources Code § 3705)
- Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control (California Resources Code § 3706)
- Performance Standards for Prime Agricultural Land Reclamation (California Resources Code § 3707)
- Performance Standards for Other Agricultural Land (California Resources Code § 3708)
- Performance Standards for Building, Structure and Equipment Removal (California Resources Code § 3709)
- Performance Standards for Stream Protection, Including Surface and Groundwater (California Resources Code § 3710)

- Performance Standards for Topsoil Salvage, Maintenance, and Redistribution(California Resources Code § 3711)
- Performance Standards for Tailing and Mine Waste Management (California Resources Code § 3712)
- Performance Standards for Closure of Surface Openings (California Resources Code § 3713)

### **Section 1.1.3 Statement of Project Objectives**

The Project’s primary objective is to produce marketable Portland Cement Concrete-grade (PCC-grade) aggregate and related construction material products and supply these products where they are in demand. Leбата Inc.’s overall Project objectives are to:

- Conduct aggregate surface mining and processing operations to produce marketable PCC-grade aggregate and related products;
- Installation and operation of Aggregate Processing Facilities and various accessory industrial plants and facilities (described immediately below);
- Develop an economically viable and competitive source of construction grade aggregate located near an existing major roadway;
- Distribute products primarily to the greater Los Angeles, the Saugus/Palmdale and the San Bernardino/Riverside market areas with PCC-grade aggregate (e.g., rock, sand and gravel), specialty sand, ready-mixed concrete, mortar, road base, asphalt and raw cement; and
- Provide for the environmentally sound and economically viable operation and closure of the site.

### **Aggregate Sustainability in California**

The DOC, California Geological Survey (CGS) has updated Map Sheet 52 and the accompanying report entitled: *Aggregate Sustainability in California*, by John P. Clinkenbeard, 2012. This report assesses the 50-year demand and supply of “permitted aggregate resources” within the 31 Production-Consumption (P-C) Regions of California.

In assessing demand and permitted aggregate resources, the *Aggregate Sustainability in California* found the only factor showing a strong correlation to historical aggregate use was population change. Consequently, for each of the 31 aggregate study areas, the DOC used a per capita aggregate consumption model to forecast 50-year aggregate demand.

The Project is located in close proximity to the P-C Regions noted below, to which it would contribute net reserves of approximately 36.87 million tons during the life of the permit:

- Palmdale
- San Fernando Valley-Saugus-Newhall
- San Gabriel Valley (inclusive of Los Angeles)
- San Bernardino

One of the largest changes in the State of California involves the Palmdale P-C Region, where permitted reserves dropped from 216 to 152 million tons while demand increased from 172 to 557 million tons.

Given the projected demand, the Palmdale P-C Region can currently provide only 27 percent of the 50-year demand and would be exhausted in approximately 13.6 years.

Lebata would add an estimated 36.8 million tons to the 50-year supply of Permitted Aggregate Reserves. As a result, the number of years to exhaust Permitted Aggregate Reserves within the Palmdale P-C Region would increase approximately three (3) years, from 13.6 to 16.6 years. Were this to occur, the Palmdale P-C Region would require an additional 368.2 million tons of Permitted Aggregate Reserves to meet its projected 50-year demand.

## **SECTION 1.2 ENVIRONMENTAL IMPACT REPORT PROCESS**

In accordance with State CEQA Guidelines Section 15063, the County completed an Initial Study (December 12, 2007) for the proposed Project, and determined that an Environmental Impact Report ("EIR") was required. A Notice of Preparation ("NOP"), including the Initial Study was circulated to the Governor's Office of Planning and Research, responsible, trustee, and interested agencies, and key interest groups beginning December 12, 2007 to solicit comments on the proposed content of the Draft EIR. The NOP was circulated for the required 30-day comment period, which ended January 11, 2007. The Draft EIR includes the Initial Study, the comment letters received during the public review period in response to the NOP. All NOP comments relating to the EIR were reviewed and the issues raised in those comments were addressed, to the extent feasible, in the Draft EIR.

Potentially significant environmental impacts addressed in the Draft EIR include:

- Land Use Consistency and Compatibility (not identified for study in the Initial Study)
- Geotechnical Hazards
- Flood Hazards
- Noise
- Water Quality
- Air Quality, Health Risks and Climate Change
- Biological Resources – Sensitive Species Habitat/Loss of Habitat
- Visual Quality
- Traffic and Circulation
- Hazards and Hazardous Materials
- Water Supply/Quantity

The Draft EIR analyzed both Project-level and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project.

The Draft EIR also analyzed five potential alternatives to the proposed Project, including:

1. No Project Alternative
2. 750-Foot Turn Radius Project Alternative
3. Project without Longview Road Extension Alternative
4. Reduced Project Alternative, 1,500-Foot Turn Radius (Reduced Footprint/Duration)
5. Reduced Project Alternative, 750-Foot Turn Radius (Reduced Footprint/Duration)
6. Lowered Facilities Alternative

Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project.

The Initial Study determined that the Project would result in less than significant or no impact to several environmental resource areas:

- 1) **Agriculture/Forest:** The Project site is not designated as prime, unique or important farm land by the Farmland Mapping and Monitoring Program of the California Resources Agency.
- 2) **Cultural Resources:** The records search indicated that no archaeological or historical resources have been documented in the vicinity of the Project area and established a low probability of cultural resources in the project area.
- 3) **Energy:** The Project would not conflict with Los Angeles County Green Building Ordinance (L.A. County Code Title 22, Ch. 22.52, Part 20 and Title 21, § 21.24.440) or Drought Tolerant Landscaping Ordinance (L.A. County Code, Title 21, § 21.24.430 and Title 22, Ch. 22.52, Part 21). The Project does not involve the inefficient use of energy resources.
- 4) **Mineral Resources:** The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- 5) **Population and Housing:** The Project would not induce substantial population growth, displace substantial numbers of existing housing, displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, or cumulatively exceed official regional or local population projections.
- 6) **Public Services:** The Project would not create capacity or service level problems, or result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.
- 7) **Recreation:** The Project would not affect existing recreational facilities, require the expansion of existing recreational facilities, result in the need for newly constructed recreational facilities, or interfere with regional open space connectivity.
- 8) **Utilities and Service Systems:** Other than water supply (addressed as a separate resource), the Project would have no effect on existing utilities or services systems, nor would it create the need for an expanded capacity of such systems.

Following the Los Angeles County Department of Regional Planning (“LACDRP”) internal departmental review and analysis of the proposed Project through the screencheck process, the Draft EIR was submitted to the State Clearinghouse, Governor’s Office of Planning and Research, and circulated for public review period beginning February 20, 2014. The 45-day public review period required by State CEQA Guidelines Section 15087 ended on April 7, 2014.

A public hearing was held before the County’s Hearing Examiner to take public testimony on the Draft EIR, at Lancaster Library located at 601 West Lancaster Boulevard in Lancaster, California, at 5:00 p.m. on March 27, 2014. Approximately ten (10) members of the public attended the Hearing Examiner meeting, and four (4) attendees provided verbal comments on the Draft EIR. A summary of the verbal comments made at the Hearing Examiner Meeting is contained in FEIR sub-chapter B.4.

### **SECTION 1.3 PROJECT FINDINGS INTRODUCTION**

The Findings made by the County, pursuant to Section 21081 of CEQA, and Section 15091 of the State CEQA Guidelines, on the consideration of the Leбата Big Rock Creek Surface Mining Project in unincorporated Los Angeles County, California are presented below. All potentially significant impacts of the Project identified in the Final EIR are included herein, and are organized according to the resources affected.

The Findings in this document are forth Leбата Big Rock Creek Surface Mining Project, and are supported by information and analysis from the Final EIR and other evidence in the administrative record.

For each significant impact, a Finding has been made as to one or more of the following, in accordance with Public Resources Code Section 21081 and State CEQA Guidelines Section 15091:

- A. Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.
- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

A narrative of supporting facts follows the appropriate Finding. For all of the impacts, one or more of the findings above have been made. The proposed Project will not result in any significant and unavoidable impacts.

### **SECTION 2.0 FINDINGS REGARDING POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

All Final EIR mitigation measures, as set forth in the MMRP (attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Leбата Big Rock Creek Surface Mining Project. These mitigation measures and conditions of approval will result in a substantial mitigation of the effects of the Leбата Big Rock Creek Surface Mining Project, such that the effects are not significant or have been mitigated to a level of less than significant. Specifically, the Commission has determined, based on the Final EIR, that Leбата Big Rock Creek Surface Mining Project design features, mitigation measures, and conditions of approval will reduce Project impacts concerning the following to a level of less than significant:

- Land Use Consistency and Compatibility (not identified for study in the Initial Study)
- Geotechnical Hazards
- Flood Hazards
- Noise
- Water Quality
- Air Quality, Health Risks and Climate Change
- Biological Resources – Sensitive Species Habitat/Loss of Habitat
- Visual Quality
- Traffic and Circulation
- Hazards and Hazardous Materials
- Water Supply/Quantity

## **SECTION 2.1 LAND USE CONSISTENCY AND COMPATIBILITY**

### **Potential Effect:**

Although it was determined during the Initial Study process that the Project would not have a potentially significant impact, a discussion of Land Use Consistency and Compatibility is presented in the DEIR to provide the proper context within which the Project is being evaluated.(DEIR at 4.2-1).

The DEIR discloses the Project is consistent and does not conflict with the following:

- Applicable County plans for the subject property including, but not limited to, the General Plan, specific plans, local coastal plans, area plans, and community/neighborhood plans;
- The County Zoning Ordinance, as applicable to the subject properties;
- Significant Ecological Areas conformance criteria; or
- Other applicable land use criteria.

### **Finding:**

The Project will not have a significant effect on the environment related to Land Use and Planning and is consistent with applicable County plans, Zoning Ordinance, Significant Ecological Areas conformance criteria, and other applicable land use criteria. No mitigation is required.

### **Facts Supporting the Finding:**

The Project site is located in an area identified by the State of California and the Los Angeles County General Plan as Mineral Resource Zone classification MRZ-2. This site is also designated by the State as having aggregate deposits of regional significance. (DEIR at 4.2-2).

The parcels underlying the Project have been zoned "A-2-5" (Heavy Agriculture, 5-acre minimum) and "A-2-1" (Heavy Agriculture, 1-acre minimum) by the County of Los Angeles. County of Los Angeles Planning and Zoning Code, Chapter 22.24.150 (Agricultural Zones - Uses subject to permits) notes the following:

*Property in Zone A-2 may be used for:*

*A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:*

...

*-- Surface mining operations, as provided in Part 9 of Chapter 22.56.*

As such, the Project site is located upon lands zoned A-2 and, as such, is a permitted use, subject to first having obtained a Surface Mining Permit. (DEIR at 4.2-6)

The permitting of a surface mine is subject to the requirements of County Planning and Zoning Code Chapter 22.56 Part 9 (Surface Mining Permits). Section 22.56.1250 Establishment--Purpose notes the following:

*A. The surface mining permit is established to regulate surface mining and reclamation of mined lands in compliance with the California Surface Mining and Reclamation Act of 1975, Division 11, Chapter 9, Public Resources Code, beginning with Section 2710.*

*B. It is the intent in regulating surface mining activities to insure that:*

- 1. The production and conservation of minerals is encouraged while addressing concerns relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment during and after mining operations; and*
- 2. Adverse effects on the environment, including air pollution, impedance of groundwater movement and water quality degradation, damage to wildlife habitat, flooding, erosion and excessive noise are prevented or mitigated; and*
- 3. Mined lands are returned to a usable condition readily adaptable for alternative land uses, with no residual hazards to public health or safety; and*
- 4. Consistency is achieved with the mineral resources management policies of the Los Angeles County General Plan. (Ord. 92-0032 § 4, 1992; Ord. 1494 Ch. 5 Art. 11 § 511.1, 1927.)*

The Project may be permitted under a Surface Mining Permit provided the Section 22.56.1250 concerns have been addressed, the effects prevented or mitigated, the land is returned to a usable condition, and the use is consistent with the mineral resources management policies of the Los Angeles County General Plan. It is the purpose of this EIR to identify and describe how the Project is consistent with the intent of Section 22.56.1250. These items are discussed in detail in the various EIR sub-chapters. (DEIR at 4.2-7).

The Project is consistent with the policies of the *Antelope Valley Areawide General Plan*. It is a discretionary project, the review of which has resulted in the preparation of this EIR and the subsequent public hearing process that will be utilized by the County to consider and decide the Project application. (DEIR at 4.2-9).

As it pertains to the Project, a portion of the site is identified for SEA designation in the County's *Significant Ecological Areas Ordinance Update – Draft 5 – Released March 25, 2014*. However, Draft 5 provides the following exemption for the Project in noting the following:

**SECTION 3. Section 22.44.100 is hereby amended to read as follows:**

*A. Except as otherwise expressly provided within a community standards district, property may be used for any purpose permitted in the basic zone to which this district is added, subject to the same limitations and conditions. Where the regulations of a community standards district differ from any provisions in this Title 22, with the exception of qualified projects allowed by Part 17 of Chapter 22.52, Part 28 of Chapter 22.52, and Part 18 of Chapter 22.56, such regulations shall supersede any contrary provisions as specified in this district.*

**22.52.2910 Applicability**

*C. Exemptions. The following uses shall be exempt from the provisions of this Part 28:*

- 3. Any development authorized by a valid land use approval or permit authorized by this Title 22 that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Part 28. In such cases, the development shall be*

*governed by the land use approval or permit during the life of that grant. Any modifications that require a new land use approval or permit shall be subject to the provisions of this Part 28;*

*D. Pending Applications. The following provisions shall apply to complete applications prior to the effective date of the ordinance establishing this Part 28:*

*3. A modification to an approved valid application, including modifications pursuant to Part 11 of Chapter 22.56, may be reviewed for compliance with Title 22 as it existed prior to the effective date of the ordinance establishing this Part 28, unless the development footprint is being expanded or the modified project is considered a new application. In such cases where the development footprint is being expanded or the modified project is considered a new application, the development shall be reviewed for compliance with this Part 28.*

As such, the Project would be exempt from the requirements of the SEA Ordinance if the Proposed SEA is adopted as currently mapped. It is also exempt due to the fact the Project application is an "approved valid application" that has not been "modified" and was received and deemed "complete" prior to the effective date of the ordinance establishing the above-described Part 28 of Chapter 22.52. (DEIR at 4.8-5 and FEIR at C-18 and 19).

**Mitigation Measures:** None.

## **SECTION 2.2 GEOTECHNICAL HAZARDS**

### **Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Geotechnical Hazards if it would:

*Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (DEIR at 4.3-1).*

### **Finding:**

No residential or commercial buildings are proposed, thereby greatly reducing the exposure of people or structures to geologic risks. In considering potential impacts of the Project, the County of Los Angeles completed an Initial Study, which determined the Project would result in **Less than Significant Impacts** with regard to the following:

- Faulting and Seismicity
- Landslides
- Soil Erosion or Topsoil Loss
- High Subsidence
- Hydrocompaction
- High Groundwater Level
- Liquefaction

- Sensitive Uses
- Substantial Risks to Life or Property (DEIR at 4.3-4).

No mitigation is required for the Project, or its alternatives, with one exception: Lowered Facilities Alternative. (DEIR at 6-42 and 43 and FEIR C-41).

The Lowered Facilities Alternative could result in a slope stability condition resulting in a **Significant Impact**. Upon implementation of **Mitigation Measure LFA-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 6-42 and 43).

**Mitigation Measure LFA-1** is included in Exhibit A - Mitigation Monitoring and Reporting Program.

**Facts Supporting the Finding:**

**Faulting and Seismicity** - The Project is located in an area of active and potentially active faults, as is most of metropolitan southern California. Reviews of the official map delineating the State of California earthquake fault zones (DOC, Division of Mines and Geology, Effective July 1, 1974, State of California Special Studies Zones, Littlerock Quadrangle, Official Map, Scale: 1:24,000) indicates the site is not located within a zone of mandatory study for active faulting. To the southwest, the Mojave segment of the San Andreas fault passes within approximately 7.3 kilometers of the Project site. The Clamshell-Sawpit fault passes within approximately 22.2 kilometers to the south of the site. Accordingly, the potential for surface fault rupture on this site is considered to be very low. (DEIR at 4.3-4 and 5).

The proposed structures include the Aggregate Processing Facilities, Ready-Mixed Concrete Plant, Vac-Lite Plant, Asphalt Mixing Plant, and Raw Cement and Aggregate Transfer and Distribution Facility. No residential structures are planned. Building officials and engineers have long recognized the impacts of earthquakes and ground shaking on structures in the State. Appropriate measures, which reduce the effects of earthquakes, are identified in the Uniform Building Code (UBC), including specific provisions for seismic design of structures. The County has adopted the UBC for design and implementation of all structures, including those of the Project. Design of structures in accordance with the UBC and current professional engineering practices, are sufficient to reduce the effects of seismic ground shaking to **Less than Significant Impacts**.(DEIR at 4.3-6).

**Landslides** - Landslides or debris flows from higher elevations are not considered to be a geologic constraint at the Project, due to the flat-lying nature of the site and the surrounding area. Impacts related to landslides or debris flows are considered **Less than Significant**.(DEIR at 4.3-6).

**Soil Erosion or Topsoil Loss** - The project incorporates many design considerations and practices to reduce the potential for, and impacts of erosion. The *Drainage Concept* (EIR Appendix 3) describes how down-drains and floodwater interceptors would be built to capture and deliver floodwater to the bottom of the mining pit, thereby minimizing erosion and ensuring the maintenance of slope stability. Pitting is a surface treatment included in the Reclamation Plan that creates depressions that serve as rain catchments, thereby increasing soil moisture to support revegetation, which in turn would enhance erosion control. Stockpiled topsoil and subsoil would be hand-seeded or hydro-seeded to stabilize the soil and minimize erosion. As a result, impacts due to erosion are considered **Less than Significant**.(DEIR at 4.3-7).

**High Subsidence** - The *Geologic Study* indicated a subsidence factor (loss of elevation due to compaction of alluvial soils in-place) of 0.06 to 0.11 foot per foot of compacted soil should be used in areas where the existing soils are compacted in-place to 90 to 95 percent relative compaction and to a depth of 12 inches. Subsidence of the site due to settlement from the placement of less than 10 feet of fill (not including the depth of over-excavation and replacement) during the planned grading operation is expected to be minimal, resulting in **Less than Significant Impacts**. (DEIR at 4.3-7).

**Hydrocompaction** - Hydrocompaction is the settling and hardening of land due to application of large amounts of water for irrigation. This condition produces ground surface collapse from excessive wetting of certain low-density weak soils. Wetting of these materials weakens the already weak or unstable soil structure, which undergoes internal collapse and densification (reduction of air voids). Densification of the weak soil column produces ground surface collapse and subsidence in the vicinity of excessive wetting. Removal of fine material by piping is probably an additional factor in some cases of subsidence by wetting. Such excessive wetting can occur from irrigation, broken water lines, surface ponding, or drainage diversions. Such land practices are not proposed, nor in evidence, resulting in **Less than Significant Impacts**. (DEIR at 4.3-7).

**High Groundwater** - The Project has been specifically designed as a dry surface mining operation with a maximum depth of 80 feet below surface (bgs). Although EIR Table 12 indicates groundwater levels in a nearby well at 55.4 feet bgs, Fugro West, Inc. (Fugro) prepared a Pit Slope Stability Evaluation (EIR Appendix 4), which indicated otherwise. During this evaluation, Fugro drilled two sampling holes on August 15, 2006. The first of these wells (DH-1) encountered perched groundwater at a depth of 70 feet bgs, while the second well (DH-2) did not encounter groundwater to the explored depth of 80 feet bgs. Therefore, it is believed that groundwater is considerably deeper than the 55.4 feet reported in 1985 for Well Name 05N10W12M002S.

To ensure groundwater is protected, surface mining operations would be curtailed at a final mining depth of 80 feet bgs, or at a depth that is 5 feet above static groundwater levels for all pits, should groundwater be encountered. If groundwater is encountered and the final excavation depth reduced, the volume of material excavated and processed, and the life of the Project would be reduced accordingly. Within the first few years of Project operations, the static groundwater level would have been determined for the North Pit and the final mining depth defined accordingly at 5 feet above that level. The same precaution and determination of static groundwater level would be made for the South Pit. Impacts related to high groundwater are considered **Less than Significant**. (DEIR at 4.3-7 and 8).

**Liquefaction** - Liquefaction is a phenomenon in which cohesionless, saturated, fine-grained sand and sandy silt soils lose shear strength due to groundshaking. Hilltop Geotechnical determined that the liquefaction potential at the subject site is very low due to an estimated depth to groundwater of 50 feet bgs or greater. Using small-strain shear wave velocity ( $V_s$ ) data to assess liquefaction potential due to an earthquake was considered a reasonable engineering approach for the Project because both  $V_s$  and liquefaction resistance are influenced by many of the same factors, such as void ratio, effective confining pressure, stress history, and geologic age. The Soil Profile Type judged applicable to this site is  $S_D$ , with  $V_s$  of 600 to 1,200 feet/second (180 to 360 m/s), which is considered very high. Typically  $V_s$  of 200 meters per second are regarded as the upper bound for liquefaction to occur. Consequently, the site underlying the Project is not likely to liquefy due to the specified earthquake shaking. Therefore, impacts related to liquefaction are considered **Less than Significant**. (DEIR at 4.3-11).

**Sensitive Uses** - The Project is not considered a sensitive use located in close proximity to a significant geotechnical hazard. Therefore, there are no impacts.(DEIR at 4.3-11).

**Substantial Risks to Life or Property** - As noted above in the discussion of Faulting and Seismicity, the County has adopted the UBC for design and implementation of all structures, including those of the Project. Design of structures in accordance with the UBC and current professional engineering practices, are sufficient to reduce the effects of seismic ground shaking to **Less than Significant Impacts**.(DEIR at 4.3-11).

**Slope Stability** - The Project proposes permanent slopes ranging up to about 80 feet in height with average slope inclinations of about 2(h):1(v). Slopes will have about 8-foot-wide terrace drains, spaced vertically about every 25 to 30 feet, resulting in slope inclinations between terrace drains of approximately 1:85(h):1(v). No backfilling is proposed, except to restore the road prism underlying the Longview Road Extension, if required, which would be done in accordance with the requirements of the LACDPW. Down-drains and floodwater interceptors would be built as mining progresses to capture and deliver floodwater to the bottom of the mining pit, thereby minimizing erosion and ensuring the maintenance of slope stability. (DEIR at 4.3-11).

The Project exceeds County factor of safety threshold criteria under all conditions. As such, it was determined the Project would be stable and safe as designed. In addition, the relatively massive alluvial deposits have a low susceptibility to landsliding or lateral spreading due to the lack of geologic structures such as joints, contacts, and bedding, which may present preferred shear surfaces. The Project is expected to result in **Less than Significant Impacts** related to the slope stability during mining operations and post-reclamation. (DEIR at 4.3-12).

**Slope Stability - Lowered Facilities Alternative**—As it relates to slope stability, the Lowered Facilities Alternative differs from the Project in proposing that the mining slopes be:

- Excavated to a 1:1 (h:v) slope down to an excavation depth of 65 vertical feet (whereas the Project proposes 1.5:1);
- Excavated to a 2:1 (h:v) slope from an excavation depth of 65 vertical feet to the bottom of the mining pit; and
- Reclamation would include the use of blended unsold sand and processing fines to backfill cut slopes to an overall final slope of 2:1 (h:v), with County required 8-foot terraces, one for every 30 feet of vertical depth. (DEIR at 6-42).

The *Pit Slope Stability Evaluation* (EIR Appendix 4) was prepared to evaluate static, pseudostatic and surficial conditions at the Project site, and determine the resulting factor of safety, based on the geologic conditions, the proposed slopes during mining excavation, and the proposed final slopes upon reclamation. It was determined the Project would be stable and safe as designed. In addition, the relatively massive alluvial deposits have a low susceptibility to landsliding or lateral spreading due to the lack of geologic structures such as joints, contacts, and bedding, which may present preferred shear surfaces. The Lowered Facilities Alternative is expected to result in **Less than Significant Impacts** related to the slope stability during mining operations and post-reclamation.(DEIR at 6-43).

However, the *Pit Slope Stability Evaluation* noted the proposed 1:1 (h:v) slopes are considered "temporary cut slopes" by the County and, as such, are subject to the factor of safety criteria for static

conditions (i.e., factor of safety of 1.5). Although the *Pit Slope Stability Evaluation* determined these slope did exceed the minimum factor of safety, it did offer caution since these 1:1 (h:v) slopes will exist much longer than what is normally considered a "temporary cut slope." Therefore, given their prolonged duration before final reclamation, it is concluded the excavation of temporary 1:1 (h:v) slopes could cause slope instability, resulting in **Significant Impacts**. In response, **Mitigation Measure LFA-1** was developed to require a Slope Stability Verification process be undertaken in the field. If the Slope Stability Verification process determines 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.(DEIR at 6-43).

Upon implementation of **Mitigation Measure LFA-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 6-43).

#### **Mitigation Measures:**

**LFA-1** 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:

- Excavation of a vertical trench at least 30 feet deep within representative cut slope materials at the Project site and observation of the stability conditions of the vertical trench sidewalls after a minimum 24-hour period.
- Shear strength parameters can be back-calculated as demonstrated in the *Pit Slope Stability Evaluation* (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.

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. (DEIR at 6-43).

## **SECTION 2.3 FLOOD HAZARDS**

### **Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Flood Hazards if it would:

*Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

*Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.* [underscore added for emphasis, also see below at Section 2.5 Water Quality](DEIR at 4.4-1).

**Finding:**

The Project will result in **Less than Significant Impacts** with regard to Flood Hazards. No mitigation is required.

**Facts Supporting the Finding:**

In considering potential impacts of the Project, the County of Los Angeles completed an Initial Study which determined the Project would result in **Less than Significant Impacts** with regard to the following, each of which are discussed in more detail below:

- Soil Erosion
- Pit Sedimentation
- Flooding
- Emptying of Flood Water
- Impacts of Drainage Concept on Adjacent Properties (DEIR at 4.4-30).

**Soil Erosion** - The Reclamation Plan (EIR Appendix 2) incorporates many design considerations and practices to reduce the potential for, and impacts of erosion. One of the primary objectives of the Reclamation Plan is to provide immediate erosion control. The Drainage Concept includes down-drains and floodwater interceptors, which would be built as mining progresses to capture and deliver floodwater to the bottom of the mining pit, thereby minimizing erosion and ensuring the maintenance of slope stability. All down-drains which convey the Capital Flows would discharge onto 30-foot-wide, 60-foot-long rock-lined energy dissipaters, excavated at a minimum of 5 feet below the surrounding mine pit floor grade. The rock-lined energy dissipaters at the base of down-drains would be covered with 3-inch-thick gunite for added erosion protection. Also, as previously discussed, the Reclamation Plan and FACE has been developed and will be implemented in accordance with SMARA § 3704.1, which provides the performance standards specific to erosion and sediment control. As a result, impacts due to erosion are considered **Less than Significant**. (DEIR at 4.4-31).

**Pit Sedimentation** - All of the sediment transported into the pit by the Capital Flood inflow would be deposited on the pit floor. The depth of sediment deposition resulting from Capital Flood inflow on the completed mine pit bottom area would depend on the concentration of sediment in the inflowing water. According to the Los Angeles County Department of Public Works Sedimentation Manual (March 2006), the entire watershed is within LA County designated Debris Potential Area Zone 11 in the Antelope Valley Basin. It was determined the debris production volume during and after Mining Phase 1 would be 2,500 cubic yards. Sediment deposition in the bottom of pit would not have an effect on the horizontal infiltration rate and the pit empty time. The *Drainage Concept* shows that even after the Capital Flood, sediment layer thickness is 0.13 feet or less, the impacts of which are considered **Less than Significant**. (DEIR at 4.4-31).

**Flooding**—In accordance with the County's Grading Guidelines, the *Drainage Concept* (EIR Appendix 3) was prepared in December 2008 to describe the drainage system and technical basis for the mine drainage concept. The design discharge for the drainage concept is the Los Angeles County designated Capital Flood for the Big Rock Creek watershed combined with local surface flows generated by the 50-year rainfall-runoff over the 1,436-acre portion of the inactive alluvial fan surface located upstream from the site.

Subsequent to the completion of the *Drainage Concept* (EIR Appendix 3), a new Project alternative was developed: Lowered Facilities Alternative. The addition of an alternative and 2009 completion of the Caltrans improvements along the Pearblossom Highway resulted in the completion of a second drainage concept report in 2010, referred to herein as the *Drainage Concept Addendum* (EIR Appendix 3, Addendum). The purpose of the *Drainage Concept Addendum* was to describe and analyze the drainage concept for the Lowered Facilities Alternative and determine how the Caltrans improvements affected Capital Flood flows. (DEIR at 4.4-19).

In 2009, Caltrans completed improvements to Pearblossom Highway that serve to essentially eliminate the potential for normal surface flows onto the Project site by intercepting stormwater at the Pearblossom Highway, then directing east and west. (Refer to the 2010 *Drainage Concept*, EIR Appendix 3, Addendum.) The 2010 *Drainage Concept* further concludes that, during the 50-year design storm, "...the vertical infiltration rate of gravel materials (1,134 feet per day) is much higher than the [average] maximum rainfall intensity (2.8 inches per day) at the mine site." This means that local rainfall-runoff will not generate sheetflow within the Project site, nor will water gather in pools. (FEIR at C-15).

It was determined the inundation depth is well below the proposed 80 ft depth of the mine pits. Thus, the Capital Flood volume inside the pits would not overflow. In addition, minimum two-foot-high MSHA-required safety berms would be installed along the tops of the mine pit slopes around the entire northern, eastern, southern, and western edges and pit entrance/exit ramps. Therefore, Project flooding impacts are considered **Less than Significant**. (DEIR at 4.4-34).

**Emptying of Flood Water**—For flood water to "empty" from the mine site, the lateral infiltration is the major factor contributing to the emptying time. It was determined all mining phases would be emptied within 5 days after the Capital Flood event and the Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Therefore, Project impacts are considered **Less than Significant**. (DEIR at 4.4-35).

**Impacts of Drainage Concept on Adjacent Properties**— The mine drainage concept would have no adverse impact on properties adjacent to and downstream of the mine site during the Capital Flood. The interceptor drains located on the upstream (southern and eastern) sides of the mine pits are adequately sized to capture and convey any sheetflow and the Leбата Braid flow arriving at each interceptor drain for delivery to the down drains and subsequent discharge to the mine pits. Hence, there would be no backwater effects or associated increases in flood depths caused by the interceptor drains. Therefore, flooding on adjacent properties would not be impacted.

Following completion of mining, all flows arriving at the Project site boundary during the Capital Flood would be intercepted by the completed mine pits. No flows would be diverted around the mine. Hence, flows and flooding conditions downstream of the mine would not be exacerbated compared to existing conditions.

In the existing case, a portion of the Capital Flood arriving at CMP 18 would be deflected westwards by the railroad embankment due to constrained culvert capacity. The deflected flows would not be increased by Phase 1 mining as all mining activities would occur on the downstream side of the embankment. During and following Phase 2 mining, the deflected flows would be reduced or eliminated due to interception of flows by the South Pit.

The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding onsite or offsite. The Project will not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems. As a result, the Project is expected to result in **Less than Significant Impacts** to adjacent properties.(DEIR at 4.4-51).

**Mitigation Measures:** None.

## **SECTION 2.4 NOISE**

### **Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Noise if it would result in:

*Is Exposure of persons to, or generation of, noise levels in excess of standards established in the County General Plan or noise ordinance (Los Angeles County Code, Title 12, Chapter 12.08), or applicable standards of other agencies.*

*A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from parking areas.*

*A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems.(DEIR at 4.5-1).*

### **Finding:**

Project noise levels at one receptor location (R4) could result in a **Significant Impact**. Upon implementation of **Mitigation Measure NO-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.

**Mitigation Measure NO-1** is included in Exhibit A - Mitigation Monitoring and Reporting Program.

### **Facts Supporting the Finding:**

Noise receptors are separated into the following four categories by the *County Noise Ordinance*:

- **Sensitive Receptors.** Areas that are designated by the Health Officer (Director of the County's Department of Public Health, Environmental Health) as requiring exceptional quiet.
- **Residential Receptors.** Property that is used in part or whole for residential purposes, except transient lodging such as hotels and motels.
- **Commercial Receptors.** Property that is used in part or whole for commercial purposes, such as stores, restaurants, and entertainment venues.
- **Industrial Receptors.** Property that is used in part or in whole for manufacturing purposes.

All receptors in the near vicinity of the Project are "Residential Receptors" are depicted on EIR Figure 28 - Noise Receptors:

- **Receptor 1 (R1)** is located west of the Project at the corner of Avenue T and 106<sup>th</sup> Street. This receptor is expected to experience noise impacts from haul truck travel.
- **Receptor 2 (R2)** is located west of the Project adjacent to Avenue T on the north side. This receptor is expected to experience noise impacts from Project traffic.
- **Receptor 3 (R3)** is located approximately 4,000 feet west of the Project, near 126th Street East. This is the closest receptor west of the Project and is expected to experience noise impacts from haul truck travel and industrial activities.
- **Receptor 4 (R4)** is east of, and adjacent to, the Project. It is also situated adjacent to the railroad, on the south side. This receptor is expected to experience noise impacts from industrial activities. Two residences exist at this location. The receptor is placed at the residence that would experience the higher impact.
- **Receptor 5 (R5)** is approximately 600 feet east of the south-east corner of the Project. This receptor is expected to experience noise from industrial activities.(DEIR at 4.5-3).

**Transportation Noise Sources** –Transportation sources include haul trucks operating offsite and trains delivering cement. Train travel on the rail exists with or without the Project. The Project would not induce any new train trips, but would require that the trains carrying cement slow down, idle, and speed up in the vicinity of the Project. Trains that pass by at full speed are traveling at a high rate of speed. Slower-moving trains result in less noise impact. Since the Project would result in a reduction of noise impact from train travel, train noise was not modeled.(DEIR at 4.5-11).

The Federal Highway Administration’s Traffic Noise Model (TNM) version 2.5 was utilized to model traffic noise impacts. Source/receptor geometry, traffic flow controls (i.e., stop signs, lights), and traffic counts are entered into TNM, which calculates noise impact at the receptors. In order to calibrate the model, the peak AM and peak PM traffic counts collected during the noise monitoring events were modeled and compared to actual noise monitoring data. With regard to traffic noise, modeled results indicate that the Project would result in **Less than Significant Impacts** at all Receptors.(DEIR at 4.5-11 and 12).

**Industrial Noise Sources** - Industrial noise sources include the Aggregate Processing Facilities, Ready-Mixed Concrete Plant, Vac-Lite Plant, Asphalt Mixing Plant, Raw Cement and Aggregate Transfer and Distribution Facility, and related mobile equipment. Daytime impact is dependent upon the location of the Aggregate Processing Facility pit operations and the depth of the operations. Night operations do not include the pit operations, so night noise impact remains constant regardless of the location of the pit operations. In order to determine the location of the pit operations with the highest impact, the following two scenarios were modeled:

- Mining Phase 2 initial conditions occur while the aggregate pit operations are located at 20 feet below grade on the west end of the southern pit, north of the railroad.
- Mining Phase 2 final conditions occur while the aggregate pit operations are located 80 feet below grade on the east side of the south pit, near R4.

It was concluded that unmitigated industrial noise impacts are **Less than Significant** at R1, R2, R3, and R5. However, the Project could result in a significant daytime and nighttime noise impact at R4,

resulting in a Significant Impact. In response, Mitigation Measure NO-1 (EIR sub- chapter 4.5.6) was developed. (DEIR at 4.5-15).

Upon implementation of Mitigation Measure NO-1, the Project would result in Significant, but Mitigable to Less than Significant Impacts.(DEIR at 4.5-29).

**Mitigation Measures:**

Adoption of the following mitigation measure will reduce Project impacts to Significant, but Mitigable to Less than Significant Impacts:

**NO-1** A 7-foot-tall berm with sufficient length to break the line-of-sight between all of the industrial plants and facilities and R4 shall be constructed along the Project's eastern property line.(DEIR at 4.5-29).

**SECTION 2.5 WATER QUALITY**

**Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Water Quality if it would:

*Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*  
[Underscore added for emphasis, also see Section 2.3 – Flood Hazards above]

*Generate construction or post-construction runoff that would violate applicable stormwater NPDES permits or otherwise significantly affect surface water or groundwater quality.*

*Otherwise substantially degrade water quality.(DEIR at 4.6-1).*

**Finding:**

The Project would result in Less than Significant Impacts with regard to Water Quality. No mitigation is required.

**Facts supporting the Finding:**

The analysis of Water Quality took into consideration the following aspects of the Project, which serve to minimize the potential for significant water quality impacts.

Fueling and Maintenance Pad - Impacts to groundwater quality and surface water quality could occur if fuel, other hydrocarbons, or other onsite chemicals were to spill. Leбата proposes that all vehicle fueling and maintenance take place atop the Fueling and Maintenance Pad within the Processing Facilities Site. The concrete pad includes a curbed containment berm and is adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area. These precautionary measures are designed to ensure fueling and maintenance activities do not adversely affect surface water or groundwater.

Hazardous Materials- The Project would require the use and onsite storage of the chemicals, which would be stored atop the Fueling and Maintenance Pad, or within secondary containment

elsewhere within the Processing Facilities Site. Refer to Section 2.10 where Hazardous Materials are discussed.

Aggregate Processing Wash Water Recycling- Leбата proposes to drill an onsite water well. It is likely the Basin adjudication will result in future limitations being placed upon existing groundwater users, and those proposing new or increased levels of groundwater extraction. The Project water use of approximately 312 acre-feet of water per year for:

- Dust control using spray bar nozzles on the conveyors to wet aggregate materials being transported to the surge pile.
- Dust control by ground watering the area where loaders operate within the Processing Facilities Site and between the mining pit and the crusher.
- Dust control using sprayers at the three-deck and two-deck dry scalping screens.
- Ready-mixed concrete production.
- Aggregate Processing Facility.

Leбата would also use a traditional open pond system to settle out/recover fines. The use of an open pond system is subject to approval by the Regional Water Quality Control Board. (**Note:** Recent technological advances may eliminate the need for the open pond system, instead making use of the Thickener Tank system only.)

Spill Prevention, Control and Countermeasure Plan - The County will require the Project to prepare the SPCC to meet the requirements of:

- Title 40, Code of Federal Regulations (CFR), Part 112
- California H&S Code, Chapter 6.67, §25270 – Aboveground Petroleum Storage Act (1989)

The purpose of the SPCC is to identify procedures and controls to prevent accidental releases of petroleum products and to minimize the impact if a release occurs.

Storm Water Pollution Prevention Plan - The County will require the Project to prepare the SWPPP to ensure compliance with the requirements set forth in Industrial Storm Water General Permit Order 97-03-DWQ, which pertains to the General Permit No. CAS000001, the purpose of which is to fulfill two major objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges.
- File Notice of Intent (NOI).

Onsite Wastewater Treatment System - The Project will use an onsite wastewater treatment system (OWTS) meeting the requirements of the Los Angeles County Code, Title 11 (Health & Safety) and Title 28 (Plumbing) and those established by the Los Angeles Regional Water Quality Control Board. (DEIR at 4.6-5 through 7)

**Groundwater Quality and Surface Water Quality** - The Aggregate Processing Wash Water Recovery would serve to further minimize the introduction of contaminants into the groundwater and surface water systems. As a result, the Project is expected to result in **Less than Significant Impacts** to water quality. Factors contributing to this determination include the use of the Fueling and Maintenance Pad, implementation of County-approved SPCC and SWPPP, and implementation of the *Drainage Concept* (EIR Appendix 3).(DEIR at 4.6-7 through 8).

The Project has been specifically designed as a dry surface mining operation with a maximum depth of 80 feet bgs. The Project includes operation measures to ensure groundwater is protected by curtailing surface mining operations at a final mining depth of 80 feet bgs, or at a depth that is 5 feet above static groundwater levels for all pits, should groundwater be encountered. If groundwater is encountered and the final excavation depth reduced, the volume of material excavated and processed, and the life of the Project would be reduced accordingly. Within the first few years of Project operations, the static groundwater level would have been determined for the North Pit and the final mining depth defined accordingly at 5 feet above that level. The same precaution and determination of static groundwater level would be made for the South Pit. As a result, the Project is expected to result in **Less than Significant Impacts** to groundwater quality.(DEIR at 4.6-8).

Project construction activities would largely be comprised of the work needed to install the various pieces of equipment and other plant facilities. Such work would include minor surface grading, including the removal of topsoil for onsite storage, the excavation and pouring of concrete support footings, road grading (also minor), and the drilling of a new water well.

Prior to commencing the excavation of the first mining area, vegetation and topsoil would be removed from the area to be mined, perimeter berms constructed and fences installed. The berm, as described in the *Drainage Concept* (EIR Appendix 3) serves to direct surface waters, which flow on extremely rare occasions, into the mining pit so as not to concentrate their flow onto other properties, thereby reducing the potential for offsite erosion. Water entering the mining pits would percolate to groundwater or evaporate.

Upon reclamation, the site would include the infrastructure described in the *Drainage Concept* (EIR Appendix 3), which was designed to ensure that the quality of storm water runoff is not degraded and that there are no post-development non-storm water discharges contributing potential pollutants to the storm water conveyance system and/or receiving bodies.

As a result, Project impacts in terms of water quality and/or the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies are considered to be **Less than Significant**.(DEIR at 4.6-9).

**Mitigation Measures:** None.

## **SECTION 2.6 AIR QUALITY, HEALTH RISKS AND CLIMATE CHANGE**

### **Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Air Quality, Health Risks and Climate Change if it would:

### Air Quality

*Conflict with or obstruct implementation of applicable air quality plans of either the South Coast AQMD (SCAQMD) or the Antelope Valley AQMD (AVAQMD).*

*Violate any air quality standard or contribute substantially to an existing or projected air quality violation.*

*Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*

*Expose sensitive receptors to substantial pollutant concentrations.*

*Create objectionable odors affecting a substantial number of people.*

### Greenhouse Gas Emissions

*Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment.*

*Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.(DEIR at 4.7-1).*

### **Finding:**

Project related NO<sub>x</sub> and PM<sub>10</sub> emissions generated by the Project could result in **Significant Impacts**. Upon implementation of **Mitigation Measures AQ-1 through AQ-7**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.

**Mitigation Measures AQ-1 through AQ-7** are included in Exhibit A - Mitigation Monitoring and Reporting Program.

### **Facts supporting the Finding:**

**Receptors** - In preparing the AQHRA, receptors are divided into three categories:

- **Residential Receptors** are places where people live.
- **Commercial Receptors** are places where people work.
- **Sensitive Receptors** are places where sensitive populations are expected to be found, such as schools, hospitals, and day care centers.

Receptors near the Project are residential in nature. The closest sensitive receptor to the Project is Littlerock High School, approximately 3 miles to the northwest. Project effects were assessed at the following receptors and are illustrated in EIR Appendix 11 (Appendix A, Figure 4).

- **Receptor 1 (R1)** is located west of the Project, in the north-west corner of the intersection of Avenue T and 106<sup>th</sup> Street.
- **Receptor 2 (R2)** is located west of the Project, adjacent to Avenue T on the north side.
- **Receptor 3 (R3)** is located approximately 4,000 feet west of the Project, near 126th Street East.

- **Receptor 4 (R4)** is the closest receptor to the Project, located adjacent to both the Project and the railroad on the east side. Two residences exist at this location.
- **Receptor 5 (R5)** is approximately 600 feet east of the south-east corner of the Project.(DEIR at 4.7-17).

**Construction Emissions-** Construction emissions were calculated using CARB's URBEMIS2007 model version 9.2.0. Construction emissions were determined to be **Less than Significant Impacts**. (DEIR at 4.7-20).

**Operational Emissions-** The direct emission sources attributable to the operation of the Project's plants and facilities were quantified and characterized by the various criteria pollutants. For each criteria pollutant, quantities resulting from Project operations were evaluated against their respective threshold criteria to determine whether, or not, they reached or exceeded levels considered a significant impact. NO<sub>x</sub> (nitrogen oxides) and PM<sub>10</sub> (fugitive dust), if left unmitigated, were found to exceed threshold levels and, as such, are considered a **Significant Impact**. (DEIR at 4.7-22 Table 50).To mitigate these impacts to a level considered **Less than Significant**, **Mitigation Measures AQ-1 through AQ-7** were developed.

**Indirect Emissions** - Indirect impacts are the result of changes that occur due to the existence of the Project, but are not a part of the Project. Indirect impacts include:

- Construction of support infrastructures;
- Housing constructed and/or occupied by mine employees; and
- Changes in traffic/circulation patterns.(DEIR at 4.7-26).

It is concluded that the indirect emissions generated by the Project would result in **Less than Significant Impacts**.(DEIR at 4.7-28).

**Greenhouse Gases** - GHG emissions are generated by stationary and mobile equipment. Stationary sources include propane combustion in the asphalt plant, propane combustion in the asphaltic oil heaters, and diesel combustion in the emergency generator. Mobile sources include off-road equipment, on road haul trucks, and worker commutes. GHG emissions were calculated based on the CCAR's General Reporting Protocol (v3.1) methodologies. It is concluded that the GHG emissions generated by the Project would result in **Less than Significant Impacts**. (DEIR at 4.7-28).

**Conformance with the Air Quality Plans** - A Project is considered to be "non-conforming with local Air Quality Plans" if it conflicts with or delays implementation of any applicable attainment or maintenance plan. In order to demonstrate consistency with the AQMP, a project must demonstrate consistency with the population forecasts contained therein. Since The Project is not growth-inducing, it is expected to remain consistent with the AQMP population forecasts. Furthermore, the **Project would remain consistent with the control strategies outlined in the AQMP** by complying with stationary source BACT requirements and regulations promulgated by local, state and federal air agencies. In order to eliminate conformity impacts, the Project would:(DEIR at 4.7-28).

- Reduce emissions to less than the significance thresholds;
- Meet AVAQMD New Source Review standards; and

- Follow zoning specifications, as required, for permitting.

It is concluded that the Project would remain consistent with the control strategies outlined in the AQMP and would result in **Less than Significant Impacts**. (DEIR at 4.7-28 and 29).

**Operational Health Risks** - The Lowered Facilities Alternative includes Project facilities that are in closest proximity to Receptors, when compared to the Project and other alternatives. Specifically, the Asphalt Plant and its emissions are at a lower elevation, thus closer to Receptors. As such, the *Air Quality Health Risk Assessment(AQHRA)* (EIR Appendix 11) prepared for the Lowered Facilities Alternative affords the most conservative assessment of risk and it is safe to conclude that all other configurations of the Project and its alternatives fall within levels of risk identified in the AQHRA. Therefore, the AQHRA was utilized to evaluate the impacts of the Project as proposed. The following Project toxic air contaminants (TAC) emission sources were evaluated in the:

- Operation of the Asphalt Mixing Plant and the asphaltic oil heater, including natural gas combustion;
- Fugitive organics from silo filling and load out of hot asphalt;
- Truck travel onsite and in route to Pearblossom Highway;
- Truck idling onsite;
- Off road equipment operating onsite; and
- Train idling.

It was concluded Project could result in:

- Cancer risk impacts would be greater than the significance threshold of 10 in 1 million at Receptor R4, a **Significant Impact**.(DEIR at 4.7-30).
- Chronic hazard impacts would be less than the significance threshold of 1.0 HI at all Receptors, a **Less than Significant Impact**.(DEIR at 4.7-30).
- Acute hazard impacts would be less than the significance threshold of 1.0 HI at all Receptors, a **Less than Significant Impact**.(DEIR at 4.7-30).

To mitigate the impact at Receptor R4 to a level considered **Less than Significant**, **Mitigation Measures AQ-1 through AQ-7** were developed.(DEIR at 4.7-29 and 30).

**Valley Fever** – In response to comment on the DEIR about the Project's potential impact on the incidence of Valley Fever, additional information was developed and presented in the FEIR. Because the Project's operational activities could generate fugitive dust, there exists the potential for increased incidences of Valley fever. As a result, the Project could result in **Significant Impacts**.(FEIR at C-17). The Project will be required to minimize the generation of fugitive dust by complying with the AVAQMD requirements, which would serve to mitigate the potential increases in the incidence of Valley fever. Upon implementation of **Mitigation Measures AQ-1, AQ-2, and AQ-6**, the Project is expected to result in **Significant, but Mitigable to Less than Significant Impacts**.(FEIR at C-17).

### **Mitigation Measures:**

Upon adoption and implementation of **Mitigation Measure AQ-1 through AQ-7**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.7-30).

PM<sub>10</sub> emissions (i.e., fugitive dust) would be reduced to **Significant, but Mitigable to Less than Significant Impacts** levels by the following **Mitigation Measures**:

- AQ-1** Disturbed surface areas and unpaved roads will be watered twice daily.
- AQ-2** Vehicle speed will be limited to 15 mph on unpaved roads.
- AQ-3** Low sulfur diesel fuel will be used in all equipment.

NO<sub>x</sub> emissions (and cancer risk impacts) would be reduced to **Less than Significant** levels by proposed **Mitigation Measures AQ-4, AQ-5 and AQ-6** which reflect the equipment list changes noted below and the purchase of some new equipment:(DEIR at 4.7-31).

- AQ-4** 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:
  - 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 drag line, is required.
- AQ-5** The portable primary crusher will be located in the pit and off-road haul trucks will not be used in the pit.

Fugitive dust emissions are also reduced as a result of **Mitigation Measure AQ-5** due to the elimination of off-road truck travel on unpaved roads. PM<sub>10</sub> and PM<sub>2.5</sub> emissions (i.e., fugitive dust) would be further reduced to **Less than Significant** levels by **Mitigation Measure AQ-6**:(DEIR at 4.7-31).

- AQ-6** Unpaved roads will be controlled by the application of dust palliatives (chemical dust suppressants) and maintained in a controlled state by watering or other means. The use of dust palliatives will be subject to the approval of the Regional Board of the EPA (Region 9).

Odor will be caused by the asphalt plant due to emissions of oil mist (i.e., blue smoke). Blue smoke filtration technology will be used to control emissions and related odor as discussed in proposed **Mitigation Measure AQ-7**:

- AQ-7** Blue Smoke Control equipment will be used to collect vapors from the asphalt plant's mixing drum, drag conveyor, silos, and loading area.

Regarding cancer risk impacts, upon implementation of **Mitigation Measures AQ-4 and AQ-5**, the Project's cancer risk impacts would be **Significant, but Mitigable to Less than Significant Impacts** at all Receptors. EIR Figure 36 illustrates the mitigated cancer risk contours.(DEIR at 4.7-32).

## SECTION 2.7 BIOLOGICAL RESOURCES

### Potential Effect:

The County determined through its Initial Study process that the Project would have significant impact in terms of Biological Resources if it would:

*Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).*

*Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS.*

*Have a substantial adverse effect on federally or state protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, and drainages) or waters of the United States, as defined by § 404 of the federal Clean Water Act or California Fish & Game code § 1600, et. seq. through direct removal, filling, hydrological interruption, or other means.*

*Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

*Convert oak woodlands (as defined by the state, oak woodlands are oak stands with greater than 10% canopy cover with oaks at least 5 inch in diameter measured at 4.5 feet above mean natural grade) or otherwise contain oak or other unique native trees (junipers, Joshuas, southern California black walnut, etc.).(DEIR at 4.8-1 and 2).*

### Finding:

The Project could result in **Significant Impacts** to biological resources. Upon implementation of **Mitigation Measures BIO-1 through BIO-9**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.

**Mitigation Measures BIO-1 through BIO-9** are included in Exhibit A - Mitigation Monitoring and Reporting Program.

### Facts supporting the Finding:

The information presented in the DEIR was derived from the following studies, which are included in the following DEIR Appendices:

- *Longview Road Pearblossom Area, Los Angeles County, California Desert Tortoise Presence/Absence Survey; Burrowing Owl Survey Phase I (Habitat Assessment) and Phase II (Burrow Survey)*, Pacific Southwest Biological Services, Inc., March 2006. (EIR Appendix 12)
- *Biological Assessment, Big Rock Wash Surface Mining Project Site, Pearblossom, Los Angeles County, California*, Impact Sciences, Inc., March 2008 (*Biological Assessment*). (EIR Appendix 13)
- *Sensitive Plant Survey Report, Lebata, Inc. - Big Rock Creek Surface Mining Project, Los Angeles County, CA*, ECORP Consulting, Inc., July 2008 (*Sensitive Plant Survey Report*). (EIR Appendix 14)

- *Updated Information for the Sensitive Plant Survey Report for the Leбата Big Rock Creek Surface Mining Project in Los Angeles County, California*, ECORP Consulting, Inc., July 30, 2010 (*Sensitive Plant Survey Report Addendum*). (EIR Appendix 14, Addendum)
- *Drainage Concept for Leбата Inc. Surface Mine Big Rock Creek, Los Angeles County*, Stetson Engineers, Inc., December 2008. (*Drainage Concept*). (EIR Appendix 3)
- *Jurisdictional Delineation within the Big Rock Creek Surface Mining Project Site, Antelope Valley, Los Angeles County, California (Jurisdictional Delineation)*, ECORP Consulting, Inc., March 6, 2013. (EIR Appendix 6) (DEIR at 4.8-1)

In response to comments on the DEIR, additional studies were completed. These additional studies serve to confirm the conclusions presented in the DEIR, and in some instances presented information that had been requested in the letters of comment. The additional studies are presented in the FEIR appendices and include:

- *Jurisdictional Delineation Leбата Big Rock Creek Project*, prepared by ECORP Consulting, Inc., July 23, 2014 (*Jurisdictional Delineation Addendum*), EIR Appendix 6, Addendum
- *Updated Special-status Plant Survey and General Wildlife Survey Results*, prepared by ECORP Consulting, Inc., July 24, 2014 (EIR Appendix 2 – Reclamation Plan, Attachment E, Exhibit 1)
- *Results of Baseline Vegetation Study and Development of Performance Standards*, prepared by ECORP Consulting, Inc., July 24, 2014 (EIR Appendix 2 – Reclamation Plan, Attachment E, Exhibit 2)
- *Mohave Ground Squirrel Trapping Report*, prepared by ECORP Consulting, Inc., July 24, 2014 (EIR Appendix 2 – Reclamation Plan, Attachment E, Exhibit 3)
- *Short-joint Beavertail Cactus Protection Plan*, prepared by ECORP Consulting, Inc., August 2014 (EIR Appendix 2 – Reclamation Plan, Attachment E, Exhibit 5)(FEIR at C-18)

The Project includes numerous design measures to avoid adverse impact to biological resources. The design of the Mining Plan and its reclaimed end use are consistent with local policies. As a result, the Project is expected to result in **Less than Significant Impacts** to the following:(DEIR at 4.8-45 and 46)

- The Project site is not located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.).
- The Project site consists of relatively undisturbed and natural habitat, a condition that would be restored through reclamation activities. Furthermore, abundant habitat is present in the surrounding vicinity.
- The Vicinity Map (EIR Figure 2) provides a USGS quad sheet illustrating an ephemeral river course (i.e., a dashed blue line) transecting the Project from the southeast toward the northwest. The *Drainage Concept* prepared for the Project (EIR Appendix 3) addresses concerns regarding Capital Flood events along this historic relict of an ephemeral river course. The *Jurisdictional Drainage* (EIR Appendix 6 and EIR Appendix 6, Addendum) also concludes the onsite drainages are a historic relict of an ephemeral river course and that the drainage features within the Project area do not meet CDFW jurisdictional criteria. The Corps has determined the Project is not subject to its jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required. Habitat concerns are addressed herein and may be further

addressed by a long-term Streambed Alteration Agreement between Leбата and CDFW (1605 Agreement), if the CDFW so requires. A Streambed Alteration Agreement may include a habitat restoration plan, revegetation plan, and habitat improvement.

- The Project site does not contain a major riparian habitat or other sensitive vegetation community.
- The Project site does not contain oak trees or other unique native trees, except Joshua trees.
- The Jackrabbit Flats Wildlife Sanctuary, located one mile to the west of the Project site, is at a further distance from the Project than the sensitive receptors evaluated for noise, air quality, and health risks related impacts. As such, it is concluded, since the Project was determined to be **Less than Significant Impacts**, or **Significant, but Mitigable to Less than Significant Impacts** at these closer receptor locations, impacts to the Jackrabbit Flats Wildlife Sanctuary would be less.(FEIR at C-24)

With regard to the potential interception of surface runoff needed to support habitat across Avenue T, the surrounding area is so permeable that surface flows across Avenue T do not develop. As a result, the Project is expected to result in **Less than Significant Impacts**.(DEIR at 4.8-45 and 46)

The Project could result in indirect and direct take of the desert tortoise, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-1** was developed. Upon implementation of **Mitigation Measure BIO-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-46)

The Project could result in indirect and direct take of the Mohave ground squirrel, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-2** was developed. Upon implementation of **Mitigation Measure BIO-2**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-46)

The Project could result in indirect and direct take of native and sensitive nesting birds, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-3** was developed. Upon implementation of **Mitigation Measure BIO-3**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-47)

The Project could result in indirect and direct take of sensitive plant species, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-4** was developed. Upon implementation of **Mitigation Measure BIO-4**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-47)

With regard to Joshua trees, it is concluded that the Project would result in **Less than Significant Impacts**.(DEIR at 4.8-48)

The Project could result in an increase of exotic and invasive plant species which would cause an adverse effect on sensitive native plants and wildlife, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-5** was developed. Upon implementation of **Mitigation Measure BIO-5**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-48)

The Project could result in adverse effects at night to wildlife along the haul routes, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-6** was developed. Upon implementation of **Mitigation Measure BIO-6**, the Project would result in **Significant, but Mitigable to Less than Significant**

**Impacts.** With regard to such nighttime impacts onsite, there are several **Mitigation Measures** that serve to reduce **Significant, but Mitigable Impact**. These Mitigation Measures include, **Mitigation Measure AQ-2** (15 mph speed limit on unpaved roads), and **Mitigation Measures BIO-1 through BIO-3**.(DEIR at 4.8-48)

The Project would result in **Less than Significant Impacts** on special-status native wildlife.(DEIR at 4.8-46 through 49).

Project fencing could be harmful to wildlife, or could result in wildlife becoming trapped, resulting in mortality. Upon implementation of **Mitigation Measure BIO-8**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(FEIR at C-27).

Project activities could result in indirect and direct take of desert kit fox. Upon implementation of **Mitigation Measure BIO-9**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(FEIR at C-20 through and 22, and C-27).

In response to CDFW comments on the Draft EIR, the *Updated Special-status Plant Survey and General Wildlife Survey Results* was prepared by ECORP Consulting, Inc. (July 24, 2014). These study results appear in EIR Appendix 2- Reclamation Plan, Attachment E, Exhibit 1, which concluded:

*State or federally-listed plant species were not observed during the updated focused survey of the study area. Only one sensitive (CNPS List 4.2) plant species, crowned muilla, was detected on the site. This species has a limited distribution and is currently on the CNPS Watch List, but it does not have any state or federal protection.*

*Numerous individuals of beavertail cactus were recorded on the site during the survey. These specimens were determined to be intermediates between the sensitive (*Opuntia basilaris* var.*brachyclada*) and common (*O. basilaris basilaris*) varieties. The individuals recorded within the project area do not currently have protection under any state or federal legislation.*

In addition, a *Short-joint Beavertail Cactus Protection Plan* was prepared and is included in EIR Appendix 2- Reclamation Plan, Attachment E, Exhibit 5, which recommended the transplantation of intermediate specimens found to be suitable for salvage. Refer to **Mitigation Measure BIO-4**.(FEIR at C-20).

#### **Mitigation Measures:**

Upon adoption and implementation of **Mitigation Measure BIO-1 through BIO-9**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 4.8-56 and at FEIR C-27).

**BIO-1** 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:

1. 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.

2. 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 tortoise handling permit issued from USFWS shall perform a pre-construction survey for desert tortoise. If any desert tortoises or other low mobility species 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 low mobility species 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.
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.
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:
  - 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.
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.
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 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.

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.
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.
9. Construction water sources shall be designed to preclude their being accessed by tortoise.
10. Culverts and other drains shall be installed in such a way for tortoises to enter and exit safely from each end.
11. 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 through CDFW and USFWS.
12. 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.
13. No firearms or pets are permitted in the Project area.
14. 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.(DEIR at 4.8-49 through 51).

**BIO-2** 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:

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 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.

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.
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 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.
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.
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:
  - fragility of desert habitat,
  - importance of listed species likely to be in the area, including the MGS, the protections afforded to these species by the California and National Endangered Species Acts,
  - locations of temporary ESAs and their functions, and
  - correct protocol to follow should a MGS or any other sensitive species be encountered.
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.
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.

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 parking, staging, construction or other traffic areas to a location away from danger.
9. Culvert extensions shall be installed in such a way for sensitive wildlife to enter and exit safely from each end.
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.
11. If a MGS or other listed species is injured during the course of construction, the Permittee 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. The MGS Biologist would document and remove the carcass.
12. No firearms or pets are permitted in the Project area.
13. 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.(DEIR at 4.8-51 through 53).

**BIO-3** 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:

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. The surveys shall be in accordance with the CDFW survey and mitigation protocol found within the 2012 CDFW "Staff Report on Burrowing Owl Mitigation" at:

<http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>

The surveys shall be conducted 30 days prior any site preparation activities (vegetation clearing) and again no later than three days prior to any site preparation activities (vegetation clearing). 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.

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 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.
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.
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 (§3503.5) at any time of the year.
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.
6. No firearms or pets are permitted in the Project area.
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.

#### Burrowing owl

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).
9. (This measure was designed to determine if 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.)

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.

10. (This measure includes the pre-construction survey that needs to occur just prior to clearing the next phase of mining.)

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 present, the Sensitive Birds Biologist shall install approved exclusionary or artificial devices immediately and at least two weeks prior to clearing. (DEIR at 4.8-53 through 55 and FEIR at C-28).

**BIO-4** 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:

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 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.
3. Using the GPS coordinates developed during the survey completed for the *Updated Special-status Plant Survey and General Wildlife Survey Results*, the specimens of short-joint beavertail cactus (*Opuntia basilaris* var. *brachyclada*) noted in the *Updated Special-status Plant Survey and General Wildlife Survey Results* will be transplanted to the undisturbed areas of the setbacks. (Refer to the discussion of *Short-joint Beavertail Cactus Protection Plan* in EIR Appendix 2 – Reclamation Plan, Attachment E, Exhibit 5.) (DEIR at 4.8-55 and FEIR at C-28).

**BIO-5** 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:

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 for the Project.

2. Invasive species control measures may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species revegetation, and washing off construction equipment tires to prevent introduction of invasive species seeds. (DEIR at 4.8-49 through 51).

**BIO-6** 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 Street East, and along Avenue T, eastbound of the Project.

If required by the Los Angeles County Sheriff's Department, the Permittee shall install nighttime truck speed limit signs for Project trucks entering 106th Street East from East Avenue T or SR 138.

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. (DEIR at 4.8-56 and FEIR at C-29).

**BIO-8** 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. (FEIR at C-29).

**BIO-9** The following avoidance and minimization efforts shall be used to avoid accidental take of desert kit fox as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures to minimize impacts to the desert kit fox:

The measures listed below shall be implemented prior to and during construction at the project site.

1. 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. 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 from the CDFW.
2. 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.

3. 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.

The measures below shall be implemented throughout the operation of the mine.

1. Comply with Mitigation Measure AQ-2 (15 mph speed limit on unpaved roads).
2. No firearms shall be allowed on the project site.
3. No pets shall be allowed on the project site.
4. 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.
5. 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 anyone else who may enter the project site.
6. 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.
7. A representative shall be appointed by Leбата 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.
8. 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 Leбата

representative. The Leбата 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.

9. CDFW shall be notified in writing within three working days of the accidental death or injury to a desert kit fox during project related activities. 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. (FEIR at C-29 through 31).

## SECTION 2.8 VISUAL QUALITY

### Potential Effect:

The County determined through its Initial Study process that the Project would have significant impact in terms of Visual Quality if it would:

*Substantially degrade the existing visual character or quality of the site and its surroundings because of height, bulk, pattern, scale, character, or other features. (DEIR at 4.9-1).*

### Finding:

The Project would result in **Less than Significant Impacts** in terms of visual quality, fugitive light, and visibility from an Eligible State Scenic Highway or an Officially Designated Scenic Highway. No mitigation is required.

### Facts supporting the Finding:

**Visual Quality** - Using digitally enhanced photographs, a series of visual simulations were developed to assess the Project's visual impacts as viewed from three specific vantage points. These three views were identified largely by their relative elevation (i.e., above the Project), presence of existing residential development, and public roads in close proximity to the Project. Due to the generally flat terrain in and around the Project site, a simulation was not made of the site from Pearblossom Highway.

All photographs taken to demonstrate existing conditions, and then altered digitally to simulate the Project at full construction, were shot with a 50mm lens on a digital camera. Site flag markers and a digital terrain model program were used to establish the simulated size and location of the site in the images. EIR Figure 43 (Visual Analysis Photo Locations) provides the reference points for Views 1 through 3.

Due to the extensive distance between the Project site and this viewpoint, all of the proposed structures planned for the site, are so small, they are of minimal visual impact in this simulation. Therefore, the Project would result in **Less than Significant Impacts**. (DEIR at 4.9-11)

**Nighttime Lighting** - The Project would use nighttime lighting, both for safety and operations. The County's *Dark Sky Ordinance*, specifically Sections 22.44.590, exempts the Project from the provisions of this ordinance where such lighting is needed for safety reasons. To promote and maintain dark skies at night for the residents and wildlife in the Rural Outdoor Lighting District, all Project lighting would be installed and operated in accordance with the requirements of the County's *Dark Sky Ordinance*, specifically Sections 22.44.141 and 22.44.150. Lighting would be shielded/hooded and/or directional to minimize Project visual impacts and would be designed to incorporate the lighting needed for operations, repair and maintenance, and security. Leбата would ensure these lights are

shielded/hooded and downward-directional to light only the area requiring illumination. Also proposed are light poles within the stockpile areas to provide the light needed for loader operators to work these piles. Light poles may be as high as 45 to 50 feet and would be shielded/hooded and downward-directional to keep light from affecting passing motorists or neighboring residences.

A *Photometric Study* (EIR Appendix 16) was prepared by Nate Mullen Visual Concepts, LLC to provide the basis for demonstrating light trespass levels beyond property line setbacks and Project related nighttime light impacts to surrounding property owners. The Project boundaries would be flanked by earthen berms of varying heights, including an 8-foot berm on the western boundary, 5-foot berm on the southern boundary, 3-foot to 7-foot berms on the eastern boundary, and a 5-foot berm on the northern boundary.

The light poles and fixtures used to perform the *Photometric Study* are identified in terms of height and light intensity. The *Photometric Study* provides a numerical representation of intensity of Project light estimated to be experienced offsite. These numbers are an expression of foot-candles (fc) and, as can be seen, the levels of Project light are all 0.00 fc, indicating there would be no light trespass offsite. The photometric calculation points are spaced on a 20-foot x 20-foot grid. The light levels have been estimated to a distance of 140 feet beyond the berms.

On each sheet of the *Photometric Study*, the luminaire schedule illustrates that the Project would not create light pollution that results in unacceptable levels of light trespass. As such, the Project would result in **Less than Significant Impacts.** (DEIR at 4.9-19)

**State Scenic Highway System** - Many state highways are located in areas of outstanding natural beauty. California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code (Section 260 et. seq.). A highway may be designated scenic based upon the natural landscape that can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.

The State Scenic Highway System includes both "Eligible" and "Officially Designated" Scenic Highways. The status of a State Scenic Highway changes from "Eligible" to "Officially Designated" when the local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation for Scenic Highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway.

The nearest Officially Designated State Scenic Highway is SR 2 (Angeles Crest Highway), which is more than 11 miles south of the Project in the San Gabriel Mountains. The nearest Eligible State Scenic Highway is SR 39 (San Gabriel Canyon Road), the northern-most portion of which intersects SR 2 more than 11 miles south of the Project. SR 138 (Pearblossom Highway) is nearest to the Project, which is not identified as an Eligible State Scenic Highway or an Officially Designated Scenic Highway. Therefore the Project would result in **Less than Significant Impacts.**(DEIR at 4.9-19 and 20)

**Mitigation Measures:** None.

## SECTION 2.9 TRAFFIC AND CIRCULATION

### Potential Effect:

The County determined through its Initial Study process that the Project would have significant impact in terms of Traffic and Circulation if it would:

*Conflict with an applicable congestion management program (CMProg), including, but not limited to, level of service standards and travel demand measures, or other standards established by the CMP for designated roads or highways.*

*Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (DEIR at 4.10-1)*

### Finding:

The Project could result in **Significant Impacts** to traffic and circulation. Upon implementation of **Mitigation Measure TC-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR 4.10-43 and 44).

**Mitigation Measure TC-1** is included in Exhibit A - Mitigation Monitoring and Reporting Program.

### Facts supporting the Finding:

The *Traffic Impact Analysis (TIA)* evaluated project impacts along the proposed haul routes. Of the seven intersections identified for analysis, two are Congestion Management Program(CMProg) monitoring intersections. Existing peak hour intersection volumes are from counts taken in March 2007 and August 2008. The “peak hour” volume is determined from the highest four consecutive fifteen-minute periods between 7:00 and 9:00 AM and between 4:00 and 6:00 PM at each intersection, and might not be the same one-hour period from one intersection to the next. For example, the AM peak hour volume for the intersection of Fort Tejon Road at Pearblossom Highway/Avenue T occurs from 7:00 to 8:00 whereas the peak hour volume at 82nd Street at Pearblossom Highway occurs from 8:00 to 9:00. This ensures that the analysis evaluates the worst-case peak hour condition at each intersection.

Counts were collected for the approach volumes at 106th Street at Avenue T, 106th Street at Pearblossom Highway, 116th Street East at Avenue T, and 165th Street at Avenue T. The turning movement volumes for these intersections were estimated from the percentage of traffic from each leg and adjusted to balance the flow of traffic between adjacent intersections.

Note: Traffic counts were collected in 2012 to verify that the original count data is still valid. The results of the 2012 traffic counts reveal that traffic volumes overall in the study area have decreased since 2007 and 2008. Therefore, the traffic analysis is based on the original count data to provide a more conservative impact analysis. (DEIR at 4.10-5).

Traffic volumes generated by the Project are incrementally added to future forecast volumes before evaluating the Project impacts to intersection and State highway roadway segment LOS and capacity. In conformance with the County of Los Angeles requirements, AM and PM peak hour intersection operations at signalized locations are evaluated using Intersection Capacity Utilization(ICU) methodology. Caltrans locations are analyzed using methodology contained in the Highway Capacity Manual (HCM). The principal objectives are to determine the anticipated traffic impacts that would likely result from the Project, and to recommend improvements and modifications necessary to improve

roadway capacities and operational efficiencies to mitigate those impacts attributed directly to Project traffic. The *County TIA Guidelines* require identification of traffic impacts under background (i.e., opening day) and cumulative conditions. (DEIR at 4.10-29).

**Background-plus-Project Conditions** - Background-plus-Project volumes were generated by adding the Project passenger car equivalent (PCE) volumes to the AM and PM peak hour Short-Range Background (Project opening year) volumes. The County of Los Angeles defines a significant impact at a signalized intersection as a project-related volume to capacity (V/C) ratio increase of .04 or more at Level of Service (LOS) C, .02 or more at LOS D, or .01 or more at LOS E or F. At stop-controlled intersections, a significant impact is defined as a worsening from LOS A, B, or C to LOS D, E, or F, an increase in the average delay at LOS D by 5 seconds per vehicle, or an increase in the average delay at LOS E or F by 2.5 seconds/vehicle as a result of the proposed project. The results of this analysis indicate that the addition of Project traffic does not cause a significant impact to any of the study intersections, which results in **Less than Significant Impacts**. (DEIR at 4.10-29).

At the two-lane roadway providing the main access to the Project, Avenue T west and east of the Project will operate at LOS A with the addition of Project traffic. Therefore, the Project results in **Less than Significant Impacts** on these two-lane roadway segments. (DEIR at 4.10-29).

A significant impact on the State highway segments is defined as a change from LOS A, B, or C to LOS D, E, or F. Two segments will operate at LOS D, one segment will operate at LOS E, and two segments will operate at LOS F. However, the Project does not cause the segments to operate at LOS D, E, or F. Therefore, the Project results in **Less than Significant Impacts** on the State highway segments. (DEIR at 4.10-29).

Peak hour intersection delay for the study intersections along SR-138 under Caltrans jurisdiction were evaluated. The intersection of 106th Street East at Pearblossom Highway will operate at LOS D, during the AM peak hour, and LOS E, during the PM peak hour. Because the Project does not cause a change in the LOS at this location it results in **Less than Significant Impacts** and **does not cause a significant change** to the study intersections under Caltrans guidelines. (DEIR at 4.10-29).

The Project does not conflict with the CMProg nor does it substantially increase hazards due to a design feature.(DEIR at 4.10-29).

**Second-Highest Peak Hour Project Impact Analysis** - Los Angeles County Staff requested that an analysis of project impacts during the 8:00 to 9:00 AM and the 4:00 to 5:00 PM periods be included in addition to the peak hour (7:00 to 8:00 AM and 5:00 to 6:00 PM) analysis. During this second peak hour trips are distributed and assigned to the circulation system using the same assumptions as the peak hour traffic presented earlier, and added to the peak hour background volumes. By using the peak hour background volumes, the project's worst-case project impacts during the second peak hour are identified. Based on the results of this second peak hour analysis, the Project results in **Less than Significant Impacts** during the second peak hour.(DEIR at 4.10-35).

**Signal Warrants** - Four of the study intersections are currently stop-controlled. These intersections were investigated for satisfaction of Caltrans Peak Hour Signal Warrant. EIR Table 82 and EIR Figure 54 summarize the results of the Signal Warrant Analysis. The total two-way approach volume on the major street is plotted against the higher approach volume on the minor street on the graph. If the point falls above the line representing the number of lanes at the intersection, then a traffic signal is warranted.

The study intersections do not have sufficient peak hour traffic under short-range with-project and short-range cumulative conditions to satisfy the signal warrant. Therefore the Project would result in **Less than Significant Impacts.**(DEIR at 4.10-39).

**Impacts Determined to be Potentially Significant** - Use of the public roadways by Project trucks is expected to have a direct impact on the integrity of the road pavement along Avenue T, 106th East and 165th Street East. The LACDPW will require that Leбата provide a pavement analysis study to identify potential impacts to the pavement along Avenue T, 106th Street East and 165th Street East for review and approval by LACDPW. Any potential impacts identified in the pavement analysis will be mitigated by Leбата, either through fair share payment and/or through reimbursement to 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 solely by LACDPW, or Leбата can initiate pavement rehabilitation repair through County permits to the satisfaction of LACDPW. With regard to the integrity of road pavement along Avenue T, 106th East and 165th Street East, the Project would result in a **Significant Impact**. In response, **Mitigation Measure TC-1** was developed. Upon implementation of **Mitigation Measure TC-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts.**(DEIR at 4.10-43 and 44).

**Subsequent Analysis** - In commenting on the DEIR, Caltrans expressed concerns about existing congestion at the intersection of Fort Tejon Road, Pearblossom Highway, and Avenue T, particularly the northbound left-turn and eastbound right-turn movements. In response, additional observations and analysis of this intersection were completed. Video recordings of the critical northbound left-turn pocket and the eastbound right-turn pocket were collected to determine the congested time periods. Video observations were made from 5:00 AM until 10:00 PM on Tuesday June 3, 2014. The original Traffic Study analysis was based on peak hour counts collected in 2008, which were verified in 2012, and the volumes collected from the video recordings in June 2014 are consistent with the previous counts.

Based upon the body of additional analysis and several meetings with the County and Caltrans, the County DPW, Traffic and Lighting Division concluded:

- The Project will not result in a significant impact due to a change in the LOS at this intersection, whether Project trucks make northbound left-turn and eastbound right-turn movements at this intersection, or continue through the intersection, using the designated truck route.
- Caltrans staff is requesting that the Project widen the intersection to provide a second northbound left-turn lane because the left-turn volume currently exceeds 200 vehicles per hour. However, this request assumes a 200-foot turn pocket design standard and does not reflect the existing 375-foot length of the left-turn pocket.
  - The existing 375-foot northbound left-turn pocket is sufficient to accommodate the typical weekday plus Project plus cumulative left-turn demand.
  - The existing eastbound right-turn pocket is sufficient to accommodate the typical weekday plus Project plus cumulative right-turn demand.
- Recent counts and lengthy video recordings were conducted of the critical northbound left-turn pocket and the eastbound right-turn pocket, which were collected on a weekday to determine the congested time periods. The results serve to confirm the findings of the earlier traffic study, which concluded this intersection is able to accommodate Project truck traffic.

- Because the Project would specifically schedule its regular daily haul truck deliveries to avoid both the AM and the PM peak hours, there would be no Project-related effect during these hours. Per Caltrans request, the Project will route westbound peak hour local deliveries (approximately 7 haul trucks during the AM peak hour) along Avenue T rather than using Pearblossom Highway.

**Note:** If the East-West HDC is approved, funded and constructed, Project impacts could be reduced by rerouting Project truck traffic so as to proceed 2 miles east from the Project along Avenue T to 165th Street East. Trucks would then turn north onto 165th Street East, which immediately curves onto 170th Street East and proceeds north to the East-West HDC onramp. At the onramp, trucks would either turn west or east, thereby avoiding the more congested areas of Palmdale. (FEIR at C-33 and 34).

**Mitigation Measures:**

Upon implementation of Mitigation Measure TC-1, the Project would result in **Significant, but Mitigable to Less than Significant Impacts.** (DEIR at 4.10-43 and 44).

**TC-1** Prior to the commencement of surface mining activities that result in the transport of processed materials offsite, Leбата 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. Leбата 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.(DEIR 4.10-43 and 44).

**SECTION 2.10 HAZARDS AND HAZARDOUS MATERIALS**

**Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Hazards and Hazardous Materials if it would result in:

*Create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials.*

*Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment.(DEIR at 4.11-1).*

**Finding:**

Project impacts to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials would be **Less than Significant.** No mitigation is required.

Project impacts regarding reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment would be **Less than Significant**. No mitigation is required.

**Facts supporting the Finding:**

The analysis of Hazards and Hazardous Materials took into consideration the following aspects of the Project, which serve to minimize the potential for significant water quality impacts.

Aboveground Storage Tanks - The receipt, storage, handling use and disposition of all materials would be in compliance with the requirements of the Business Plan, Hazardous Materials Inventory, and Aboveground Storage Tank (diesel) permit approved by the County Department of Public Health, Environmental Health.

Spill Prevention, Control, and Countermeasure Plan -The SPCC will be prepared to meet the requirements of:

- Title 40, Code of Federal Regulations (CFR), Part 112
- California H&S Code, Chapter 6.67, §25270 –Aboveground Petroleum Storage Act (1989)

The purpose of the SPCC is to identify procedures and controls to prevent accidental releases of petroleum products and to minimize the impact if a release occurs.

Storm Water Pollution Prevention Plan - The SWPPP will be developed to comply with the requirements set forth in Industrial Storm Water General Permit Order 97-03-DWQ, which pertains to the General Permit No. CAS000001, the purpose of which is to fulfill two major objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges.
- File Notice of Intent (NOI).

Note: Compliance with Low Impact Development (LID) and MS4 Permit are required for land development projects that increase runoff and/or pollutant loading to runoff. These requirements are not applicable to the Project because it does neither.

Administration, Security, and Public Safety - The Project would include an administration office and dispatch/operations building for everyday business. Nighttime and weekend security would be provided by perimeter fencing around the Processing Facilities Site, locked gates, lighting, and security trailer. The office area may be alarmed. Equipment would be disabled daily at the end of the shift. A 6-foot-high perimeter fence, using cyclone fence materials, would be installed around the Processing Facilities Site and excavated areas.

Flood Waters -Flood waters have the potential of inundating the Project site and could potentially impact workers at the quarry. Per the *Drainage Concept*(EIR Appendix 3) prepared by Stetson Engineers, Inc., in order to alleviate the likelihood of the flooding of the quarry site, management of offsite flows into the Project site would be built to mitigate any potential, hydrological impacts. A

system of interceptor drains and down-drains would be incorporated at the two points of inflow (south and east) sides of the pits. Low earth berms approximately 2 feet high are also proposed along the top of the northern and western pit slopes to prevent localized drainage of runoff into the mine pits via these sides of the mine.

Fueling and Maintenance - All vehicle fueling and maintenance would take place atop the Fueling and Maintenance Pad within the Processing Facilities Site. The concrete pad includes a curbed containment berm and is adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area. These precautionary measures are designed to ensure fueling and maintenance activities do not adversely affect surface water or groundwater.

Fire Protection - The Project incorporates fire protection systems and water storage required by the County Fire Department. In addition, the Project will be subject to the standard conditions applied to industrial projects to ensure fire safety is maintained at maximum levels.

Blasting -No blasting would occur. (DEIR at 4.11-6 and 7).

The Los Angeles County Fire Department, Health Hazardous Materials Division (HHMD), is the Certified Unified Program Agency (CUPA) responsible for administering the following programs within Los Angeles County:

- Hazardous Waste Generator Program;
- Hazardous Materials Release Response Plans and Inventory Program;
- California Accidental Release Prevention Program;
- Aboveground Storage Tank Program; and
- Underground Storage Tank Program.

The Project will be subject to CUPA requirements and oversight. The CUPA will provide oversight to the preparation of the required Hazardous Materials Business Plans (HMBPs), SPCC and SWPPP; and such matters as employee training, record keeping, preventive maintenance and implementation of BMPs. The CUPA will also require Project participation in the single fee system requirement that is mandated by the California Environmental Protection Agency (CalEPA) within the County's CUPA and Participating Agencies' (PA) jurisdictions. The implementation of the single fee system requirement maintains both the consolidation of program elements on one permit and also the coordination among the CUPA and PAs with the administration of the unified program.(DEIR at 4.11-7).

The Project, which is located a considerable distance from other industrial development, will store, use and dispose of hazardous materials and waste typical of equipment and motor vehicles such as fueling, service and repair. As a result of the Project, the transport, use, storage and disposal of hazardous materials within the Antelope Valley would increase incrementally. Given these CUPA requirements and oversight, Project impacts to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials would be **Less than Significant**.(DEIR at 4.11-8).

Upon implementation of the various programs noted above, Project impacts regarding reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment would be **Less than Significant**.(DEIR at 4.11-8).

**Mitigation Measures:** None.

## **SECTION 2.11 WATER SUPPLY/QUANTITY**

### **Potential Effect:**

The County determined through its Initial Study process that the Project would have significant impact in terms of Water Supply/Quantity if it would:

*Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).*

*Have sufficient reliable water supplies available to serve the project demands from existing entitlements and resources, considering existing and projected water demands from other land uses. (DEIR at 4.12-1).*

### **Finding:**

Project impacts would result in **Less than Significant Impacts** with regard to Water Supply/Quantity. No mitigation is required.

### **Facts supporting the Finding:**

As noted above in Section 1.1.2 (Project Description), the Project is estimate to use 312 afy. Water would be used for aggregate washing, fugitive dust control, and in the production of end-products in the various plants and facilities. Leбата proposes to drill an onsite water well, the water from which would be used for the Project. However, the Antelope Valley Groundwater Basin (the Basin) is currently non-adjudicated, although a legal adjudication process has been underway since the late-1990s. It is anticipated that water rights will be quantified and assigned as part of the Basin adjudication process. It is highly unlikely the Project will receive a groundwater allocation through the adjudication process.

If the Project were to receive a groundwater allocation, its use would be defined as being within "safe yield" and, therefore, would not adversely affect groundwater levels. A Drawdown Assessment of Proposed Water Supply was completed, which determined such use would not affect area wells.

The more likely scenario is that water will be provided either by the Antelope Valley East Kern Water Agency (AVEK), or Los Angeles County Waterworks District No. 40 (LACWWD40) via AVEK, from State Water Project sources. This means the Project will not use groundwater at all. The Project must secure permanent water supply entitlements sufficient to meet the Project's annual water demands. 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 (AVEK) adopted on September 13, 2014 (MOU). Because the Project lies within the Sphere of Influence of Los Angeles County Waterworks District No. 40, the Project is being required to make application to the Local Agency Formation Commission (LAFCO) for annexation to LACWWD40. That annexation application has been submitted and is in process. If supplied by AVEK, water supply would be supplied on an interruptible basis in accordance with the MOU.

**Depletion of Groundwater Supplies or Substantial Interference with Groundwater Recharge** - The Basin adjudication process, when completed, will provide added clarity as to whether Leбата will receive an entitlement to extract groundwater, or not. In the event Basin adjudication results in the Project receiving an allocation for groundwater, said allocation will, by definition, fall within the Court's definition of "safe yield" and, if used by the Project, would result in **Less than Significant impacts**.(DEIR at 4.12-28).

All other potential Project water sources would either not involve the use of Basin groundwater, or involve the purchase or lease of available local groundwater from a landowner entitled to extract groundwater through the Basin adjudication process. Project use of water provided from sources not using Basin groundwater would result in **Less than Significant impacts**.(DEIR at 4.12-28).

Project use of water derived from Basin groundwater purchased or leased from a landowner entitled to extract such groundwater through the Basin adjudication process would fall within the Court's definition of "safe yield" and, as such, would result in **Less than Significant impacts**.(DEIR at 4.12-28).

**Lowering of the Local Groundwater Table Level** – A *Drawdown Assessment* was prepared (EIR Appendix 19) that assumed the Basin adjudication results in the Project receiving an allocation of 312 afy and that the Project would drill an onsite well and extract that amount of water annually. As such, it presents the "worst case" condition.

The *Drawdown Assessment* made use of existing data from regional studies (Beeby et. al, 2010), previously conducted groundwater modeling (Leighton and Phillips, 2003 and earlier) and local site data to model the drawdown of the Project's proposed well, outward to an approximate radius of one mile. Drawdown calculations were performed using the Cooper-Jacob Approximation of the Theis Solution for groundwater flow (Theis, 1935, Cooper and Jacob, 1946).

An equation was solved for various distances from the source well starting at 100 feet to a maximum of 5,000 feet, and for different total pumping times ranging from one year to 100 years. (Refer to page 7 of EIR Appendix 19 for the details of the equation used.) Recognizing potential uncertainties in the hydraulic conductivity value used, the average conductivity value was increased and decreased by 50 percent respectively, to provide "minimum" and "maximum" drawdown estimates respectively.

The *Drawdown Assessment* concluded the impact of a potential 312 afy water supply well located at the Project site would be relatively minor. Only a handful of nearby wells would see a measurable impact in water level, and the drawdown is not considered to be sufficient to effect capacity of these wells to supply water. When taking into consideration the background water level fluctuations (several tens of feet), it is unlikely that the impact on nearby wells would be discernible from background variations. In addition to establishing legal rights to pump groundwater, the Project will need to comply with the Physical Solution, as determined by the Basin adjudication process. Therefore, Project related drawdown is considered to result in **Less than Significant impacts**.(DEIR at 4.12-29 and 30).

**Mitigation Measures:** None.

### **SECTION 3.0 FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

Under Section 15130 of the CEQA Guidelines, an EIR must discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable." This occurs when the incremental effects of an individual project are considerable when viewed in connection with the effects of past, other current projects, and probable future projects (Section 15065). Section 15355 of the CEQA Guidelines defines cumulative impacts as:

*"Cumulative impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*

*(a) The individual effects may be changes resulting from a single project or a number of separate projects.*

*(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (DEIR at 5-3).*

Cumulative projects consisting of approved, pending, and recorded projects in the vicinity of the Project were obtained from the Los Angeles County Department of Regional Planning and presented in DEIR Table 84 and illustrated in EIR Figure 55. Due to the relatively remote location of the site, there are few active projects within the vicinity of the Project. As such, project applications most pertinent to the analysis of cumulative traffic impacts included more than 10 dwelling units within approximately five miles of the Project site. No other proposed projects or large development projects in the vicinity were identified that would contribute to impacts similar to the Project.(DEIR at 5-4).

For the following environmental resource areas, the Project, individually or in conjunction with identified cumulative projects, does not result in impacts considered cumulatively considerable.

#### **SECTION 3.1 LAND USE CONSISTENCY AND COMPATIBILITY**

##### **Potential Effect:**

The Project, individually or in conjunction with identified cumulative projects, has the potential to be growth-inducing.

##### **Finding:**

The Project, individually or in conjunction with identified cumulative projects, is not considered growth-inducing. No mitigation is required.

##### **Facts Supporting the Finding:**

CEQA Guidelines Section 15126.2(d) requires an evaluation of growth-inducing impacts that may result from a proposed project. Growth-inducing impacts can occur when a proposed project places additional stress on a community by directly inducing economic or population growth that would lead to construction of new development projects in the same area as the project. A project would also be

considered growth-inducing if it removes obstacles to growth such as building a road to an undeveloped area, constructing a wastewater treatment plant or extending a sewer line that would provide additional capacity and thus allow new development in the area.

In preparing the Initial Study for the Project, the County determined the Project would have "No Impact" in terms of population and housing, and recreation. (DEIR at 5-1).

If new development were not occurring, the demand for high quality construction-grade aggregate products would decrease accordingly, whether or not the aggregate is available close by and at a reasonable cost. In other words, growth will occur whether or not local aggregate sites are available. However, if local sources of aggregate products were not available; the aggregate would have to be brought in from sources outside the area adding traffic and air quality impacts. Thus, the Project is not considered growth-inducing, but rather growth dependent and will respond to the needs of the construction industry. (DEIR at 5-2).

Under most water supply scenarios, a water service connection for the Project would be constructed to the AVEK Eastern Feeder pipeline located approximately 8,000 feet to the west of the Project at the southeast corner of Avenue T and 116th Street. This pipeline would be constructed under an encroachment permit administered by the DPW within the County's right-of-way, a highly disturbed area. This pipeline would be sized and constructed specifically to meet the needs of the Project. As such, its construction is not considered to be growth-inducing. (DEIR at 5.2 and 11).

**Mitigation Measures:** None.

### **SECTION 3.2 GEOTECHNICAL HAZARDS**

#### **Potential Effect:**

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable impacts in terms of Geotechnical Hazards.

#### **Finding:**

The Project, in conjunction with other development projects, will not result in cumulatively considerable impacts in terms of Geotechnical Hazards. No mitigation is required.

Regarding the Lowered Facilities Alternative, given the limited number of cumulative projects, and the implementation of Project-specific **Mitigation Measure LFA-1**, the Project, in conjunction with other development projects, will not result in cumulatively considerable impacts in terms of Geotechnical Hazards. No additional mitigation is required.

#### **Facts Supporting the Finding:**

The Project exceeds County factor of safety threshold criteria under all conditions. As such, it was determined the Project would be stable and safe as designed. In addition, the relatively massive alluvial deposits have a low susceptibility to landsliding or lateral spreading due to the lack of geologic structures such as joints, contacts, and bedding, which may present preferred shear surfaces. The Project is expected to result in **Less than Significant Impacts** related to the slope stability during mining operations and post-reclamation.

The Project will be required to comply with UBC requirements for the construction/installation of new facilities and standard operational regulations will result in Less than Significant Impacts. Given the lack of cumulative projects, and the fact no geological impacts are anticipated offsite, impacts to geology and soils are not expected to be cumulatively considerable.(DEIR at 5.4).

**Mitigation Measures:** None.

### SECTION 3.3 FLOOD HAZARDS

#### Potential Effect:

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable impacts in terms of Flood Hazards.

#### Finding:

The Project, in conjunction with identified cumulative projects, will not result in cumulatively considerable impacts in terms of Flood Hazards. No mitigation is required.

#### Facts Supporting the Finding:

Project mine pits would intercept the entire Capital Flood discharge via a system of interceptor-drains and convey the water into the pits via a system of down-drains and terrace drains. The total captured Capital Flood Volume, inundation depth and pit emptying time in each phase are summarized in the EIR.(DEIR at 5.4).

All flood water entering the mine pits, inclusive of that from a Capital Flood, would be emptied by three potential pathways: 1) evaporation, 2) vertical infiltration through the mine pit bottom, and 3) horizontal infiltration through the mine slope. Given the limited number of cumulative projects, and the fact that none of the captured Capital Flood would overflow from the pits and escape as surface flow, Project impacts would not be cumulatively considerable.(DEIR at 5.4).

Mitigation Measures: None.

### SECTION 3.4 NOISE

#### Potential Effect:

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable Noise impacts.

#### Finding:

Given the limited number of cumulative projects, and the implementation of Project-specific Mitigation Measure NO-1, the Project would not result in noise levels that are cumulatively considerable. No additional mitigation is required.

#### Facts Supporting the Finding:

Potential construction and operational noise impacts from the Project take into account the combined effects from multiple noise sources and from existing ambient conditions. Potential noise impacts from the Project were determined either to be **Less than Significant** or **Significant, but Mitigable to Less than Significant** upon implementation of the Mitigation Measure NO-1. The limited number of cumulative projects, and the distance between the Project and other noise generators precludes any cumulative impacts from onsite activities. Further reducing noise potential, other various berms would be installed upon the original grade level, including an 8-foot berm on the western boundary, 5-foot berm on the southern boundary, 3-foot to 7-foot berms on the eastern boundary (i.e., includes the 7-foot segment included in Mitigation Measure NO-1), and a 5-foot berm on the northern boundary.(DEIR at 5.4 and 5).

Single-event haul truck pass-by noise would be similar to the existing conditions. The traffic noise model added Project traffic to existing levels, which provided a cumulative result, indicating the combined traffic related noise impacts would be **Less than Significant**. (DEIR at 5-5).

Given the limited number of cumulative projects, and the implementation of Project-specific Mitigation Measure NO-1, the Project would not result in noise levels that are cumulatively considerable.(DEIR at 5.5).

**Mitigation Measures:** No additional mitigation required.

### **SECTION 3.5 WATER QUALITY**

#### **Potential Effect:**

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable Water Quality impacts.

#### **Finding:**

Given the Project's material control programs, the Project, in combination with other development projects, will not result in a cumulatively significant impact to Water Quality. No mitigation is required.

#### **Facts Supporting the Finding:**

The Project would require the use and onsite storage of the chemicals, which would be stored atop the Fueling and Maintenance Pad, or within secondary containment elsewhere within the Processing Facilities Site. Impacts to groundwater quality could occur if fuel, other hydrocarbons, or other onsite hazardous materials were to spill. To minimize potential impacts, all vehicle fueling and maintenance would take place atop the Fueling and Maintenance Pad within the Processing Facilities Site. The concrete pad includes a curbed containment berm and is adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area. These precautionary measures are designed to ensure fueling and maintenance activities do not adversely affect surface water or groundwater. The only exceptions to this would be repairs elsewhere on the Project site due to onsite equipment breakdowns.

The Project incorporates the following material control programs: Hazardous Materials Business Plan; hazardous materials inventory; SPCC; employee training; record keeping; preventive maintenance; BMP; and SWPPP. In addition, the implementation of the *Drainage Concept* (EIR Appendix 3) and use of the Fueling and Maintenance Pad serve to further reduce Project impacts. Given these programs and the limited number of cumulative projects, operational and long-term Project impacts regarding hazards and hazardous materials are **not expected to be cumulatively considerable**.(DEIR at 5.5).

**Mitigation Measures:** None.

### **SECTION 3.6 AIR QUALITY, HEALTH RISKS AND CLIMATE CHANGE**

#### **Potential Effect:**

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable Air Quality and Climate Change impacts.

The Project, in conjunction with identified cumulative projects, has the potential to result in cumulatively considerable Health Risk impacts.

**Finding:**

Given the limited number of cumulative projects, and the implementation of Project-specific **Mitigation Measures AQ-1 through AQ-7**, the Project, in combination with other development projects, will not result in cumulatively significant impacts to Air Quality, Health Risks and Climate Change. No additional mitigation is required.

**Facts Supporting the Finding:**

CEQA addresses cumulative significance in the following rule text:

*"A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." (14 CCR 15130).*

By their nature, air quality significance thresholds assess cumulative effects. Impacts of the Project on regional ozone and particulate matter concentrations would be less than cumulatively considerable because Project-related emissions do not exceed the tons per year significance thresholds. The Project's contribution remains less than cumulatively considerable when the effects are combined with the effects of all other mining projects in the region because the tons per year thresholds (i.e. amount that is cumulatively considerable) are not exceeded. No other mines exist in the immediate vicinity of the Project that would contribute to local concentrations of pollutants. The nearest mining operations are located 1.2 miles to the east and more than 5 miles to the west. In addition, there are a very limited number of cumulative projects in the Project's vicinity. Mobile source activity produces the majority of ozone precursor emissions and will be minimized by addition of a new mine as well as controlled by implementation of CARB regulations. Thus, the Project will be expected to implement its fair share of measures designed to alleviate the cumulative impacts that occur on regional ozone and particulate matter concentrations. **The Project's impacts would not be cumulatively considerable.(DEIR at 5.5 and 6).**

Regarding Health Risk, it is concluded that the Project could result in:

- **Cancer risk impacts greater than the significance threshold of 10 in 1 million at Receptor R4, a Significant Impact.(DEIR at 5.6).**
- **Chronic hazard impacts less than the significance threshold of 1.0 HI at all Receptors, a Less than Significant Impact.(DEIR at 5.6).**
- **Acute hazard impacts less than the significance threshold of 1.0 HI at all Receptors, a Less than Significant Impact.(DEIR at 5.6).**

Regarding cancer risk impacts, **Mitigation Measures AQ-4 and AQ-5** were developed. Upon implementation of **Mitigation Measures AQ-4 and AQ-5**, the Project's cancer risk would result in **Significant, but Mitigable to Less than Significant Impacts** at all Receptors. As such, and given the limited number of cumulative projects in the Project's vicinity, **Project impacts would not be cumulatively considerable.(DEIR at 5.6).**

**Mitigation Measures:** No additional mitigation required.

### **SECTION 3.7 BIOLOGICAL RESOURCES**

#### **Potential Effect:**

The Project, in combination with other development projects, has the potential to result in cumulatively considerable Biological Resource impacts.

#### **Finding:**

Given the limited number of cumulative projects, and the implementation of Project-specific **Mitigation Measures BIO-1 through BIO-9**, the Project, in combination with other development projects, will not result in cumulatively considerable Biological Resource impacts. No additional mitigation is required.

#### **Facts Supporting the Finding:**

Regarding cumulative impacts, CEQA section 15064(h)(4) provides that: *"The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."* In that context, the Project impacts are not considered cumulatively considerable, as is described more fully below.

With regard to the indirect and direct take of desert tortoise, it is concluded that the Project could result in indirect and direct take of the desert tortoise, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-1** was developed. Upon implementation of **Mitigation Measure BIO-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-1**, impacts to desert tortoise are **not expected to be cumulatively considerable**.(DEIR at 5.6).

With regard to the indirect and direct take of Mohave ground squirrel, it is concluded that the Project could result in indirect and direct take of the Mohave ground squirrel, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-2** was developed. Upon implementation of **Mitigation Measure BIO-2**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-2**, impacts to Mohave ground squirrel are **not expected to be cumulatively considerable**.(DEIR at 5.6 and 7).

With regard to the indirect and direct take of native and sensitive nesting birds, it is concluded that the Project could result in indirect and direct take of native and sensitive nesting birds, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-3** was developed. Upon implementation of **Mitigation Measure BIO-3**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-3**, impacts to native and sensitive nesting birds are **not expected to be cumulatively considerable**.(DEIR at 5.7).

With regard to the indirect and direct take of sensitive native plants, it is concluded that the Project could result in indirect and direct take of sensitive plant species, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-4** was developed. Upon implementation of **Mitigation Measure BIO-4**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given

cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-4**, impacts to sensitive native plants are **not expected to be cumulatively considerable.**(DEIR at 5.7).

With regard to the an increase of exotic and invasive plant species which would cause an adverse effect on sensitive native plants and wildlife, It is concluded that the Project could result in an increase of exotic and invasive plant species which would cause an adverse effect on sensitive native plants and wildlife, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-5** was developed. Upon implementation of **Mitigation Measure BIO-5**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-5**, these impacts are **not expected to be cumulatively considerable.**(DEIR at 5.7).

With regard to Project trucks could result in nighttime truck traffic related wildlife mortality, it is concluded that the Project could result in adverse effects at night to wildlife along the haul routes, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-6** was developed. Upon implementation of **Mitigation Measure BIO-6**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. With regard to such nighttime impacts onsite, there are several **Mitigation Measures** that serve to reduce **Significant, but Mitigable Impact**. These Mitigation Measures include, **Mitigation Measure AQ-2** (15 mph speed limit on unpaved roads), and **Mitigation Measures BIO-1 through BIO-3**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of these mitigation measures, these impacts are **not expected to be cumulatively considerable.**(DEIR at 5.7).

With regard to the indirect and direct take of special-status native wildlife (i.e., specifically Blainville's horned lizard, loggerhead shrike, LeConte's thrasher, American badger, and southern grasshopper mice), it was concluded the Project would result in **Less than Significant Impacts**, because abundant habitat for these species would remain adjacent to the Project area and these species have no formal federal or state protection. (DEIR at 5.7).

At the request of CDFW, this impact was evaluated and it was determined that Project fencing materials could be harmful to wildlife, or result in wildlife becoming trapped, resulting in mortality. Were this to occur, it could result in **Significant Impacts**. For example, birds and reptiles seek out hollow metal fence posts in which to reside and then become trapped, resulting in mortality. In addition, raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. In response, **Mitigation Measure BIO-8** was developed. Upon implementation of **Mitigation Measure BIO-8**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Upon implementation of this mitigation measure, these impacts are **not expected to be cumulatively considerable.**(FEIR at C-39).

With regard to the indirect and direct take of desert kit fox, it is concluded that the Project could result in indirect and direct take of desert kit fox, resulting in a **Significant Impact**. In response, **Mitigation Measure BIO-9** was developed. Upon implementation of **Mitigation Measure BIO-9**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**. Given cumulative projects are limited to a few residential developments at some distance, upon Project implementation of **Mitigation Measure BIO-9**, impacts to sensitive native plants are **not expected to be cumulatively considerable.**(FEIR at C-39).

**Mitigation Measures:** No additional mitigation required.

### **SECTION 3.8 VISUAL QUALITY**

**Potential Effect:**

The Project, in combination with other development projects, has the potential to result in cumulatively considerable Visual Quality impacts.

**Finding:**

The Project, in combination with other development projects, will not result in a cumulatively considerable Visual Quality impacts. No mitigation is required.

**Facts Supporting the Finding:**

The Project is not anticipated to significantly impact visual quality due to the long intervening distances between the Project and nearest residential communities with a vantage point of the area. In addition, the Project would install berms along portions of its periphery would further lessen the Project's already **Less than Significant Impacts** and by painting tanks and taller equipment to lessen their visibility from Avenue T. This, when considering the limited number of cumulative projects, none of which contribute the visual impacts in the vicinity, Project impacts are **not expected to be cumulatively considerable.(DEIR at 5.8).**

The Project would use nighttime lighting, both for safety and operations. The County's *Dark Sky Ordinance*, specifically Sections 22.44.590, exempts the Project from the provisions of this ordinance where such lighting is needed for safety reasons. To promote and maintain dark skies at night for the residents and wildlife in the district , all Project lighting would be installed and operated in accordance with the requirements of the County' *Dark Sky Ordinance*, specifically Sections 22.44.141 and 22.44.150. Lighting would be shielded/hooded and/or directional to minimize Project visual impacts and would be designed to incorporate the lighting needed for operations, repair and maintenance, and security. Leбата would ensure these lights are shielded/hooded and downward-directional to light only the area requiring illumination.

A *Photometric Study* (EIR Appendix 16) was prepared by Nate Mullen Visual Concepts, LLC to provide the basis for demonstrating light trespass levels beyond property line setbacks and Project related nighttime light impacts to surrounding property owners. On each sheet of the *Photometric Study*, the luminaire schedule illustrates that the Project would not create light pollution that results in unacceptable levels of light trespass. As such, the Project would result in **Less than Significant Impacts**. This, when considering the limited number of cumulative projects, none of which contribute the nighttime light impacts in the vicinity, Project impacts are **not expected to be cumulatively considerable.(DEIR at 5-8).**

**Mitigation Measures:** None.

### **SECTION 3.9 TRAFFIC AND CIRCULATION**

**Potential Effect:**

The Project, in combination with other development projects, has the potential to result in cumulatively considerable Traffic and Circulation impacts.

**Finding:**

Given the limited number of cumulative projects, and the implementation of Project-specific Mitigation Measure TC-1, the Project, in combination with other development projects, will not result in a cumulatively considerable Traffic and Circulation impacts. No additional mitigation is required.

**Facts Supporting the Finding:**

Regarding cumulative impacts, CEQA section 15064(h)(4) provides that: *"The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."* In that context, the Project impacts are not considered cumulatively considerable, as is described more fully below.

A capacity analysis for the seven critical intersections within the vicinity of the Project for existing, background conditions and cumulative conditions was conducted and reveals that the Project has no significant impact on the seven study intersections or the six State highway sections. The TIA(EIR Appendix 10) has concluded the Project would result in **Less than Significant Impacts**.(DEIR at 5.8).

Cumulative projects have been determined to have **Significant Impacts** under short-range cumulative conditions at the intersections of 82nd Street and Pearblossom Highway, and of 106th Street and Pearblossom Highway. Improvements have been identified for those cumulative projects to mitigate cumulative impacts to result in **Less than Significant Impacts**. However, because the Project does not add any PM peak hour trips to the intersection of 82nd Street and Pearblossom Highway and a 19.3 percent share at 106th Street and Pearblossom Highway, the Project would result in **Less than Significant Impacts** at this intersection. The Project adds trips to the AM peak hour, which result in cumulative traffic impacts at the 106th Street East and Pearblossom Highway intersection. Restriping the westbound right-turn lane as a shared through/right-turn will mitigate this cumulative impact to **Less than Significant Impacts**. The project has a 19.3 percent share of this cumulative mitigation. (DEIR at 5-8).

In commenting on the DEIR, Caltrans expressed concerns about existing congestion at the intersection of Fort Tejon Road, Pearblossom Highway, and Avenue T, particularly the northbound left-turn and eastbound right-turn movements, additional observations and analysis of this intersection were completed. Video recordings of the critical northbound left-turn pocket and the eastbound right-turn pocket were collected to determine the congested time periods haul trucks should be scheduled to avoid. Video observations were made from 5:00 AM until 10:00 PM on Tuesday June 3, 2014. The original Traffic Study analysis was based on peak hour counts collected in 2008, which were verified in 2012, and the volumes collected from the video recordings in June 2014 are consistent with the previous counts. Therefore, there is not an error or irregularity in the counts in the TIA upon which the conclusions are based.

Based upon the body of additional analysis and several meetings with the County and Caltrans, it was concluded:

- The Project will not result in a significant impact due to a change in the LOS at this intersection, whether Project trucks make northbound left-turn and eastbound right-turn movements at this intersection, or continue through the intersection, using the designated truck route.

- Caltrans staff is requesting that the Project widen the intersection to provide a second northbound left-turn lane because the left-turn volume currently exceeds 200 vehicles per hour. However, this request assumes a 200-foot turn pocket design standard and does not reflect the existing 375-foot length of the left-turn pocket.
  - The existing 375-foot northbound left-turn pocket is sufficient to accommodate the typical weekday plus Project plus cumulative left-turn demand.
  - The existing eastbound right-turn pocket is sufficient to accommodate the typical weekday plus Project plus cumulative right-turn demand.
- Recent counts and lengthy video recordings were conducted of the critical northbound left-turn pocket and the eastbound right-turn pocket, which were collected on a weekday to determine the congested time periods that the haul trucks should be scheduled to avoid. The results serve to confirm the findings of the earlier traffic study, which concluded this intersection is able to accommodate Project truck traffic without a change in the LOS during the AM peak hours.
- Because the Project would specifically schedule its regular daily haul truck deliveries to avoid both the AM and the PM peak hours, there would be no Project-related effect during these hours. Per Caltrans request, the Project will route westbound peak hour local deliveries (approximately 7 haul trucks during the AM peak hour) along Avenue T rather than using Pearblossom Highway.

Source: EIR Appendix 9, Third Addendum – Stantec Consulting Services, Inc. letter dated August 12, 2014.

CEQA section 15064(h)(4) provides that: "The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." In that context, although the Project does contribute minimal additional traffic to these road segments (404 ADT and 14 peak hour trips), the Project impacts are not considered cumulatively considerable. (FEIR at C-39 and 40).

Note: If the East-West HDC is approved, funded and constructed, Project impacts could be reduced by rerouting Project truck traffic so as to proceed 2 miles east from the Project along Avenue T to 165th Street East. Trucks would then turn north onto 165th Street East, which immediately curves onto 170th Street East and proceeds north to the East-West HDC onramp. At the onramp, trucks would either turn west or east, thereby avoiding the more congested areas of Palmdale.

**Mitigation Measures:** No additional mitigation required.

### **SECTION 3.10 HAZARDS AND HAZARDOUS MATERIALS**

#### **Potential Effect:**

The Project, in combination with other development projects, has the potential to result in cumulatively considerable impacts related to Hazards and Hazardous Materials.

**Finding:**

The Project, in combination with other development projects, will not result in a cumulatively considerable impacts related to Hazards and Hazardous Materials. No mitigation is required.

**Facts Supporting the Finding:**

The Los Angeles County Fire Department, Health Hazardous Materials Division (HHMD), is the Certified Unified Program Agency (CUPA) responsible for administering the following programs within Los Angeles County:

- Hazardous Waste Generator Program;
- Hazardous Materials Release Response Plans and Inventory Program;
- California Accidental Release Prevention Program;
- Aboveground Storage Tank Program; and
- Underground Storage Tank Program.

The Project will be subject to CUPA requirements and oversight. The CUPA will provide oversight to the preparation of the required Hazardous Materials Business Plans (HMBPs), SPCC and SWPPP; and such matters as employee training, record keeping, preventive maintenance and implementation of BMPs. The CUPA will also require Project participation in the single fee system requirement that is mandated by the California Environmental Protection Agency (CalEPA) within the County's CUPA and Participating Agencies' (PA) jurisdictions. The implementation of the single fee system requirement maintains both the consolidation of program elements on one permit and also the coordination among the CUPA and PAs with the administration of the unified program.

The Project, which is located a considerable distance from other industrial development, will store, use and dispose of hazardous materials and waste typical of equipment and motor vehicles such as fueling, service and repair. As a result of the Project, the transport, use, storage and disposal of hazardous materials within the Antelope Valley would increase incrementally. Given the limited number of cumulative projects, and implementation of the various programs noted above, operational and long-term Project impacts involving the release of hazardous materials or waste into the environment are not expected to be cumulatively considerable. (DEIR at 5-9).

**Mitigation Measures:** None.

**SECTION 3.11 WATER SUPPLY/QUANTITY**

**Potential Effect:**

The Project, in combination with other development projects, has the potential to result in cumulatively considerable impacts related to Water Supply/Quantity.

**Finding:**

The Project, in combination with other development projects, will not result in a cumulatively considerable impacts related to Water Supply/Quantity. No mitigation is required.

### **Facts Supporting the Finding:**

The Antelope Valley Groundwater Basin (the Basin) is currently non-adjudicated, although a legal adjudication process has been underway since the late-1990s. It is anticipated that water rights will be quantified and assigned as part of the adjudication process. Lawsuits were filed against various Antelope Valley water districts and government agencies seeking priority water rights to water beneath their farmland. Several property owners and public water suppliers, including LACWW40, also initiated legal proceedings, including a cross complaint, to determine the respective rights of existing and potential users of groundwater in the Basin. The lawsuits were filed separately in Riverside, Kern, and Los Angeles County Superior Courts and were transferred and consolidated into one coordinated proceeding currently before the Honorable Jack Komar who is presiding by special assignment.

The underlying dispute revolves around the priority/superior right to pump groundwater and the protection of the Basin. The parties have asserted multiple claims to be adjudicated, including claims for declaratory relief, prescriptive rights, quiet title to water rights, and claims that portions of the Basin should be treated as a separate area for management purposes if a physical solution for the Basin is established, among other claims. The resolution of many of these claims is likely to be affected by the nature and extent of the hydrologic connectivity of water within various portions of the aquifer. The Basin adjudication process is described in detail in EIR sub-chapter 4.12.2.4.

As a result of the Basin adjudication process, Leбата will either receive an entitlement to extract groundwater, or not. If Leбата receives an allocation, Project use of said allocation will, by definition, fall within the Court's definition of "safe yield" and Project impacts are **not expected to be cumulatively considerable.**(DEIR at 5.10).

All other potential Project water sources would either not involve the use of Basin groundwater, or the purchase or lease of available local groundwater from a landowner entitled to extract groundwater through the Basin adjudication process. The cumulative impact of the Project using water provided from sources not using Basin groundwater is **not expected to be cumulatively considerable.**(DEIR at 5.10).

Project use of water derived from Basin groundwater purchased or leased from a landowner entitled to extract such groundwater through the Basin adjudication process would fall within the Court's definition of "safe yield" and, as such, Project impacts are **not expected to be cumulatively considerable.**(DEIR at 5.10).

The *Drawdown Assessment* (EIR Appendix 19) concludes the impact of a potential 312 afy water supply well located at the Project site would be relatively minor. Only a handful of nearby wells would see a measurable impact in water level, and the drawdown is not considered to be sufficient to effect capacity of these wells to supply water. When taking into consideration the background water level fluctuations (several tens of feet), it is unlikely that the impact on nearby wells would be discernible from background variations. In addition to establishing legal rights to pump groundwater, the Project will need to comply with Physical Solution, as determined by the Basin adjudication process. Project related drawdown is **not expected to be cumulatively considerable.**(DEIR at 5.10).

Under most water supply scenarios, a water service connection for the Project would be constructed to the AVEK Eastern Feeder pipeline located approximately 8,000 feet to the west of the Project at the southeast corner of Avenue T and 116th Street. This pipeline would be sized and constructed specifically to meet

the needs of the Project. As such, its construction is not considered to be growth-inducing.(DEIR at 5-11).

**Mitigation Measures:** None.

## **SECTION 4.0 FINDINGS REGARDING PROJECT ALTERNATIVES**

These Findings and Statements of Fact regarding project alternatives identified in the Final EIR are set forth to comply with Section 21002 of the Public Resources Code and Sections 15091(a)(3) and 15126.6 of the CEQA Guidelines.

The following six (6) alternatives are analyzed in the EIR and described in more detail below:

- No Project Alternative
- 750-Foot Turn Radius Project Alternative
- Project without Longview Road Extension Alternative
- Reduced Project Alternative, 1,500-Foot Turn Radius
- Reduced Project Alternative, 750-Foot Turn Radius
- Lowered Facilities Alternative

The two "Reduced" alternatives are both reduced footprint and reduced duration in nature.

### **Longview Road Extension and its Relationship to the Development of Alternatives(DEIR at 6-4 and 5).**

The County General Plan, specifically Figure 4.5: LA County Highway Plan, illustrates the adopted alignment of the future Longview Road Extension, which would bisect the Project area from its northeast corner to the southwest corner. The Project and its alternatives reflect various realignments of the Longview Road Extension, or its deletion. These include:

1. The 1,500-foot turn radius alignment, which was reconfigured to lessen the operational impacts upon the Project, by moving it further to the west and northwest and away from the center of the North Parcel, and to minimize its use of the South Pit. For the purposes of this EIR, the revised 1,500-foot turn radius has been incorporated within the Project Description.
2. A tighter 750-foot turn radius alignment was designed within the Project boundaries to move the right-of-way even further to the west and northwest. This 750-foot turn radius is associated with a lesser road standard than is planned for the Longview Road Extension.
3. Deletion of the Longview Road Extension.
4. Realign Longview Road Extension to coincide with the entire western boundary of the Project. This would entail a further reduction in its design standard, since travel would be subject stop signs at its two intersections with Avenue T. It would also involve the shared use of Avenue T for approximately 0.4 miles between the north and south portions of Longview Road. For these reasons, this option was discarded.

On December 15, 2008, Leбата made application to the County's Interdepartmental Engineering Committee (IEC) requesting consideration of the 1,500-foot turn radius alignment and 750-foot turn radius alignment. Since that time, it was learned the only option that can be decided without a General Plan Amendment is the 1,500-foot turn radius, upon which the Project has been designed. Because this alignment utilizes the same design standards as the existing alignment and falls entirely within the same properties, it can be approved by the County without a General Plan Amendment. For this reason, Leбата has made application to the County's DPW Traffic and Lighting Division for the 1,500-foot turn radius realignment.

All other options would require a General Plan Amendment to revise Figure 4.5: LA County Highway Plan. Leбата is not proposing a General Plan Amendment because the County's General Plan is currently undergoing a formal Update. In anticipation of the possible results of the General Plan Update, this EIR has been drafted to disclose the effects of the 1,500-foot turn radius alignment, 750-foot turn radius alignment, and deletion of the Longview Road Extension. The General Plan Update process has been underway for many years and will likely be completed before the Longview Road Extension constrains the Project operationally.

During the EIR and Project decision-making processes, Leбата will work with Regional Planning staff to ensure that Project Conditions of Approval are written in a manner permitting the Project to conform to any realignment or the deletion of the Longview Road Extension resulting from the General Plan Update. In the event the tighter 750-foot turn radius alignment is adopted by the County, the Project and all alternatives have been designed to place facilities within this alignment.

Discussions with LACDPW staff indicate a 750-foot turn radius alignment or the deletion of the Longview Road Extension must be supported by traffic modeling results. As the County has no traffic model for the Antelope Valley area, it was suggested the traffic model being developed by the City of Palmdale be used and the model results subjected to LACDPW review and acceptance. Leбата had intended using the City's traffic model to assess the 750-foot turn radius alignment and the deletion of Longview Road Extension. However, after waiting several years for the City of Palmdale to develop its new traffic model, and because there is as of yet no schedule for its development, a study was prepared to determine whether the Longview Road Extension was needed at all.

To this end, the *Deletion of Longview Road from Los Angeles County Master Plan of Highways Traffic Study* was prepared (EIR Appendix 9, Second Addendum), which concluded the following:

*The projected 2035 future traffic volumes in the study area can easily be accommodated by the existing roadway system without the extension of Longview Road, and Longview Road should be deleted from the Master Plan of Highways. The cost of constructing the extension, which would include a substantial curvature in alignment, would not be offset by any significant improvement in the resulting level of service. The levels of service on existing roadways will not be significantly impacted by the deletion of Longview Road from the Master Plan of Highways.*

### **Impact Analysis**

The analyses of alternatives presented below disclose the evaluation results specific to each, and impact differences, when compared to the described impacts of the Project. With one exception, impact significance levels were determined

- Land Use Consistency and Compatibility (DEIR at 4.2-2 through 9, and FEIR at C-14 and 15).
- Geotechnical Hazards (DEIR at 4.3-4 through 12).
- Flood Hazards (DEIR at 4.4-30 through 29).
- Noise (DEIR at 4.5-9 through 29).
- Water Quality (DEIR at 4.6-7 and 9).
- Air Quality, Health Risks and Climate Change (DEIR at 4.7-19 through 35).
- Biological Resources Quality (DEIR at 4.8-44 through 56, and FEIR at C-18 through 31).
- Traffic and Circulation Quality (DEIR at 4.10-185 through 44, and FEIR at C-33 through 35).
- Hazards and Hazardous Materials Quality (DEIR at 4.11-4 and 8).
- Water Supply/Quantity Quality (DEIR at 4.12-12 through 31).

The exception pertains to the Lowered Facilities Alternative and the analysis of Geotechnical Hazards, which resulted in the identification of a **Significant Impact** and need for **Mitigation Measures LFA-1**. (FEIR at C-41).

#### **Mitigation Measures**

All of the Mitigation Measures applicable to the Project, as presented above and in Exhibit A - Mitigation Monitoring and Reporting Program, apply to the alternatives presented below, except the No Action Alternative. **Mitigation Measure LFA-1** was developed uniquely to apply to the Lowered Facilities Alternative regarding slope stability. (DEIR at 6-3 and FEIR at C-41).

#### **SECTION 4.1 NO PROJECT ALTERNATIVE**

##### **Description:**

Under the No Project Alternative, the Project site would remain in its present undeveloped condition.

##### **Finding:**

The No Project Alternative is identified as the environmentally superior alternative.

The No Project Alternative is rejected as infeasible because it fails to meet the Project goals and objectives, and would not contribute to the State's ability to meet its near- and long-term aggregate resource needs.

##### **Facts Supporting the Finding:**

Under the No Project Alternative, the site would remain in its relatively undisturbed condition. The No Project Alternative would be considered environmentally superior because it would have no site impacts to Geotechnical Hazards; Flood Hazards; Noise; Water Quality; Air Quality, Health Risks and Climate Change; Biological Resources; Visual Quality; Traffic and Circulation; Hazards and Hazardous Materials; and Water Supply/Quantity.

However, the No Project Alternative would result in the need for aggregate materials to be supplied from other surface mining operations in order to meet the demand within the Palmdale P-C Region. EIR sub-chapter 4.2.8 (*Aggregate Sustainability in California*) notes that:

*One of the largest changes in the State of California involves the Palmdale P-C Region, where permitted reserves dropped from 216 to 152 million tons while demand increased from 172 to 557 million tons. Given the projected demand, the Palmdale P-C Region can currently provide only 27 percent of the 50-year demand and would be exhausted in approximately 13.6 years.*

Because there is currently an inadequate supply of permitted reserves within the Palmdale P-C Region and the surrounding P-C Regions, aggregate materials will need to be transported from surface mining operations located in other areas of the County, or from outside the County. The resulting supply pressure would likely result in increased material costs as well as the need to transport materials over greater distances. Traffic impacts would depend on where aggregate material would be supplied from to make up the loss of aggregate materials that would otherwise be produced at the Project site. If aggregate material were to be transported from another aggregate source further away from markets, additional impacts to traffic and air quality could occur. Any increase in travel distances would result in increased air quality impacts and additional traffic upon other roadways. Such increases in impacts, depending upon the area affected, could result in significant impacts, including those considered cumulatively considerable.

The No Project Alternative eliminates the future mineral development of the site in conflict with the existing state MRZ-2 classification, the State's designation of the site as having aggregate deposits of regional significance, and County General Plan and Zoning Designation. The loss of this aggregate resource could cause future shortages of construction material in the Palmdale P-C Region.

The No Project Alternative would not meet Leбата's project objectives to provide a long-term aggregate resource to meet the infrastructure needs of the County. In addition, without the Project, Leбата and/or other aggregate suppliers will need to search for another aggregate source to produce the aggregate supply the County needs. Expanding an existing surface mining operation, or permitting a new surface mining operation elsewhere in the County could potentially have similar or additional environmental impacts to those of the Project.(DEIR at 6-5).

#### **Section 4.2 750-Foot Turn Radius Project Alternative**

##### **Description:**

Under the 750-Foot Turn Radius Project Alternative, the site would be developed in the same manner as the Project with one notable change: the right-of-way for the Longview Road Extension would conform to a tighter 750-foot turn radius. In all other regards, the 750-Foot Turn Radius Project Alternative would result in essentially the same impacts as those described for the Project. (DEIR at 6-6).

##### **Finding:**

The 750-Foot Turn Radius Project Alternative is a feasible alternative.

The 750-Foot Turn Radius Project Alternative is less preferred than the Lowered Facilities Alternative, which has been identified as the environmentally superior alternative, other than the No Action Alternative.

Except for **Mitigation Measure LFA-1**(unique to the Lowered Facilities Alternative),all Mitigation Measures presented in Exhibit A – Mitigation Monitoring and Reporting Program are required of the 750-Foot Turn Radius Project Alternative.(FEIR at C-41).

**Facts Supporting the Finding:**

The 750-Foot Turn Radius Project Alternative would result in essentially the same impacts as those described for the Project, and does not result in changes in the determination of impact significance. (DEIR at 6-6 and FEIR at C-41).

**Section 4.3 Project (and Lowered Facilities) without Longview Road Extension Alternative**

**Description:**

Under the Project without Longview Road Extension Alternative, the site would be developed in the same manner as the Project with one notable change: the right-of-way for the Longview Road Extension would either be abandoned or realigned to coincide with Project’s western-most boundary.

**Finding:**

The Project (and Lowered Facilities) without Longview Road Extension Alternative, is a feasible alternative.

The Project without Longview Road Extension Alternative is less preferred than the Lowered Facilities Alternative, which has been identified as the environmentally superior alternative, other than the No Action Alternative.

The Lowered Facilities without Longview Road Extension Alternative is a variation of the Lowered Facilities Alternative, which has been identified as the environmentally superior alternative, other than the No Action Alternative.

Except for **Mitigation Measure LFA-1** (unique to the Lowered Facilities Alternative), all Mitigation Measures presented in Exhibit A – Mitigation Monitoring and Reporting Program are required of the Project (and Lowered Facilities) without Longview Road Extension Alternative.

**Facts Supporting the Finding:**

The Project without Longview Road Extension Alternative would result in essentially the same impacts as those described for the Project, and does not result in changes in the determination of impact significance. There would be a minor reduction in air emissions due to the fact the road prism underlying the right-of-way would not have to be reconstructed, as would otherwise be the case for the Project. Final reclamation would be quite similar to the Project, minus the need for the Longview Road Extension right-of-way. As a result, Flood Hazards associated with the Project without Longview Road Extension Alternative would be less than those of the Project given the increase in surface area available to capture a Capital Flood.(DEIR at 6-35 and FEIR at C-41).

This alternative is also applicable to the Lowered Facilities without Longview Road Extension Alternative, which would result in the same impacts as those described for the Project, except there would be a minor reduction in air emissions. This reduction would result from the fact the road prism underlying the right-of-way would not have to be reconstructed, as would otherwise be the case for the Lowered Facilities Alternative. Final reclamation under this alternative would be quite similar, minus the need for

the Longview Road Extension right-of-way. As a result, associated Flood Hazards would be less than those of the Project given the increase in surface area available to capture a Capital Flood.(DEIR at 6-35 and 36 and FEIR at C-41).

#### **Section 4.4 Reduced Project Alternative, 1,500-Foot Turn Radius**

##### **Description:**

Under the Reduced Project Alternative, 1,500-Foot Turn Radius, surface mining activities would cease within the North Pit once the excavation has fully exposed what would become the road prism supporting the 1,500-Foot Turn Radius for Longview Road Extension. This means that Mining Phase 3 in the North Pit would not be undertaken, resulting in a 9.83 gross million ton-reduction (31.7 percent) in the overall material being extracted and processed. As such, this alternative would reduce the Project's footprint and duration.

##### **Finding:**

The Reduced Project Alternative, 1,500-Foot Turn Radius is a feasible alternative.

The Reduced Project Alternative, 1,500-Foot Turn Radius is less preferred than the Lowered Facilities Alternative, which has been identified as the environmentally superior alternative, other than the No Action Alternative.

Except for Mitigation Measure LFA-1(unique to the Lowered Facilities Alternative),all Mitigation Measures presented in Exhibit A – Mitigation Monitoring and Reporting Program are required of the Reduced Project Alternative, 1,500-Foot Turn Radius.

##### **Facts Supporting the Finding:**

When compared to the impacts described for the Project, the elimination of Mining Phase 3 – North Pit excavation would result in corresponding reductions in the stated impacts. If mining were to proceed at the same pace as that of the Project, most of the impacts would be the same as those described for the Project, but would occur over a fewer number of years. Acre-based impacts, such as those described for the Project regarding biological resources, would be lessened because approximately 82.6 fewer acres would be excavated.(DEIR at 6-36).

It would also be possible to conduct a surface mining operation over the same number of years as would be for the Project, but at a reduced rate of production. Were this to occur, the impacts would be lessened somewhat proportionally by the Reduced Project Alternative, 1,500-Foot Turn Radius.(DEIR at 6-37).

#### **Section 4.5 Reduced Project Alternative, 750-Foot Turn Radius**

##### **Description:**

Under the Reduced Project Alternative, 750-Foot Turn Radius, surface mining activities would cease within the North Pit once the excavation has fully exposed what would become the road prism supporting the 750-Foot Turn Radius for the Longview Road Extension. This means that Mining Phase 3 in the North Pit would not be undertaken, resulting in a 6.88 gross million ton-reduction (22.2 percent) in the overall material being extracted and processed. As such, this alternative would reduce the Project's footprint and duration.

**Finding:**

The Reduced Project Alternative, 750-Foot Turn Radius is a feasible alternative.

The Reduced Project Alternative, 750-Foot Turn Radius is less preferred than the Lowered Facilities Alternative, which has been identified as the environmentally superior alternative, other than the No Action Alternative.

Except for **Mitigation Measure LFA-1**(unique to the Lowered Facilities Alternative),all Mitigation Measures presented in Exhibit A – Mitigation Monitoring and Reporting Program are required of the Reduced Project Alternative, 750-Foot Turn Radius.

**Facts Supporting the Finding:**

When compared to the impacts described for the Project, the elimination of Mining Phase 3 – North Pit excavation would result in corresponding reductions in the stated impacts. If mining were to proceed at the same pace as that of the Project, most of the impacts would be the same as those described for the Project, but would occur over a fewer number of years. Acre-based impacts, such as those described regarding biological resources, would be lessened because approximately 57.4 fewer acres would be excavated.(DEIR at 6-37).

**Section 4.6 Lowered Facilities Alternative****Description:**

The Lowered Facilities Alternative differs considerably from the Project in that work would initiate with pre-production mining for a period of up to five (5) years, and would include access road construction, the installation of a portable/temporary aggregate processing plant, excavation of permanent facility areas, and construction of permanent facilities. The portable/temporary plant and supporting utility infrastructure would be installed in the eastern portion of the pre-production mining phase area. Ready-mixed concrete, asphalt, and Vac-Lite concrete would not occur during the pre-production phase of the Project.

At the conclusion of pre-production mining, Project facilities would be placed and operated within an approximately 25- to 35-foot deep depression in the northwestern corner of the North Parcel. Key aspects of this alternative include the following:

- The Lowered Facilities Alternative assumes the 750-Foot Turn Radius for Longview Road Extension, whereas the Project assumes a realignment of the 1500-Foot Turn Radius for Longview Road Extension.
- Pre-production mining would begin with the excavation of an approximately 25- to 35-foot deep depression in the northwestern corner of the North Parcel (northwest of the 750-Foot Turn Radius for Longview Road Extension).
- Various berms would be installed upon the original grade level, including an 8-foot berm on the western boundary, 5-foot berm on the southern boundary, 3-foot to 7-foot berms on the eastern boundary, and a 5-foot berm on the northern boundary.
- Facilities would be installed and operated long-term within the excavated area;
- Mining would occur in two phases, essentially the North Parcel and South Parcel;

- Mining slopes would be excavated to a 1:1 (h:v) slope down to an excavation depth of 65 vertical feet;
- Mining slopes would be excavated to a 2:1 (h:v) slope from an excavation depth of 65 vertical feet to the bottom of the mining pit;
- A 15-foot bench would be left at the transition point between the 1:1 (h:v) and 2:1 (h:v) cut slopes;
- Excavation of the rail transfer facility bench, to a depth of 25 feet, would proceed from west to east and would either occur concurrently or after completion of pre-production mining; and
- Reclamation would include the use of blended unsold sand and processing fines to backfill cut slopes to an overall final slope of 2:1 (h:v), with County required 8-foot terraces, one for every 30 feet of vertical depth.

The extent of excavation and mining within the North Parcel would depend upon whether, or not, the Longview Road Extension is deleted during the General Plan Update. If deleted, the area occupied by the Longview Road Extension Right-of-Way would be mined and the material processed.

**Finding:**

The Lowered Facilities Alternative is a feasible alternative.

The Lowered Facilities Alternative has been identified as the environmentally superior alternative, other than the No Action Alternative.

All Mitigation Measures presented in Exhibit A – Mitigation Monitoring and Reporting Program are required of the Lowered Facilities Alternative, inclusive of **Mitigation Measure LFA-1**.

The Lowered Facilities Alternative's use of 1:1 (h:v) slopes for prolonged periods of time before final reclamation could cause slope instability, resulting in **Significant Impacts**. In response, **Mitigation Measure LFA-1** was developed. Upon implementation of **Mitigation Measure LFA-1**, the Lowered Facilities Alternative would result in **Significant, but Mitigable to Less than Significant Impacts**.

**Mitigation Measure LFA-1** is included in Exhibit A - Mitigation Monitoring and Reporting Program.

**Facts Supporting the Finding:**

If mining were to proceed at the same pace as that of the Project, most other impacts would be the same as those described for the Project, but would occur over a fewer number of years. Depending upon what the General Plan Update adopts with regard to the deletion or realignment of the Longview Road Extension Right-of-Way, this alternative could result in:

- Acre-based impacts, such as those described regarding biological resources, would be lessened.
- Possible shortening of the duration of the operations, if the area to be mined is reduced in size and mining were to proceed at the same pace as that of the Project.(DEIR at 6-41).

The *Pit Slope Stability Evaluation* (EIR Appendix 4) was prepared to evaluate static, pseudostatic and surficial conditions at the Project site, and determine the resulting factor of safety, based on the

geologic conditions, the proposed slopes during mining excavation, and the proposed final slopes upon reclamation. It was determined the Project would be stable and safe as designed. In addition, the relatively massive alluvial deposits have a low susceptibility to landsliding or lateral spreading due to the lack of geologic structures such as joints, contacts, and bedding, which may present preferred shear surfaces. The Lowered Facilities Alternative is expected to result in **Less than Significant Impacts** related to the slope stability during mining operations and post-reclamation. (DEIR at 6-42 and 43).

However, the *Pit Slope Stability Evaluation* noted the proposed 1:1 (h:v) slopes are considered "temporary cut slopes" by the County and, as such, are subject to the factor of safety criteria for static conditions (i.e., factor of safety of 1.5). Although the *Pit Slope Stability Evaluation* determined these slope did exceed the minimum factor of safety, it did offer caution since these 1:1 (h:v) slopes will exist much longer than what is normally considered a "temporary cut slope." Therefore, given their prolonged duration before final reclamation, it is concluded the excavation of temporary 1:1 (h:v) slopes could cause slope instability, resulting in **Significant Impacts**. In response, **Mitigation Measure LFA-1** was developed and is described below. (DEIR at 6-43).

Upon implementation of **Mitigation Measure LFA-1**, the Project would result in **Significant, but Mitigable to Less than Significant Impacts**.(DEIR at 6-43).

**Mitigation Measures:**

**LFA-1** 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:

- Excavation of a vertical trench at least 30 feet deep within representative cut slope materials at the Project site and observation of the stability conditions of the vertical trench sidewalls after a minimum 24-hour period.
- Shear strength parameters can be back-calculated as demonstrated in the *Pit Slope Stability Evaluation* (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.

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. (DEIR at 6-43).

**SECTION 5.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP")**

Pursuant to Section 21081.6 of the Public Resources Code, the Commission, in adopting these Findings, also adopts the MMRP for the Leбата Big Rock Creek Surface Mining Project. The MMRP is designed to ensure that, during Project implementation, the County and other responsible parties will comply with the mitigation measures adopted in these Findings.

## **SECTION 6.0 CEQA Guidelines Section 15091 and 15092 Findings**

Based on the foregoing findings and the information contained in the administrative record, the Commission has made one or more of the following findings with respect to each of the significant effects of the Project:

- A. Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant environmental effects on the environment.
- B. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

The Commission hereby finds that the MMRP, which is incorporated herein by reference and attached as Exhibit A to these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

- A. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

## **SECTION 7.0 CEQA Guidelines Section 15084(D)(3) and 15084(D)(4) findings**

The County has relied on Sections 15084(d)(3) of the State CEQA guidelines, which allow acceptance of working drafts prepared by the Applicant, a consultant retained by the Applicant, or any other person. The County has also relied upon Section 15084(d)(4), which allows the Draft EIR to be prepared directly by, or under contract by the lead agency. The County has reviewed and edited as necessary the submitted drafts to reflect the County's own independent judgment, including reliance on County technical personnel from other departments.

## **SECTION 8.0 Public Resources Code section 21082.1(C) Findings**

Pursuant to Public Resources Code Section 21082.1(c), the Commission hereby finds that the lead agency has independently reviewed and analyzed the Final EIR, and that the Final EIR reflects the independent judgment of the lead agency.

## **SECTION 9.0 Nature of Findings**

Any finding made by this Commission shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this Commission, whether or not any particular sentence or clause includes a statement to that effect. This Commission intends that these Findings be considered as an integrated whole and, whether or not any part of these Findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this Commission with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these Findings.

**SECTION 10.0           Reliance on Record**

Each and all of the findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the Lebata Big Rock Creek Surface Mining Project. The findings and determinations constitute the independent findings and determinations of this Commission in all respects, and are fully and completely supported by substantial evidence in the record as a whole.

**SECTION 11.0           Relationship of Findings to EIR**

The County finds and declares that substantial evidence for each and every finding made herein is contained in the EIR or is in the record of proceedings in the matter.

**SECTION 12.0           CUSTODIAN OF RECORDS**

The custodian of the documents or other material which constitute the record of proceedings upon which the County's decision is based is the Los Angeles County Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.

**EXHIBIT A  
MITIGATION MONITORING AND REPORTING PROGRAM  
(“MMRP”)**

CEQA requires a Mitigation Monitoring and Reporting Program (MMRP) for projects where mitigation measures are a condition of project approval and development. The Draft EIR prepared for the Lebata Big Rock Creek Surface Mining Project identified mitigation measures, where appropriate, to avoid or substantially reduce the environmental impacts associated with the Project. This MMRP is designed to monitor the implementation of those mitigation measures. Accordingly, this MMRP has been prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097.

This section lists each of the required Mitigation Measures and identifies the corresponding action required for proof of compliance, the mitigation timing, the party responsible for implementation, and the monitoring agency or party responsible for ensuring each measure is adequately implemented.

**Mitigation Monitoring and Reporting Program**  
**Lebata Big Rock Creek Surface Mining Project, Los Angeles County**  
**Project No. R2007-00670**  
**March 2014**

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<b>Noise</b>					
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
<b>Air Quality</b>					
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
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
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

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
AVAQMD	<b>AQ-4:</b> 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"> <li>• The D8R dozer is eliminated;</li> <li>• The 980G loader used in the pit is eliminated;</li> <li>• The two 773 trucks used to transport material in the pit are eliminated; and</li> <li>• A crane, equipped with a dragline, is required.</li> </ul>	Based upon rate of excavation.	Permittee, or successor in interest AVAQMD	AVAQMD
AVAQMD	<b>AQ-5:</b> 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
AVAQMD	<b>AQ-6:</b> 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
AVAQMD	<b>AQ-7:</b> 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 thereafter in concert with the Asphalt Mixing Plant operations.	Permittee, or successor in interest AVAQMD	AVAQMD

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
<p><b>Biological Resources</b></p> <p>Los Angeles County Department of Regional Planning (DRP)</p>	<p><b>BIO-1:</b> Desert Tortoise Avoidance</p>	<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"> <li>1. 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.</li> <li>2. 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 tortoise handling permit issued from USFWS shall perform a pre-construction survey for desert tortoise. If any desert tortoises or other low mobility species 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 low mobility species 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.</li> </ol>	<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>

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<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> <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"> <li>• fragility of desert habitat,</li> <li>• importance of listed species likely to be in the area, including the desert tortoise,</li> <li>• protections afforded to these species by the California and National Endangered Species Acts,</li> <li>• locations of temporary Environmental Sensitive Areas (ESAs) and their functions, and</li> <li>• correct protocol to follow should a desert tortoise or other sensitive species be encountered.</li> </ul> <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</p>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>the holes shall be safely removed and relocated out of harm's way by the Desert 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> <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. 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</p>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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 through CDFW and USFWS.</p> <p>12. 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>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 the Desert Tortoise Biologist, and provided to the regulatory agencies on a regular basis as determined by the agreements established for the Project.</p>			
DRP	<p><b>BIO-2:</b> 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"> <li>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 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.</li> <li>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</li> </ol>	<p>Surveys, fencing, trapping and relocation shall to be completed prior to the grading or clearing of each new area of land. This will be completed in phases.</p> <p>The timing of</p>	<p>Permittee, or successor in interest</p> <p>Forestry</p> <p>DRP and its approved MGS Biologist</p>	DRP

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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 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</p>	trapping as described.		

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>shall include discussion of the:</p> <ul style="list-style-type: none"> <li>● fragility of desert habitat,</li> <li>● importance of listed species likely to be in the area, including the MGS, the protections afforded to these species by the California and National Endangered Species Acts,</li> <li>● locations of temporary ESAs and their functions, and</li> <li>● correct protocol to follow should a MGS or any other sensitive species be encountered.</li> </ul> <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 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>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<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. If a MGS or other listed species is injured during the course of construction, the Permittee 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. The MGS Biologist would document and remove the carcass.</p> <p>12. No firearms or pets are permitted in the Project area.</p> <p>13. 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>			
DRP	<p><b>BIO-3:</b> Sensitive Native Nesting Bird Avoidance</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"> <li>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. The surveys shall be in accordance with the CDFW survey and mitigation protocol found within the 2012 CDFW "Staff Report on Burrowing Owl Mitigation" at: (<a href="http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf">http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf</a>). The surveys shall be conducted 30 days prior any site</li> </ol>	<p>Surveys shall be completed prior to any site preparation activities in association with any phase. This will be completed in phases.</p> <p>Survey timing as described.</p>	<p>Permittee, or successor in interest</p> <p>Forestry</p> <p>DRP and its approved Sensitive Birds Biologist</p> <p>CDFW</p>	DRP

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>preparation activities (vegetation clearing) and again no later than three days prior to any site preparation activities (vegetation clearing). 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 CNDDB 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 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 15<sup>th</sup> through September 1<sup>st</sup>.</p> <p>3. Prior to any site preparation or construction related activities during the raptor nesting season, January 31<sup>st</sup> to August 1<sup>st</sup>, 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</p>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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 (§3503.5) at any time of the year.</p> <ol style="list-style-type: none"> <li>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.</li> <li>6. No firearms or pets are permitted in the Project area.</li> <li>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.</li> </ol> <p>Burrowing owl</p> <ol style="list-style-type: none"> <li>1. 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).</li> <li>2. (This measure was designed to determine if 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</li> </ol>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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 present, the Sensitive Birds Biologist shall install approved exclusionary or artificial devices immediately and at least two weeks prior to clearing.</p>			
DPW	<p><b>BIO-4:</b> Sensitive Native Plant Avoidance</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"> <li>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</li> </ol>	Pre-construction sensitive plant surveys shall be conducted during the appropriate blooming periods in the year prior to	Permittee, or successor in interest Forestry DRP and its approved Sensitive Plant	DPW

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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.</p> <p>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 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. 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 <u>deemed suitable for transplantation</u>, 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.)</p>	<p>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>Species Biologist CDFW</p>	
<p>DRP</p>	<p><b>BIO-5:</b> Exotic and Invasive Plant Species Control</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"> <li>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 for the Project.</li> <li>2. Invasive species control measures may include, but are not</li> </ol>	<p>Exotic and Invasive Plant Species Control Program must be prepared and approved prior to land disturbing activities</p> <p>Continuous during life of Project.</p>	<p>Permittee, or successor in interest</p> <p>Forestry</p> <p>DRP and the approved Exotic and Invasive Plant Species Biologist</p>	<p>DRP</p>

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
DRP	<p>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 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 Street East from East Avenue T or SR 138.</p> <p>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.</p>	<p>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 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 Street East from East Avenue T or SR 138.</p> <p>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.</p>	Continuous during life of Project.	Permittee, or successor in interest DRP Los Angeles County Sheriff's Department	DRP
DRP	<b>BIO-6:</b> Nighttime Truck Speed Limit	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.	Continuous during life of Project.	Permittee, or successor in interest DRP	DRP
DRP	<b>BIO-9:</b> Desert Kit Fox Avoidance	The following avoidance and minimization efforts shall be used to avoid accidental take of desert kit fox as a result of the Project. During all Project activities, the Permittee shall use the following Mitigation Measures to minimize impacts to the desert kit fox:  The measures listed below shall be implemented prior to and during construction at the project site.  1. 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	Continuous during life of Project.	Permittee, or successor in interest DRP	DRP

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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. 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 from the CDFW.</p> <p>2. 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.</p> <p>3. 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</p>			

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>to allow escape. If listed species are trapped, the U.S. Fish and Wildlife Service shall be contacted.</p> <p>The measures below shall be implemented throughout the operation of the mine.</p> <ol style="list-style-type: none"> <li>1. Comply with <b>Mitigation Measure AQ-2</b> (15 mph speed limit on unpaved roads).</li> <li>2. No firearms shall be allowed on the project site.</li> <li>3. No pets shall be allowed on the project site.</li> <li>4. 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.</li> <li>5. 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 anyone else who may enter the project site.</li> <li>6. 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</li> </ol>			

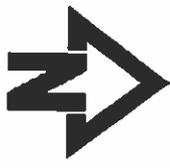
Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>to be appropriate, site selection for relocation shall take into account the potential for territorial overlap, predation, and vehicle strikes to minimize the potential for mortality of relocated animals.</p> <p>7. 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.</p> <p>8. 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.</p> <p>9. CDFW shall be notified in writing within three working days of the accidental death or injury to a desert kit fox during project related activities. 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.</p>			
<b>Traffic and Circulation</b>					
DPW	TC-1: Pavement Maintenance	<p>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</p>		Permittee, or successor in interest DPW	DPW

Monitoring Agency Approval	Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		<p>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.</p>			
<b>Lowered Facilities Alternative - Slope Stability (Lowered Facilities Alternative)</b>					
DPW	LFA-1: Slope Stability Verification	<p>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:</p> <ul style="list-style-type: none"> <li>Excavation of a vertical trench at least 30 feet deep within representative cut slope materials at the Project site and observation of the stability conditions of the vertical trench sidewalls after a minimum 24-hour period.</li> <li>Shear strength parameters can be back-calculated as demonstrated in the <i>Pit Slope Stability Evaluation</i> (EIR Appendix 4).</li> <li>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.</li> </ul> <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>		Permittee, or successor in interest  DPW and Registered Professional Engineer - Geotechnical	DPW



# Lebata Big Rock Creek Aerial Image

Printed: Dec 04, 2014



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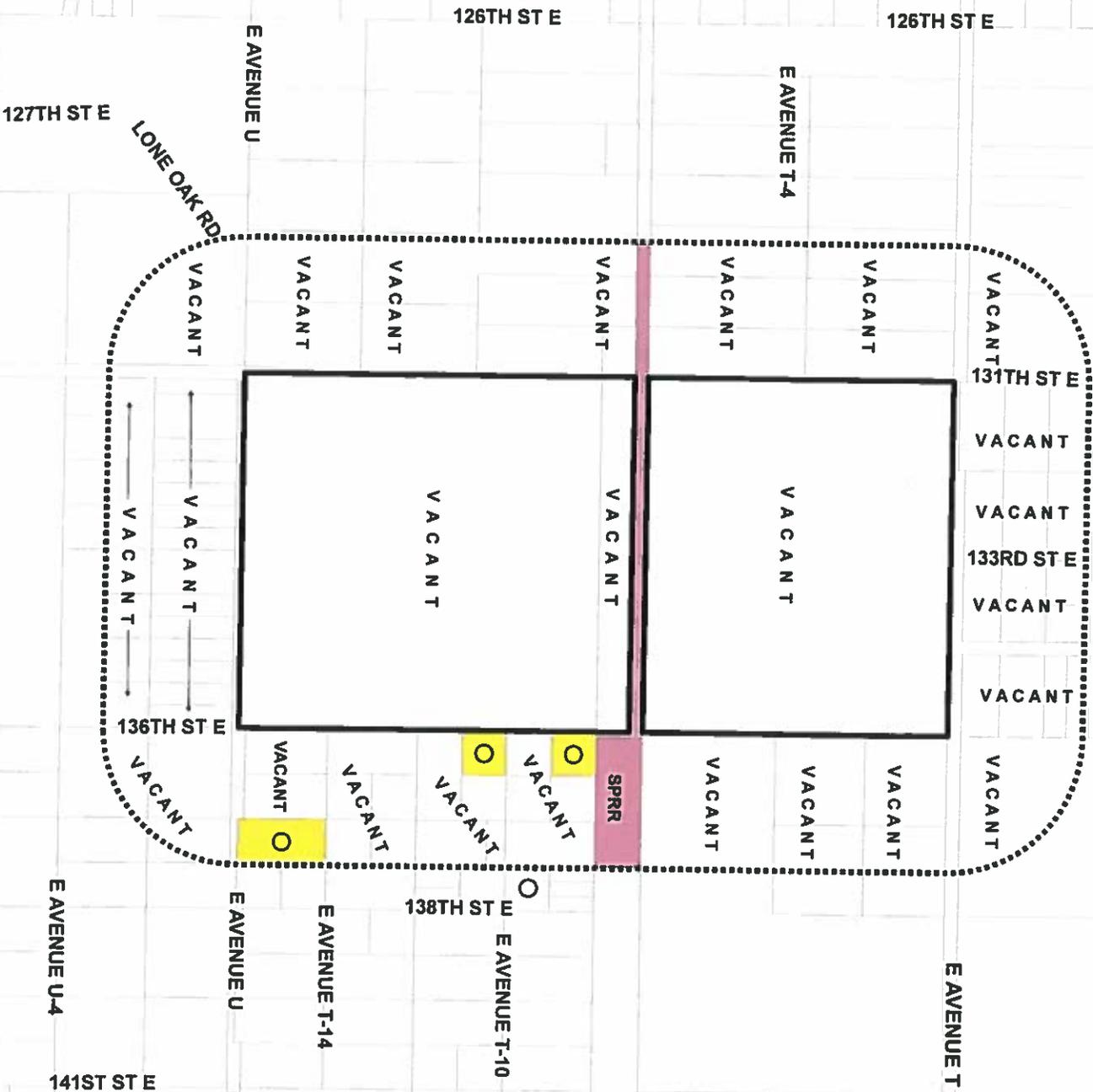
# LAND USE

## LAND USE 1000 FOOT RADIUS MAP

R2007-00670 (5)  
R SMP 2007-00001

### Legend

- SINGLE-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- PUBLIC UTILITY
- VACANT



### VICINITY MAP



0 175350 700 1,050 1,400 Feet



LOS ANGELES COUNTY  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

# ZONING

## ZONING 1000 FOOT RADIUS MAP

R2007-00670 (5)  
R SMP 2007-00001

### Legend

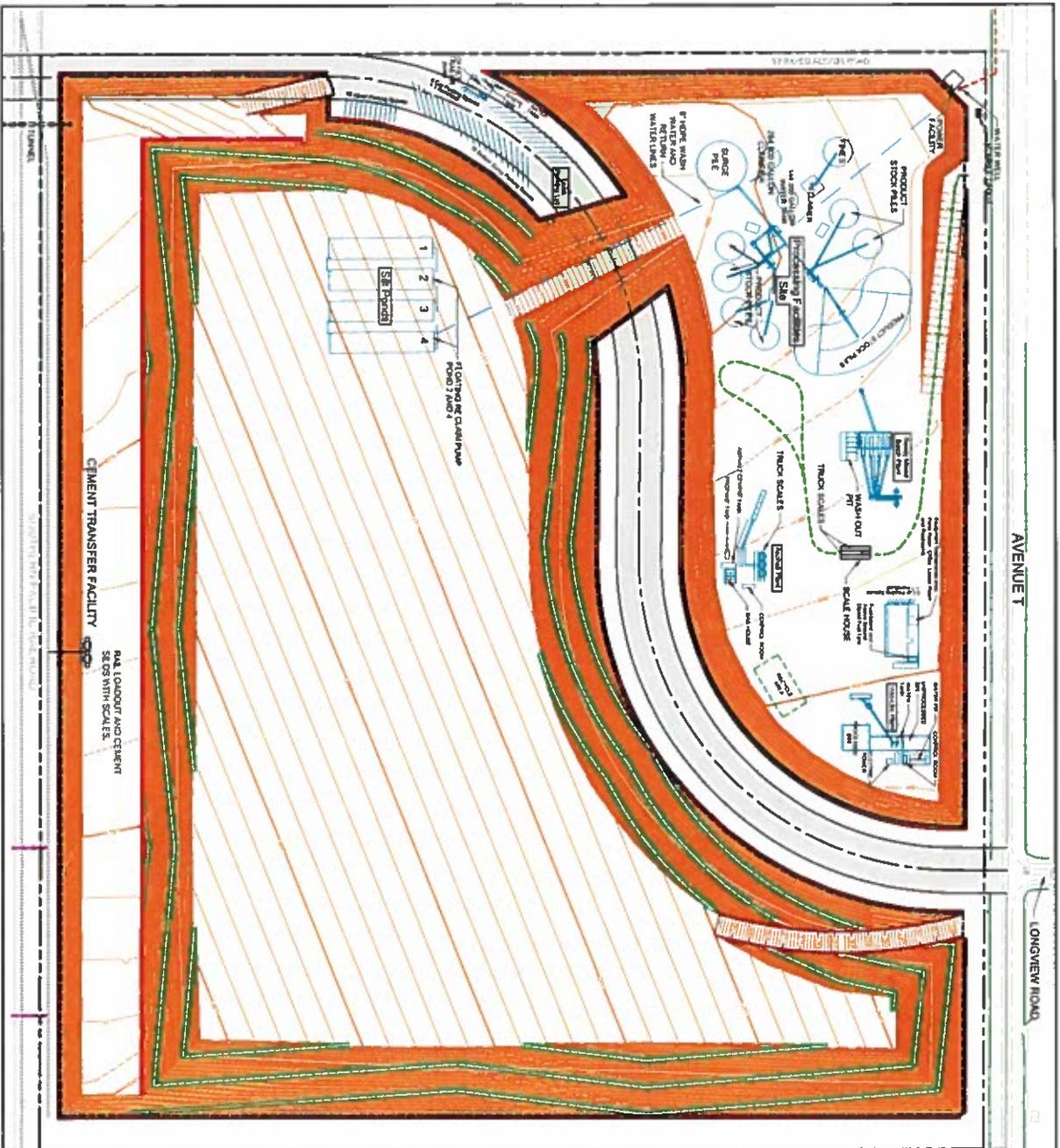
 A-2 - HEAVY AGRICULTURE



### VICINITY MAP



LOS ANGELES COUNTY  
Department of Regional Planning  
230 W. Temple St.  
Los Angeles, CA 90012



AVENUE T

LONGVIEW ROAD

CEMENT TRANSFER FACILITY

RAIL LOADING AND CEMENT SEGS WITH SCALES

**LEGEND**

- ASSESSORS PARCEL BOUNDARIES
- CUP BOUNDARY
- APPROXIMATE MAXIMUM MINING CONTOURS (see Mining/Grading plans for detail)
- PROPOSED LONGVIEW ROAD EXTENSION (750' RADIUS)
- AVEK PIPELINE (Alternative water source)
- INTERNAL HAUL ROUTE



\* This figure shows Facility Layout/Design. For contour detail please refer to Mining/Grading plans.

Lowered Facilities Alternative Facilities Site Plan Big Rock Creek Site Anderson Valley, California		<b>FIGURE 69</b>
SCALE: AS SHOWN	DATE: 3-11-2012	

