

**State Water Resources Control Board**

**TO:** Glenn S. Robertson, PG, M.S.  
Engineering Geologist (CEQA Coordinator)  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501

**FROM:** Aaron Miller, Supervisor *Aaron Miller*  
Enforcement Unit 4  
Senior Water Resource Control Engineer  
**DIVISION OF WATER RIGHTS**

**DATE:** March 25, 2013

**SUBJECT:** MAYHEW AGGREGATES AND MINE RECLAMATION WATER DIVERSION IN TEMESCAL CANYON

Mr. Robertson,

This memorandum is in response to your inquiry regarding the Mayhew Aggregates and Mine Reclamation (Mayhew Aggregates) diversion of water from Mayhew Creek in Riverside County and any potential issues that should be addressed in any California Environmental Quality Act (CEQA) document that is prepared for the project.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) is responsible for the administration of appropriative water rights in California initiated after 1914; commonly referred to as "post-1914 appropriative water rights." An appropriative water right is required for the diversion of surface water and water flowing in subterranean streams through known and definite channels for beneficial purposes. Any unauthorized diversion of water constitutes a trespass against the State, and the State Water Board may impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs. (California Water Code § 1052, et seq.)

Based on the information provided to the Division, it appears Mayhew Aggregates is diverting all the water in Mayhew Creek to storage in the existing mine pit. The Division's database shows no record of a basis of right for the referenced diversion of Mayhew Creek. The diversion of surface water for a beneficial purpose from a natural channel, such as Mayhew Creek, requires an appropriative water right permit from the State Water Board. If water is being diverted and a beneficial use of the water is not being made, the diversion could be considered wasteful and unreasonable. The State Water Board has a duty to protect the public trust and to prevent the waste and unreasonable use of water, unreasonable method of use, or unreasonable method of diversion of water. (Water Code § 275)

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

All diversions from a stream have the potential of reducing downstream flows and thereby encroaching on the availability of water for downstream water right holders. CEQA projects which may alter the flow of an existing water course should include an evaluation of any existing basis of right or if a water right will be required and include a detailed analysis of water availability by examining potential impacts to downstream water right holders and potential impacts to the environment. It appears these issues will need to be addressed in any CEQA document prepared for this project.

Additionally, Water Code § 5101 requires, with minor exceptions, that a person who diverts water from a surface stream, spring or subterranean stream must report this diversion by filing an initial Statement of Water Diversion and Use (Statement) with the State Water Board, followed thereafter by triennial Supplemental Statements, unless the diversion is covered by a permit, license or registration issued by the Division or the diversion is included in other approved reporting documents submitted to the State Water Board. Based on Division records, Mayhew Aggregates has not filed a Statement for the current diversion of water from Mayhew Creek. Information regarding the Statement program and a link to obtaining the necessary form can be found at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

The State Water Board may administratively impose a civil liability in the amount of \$1,000 for the failure to file a Statement for diversions that have occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. (Water Code § 5107, subd. (c) (1)) It would appear that Mayhew Aggregates should immediately file this form with the Division.



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

October 8, 2013

Matt Straite  
Riverside County  
4080 Lemon Street, 12th Floor  
P.O. Box 1409  
Riverside, CA 92502-1409

**RECEIVED**  
OCT 11 2013  
ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Subject: Surface Mining Permit No 139 Revision No. 1  
SCH#: 2013091018

Dear Matt Straite:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 7, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency  
1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report**  
**State Clearinghouse Data Base**

**SCH#** 2013091018  
**Project Title** Surface Mining Permit No 139 Revision No. 1  
**Lead Agency** Riverside County

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**Type** MND Mitigated Negative Declaration  
**Description** Surface Mining Permit No. 139 Revision No. 1 (SMP00139R1) proposes to consolidate PP01828, RCL00106, and SMP00139; reduce permitted annual tonnage allowed from 5,000,000 to 2,000,000; reconfigure areas subject to mining activities on-site to include the existing slopes and setback areas located along the western and southern boundaries of the site; and extend the expiration date of the permits from January 2018 to December 31, 2068 (50-years). No changes in the existing approved mining and trucking method or intensity proposed. Further, the SMP proposes to construct an inert debris engineered fill operation (IDEFO) to be located within the limits of the SMP00139 mine site.

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**Lead Agency Contact**

**Name** Matt Straite  
**Agency** Riverside County  
**Phone** 951 955 8631 **Fax**  
**email**  
**Address** 4080 Lemon Street, 12th Floor  
P.O. Box 1409  
**City** Riverside **State** CA **Zip** 92502-1409

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**Project Location**

**County** Riverside  
**City**  
**Region**  
**Lat / Long** 33° 51' 55.97" N / 116° 50' 41.52" W  
**Cross Streets** Temescal Canyon  
**Parcel No.** 290-060-043, 290-110-012, -015, -017, -024, -025  
**Township** 3S **Range** 1E **Section** 35 **Base** SBB&M

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**Proximity to:**

**Highways** Hwy 243  
**Airports** No  
**Railways** No  
**Waterways** Colorado River Aqueduct  
**Schools** No  
**Land Use** Mining / Open Space: Mineral Resources (OS-MIN) / Mineral Resources and Related Manufacturing (M-R-A)

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**Project Issues** Biological Resources; Traffic/Circulation

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, District 8; Regional Water Quality Control Board, Region 7; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 09/05/2013 **Start of Review** 09/06/2013 **End of Review** 10/07/2013

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STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

1550 Harbor Boulevard  
West Sacramento, CA 95691  
(916) 373-3715  
(916) 373-5471 - FAX  
e-mail: ds\_nahc@pacbell.net

RECEIVED

September 136 3013

SEP 18 2013

Mr. Matt Strait, Senior Planner

**Riverside County Planning Department**

STATE CLEARING HOUSE

4080 Lemon Street, 12<sup>th</sup> Floor; P.O. Box 1409  
Riverside, CA 92502-1409

RE: SCH#2013091018 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the **"Surface Mining Permit #139, Revision No. 1 Project (50 Year Permit; Annual Tonnage Reduced to 2,000,000 tons);"** located in the Temescal area of Riverside County, California

Dear Mr. Strait:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

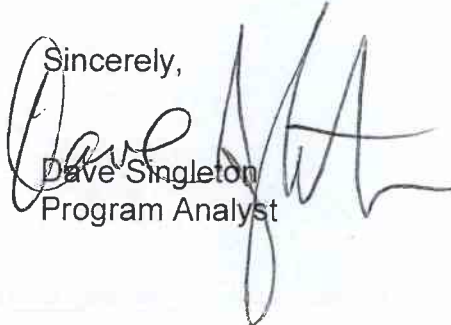
If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native

American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. 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.

Sincerely,



Dave Singleton  
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

October 9, 2013

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OCT 15 2013

ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Matt Straite  
Riverside County  
4080 Lemon Street, 12th Floor  
P.O. Box 1409  
Riverside, CA 92502-1409

Subject: Surface Mining Permit No 139 Revision No. 1  
SCH#: 2013091018

Dear Matt Straite:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 7, 2013. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2013091018) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency



EDMUND G. BROWN, JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Santa Ana Regional Water Quality Control Board**

October 8, 2013

Matt Straite  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501

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LATE*

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OCT 08 2013

STATE CLEARING HOUSE

**DRAFT MITIGATED NEGATIVE DECLARATION, SURFACE MINING PERMIT (SMP) REVISION 139R1, PROPOSED REVISED PERMIT FOR MAYHEW AGGREGATES & MINE RECLAMATION, 24890 MAITRI ROAD, TEMESCAL CANYON AREA OF CORONA, RIVERSIDE COUNTY, SCH# 2013091018**

Dear Mr. Straite:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the September 6, 2013 Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the proposed re-permitting (Project) of an existing gravel quarry and its expansion to 215 acres. The Project, to be operated by applicant Mayhew Aggregates & Mine Reclamation (Mayhew), would be accomplished through the consolidation of Surface Mining Permit (SMP) 139, Reclamation Plan 106, and Plot Plan 1828 into eventual excavation of a single pit during a 50-year period beginning in 2018 (MND p.1-3,.3-1). The site is located in Temescal Canyon, in unincorporated Riverside County near the city of Corona, south of Interstate 15 and Temescal Canyon Road.

We request that the following comments be incorporated into the final MND, in order to protect water quality standards (i.e., water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. An electronic mail sent by Board staff on April 9, 2013 and a March 25, 2013 memorandum from staff of the State Water Resources Control Board, Division of Water Rights (SWRCB - DWR), are attached for inclusion in the CEQA record for this Project.

The MND should reflect that the applicant must apply to the SWRCB for a water right, for the 2005 diversion and retention of Mayhew Creek, unless that diversion is reversed. Board staff is aware that although a 2005 storm surge in Mayhew Creek breached one of the gravel quarries (SMP 139) to create an inadvertent capture of the Mayhew Creek flow, a concrete downdrain was subsequently constructed for erosion control that formalizes this diversion. The determinations made in 2006 between the Riverside County Planning Department, U.S. Army Corps of Engineers (USACOE), California Department of Fish and Game (now Department of Fish and Wildlife, CDFW), and the Regional Board regarding the original approval of the downdrain need to be updated in light of the renewal process for the reclamation permit and proposed relocation of the downdrain (from the existing SMP 139 pit



to the future SMP 150 pit), by obtaining a water right and by completing authorization under State Board Order No. 2004-0004-DWQ with mitigation (see Comment 2, below).

Board staff note that efforts were not implemented in 2005 or 2006 (MND p.2-12) to create a dike or other structure outside of the quarry in order to re-direct Mayhew Creek back to its natural streambed. As a result of this inaction, the warm freshwater habitat, wildlife, water-contact recreation, and non-contact water recreation beneficial uses of Mayhew Creek have been impacted. We disagree with the MND conclusion that the lost Mayhew Creek flows, which are tributary to Temescal Creek (and its beneficial uses), constitute a minor loss because they would only have reached Temescal Creek anyway during 50-100 year storms. Infiltration (groundwater recharge beneficial use) appears to be the only use of the diverted water (MND p. 1-1), yet Regional and State Board staff believe this suffices to warrant formally reporting the diversion to the SWRCB-DWR, because Mayhew could always decide later to use this collected onsite surface water and groundwater during the life of the permit. Where issues raised in the communications attached to this letter have not been directly addressed in this MND, please revise the MND with appropriate responses.

2. Board staff is aware that in 2005, the site's previous operator, CEMEX Construction Materials, L.P., applied to the Regional Board for authorization under State Board Order No. 2004-0004-DWQ, for impacts to waters of the state associated with the diversion of Mayhew Creek and construction of the downdrain discussed above. A fee was paid to the Regional Board for this permitting action, and required mitigation was proposed through an interagency Habitat Mitigation and Monitoring Program (HMMP) agreement for the restoration of 9.7 acres of onsite mulefat habitat (MND p. 2-6). However, authorization from the Regional Board was never issued because CEQA analysis for the diversion had not been conducted by a lead agency, until the current MND. The MND should reflect that Regional Board staff would consider issuing this authorization for discharges of fill that are collectively 0.2 acre or less in area, relying on the current MND to satisfy CEQA compliance, for past impacts and likely future impacts to Mayhew Creek (Figure 2-3, "Location of Off-Site Impact Areas) provided that water right issue referenced in 1., above, is rectified, and that the HMMP agreement, or a modification of it that satisfies (at minimum) CDFW regarding the proposed oak woodland removal, is implemented.
3. The project proposes establishment of an inert landfill onsite ("Inert Debris Engineered Fill Operation"). On August 16, 2013, the Regional Board renewed previous coverage (October 3, 2011) for Mayhew's proposed landfill under Regional Board Resolution No. R8-2013-0015. This is the new waiver of waste discharge requirements for various inert wastes, provided that certain conditions continue to be met, in conformance to California Code of Regulations, Title 27, for the operation of inert landfills. You may contact Regional Board staff ([Reza.Akhtarshad@waterboards.ca.gov](mailto:Reza.Akhtarshad@waterboards.ca.gov)) with any questions. Please direct the applicant to contact the Local Solid Waste Enforcement Agency of the County of Riverside Department of Environmental Health's Environmental Protection and Oversight Division (EPO) regarding all other Title 27 compliance.

Mr. Matt Straite

- 3 -

October 8, 2013

If you have any questions, please contact Glenn Robertson at (951) 782-3259 or [Glenn.Robertson@waterboards.ca.gov](mailto:Glenn.Robertson@waterboards.ca.gov), or me at (951) 782-3234 or [Mark.Adelson@waterboards.ca.gov](mailto:Mark.Adelson@waterboards.ca.gov)

Sincerely,

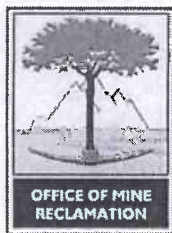


Mark G. Adelson, Chief  
Regional Planning Programs Section

Attachments – March 25, 2013 SWRCB Memorandum and April 9, 2013 RWQCB electronic mail

Cc w/attach: State Clearinghouse  
California Dept. of Fish and Wildlife, Ontario- Jeff Brandt  
State Water Resources Control Board, Division of Water Rights – Kevin Porzio  
Mayhew Aggregates & Mine Reclamation, LLC, Corona, Todd Pendergrass-  
[tpendergrass@wernercorp.net](mailto:tpendergrass@wernercorp.net)

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ Mit Neg Dec - Co of Riverside Planning Dept – Mayhew Aggregate Permit – Letter  
GSR/MGA



# DEPARTMENT OF CONSERVATION

## OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE [conservation.ca.gov](http://conservation.ca.gov)

October 9, 2013

**VIA EMAIL: [dljones@rctlma.org](mailto:dljones@rctlma.org)**  
**ORIGINAL SENT BY MAIL**

Mr. David Jones  
Riverside County Planning Department  
PO Box 1409  
Riverside, CA 92502-1409

Dear Mr. Jones:

**MAYHEW AGGREGATES AND MINE RECLAMATION  
REVISED RECLAMATION PLAN AND MITIGATED NEGATIVE DECLARATION  
CALIFORNIA ID # 91-33-0039, SMP #00139R1**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the revised surface mining and reclamation plan and Mitigated Negative Declaration for Mayhew Aggregates and Mine Reclamation, also known as Mayhew Canyon Quarry. The applicant is proposing to continue mining aggregate on 186 acres of a 215-acre project site for a period of 50 years and estimates that up to 46,000,000 tons of material will be made accessible under the proposed project. The site is located south of Interstate 15 between the cities of Lake Elsinore and Corona. OMR staff conducted a site visit on September 17, 2013 to view site conditions and discuss reclamation issues.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments prepared by a restoration ecologist and a geologist, are offered to assist in your review of this project. The reclamation plan should be revised and/or supplemented to fully address these items. Additionally, some of the information found in the Mitigated Negative Declaration and the associated technical reports needs to be incorporated into the amended reclamation plan in order for the plan to be a complete, stand-alone document describing all aspects of mining and reclamation.

As a general comment, OMR notes that the mining plan and maps define a project boundary that combines three existing permits (PP1828, RCL106, and SMP139) into a single reclamation area which will have one permit (SMP139R1). Additionally, the SMP139R1 permit proposes to expand the reclamation area to include mining through

slopes and setback areas between it and four adjacent pits (SMP143, 150, 182 and 202) owned by others (Werner Corporation's and Chandler's mines). While there are potential economic benefits of such a configuration, the arrangement also has potential complications.

The surface mining plan proposed under SMP139R1 is dependent upon revisions to the final contours and drainage patterns of each of the four adjacent mines. There is a statement in the reclamation plan that indicates the reclamation plans for the adjacent mines will be revised to reflect the additional reserves to be mined along the property boundaries. However, it is unclear from the materials submitted to what extent the final topography of the adjacent mines will be changed from that in their existing reclamation plans, since those existing plans are not provided. Amendments to those reclamation plans should be also processed to include any changes to drainage patterns and final topography.

This plan effectively creates one large pit of varying depths, part of which is eventually to be backfilled as part of the Inert Debris Engineered Fill Operation (IDEFO). As noted in the reclamation plan amendment, the permit for the IDEFO will be processed separately from the mine permit; however, the reclamation plan relies on this operation to achieve the proposed final configuration. Should the IDEFO not go forward for any reason, the proposed final reclamation cannot be accomplished according to this plan. The Financial Assurance Cost Estimate for the mine will need to account for the expense of importing fill material to achieve the final contours set out in this reclamation plan amendment.

#### **Mining Operation and Closure**

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

OMR recommends that the project be consistently named for the mine name, Mayhew Canyon Quarry, rather than for the operator, Mayhew Aggregates and Mine Reclamation. For SMARA purposes the documents should be titled "Amended Mining and Reclamation Plan for Mayhew Canyon Quarry."

SMARA Section 2773(a) states that the reclamation plan shall establish site-specific criteria for evaluating compliance with the approved plan in regards to topography and sediment and erosion control. The site has a large concrete downdrain structure that conveys runoff down the pit slope from the entire Mayhew Creek/Canyon Watershed. "Exhibit B1", which depicts an interim mining phase where 1.3 H:1V (horizontal:vertical) cut slopes remain at the south and west site boundaries, includes a note that indicates the existing downdrain structure will remain. However, the proposed index contours show the downdrain structure being either removed or steepened from approximately 2H:1V to approximately 1.3H:1V. The proposed index contours on "Exhibit B1" should be redrawn to clearly show how the existing downdrain structure will be configured during this interim phase.

### **Geotechnical Requirements**

(Refer to CCR Sections 3502, 3704)

CCR Section 3502(b)(3) states that final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. The reclamation plan states that the IDEFO may have a depth of approximately 40 feet of water on the southern slopes during 100-year storm events. The plan also states that the effect of this water on the reclaimed 3H:1V fill slopes has been analyzed in a report titled, "Geotechnical Specification for Inert Debris Placement" prepared by Hilltop Geotechnical. This report should be submitted to OMR for review and should be included in the revised reclamation plan to meet the slope stability requirements of SMARA. Additionally, in the event that the adjacent mines do not amend their reclamation plans, the scenario shown on "Exhibit B1" would become the final configuration of the mine. Therefore, the proposed 1.3H:1V cut slopes should be evaluated to determine what effect water filling the proposed retention area will have on slope stability.

### **Hydrology and Water Quality**

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

CCR Section 3706(d) requires surface runoff and drainage to be controlled to ensure that surrounding lands are protected from erosion and gully. Erosion control methods also need to be designed to handle runoff from not less than a 20-year/1-hour intensity storm event. During OMR's site visit, staff observed that the current cut slopes, inclined at approximately 1H:1V and the approximate 2H:1V slopes adjacent to the downrain structure, have extensive rills and gullies. The proposed mining activities will lay back the current cut slopes with the top of the proposed 1.3H:1V cut slopes right at the property line. An integral part of slope stability for these cut slopes is minimizing saturation of the slope materials by not allowing surface water to flow over the proposed mining slopes. The reclamation plan needs to be revised to contain design drawings of proposed drainage structures that will be used to divert surface flows away from the proposed cut slopes. To ensure these drainage structures are properly sized, the reclamation plan amendment should be revised to include the calculations necessary to demonstrate compliance with CCR Section 3706(d).

CCR Section 3706(f) states that when stream diversions are required, they shall be constructed in accordance with the Stream and Lake Alteration Agreement between the operator and the California Department of Fish and Wildlife (DFW) and the requirements of the Federal Clean Water Act. The reclamation plan indicates that these requirements have been met and it includes the specific agreement numbers. OMR recommends including these documents as an appendix to the reclamation plan to ensure reclamation activities are carried out in accordance with these additional regulatory requirements.

### Resoiling and Revegetation

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

Some of the information necessary to satisfy the requirements for resoiling and revegetation are included in the reclamation notes on the map sheets. This information needs to be copied into the text of the amended reclamation plan.

CCR Section 3711 establishes mandatory standards for topsoil salvage, maintenance, and redistribution. The reclamation notes on sheets B1 and B2 state that topsoil will be reapplied to a depth of 6 inches. More information needs to be provided on the salvage, stockpile management, and replacement of topsoil in order to satisfy the minimum requirements of this section.

CCR Section 3705(c) requires that where surface mining activities result in soil compaction, ripping, discing, or other means should be used in areas to be revegetated to eliminate compaction and establish a suitable root zone in preparation for planting. CCR Section 3705(d) requires that all access roads, haul roads, and other traffic routes be reclaimed, stripped of any remaining roadbase materials, covered with suitable growth media or topsoil, and revegetated. While there is some mention of these topics under note #13 on map sheets B1 and B2, this information should be expanded and added to the text of the amended reclamation plan. Scarification should be to a minimum depth of 12 to 24 inches, rather than to 6 to 8 inches, in order to get successful establishment of the native shrubs in the seed mix.

The revegetation seed mix listed on page 27 in the reclamation plan is not adequately representative of the locally occurring native species. OMR recommends that it be replaced with the following seed mix and applied at rates totaling 25-30 pounds of pure live seed (PLS) per acre:

Common name	Latin name
coyote bush	<i>Baccharis pilularis</i>
California buckwheat	<i>Eriogonum fasciculatum</i>
brittlebush	<i>Encelia farinosa</i>
scalebroom	<i>Lepidospartum squamatum</i>
California sagebrush	<i>Artemisia californica</i>
sugarbush	<i>Malosma laurina</i>
mule fat	<i>Baccharis salicifolia</i>
deerweed	<i>Acmispon glaber</i>
desert plantain	<i>Plantago ovata</i>

CCR Section 3705(k) requires that noxious weeds be managed when they threaten the success of the proposed revegetation; spread to nearby areas; or produce a fire hazard. Weed species occurring on site include castor bean (*Ricinus communis*), Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), tamarisk (*Tamarix* sp.), and summer

Mr. David Jones  
October 9, 2013  
Page 5

mustard (*Hirschfeldia incana*). The plan should be revised to include a weed control program for these species.

CCR Section 3705(m) requires that the reclamation plan include success criteria that can be quantified by cover, density, and species richness. The success criteria given in the reclamation plan is for 35 percent of the cover, density, and diversity of perennial species compared to reference areas on adjacent lands. CCR Section 3705(a) requires that the density, cover and species richness of naturally occurring habitats shall be documented in baseline studies. The specific baseline data from undisturbed reference areas and the quantitative performance standards derived from that data must be provided in the reclamation plan prior to approval.

CCR Section 3705(m) requires that the reclamation plan include a monitoring plan with sampling methods set forth in the plan and a sample size that provides an 80 percent confidence level at a minimum. The only information provided under Monitoring and Maintenance on page 27 is that monitoring will be performed annually until success criteria are achieved. The section will need to be expanded to describe the sampling methods to be employed.

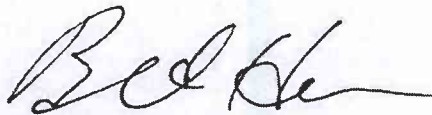
#### **Administrative Requirements**

(Refer to SMARA Sections 2772, 2773, 2774, 2776, 2777, Public Resources Code Section 21151.7)

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

If you have any questions on these comments please contact me at (916) 445-6175.

Sincerely,



Beth Hendrickson, Manager  
Reclamation Unit

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING (MS 1221)

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OCT 21 2013ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT

October 17, 2013

Matt Straite

City of Riverside

Planning Department

4080 Lemon Street 12<sup>th</sup> Floor

PO Box 1409

Riverside, CA 92502-1409

Surface Mining Permit No. 139 Revision No.1 (Riv 15 PM 30.4)

Mr. Straite,

We have completed our review for the above mentioned proposal to consolidate PP01828, RCL00106, and SMP00139; reduce permitted annual tonnage allowed from 5,000,000 to 2,000,000; reconfigure areas subject to mining activities on-site to include the existing slopes and setback areas located along the western and southern boundaries of the site and extend date of permits from January 2018 to December 31, 2068 (50 years), in the Community of Temescal Valley.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

**Traffic Study**

- Freeway access to proposed development would be at the I-15/Temescal Canyon Road and the I-15/Indian Truck Trail interchanges. The analysis must include the ramp merge/diverge analysis at these interchanges.
- Year 2013 was used for Existing Plus Ambient Growth Plus Project Conditions. Please clarify if the opening year is 2013 which is almost over.
- Please include the heavy vehicle traffic/percentage in the Synchro analysis.



Mr. Straite  
October 17, 2013  
Page 2

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kopulsky". The signature is fluid and cursive, written over a light blue horizontal line.

DANIEL KOPULSKY  
Office Chief  
Community and Regional Planning

COMMENT #	COMMENT	RESPONSE
1-1	<p>The Department of Fish and Wildlife (Department) appreciates this opportunity to comment on the Mitigated Negative Declaration (MND) for Surface Mining Permit No. 139 Revision No. 1 (Project), County of Riverside, State Clearinghouse (SCH) No. 2013091018. The Department is responding as a trustee agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (LSAA) (Section 1600 et seq.) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).</p>	<p>The County of Riverside acknowledges and appreciates the role of the Department as a trustee agency for fish and wildlife resources and as a Responsible Agency regarding any discretionary actions, such as a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. No response is necessary.</p>
1-2	<p><u>Project Description and Geographic Location</u> The Project is a revision to Surface Mining Permit 139 (SMP139R1). The Project is located southwest of the junction of Temescal Canyon Road with the Interstate 15 (I-15). There is residential development to the east. Mining is occurring on the south and west of the Project. The Project involves combining two existing surface mining permits (P1828 and SMP 139) and Reclamation Plan 106 (RCL106) into one permit, SMP139R1. The existing reclamation plan for PP1828 was prepared as RCL106. In 1982, SMP00139 was added to the reclamation plan. PP1828 expires in 2018. SMP00139 is currently fenced, signed and includes a 50 foot perimeter buffer.</p>	<p>The description of the proposed project as provided in this comment is accurate, with exception that "P1828" is understood to refer to "Plot Plan 1828 (PP 1828)." No response is necessary.</p>
1-3	<p>Specifically, the revised permit involves: amending Reclamation Plan 106 (RCL106), relocating an existing down-drain structure to the south, mining of on-site and off-site slopes and setbacks, reducing the existing mining entitlement by 3,020,000 tons per year (TPY), analyzing the impacts from mining expansion into SMP00202, SMP00182, SMP00150, and SMP00143, and extending the permit expiration date from 2018 to 2068. The Project will allow the mining of 2,000,000 TPY and reduces the number of pits from three to one by combining the pits.</p>	<p>The Project proposes to consolidate three existing permits (PP 1828, RCL 106, and SMP 139) into a single permit. As such, Reclamation Plan 106 would be replaced with a new Reclamation Plan as part of the SMP 139R1 Project.  Additionally, the comment indicates that the Project would involve "relocating an existing down-drain structure to the south." Please note that while the relocation of the down drain structure is a reasonably foreseeable consequence of the SMP 139 R1 Project, the relocation of this down drain structure would not be permitted as part of the Project. Rather, the relocation of the down drain structure would require an amendment to SMP 150 as part of a</p>

COMMENT #	COMMENT	RESPONSE
		<p>separate discretionary action. No design for the relocated down drain structure is available at this time; accordingly, any impacts resulting from the relocated down drain structure would be speculative in nature (CEQA Guidelines § 15145). The Project is precluded from removing the existing down drain structure until such a time that SMP 150 is revised to identify the new location (refer to the Project's Condition of Approval 70.Planning.001). A subsequent CEQA compliance document would be required in association with future applications to amend SMP 150, at which time impacts due to the relocated down drain structure, if the down drain structure were to be relocated, would be evaluated and (if necessary) mitigated as required by CEQA.</p> <p>Additionally, the revised permit would not in any way authorize mining activities within the off-site slopes and setbacks. Mining of the off-site slopes and setbacks would not be allowed until such a time that the adjacent surface mining permits (SMPs 143, 150, 182, and/or 202) are revised to allow for an expansion of the permitted mining areas encompassing the off-site slopes and setbacks, if such expansion were contemplated. Although SMP 139R1 would allow for future mining of the on-site portions of slopes and setbacks, conditions of approval imposed by Riverside County (Conditions of Approval 70.Planning.001 and 70.Planning.002) prohibit the mining within the on-site portions of the slopes and setback areas until such a time that the adjacent mining permits are revised to allow for mining in the off-site portions of the slopes and setback areas.</p> <p>Additionally, it should be noted that the "revised mining permit" does not, in and of itself, "analyze the impacts from mining expansion into SMP00202, SMP00182, SMP00150, and SMP00143." Rather, the MND prepared in support of the proposed Project includes an analysis of potential future off-site impacts as a reasonably foreseeable consequence of Project approval. The precise limits of mining activities within the off-site areas is not known at this time, and would be determined as part of the mining permit revision process and associated CEQA compliance</p>

COMMENT #	COMMENT	RESPONSE
1-4	<p>Adjacent off-site mining permits are SMP00143, SMP00150, SMP00182, and SMP0202. These offsite permits will remain separate; however, they must be revised to allow for the mining of slopes and set-backs. The impacts from incursions into these off-site SMPs are analyzed in this MND. Encroachments into off-site mining permits SMP00202, SMP00182, SMP00150, and SMP00143 are analyzed in this MND, however, discretionary permits are required for revisions to these four mining permits. Expansion into the four adjacent mining permits will not occur until the four mining permits are revised and approved and CEQA is complied with. The slopes to be mined are located in the south and east of SMP0019R1. The additional aggregate reserve from the mining of slopes and setbacks equals 46,000,000 tons.</p>	<p>documentation for these adjacent mining permits. As a conservative measure, the Project's MND identifies a "worst-case" future limit of off-site impact, while the actual areas of mining impact off-site may be reduced as compared to what is evaluated in the MND.</p> <p>Finally, although the consolidation of the three existing mining pits into a single pit is a reasonably foreseeable consequence of the proposed project, as noted above the proposed SMP 139R1 Project would not directly authorize the creation of a single pit. Rather, a single pit would result only in the event that adjacent mining permits (SMP00202, SMP00182, SMP00150, and SMP00143) are revised to allow for mining of the off-site portions of the slopes and setback areas.</p> <p>The description of the proposed Project as provided in this comment is accurate; no response is necessary.</p>
1-5	<p>Mining in the alluvial fans of Mayhew Creek and Coldwater Canyon was begun in the 1970s. In the 1970's flows from Mayhew Creek were diverted via a man-made, soft-bottom drainage course around the SMP 139 mining operations. Storms in 2005 caused the channel banks to erode and collapse, and the mine owners were directed by the County to construct a 300 foot long concrete down-drain structure to direct water from Mayhew Creek directly to a mining pit. The reclamation area of the Project includes the perimeter slopes in the northwest, north, east and southeast. Approximately 186 acres of the</p>	<p>The description of the proposed Project as provided in this comment is accurate; no response is necessary.</p>

COMMENT #	COMMENT	RESPONSE
1-6	<p>central portion of the site is to be reclaimed. In addition, SMP00139R1 would allow for the importation and placement of construction debris for use as fill in the reclamation plan.</p> <p><u>Biological Resources, Impacts and Mitigation Measures</u> The central portion of the site has been mined. Native vegetation is located on the slopes and perimeter of SMP139R1. Vegetation communities found on the site include: disturbed alluvial scrub Riversidean Sage Scrub, chaparral, southern willow scrub, and a desilting basin.</p>	<p>The description of the biological resources present on the Project site as described in this comment is accurate and consistent with the information contained in the MND document; no response is necessary.</p>
1-7	<p><u>Natural Community Conservation Program (NCCP)</u> The Department is responsible for ensuring appropriate conservation of fish and wildlife resources, including rare, threatened, and endangered plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Planning Program (NCCP Program). On June 22, 2004, the Department issued NCCP approval and Take Authorization for the WRMSHCP per Section 2800 et seq. of the California Fish and Wildlife Code. The WRMSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.</p>	<p>Comment is acknowledged; no response is necessary.</p>
1-8	<p>Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <a href="http://www.rctlma.org/mshcp/">http://www.rctlma.org/mshcp/</a>.</p>	<p>The County of Riverside finds that the draft MND document includes an adequate analysis of the Project's consistency with the MSHCP, including impacts in the off-site impact areas. A detailed discussion of the Project's consistency with the MSHCP is included under the analysis of Issue 7.a) of the Initial Study Checklist, which is included as Appendix A to the MND (refer specifically to Pages 17 through 25 of the Initial Study). As concluded in the analysis, proposed mining activities within the physical limits of SMP 139R1 would be fully consistent with applicable MSHCP requirements, with the implementation of mitigation (refer specifically to Mitigation Measures M-BI-1 and M-BI-3). Although the MND identifies potentially significant impacts in the off-site areas due to a potential conflict with applicable MSHCP requirements, mitigation measures have been identified to reduce these potential off-site impacts to a level below significant (refer specifically to Mitigation Measures M-BI-1 and M-BI-4). Furthermore, the SMP 139R1</p>

COMMENT #	COMMENT	RESPONSE
1-9	<p>The County of Riverside is the Lead Agency and signatory to the Implementing Agreement of the MSHCP. The site is located within the Temescal Canyon Area Plan portion of the MSHCP. The site includes the southwest portion of Criteria Cell #3348 of Cell Group 1 (Subunit 3: Temescal Wash- West). The site is surrounded on two sides by mining, one side by residential development and the northern side by Temescal Canyon Road.</p>	<p>Project would not authorize any new impacts within the off-site areas; rather, revisions to the adjacent mining permits would be required to allow for expanded mining activities in the off-site areas, and such permit revisions would be subject to compliance with CEQA – including, but not limited to, an analysis of consistency with the MSHCP. This comment does not identify any deficiencies in the MND’s analysis of potential conflicts with the MSHCP; accordingly, no revision to the MND appears warranted pursuant to this comment.</p> <p>Comment acknowledged; no response is necessary.</p>
1-10	<p><u>Lake and Streambed Alteration Agreement</u>                      In June, 2013 the Department issued a transfer and amendment of Lake or Streambed Alteration Agreement Notification No. 5-066-97 (Agreement). Condition 30 of the Agreement requires the permittee to compensate for habitat impacts by funding the enhancement and conservation of 9.7 acres of suitable habitat through the Riverside-Corona Resource Conservation District (RCRCD). Condition 36 requires the Transferee to submit an annual report to DFW for the life of the mining operations, and through the Reclamation Plan. Condition 34 and 35 require the RCRCD to conform with a native plant palette and submit an annual report for 5 years.</p>	<p>As required by Condition 30 of the Agreement, the Project Applicant purchased 9.7 acres of mitigation lands off-site from the Riverside-Corona Resource Conservation District (RCRCD). A separate HMMP was prepared by the RCRCD for the management of this mitigation area, which was approved by the CDFW on October 5, 2012. The applicant has already been conditioned per the Agreement to submit annual reports to the CDFW for the life of the mining operations. Landscaping within the off-site mitigation area would be managed by the RCRCD pursuant to the approved HMMP, which also would require the submittal of an annual report for 5 years. No revision to the MND document appears warranted pursuant to this comment.</p>
1-11	<p>Although the proposed Project is within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, a Lake and Streambed Alteration Agreement Notification is still required by the Department for impacts to State jurisdictional waters associated with the project. Additionally, the Department’s criteria for determining the presence of jurisdictional</p>	<p>This comment does not identify where any State jurisdictional waters would be impacted by the Project. As noted in the Project’s biological technical report (MND Appendix D1):</p> <p><i>The riverine feature along the eastern boundary of the Survey Area within SMP 139 is considered a water of the United States subject to the jurisdiction of the Corps and</i></p>

COMMENT #	COMMENT	RESPONSE
	<p>waters are more comprehensive than the MSHCP criteria in Section 6.1.2. The adequacy of the JD will be reviewed by the Department. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.</p>	<p><i>Regional Board, and a water of the State subject to the jurisdiction of CDFW. The riverine feature is the only occurrence of jurisdictional waters within the Survey Area. Other non-jurisdictional, artificially created impoundments of waters associated with the active mining operation are present. These impoundments of man-made hydrologic sources are characterized by monocultures of southern cattails and tamarisk and do not connect to jurisdictional waters. Since the Project site (SMP 139 R1) does not include [or impact] this riverine feature, the Project will not result in impacts to Corps, Regional Board and CDFW jurisdiction. Therefore, impacts to areas of jurisdiction would be less than significant and would not require mitigation. (MND Appendix D1 at pp. 50-51).</i></p> <p>Accordingly, as implementation of the SMP 139R1 Project would not result in any impacts to State jurisdictional waters, a Streambed Alteration Agreement Notification would not be required for the proposed Project. Although the County acknowledges that the possible future relocation of the down drain structure could result in future impacts to the portion of Mayhew Creek located between the existing down drain structure and the relocated down drain structure, the ultimate design for the relocated down drain structure is not known at this time and would be identified as part of a separate permitting process to revise the SMP 150 permit. If any impacts to State jurisdictional areas are identified as part of the revised SMP 150 permit, then the associated CEQA document would appropriately reference the need for a future Streambed Alteration Agreement; however, at this time, an evaluation of impacts to State jurisdictional areas associated with this future revised mining permit would be speculative (CEQA Guidelines § 15145), as there is no current design for the relocated down drain structure, and a possible relocation of the down drain structure would not be permitted as part of the Project.</p> <p>Finally, all applicable mitigation requirements specified by the</p>

**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to Comments on  
Draft Mitigated Negative Declaration**

COMMENT #	COMMENT	RESPONSE
1-12	<p>The Department recommends submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please go to <a href="http://www.dfg.ca.gov/habcon/1600/forms.html">http://www.dfg.ca.gov/habcon/1600/forms.html</a>.</p>	<p>MSHCP have been identified as mitigation measures in the MND document (refer specifically to Mitigation Measures M-BI-1 through M-BI-4). Comment is acknowledged. Please refer also to the response to Comment 1-11.</p>
1-13	<p>A Project must provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments. The CEQA document does not provide a Habitat Mitigation and Monitoring Plan, and therefore, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Section 15002).</p>	<p>Please refer to the response to Comments 1-3, 1-10, and 1-11. As noted, the Project would not permit any activities that would result in impacts to State jurisdictional areas, and a new HMMP is therefore not required in association with the proposed Project. The Project would not interfere with the HMMP previously prepared to address impacts due to the construction of the down drain structure, and such impacts are not a part of the Project under evaluation in the MND. Because the Project would not permit any new impacts to State jurisdictional areas, the Project is not subject to any further requirements to avoid, mitigate, monitor, provide funding sources, or prepare an HMMP.</p>
1-14	<p>The Department opposes the elimination of ephemeral, intermittent and perennial stream channels, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a 3:1 minimum replacement to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.</p>	<p>Please refer to the response to Comments 1-3, 1-10, and 1-11. As noted, development of the Project would not generate any impacts associated with the elimination of ephemeral, intermittent or perennial stream channels, lakes, or their associated habitats. Any possible impacts associated with possible future mining permit revisions for adjacent mines would be evaluated as part of the CEQA process required in association with such permit revisions. The relocated down drain structure is not currently designed or contemplated, and any relocation of the down drain structure, if it were to occur, could not be done until such a relocation is authorized by the County via a future revision to the SMP 150 permit. Therefore, pursuant to the SMP 139R1 Project, any evaluation of future impacts to ephemeral, intermittent or perennial stream channels, lakes, or their associated habitats would be speculative at this time (CEQA Guidelines § 15145).</p>
1-15	<p>The following information will be required for the processing of a</p>	<p>The requirements for a Streambed Alteration Agreement are</p>



COMMENT #	COMMENT	RESPONSE
1-16	<p>Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:</p> <ol style="list-style-type: none"> <li>1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);</li> <li>2) Discussion of avoidance measures to reduce project impacts; and,</li> <li>3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA guidelines for the definition of mitigation.</li> </ol> <p>The Project is complex in that it involves four adjacent mining permits (SMP00202, SMP00182, SMP00150 and SMP00143), PP1828, SMP00139 and Reclamation Plan 106. Each permit requires a reclamation plan. The Department is concerned about the relationship of previous Lake and Streambed Alteration Agreements, reclamation plans and mitigation measures to the current Project. Revisions to the Reclamation Plan 106 should include an analysis of the differences between these. The Department requests the CEQA document be revised to address these Department's concerns:</p>	<p>acknowledged. Please refer to the responses to Comment 1-11.</p>
		<p>As noted in the response to Comment 1-3, the mining activities that would be allowed pursuant to SMP 139R1 would not authorize any mining activities within the adjacent (off-site) mining areas; rather, future permit revisions would be required for each of these mining sites to allow for the mining of off-site portions of the slopes and setback areas, if such areas were to be mined in the future. Additionally, the SMP 139R1 Project would not eliminate any mitigation measures previously identified for the surrounding mining areas, and no mitigation measures are currently in effect for the existing entitlements within the SMP 139R1 boundaries, except for measures associated with the HMMP. The Project has been designed to comply with all applicable requirements of the HMMP.</p> <p>Please refer to the response to Comment 1-10 for a discussion of the existing Streambed Alteration Agreement.</p> <p>Furthermore, a comparison of the SMP 139R1 reclamation plan to those of the surrounding mining sites would be inappropriate and misleading, as each of these surrounding mining permits are required to be revised as part of a discretionary review process to allow for mining of the slopes and setback areas. As part of the permit revision process for these adjacent mines, revised reclamation plans would be prepared to account for the expanded</p>

COMMENT #	COMMENT	RESPONSE
		<p>mining areas within the off-site slope and setback areas. As noted previously, the Project would be prohibited from conducting any mining activities within the on-site slopes and setback areas until such a time that these off-site mining permits are revised to accommodate mining activities within the off-site portions of the slopes and setback areas (refer to Conditions of Approval 70.Planning.001 and 70.Planning.002).</p>
1-17	<p>1. Provide a table showing an analysis of previous mitigation measures and mitigation measures for the current project to ensure that they do not conflict;</p>	<p>There are no mitigation measures currently in effect within the SMP 139R1 boundaries, with exception of the HMMP requirements discussed above in the response to Comment 1-10. Accordingly, no revision to the MND has been made pursuant to this comment.</p>
1-18	<p>2. Provide an analysis of the various reclamation plans and ensure they do not conflict;</p>	<p>Please refer to the response to Comment 1-16 for a discussion of why an analysis of consistency between the SMP 139R1 reclamation plan and those associated with the adjacent mining areas would be inappropriate for the proposed Project.</p>
1-19	<p>3. Provide an analysis of how the future mining of the slopes and setbacks for this project will impact adjoining mining permits, reclamation plans, habitat mitigation and monitoring plans, and other mitigation measures for all the mining permits and reclamation plans;</p>	<p>As noted previously, no mining of the slopes and setback areas would be permitted pursuant to SMP 139R1 until such a time that the adjacent mining permits are revised as part of a separate discretionary permit process (refer to Conditions of Approval 70.Planning.001 and 70.Planning.002), assuming such revised permits were sought. The MND for the proposed Project adequately discloses all potential impacts within the off-site impact areas, and imposes mitigation measures intended to reduce such effects to a level below significant; however, the precise limits of impacts in the off-site impact areas would be determined as part of possible future revisions to the adjacent mining permits. Thus, the precise mitigation requirements associated with the off-site permit areas would need to be determined as part of the CEQA compliance documentation that would be required in association with each of the off-site mining permit revision projects. Additionally, the future CEQA documentation for these adjacent mining permit revision projects would be required to comply with all previously-imposed mitigation requirements, or would be required to identify new or modified mitigation measures if necessary to address environmental effects in conformance with CEQA requirements. Because the precise limits of impacts associated with the off-site</p>

COMMENT #	COMMENT	RESPONSE
1-20	4. Discuss the requirements of any Lake and Streambed Alteration Agreements issued in the project area and adjoining sites;	mining areas is not known at this time or contemplated at this time, an analysis of how these future off-site mining permit revisions would affect reclamation plans, habitat mitigation and monitoring plans, and other mitigation measures would be speculative at this time (CEQA Guidelines §15145).
1-21	5. Provide a map and detailed graphic showing previously approved and future mitigation areas;	As noted above, the Project would not permit any mining activities with the potential for affecting lakes or streambeds. Regardless, a reference to the Streambed Alteration Agreement and Amendment thereto has been added to MND page 2-6, and both documents have been incorporated as Appendix L. The text on page 2-6 indicates that the Project would continue to be subject to all requirements of the Streambed Alteration Agreement, as amended.
1-22	6. Mitigation should be provided for impacts to riparian habitat, oak trees, mule fat scrub and Riversidean sage scrub as a result of proposed mining;	All mitigation areas have been previously approved by CDFW via the approved HMMP, and implementation of the HMMP would not be affected by Project approval. Accordingly, no revision to the MND was made pursuant to this comment.
1-23	7. All special plants should be surveyed as per the Department's 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link: <a href="http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/ProtocolsforSurveyingandEvaluatingImpacts.pdf">http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/ProtocolsforSurveyingandEvaluatingImpacts.pdf</a>	As previously noted, no off-site areas will be disturbed or permitted for expanded mining activities as a result of the SMP 139R1 Project. Regardless, the discussion of biological resources under Issue 7 of the Initial Study (MND Appendix A) identifies impacts that are a reasonably foreseeable consequence of Project implementation, and identifies Mitigation Measures M-BI-1 and M-BI-4 to address impacts to vegetation communities and oak trees. Accordingly, no revision to the MND appears warranted pursuant to this comment.
1-24	8. Assess the water rights associated with the diversion of flows	Comment is acknowledged. Mitigation Measure M-BI-1 has been recommended to ensure that prior to approval of future mining permit revisions, if such revisions are sought, within the off-site areas, focused surveys will be required and appropriate mitigation identified for any sensitive plant species identified within the planned impact area. Furthermore, the discussion and analysis of Project compliance with MSHCP Section 6.1.3 (Draft MND pp. 21-22) demonstrates that the mining activities that would be permitted by the Project would not result in any impacts to sensitive plant species.
		As indicated in CEQA Guidelines § 15125(a), CEQA documents

COMMENT #	COMMENT	RESPONSE
	<p>from Mayhew Creek to the mining pit, and;</p>	<p>"...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced... This environmental setting will normally constitute the baseline of physical conditions by which a lead agency determines whether an impact is significant." As thoroughly discussed in Section 1.4.4 of the MND, applications for the proposed Project were submitted to Riverside County in early 2010, at which time the County commenced environmental analysis. Because the down drain structure was already constructed on-site at the time the environmental analysis commenced for the proposed Project, the down drain structure is considered part of the Project's baseline physical conditions. Therefore, and consistent with CEQA requirements, a discussion and analysis of potential impacts that may have resulted from the diversion of flows from Mayhew Creek into the mining pit are beyond the scope of analysis in the Project's MND. Furthermore, the MND includes a discussion throughout of historical drainage conditions and the effects of the down drain structure, although this information is merely provided for historical context and disclosure, and is not related to the Project under evaluation in the current MND document. Accordingly, no revision to the MND has been made pursuant to this comment.</p>
1-25	<p>9. Asses the steps necessary to restore the flows from the mining pit to Mayhew Creek.</p>	<p>Due to on-going mining operations that have occurred since the 1970s and the site's topographic conditions, restoration of the flows from the mining pit to Mayhew Creek is infeasible. Regardless, the diversion of flows from Mayhew Creek are not a part of the Project under consideration in the MND document. Accordingly, no revision has been made pursuant to this comment. Comments are acknowledged. The County will contact Robin Maloney-Rames with any questions regarding this comment letter.</p>
1-26	<p>In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. Thank you for this opportunity to comment. Please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818, if you have any questions regarding this letter.</p>	

COMMENT #	COMMENT	RESPONSE
1-1	<p><b>1. Mark G. Adelson, Santa Ana Regional Water Quality Control Board (October 8, 2013)</b></p> <p>Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the September 6, 2013 Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the proposed re-permitting (Project) of an existing gravel quarry and its expansion to 215 acres. The Project, to be operated by applicant Mayhew Aggregates &amp; Mine Reclamation (Mayhew), would be accomplished through the consolidation of Surface Mining Permit (SMP) 139, Reclamation Plan 106, and Plot Plan 1828 into eventual excavation of a single pit during a 50-year period beginning in 2018 (MND p.1-3,.3-1). The site is located in Temescal Canyon, in unincorporated Riverside County near the city of Corona, south of Interstate 15 and Temescal Canyon Road.</p> <p>We request that the following comments be incorporated into the final MND, in order to protect water quality standards (i.e., water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):</p>	<p>Comments describing the scope of the proposed Project are accurate, and no response is necessary. Please refer to the individual responses to the comments identified as Comments 1-2 through 1-4, below.</p>
1-2	<p>1. An electronic mail sent by Board staff on April9, 2013 and a March 25, 2013 memorandum from staff of the State Water Resources Control Board, Division of Water Rights (SWRCBDWR), are attached for inclusion in the CEQA record for this Project.</p> <p>The MND should reflect that the applicant must apply to the SWRCB for a water right, for the 2005 diversion and retention of Mayhew Creek, unless that diversion is reversed. Board staff is aware that although a 2005 storm surge in Mayhew Creek breached one of the gravel quarries (SMP 139) to create an inadvertent capture of the Mayhew Creek flow, a concrete downdrain was subsequently constructed for erosion control that formalizes this diversion. The determinations made in 2006 between the Riverside County Planning Department, U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (now Department of Fish and Wildlife, CDFW), and the Regional Board regarding the original approval of the downdrain need to be updated in light of the renewal process for the</p>	<p>The County acknowledges the correspondence referenced by this comment, and such correspondence has been included in the administrative record for the proposed Project.</p> <p>Issues related to the referenced water right are outside of the purview of the proposed Project. As indicated in CEQA Guidelines § 15125(a), CEQA documents "...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced... This environmental setting will normally constitute the baseline of physical conditions by which a lead agency determines whether an impact is significant." As thoroughly discussed in Section 1.4.4 of the MND, applications for the proposed Project were submitted to Riverside County in early 2010, at which time the County commenced environmental analysis. Because the down drain structure was already constructed on-site</p>

COMMENT #	COMMENT	RESPONSE
	<p>reclamation permit and proposed relocation of the drowndrain (from the existing SMP 139 pit to the future SMP 150 pit), by obtaining a water right and by completing authorization under State Board Order No. 2004-0004-DWQ with mitigation (see Comment 2, below).</p> <p>Board staff note that efforts were not implemented in 2005 or 2006 (MND p.2-12) to create a dike or other structure outside of the quarry in order to re-direct Mayhew Creek back to its natural streambed. As a result of this inaction, the warm freshwater habitat, wildlife, watercontact recreation, and non-contact water recreation beneficial uses of Mayhew Creek have been impacted. We disagree with the MND conclusion that the lost Mayhew Creek flows, which are tributary to Temescal Creek (and its beneficial uses), constitute a minor loss because they would only have reached Temescal Creek anyway during 50-100 year storms. Infiltration (groundwater recharge beneficial use) appears to be the only use of the diverted water (MND p. 1-1), yet Regional and State Board staff believe this suffices to warrant formally reporting the diversion to the SWRCB-DWR, because Mayhew could always decide later to use this collected onsite surface water and groundwater during the life of the permit. Where issues raised in the communications attached to this letter have not been directly addressed in this MND, please revise the MND with appropriate responses.</p>	<p>at the time the environmental analysis commenced for the proposed Project, the down drain structure is considered part of the Project's baseline physical conditions. Therefore, impacts associated with the construction of the down drain structure and associated effects to the Mayhew Creek are outside of the purview of the proposed Project's environmental effects. Regardless, the Project Applicant has indicated a willingness to work with the Santa Ana Regional Water Quality Control Board to resolve any issues associated with this historic condition. It also should be noted that the Project applicant was not the owner of the property in 2005. No revision to the MND is warranted pursuant to this comment.</p> <p>Additionally, there is no information provided in this comment, nor anywhere in the administrative record for the proposed Project, demonstrating that flows from the original flow line of Mayhew Creek ever reached downstream tributaries except during 50- and 100-year storm events. On the contrary, the information provided in MND Appendix K clearly demonstrates that historic flows from Mayhew Creek only reached downstream tributaries during 50- and 100-year storm events. This information regarding historic flows is provided for reference and informational purposes only, as the historic flows are not part of the Project's baseline condition. CEQA requires an analysis of a project's environmental impacts, compared with the condition of the Project site at the time of commencement of the Project's environmental analysis (CEQA Guidelines section 15125). The Project baseline is not the condition of the Project site before 2005 or 2006.</p> <p>The County acknowledges that under existing conditions, the only beneficial use associated with the Mayhew Creek is for groundwater recharge beneficial use. However, as noted above, this is an existing condition that is not related to the proposed Project under consideration in the current MND.</p> <p>With regards to the Project Applicant's potential to use the diverted flows as part of the on-going mining operation, the following note</p>

COMMENT #	COMMENT	RESPONSE
1-3	<p>2. Board staff is aware that in 2005, the site's previous operator, CEMEX Construction Materials, L.P., applied to the Regional Board for authorization under State Board Order No. 2004-0004- DWQ, for impacts to waters of the state associated with the diversion of Mayhew Creek and construction of the down drain discussed above. A fee was paid to the Regional Board for this permitting action, and required mitigation was proposed through an interagency Habitat Mitigation and Monitoring Program (HMMP) agreement for the restoration of 9.7 acres of onsite mulefat habitat (MND p. 2-6). However, authorization from the Regional Board was never issued because CEQA analysis for the diversion had not been conducted by a lead agency, until the current MND. The MND should reflect that Regional Board staff would consider issuing this authorization for discharges of fill that are collectively 0.2 acre or less in area, relying on the current MND to satisfy CEQA compliance, for past impacts and likely future impacts to Mayhew Creek (Figure 2-3, "Location of Off-Site Impact Areas) provided that water right issue referenced in 1., above, is rectified, and that the HMMP agreement, or a modification of it that satisfies (at minimum) CDFW regarding the proposed oak woodland removal, is implemented.</p>	<p>has been added to the SMP 139R1 plans (refer specifically to Exhibit A) to ensure that no water originating from Mayhew Creek is utilized as part of the SMP 139R1 mining operations:</p> <p><i>No surface flows originating from the down drain structure located in the southern portion of the SMP 139R1 site may be used in any way in support of mining operations. All flows originating from the down drain structure shall instead be detained on-site and allowed to infiltrate into the groundwater basin.</i></p> <p>All appropriate issues raised in the referenced attached communications have been addressed in the MND in accordance with CEQA requirements. No revision to the MND appears warranted pursuant to this comment.</p> <p>Please refer to the response to Comment 1-2. As noted, pursuant to CEQA requirements and based on the scope of the proposed Project, impacts due to the diversion of Mayhew Creek from its previous realigned location is outside the scope of the proposed Project and need not be addressed in the current MND document.</p> <p>The Project Applicant has indicated a willingness to work with the Santa Ana Regional Water Quality Control Board to resolve any issues associated with this pre-existing condition, although such efforts are outside the scope of the proposed Project and need not be addressed in the current MND pursuant to CEQA requirements. The Project Applicant has already purchased 9.7 acres of mitigation land from the Riverside-Corona Resource Conservation District (RCRCD) for which there is an approved HMMP being implemented by the RCRCD.</p> <p>With respect to future impacts to the Mayhew Creek, no portion of the SMP 139R1 permit would authorize any further impacts to the Mayhew Creek. Although it is anticipated that the down drain structure in the southern portion of the site may need to be relocated to within the SMP 150 site, this relocation, if such</p>

COMMENT #	COMMENT	RESPONSE
		<p>relocation is sought, cannot occur until after the County reviews and if it approves a revised surface mining permit for the SMP 150 site that identifies the precise location of the relocated down drain structure. Approval of the revised SMP 150 permit, if such a revised permit is sought, only can occur after any impacts associated with the relocation of this down drain structure have been evaluated and mitigated for in accordance with applicable CEQA requirements. As no design for the relocated down drain structure is available at this time, any impacts resulting from the relocated down drain structure would be speculative in nature (CEQA Guidelines § 15145), and the relocation of the down drain structure would not occur directly as a result of Project approval. As noted previously, the Project applicant would be prohibited from conducting any mining activities within the on-site slopes and setback areas (including the portions of the site containing the down drain structure) until such a time that the adjacent off-site mining permits are revised to accommodate mining activities within the off-site portions of the slopes and setback areas (refer to Conditions of Approval 70.Planning.001 and 70.Planning.002), assuming such revised permits are sought.</p> <p>Finally, although the MND for the proposed Project identifies the potential for future impacts to oak woodland that may be located within the off-site impact areas, the SMP 139R1 Project would not authorize disturbance of any of this existing off-site oak woodland. Rather, the MND acknowledges the potential for impact to the off-site oak woodland as a conservative, yet reasonably foreseeable consequence of Project implementation. Mitigation for potential future impacts to this oak woodland is identified as Mitigation Measure M-BI-4. Regardless, the precise extent of potential future impacts to the off-site oak woodland would be identified as part of future revisions to the adjacent mining permits, if such revisions are sought, and such revisions may or may not encompass all of the areas assumed by the Project's MND. As part of the discretionary review process for these future off-site mining permit revision projects, appropriate CEQA compliance would be conducted, and</p>



COMMENT #	COMMENT	RESPONSE
1-4	<p>3. The project proposes establishment of an inert landfill onsite ("Inert Debris Engineered Fill Operation"). On August 16, 2013, the Regional Board renewed previous coverage (October 3, 2011) for Mayhew's proposed landfill under Regional Board Resolution No. RS-2013-0015. This is the new waiver of waste discharge requirements for various inert wastes, provided that certain conditions continue to be met, in conformance to California Code of Regulations, Title 27, for the operation of inert landfills. You may contact Regional Board staff (Reza.Akhtarshad@waterboards.ca.gov) with any questions. Please direct the applicant to contact the Local Solid Waste Enforcement Agency of the County of Riverside Department of Environmental Health's Environmental Protection and Oversight Division (EPO) regarding all other Title 27 compliance.</p>	<p>mitigation for any impacts to oak woodland habitat would be identified and imposed as conditions of approval on these off-site mining permits.                      Comment is acknowledged, and the Project Applicant has been notified accordingly regarding any other applicable Title 27 compliance issues.</p>
1-5	<p>If you have any questions, please contact Glenn Robertson at (951) 782-3259 or Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-3234 or Mark.Adelson@waterboards.ca.gov</p>	<p>Comment is acknowledged, and the County will contact Glenn Robertson or Mark Adelson with any questions regarding this letter.</p>

COMMENT #	COMMENT	RESPONSE
1.	<u>Daniel Kopulsky, California Department of Transportation (October 17, 2013)</u>	
1-1	<p>We have completed our review for the above mentioned proposal to consolidate PPO1828, RCL00106, and SMP00139; reduce permitted annual tonnage allowed from 5,000,000 to 2,000,000; reconfigure areas subject to mining activities on-site to include the existing slopes and setback areas located along the western and southern boundaries of the site and extend date of permits from January 2018 to December 31, 2068 (50 years), in the Community of Temescal Valley.</p>	<p>The description of the proposed Project as provided in this comment is accurate; no response is necessary.</p>
1-2	<p>As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project.</p>	<p>The County of Riverside acknowledges and appreciates the role of the California Department of Transportation (CALTRANS) in coordinating with local agencies on projects that may affect the SHS, and the role that CalTrans plays in the CEQA process.</p>
1-3	<p>Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.</p>	<p>The County acknowledges the role of CalTrans in ensuring compliance with policies and regulations that govern the SHS. Please refer to the individual responses to Comments 1-4 through 1-6, below.</p>
1-4	<p>We recommend the following to be provided: Traffic Study • Freeway access to proposed development would be at the I-15/Temescal Canyon Road and the I-15/Indian Truck Trail interchanges. The analysis must include the ramp merge/diverge analysis at these interchanges.</p>	<p>The project prepared an evaluation of both basic freeway segments and ramp merge/diverge junctions at the I-15/Temescal Canyon Road and the I-15/Indian Truck Trail interchanges for Existing (2012) traffic conditions (please refer to Attachment 1). The results of this analysis indicated that both the freeway segments and merge/diverge ramp junctions performed at level of service "D" or better. Consistent with Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002), additional assessment of the State highway system was not required as the project is forecasted to generate fewer than 50 AM or PM passenger car equivalents (PCE) peak hour trips. Accordingly, no revision to the MND appears warranted pursuant to this comment.</p>
1-5	<p>• Year 2013 was used for Existing Plus Ambient Growth Plus Project Conditions. Please clarify if the opening year is 2013 which is almost over.</p>	<p>The Project is currently scheduled for public hearing in November 2013. Upon approval of the revised mining permit, the revised mining permit would go into effect immediately. Accordingly, 2013 does accurately reflect the Project's opening year, and no revisions</p>

COMMENT #	COMMENT	RESPONSE
1-6	<ul style="list-style-type: none"> <li>Please include the heavy vehicle traffic/percentage in the Synchro analysis.</li> </ul>	<p>to the traffic study or MND appear warranted pursuant to this comment.</p> <p>The traffic volumes used for the Synchro analysis are in passenger-car-equivalents (PCE) consistent with the traffic volumes shown in the volume exhibits throughout the traffic study. Trucks are accounted for but represented as PCE in the analysis. As such, trucks percentages were not entered in the Synchro software as this would result in "double-counting" truck trips at the ramp locations. Accordingly, no revision to the MND appears warranted pursuant to this comment.</p>
1-7	<p>We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.</p>	<p>The County appreciates these comments, and will contact Talvin Dennis or Daniel Koplusky at the contact information provided in the event there are any questions.</p>



August 23, 2012

Mr. Eric Werner  
WERNER CORPORATION  
P.O. BOX 77850  
Corona, CA 92877

**Subject: Existing Conditions Analysis for the I-15 Freeway at Temescal Canyon Road and Indian Truck Trail**

Dear Mr. Werner:

Urban Crossroads, Inc. is pleased to submit this preliminary assessment of existing conditions operations along the I-15 Freeway mainline from north of Temescal Canyon Road to south of Indian Truck Trail.

**INTRODUCTION**

The I-15 Freeway is a north-south interstate highway that connects Southern California to Nevada. Pursuant to discussions with the client, this analysis will assess the existing conditions operations of the I-15 Freeway mainline and from north Temescal Canyon Road to south of Indian Truck Trail in the City of Corona. The I-15 Freeway includes an assessment of basic freeway segments and the freeway on and off ramp junctions (i.e., merge/diverge junctions) during the AM and PM peak hours.

**METHODOLOGY**

The analysis of the existing conditions operations of the I-15 Freeway at Temescal Canyon Road and Indian Truck Road is composed of two parts. The first part is the freeway mainline segment analysis, which assesses the performance of the basic freeway segments on either side of the ramp-to-arterial intersections, and second is the merge/diverge ramp junction analysis, which assesses the performance of the on and off ramp junctions along the I-15 Freeway at Temescal Canyon Road and Indian Truck Trail.

**Methodology: Basic Freeway Segment**

The freeway system in the study area has been broken into segments defined by the freeway-to-arterial interchange locations. The freeway segments have been evaluated in this focused analysis based upon peak hour directional volumes. The freeway segment analysis is based on the methodology described in Chapter 23 of the HCM and performed using HCS+ software. The performance measure preferred by Caltrans to calculate LOS is density. Density is expressed in terms of passenger cars per mile per lane. The freeway segment LOS thresholds for each density range utilized for this analysis are as follows:

Level of Service	Description	Density Range (pc/mi/ln) <sup>1</sup>
A	Free-flow operations in which vehicles are relatively unimpeded in their ability to maneuver within the traffic stream. Effects of incidents are easily absorbed.	0.0 – 11.0
B	Relative free-flow operations in which vehicle maneuvers within the traffic stream are slightly restricted. Effects of minor incidents are easily absorbed.	11.1 – 18.0
C	Travel is still at relative free-flow speeds, but freedom to maneuver within the traffic stream is noticeably restricted. Minor incidents may be absorbed, but local deterioration in service will be substantial. Queues begin to form behind significant blockages.	18.1 – 26.0

Level of Service	Description	Density Range (pc/mi/ln) <sup>1</sup>
D	Speeds begin to decline slightly and flows and densities begin to increase more quickly. Freedom to maneuver is noticeably limited. Minor incidents can be expected to create queuing as the traffic stream has little space to absorb disruptions.	26.1 – 35.0
E	Operation at capacity. Vehicles are closely spaced with little room to maneuver. Any disruption in the traffic stream can establish a disruption wave that propagates throughout the upstream traffic flow. Any incident can be expected to produce a serious disruption in traffic flow and extensive queuing.	35.1 – 45.0
F	Breakdown in vehicle flow.	>45.0

<sup>1</sup> pc/mi/ln = passenger cars per mile per lane. Source: HCM 2000, Chapter 23

**Methodology: Freeway Merge/Diverge Ramp Junction**

The freeway system in the study area has been broken into segments defined by freeway-to-arterial interchange locations resulting in eight (8) existing on and off ramp locations. Although the HCM indicates the influence area for a merge/diverge junction is 1,500 feet, this analysis has been performed at all ramp locations with respect to the nearest on or off ramp at each interchange in an effort to be consistent with Caltrans guidance/comments on other projects Urban Crossroads has worked on along the I-15 corridor.

The merge/diverge analysis is based on the HCM Ramps and Ramp Junctions analysis method and performed using HCS+ software. The measure of effectiveness (reported in passenger car/mile/lane) are calculated based on the existing number of travel lanes, number of lanes at the on and off ramps both at the analysis junction and at upstream and downstream locations (if applicable) and acceleration/deceleration lengths at each merge/diverge point. The merge/diverge area level of service thresholds for each density range utilized for this analysis are as follows:

Level of Service	Density Range (pc/mi/ln) <sup>1</sup>
A	0.0 – 11.0
B	11.1 – 18.0
C	18.1 – 26.0
D	26.1 – 35.0
E	35.1 – 45.0
F	>45.0

<sup>1</sup> pc/mi/ln = passenger cars per mile per lane. Source: HCM 2000, Chapter 25

**VOLUME DEVELOPMENT**

The I-15 Freeway mainline volume data (both total vehicles and heavy truck volumes) were obtained from the Caltrans Performance Measurement System (PeMS) website for the segment of the I-15 Freeway north of Temescal Canyon Road. The data obtained was for the period between August 7<sup>th</sup> and August 9<sup>th</sup>, 2012. In an effort to conduct a conservative analysis, the maximum value observed within the three (3) day period was utilized for the morning (AM) and evening (PM) peak hours. In addition, truck traffic, represented as a percentage of total traffic, has been utilized for the purposes of this analysis in an effort to

Mr. Eric Werner  
WERNER CORPORATION  
August 23, 2012  
Page 3

not overstate traffic volumes and potential impacts. As such, actual vehicles (as opposed to passenger-car-equivalent volumes) have been utilized for the purposes of the basic freeway segment analysis.

The ramp data (per the count data presented in Attachment "1") were then utilized to flow conserve the mainline volumes and determine the I-15 Freeway mainline volumes between the Temescal Canyon Road and Indian Truck Trail interchanges to south of Indian Truck Trail. The counts were collected on August 16<sup>th</sup>, 2012. It should be noted that due to construction activity only northbound left and eastbound left turning vehicles were observed at the I-15 Northbound Ramps on Indian Truck Trail. Due to the alternative routes available within the immediate vicinity, it was determined that the on and off ramp volumes at the I-15 Northbound ramp on Indian Truck Trail were suitable for use for the purposes of this assessment.

#### **EXISTING BASELINE CONDITIONS BASIC FREEWAY SEGMENT ANALYSIS**

Existing (2012) mainline directional volumes for the AM and PM peak hours are provided on Exhibit 1. As shown on Table 1, the I-15 Freeway segments analyzed for this study were found to operate at an acceptable LOS (i.e., LOS "D" or better) during the peak hours for Existing (2012) traffic conditions. Existing (2012) basic freeway segment analysis worksheets are provided in Attachment "2".

#### **EXISTING BASELINE CONDITIONS FREEWAY MERGE/DIVERGE ANALYSIS**

Ramp merge and diverge operations were also evaluated for Existing (2012) conditions and the results of this analysis are presented in Table 2. As shown in Table 2, the I-15 Freeway ramp merge and diverge areas at Temescal Canyon Road and Indian Truck Trail currently operate at LOS "D" or better during the peak hours under Existing (2012) traffic conditions. Existing (2012) freeway ramp junction operations analysis worksheets are provided in Attachment "3".

#### **FINDINGS**

Based on the results of this focused freeway analysis for Existing (2012) conditions, the basic freeway segments and freeway-to-ramp merge/diverge junctions on the I-15 Freeway within the defined study area appear to perform at acceptable levels of service (i.e., LOS "D" or better).

If you have any questions regarding this analysis, please give me a call at (949) 660-1994 ext. 204.

Respectfully submitted,

URBAN CROSSROADS, INC.



Aric Evatt, PTP  
Principal

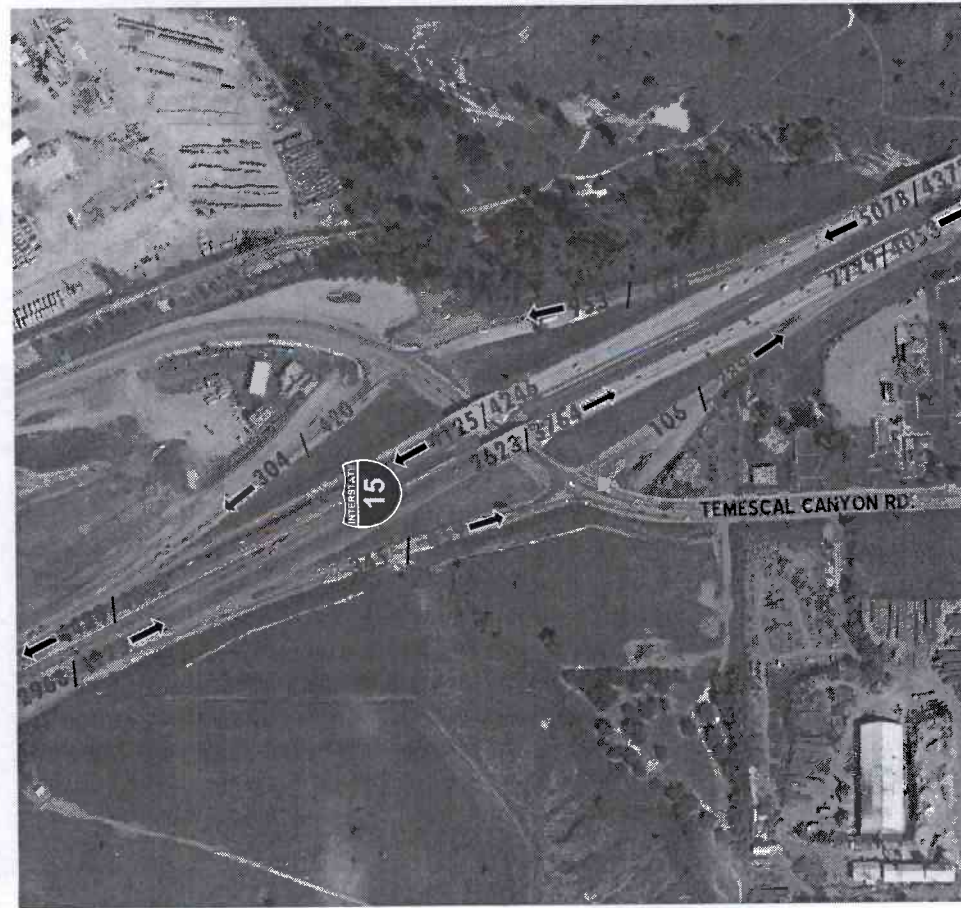
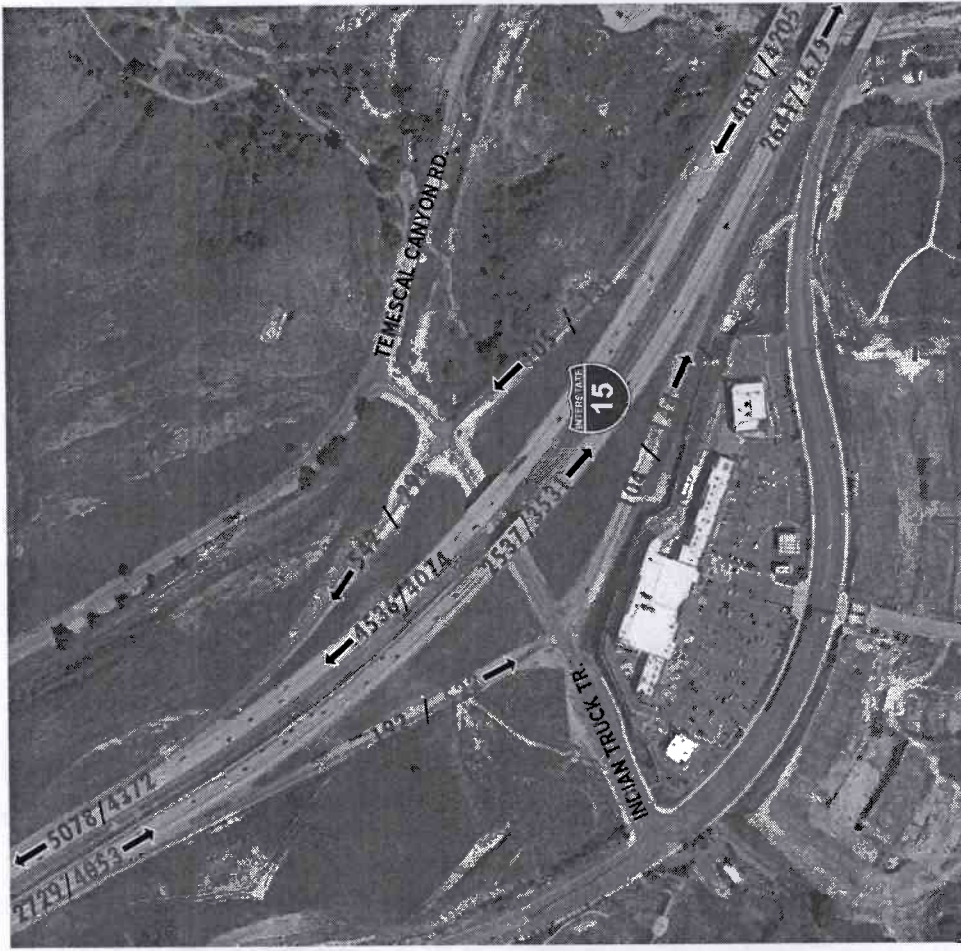
AE:CH

JN: 08316-02 Letter

cc: Jeramey Harding, T&B Planning

Attachments

EXHIBIT 1  
**EXISTING (2012) PEAK HOUR FREEWAY MAINLINE VOLUMES**

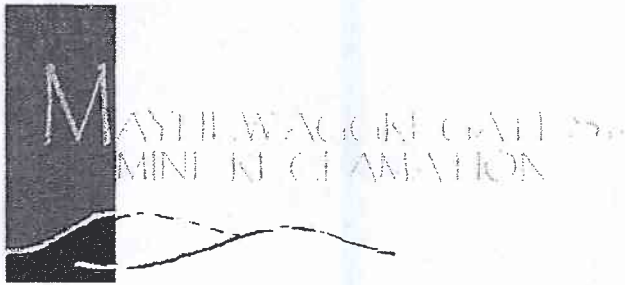


**LEGEND:**

26/31 - AM/PM PEAK HOUR VOLUMES

I-15 Freeway at Temescal Canyon Road and Indian Truck Trail Existing Conditions Analysis  
 County of Riverside, CA (JN - 08316:001.dwg)





October 4, 2013

Mr. Dave Jones  
Chief Engineering Geologist  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor.  
P.O. Box 1409  
Riverside, California 92502-1409

Re: SMP00139R1 Response to Comments  
Department of Conservation, Office of Mine Reclamation: Dated October 9, 2013

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The Department of Conservation's Office of Mine Reclamation (OMR) reviewed and provided comments on Surface Mining Permit SMP139R1 on October 9, 2013. Mayhew Aggregates and Mine Reclamation appreciates the Department's timely review and preparation of comments as we prepare for public hearing.

Presented below are responses to the individual comments. Where necessary, exhibits and plans have been updated to reflect these comments and corrections. We are also providing the following updated exhibits and technical reports:

Exhibits B1 and B2 – Reclamation Plan (1 Copy)  
Exhibit C – Project Description Including Reclamation Plan Text(1 Copy)  
*Geotechnical Specifications for Inert Debris Placement* - Hilltop Geotechnical (1 Copy)  
Attachments 1-3  
CD of above (1 Copy)

We continue to appreciate your efforts in reviewing our project, and look forward to completion of this application. Please forward these updated exhibits to the appropriate departments, as necessary, for their review. As always, if you need any additional information, please do not hesitate to call us at (951) 277-3900.

Respectfully,

Todd Pendergrass  
Mayhew Aggregates & Mine Reclamation



Office of Mine Reclamation Comments  
(10/9/2013)

1. The surface mining plan proposed under SMP139R1 is dependent upon revisions to the final contours and drainage patterns of each of the four adjacent mines. There is a statement in the reclamation plan that indicates the reclamation plans for the adjacent mines will be revised to reflect the additional reserves to be mined along the property boundaries. However, it is unclear from the materials submitted to what extent the final topography of the adjacent mines will be changed from that in their existing reclamation plans, since those existing plans are not provided. Amendments to those reclamation plans should be also processed to include any changes to drainage patterns and final topography.

Applicant Response

1. SMP 139R1 proposes to expand the reclamation area to include on-site and adjacent offsite areas forming the slopes and setbacks that comprise the boundaries between the on-site mining pits and off-site existing mining pits located on adjacent properties (which conduct extraction operations under separate approved permits [SMP 143, SMP 150, SMP 182, and SMP 202]).

*Expanding the reclamation area ultimately would result in the creation of a single pit encompassing the proposed Project site and adjacent, off-site mines instead of three separate pits as occurs under existing conditions. Conditions of approval applied to SMP 139R1 by Riverside County would prohibit mining within the on- and off-site slopes and setbacks until the existing permits and Reclamation Plans for these adjacent mining sites are revised and approved to account for the geographic expansion in mining activities. Specifically, mining along the western Project boundary can occur only if SMP 202 is modified to allow for mining of the off-site slope and setback area, which can only occur after the processing of a discretionary application to modify SMP 202 and appropriate compliance with CEQA. Similarly, mining along the southern boundary can occur once SMPs 143, 150, and/or 182 are modified to allow for mining of the off-site slope and setback area, which also would require discretionary applications and appropriate compliance with CEQA.*

*If the surrounding mining permits are not amended, then reclamation would be carried out as shown in Exhibit B-1.*

**Office of Mine Reclamation Comments  
(10/9/2013)**

2. The Financial Assurance Cost Estimate for the mine will need to account for the expense of importing fill material to achieve the final contours set out in this reclamation plan amendment.

**Mining Operation and Closure**

3. OMR recommends that the project be consistently named for the mine name, Mayhew Canyon Quarry, rather than for the operator, Mayhew Aggregates and Mine Reclamation. For SMARA purposes the documents should be titled "Amended Mining and Reclamation Plan for Mayhew Canyon Quarry."

4. The proposed index contours on "Exhibit B1" should be redrawn to clearly show how the existing downdrain structure will be configured during this interim phase.

**Applicant Response**

*2. The Financial Cost Assurance Estimate will continue to be revised on annual basis to reflect changes in the amount of work needed to achieve reclamation.*

***Mining Operation and Closure***

*3. The name of project has been renamed "Amended Mining and Reclamation Plan for Mayhew Canyon Quarry".*

*4. The Exhibit has been re-drawn to reflect the correct slope for the downdrain structure, which would remain unchanged during this interim phase.*

**Office of Mine Reclamation Comments  
(10/9/2013)**

**Geotechnical Requirements**

5. The reclamation plan states that the IDEFO may have a depth of approximately 40 feet of water on the southern slopes during 100-year storm events. The plan also states that the effect of this water on the reclaimed 3H:1V fill slopes has been analyzed in a report titled, "Geotechnical Specification for Inert Debris Placement" prepared by Hilltop Geotechnical. This report should be submitted to OMR for review and should be included in the revised reclamation plan to meet the slope stability requirements of SMARA.

6. Additionally, in the event that the adjacent mines do not amend their reclamation plans, the scenario shown on "Exhibit B1" would become the final configuration of the mine. Therefore, the proposed 1.3H:1V cut slopes should be evaluated to determine what effect water filling the proposed retention area will have on slope stability.

**Hydrology and Water Quality**

7. The reclamation plan needs to be revised to contain design drawings of proposed drainage structures that will be used to divert surface flows away from the proposed cut slopes. To ensure these drainage structures are properly sized, the reclamation plan amendment should be revised to include the calculations necessary to demonstrate compliance with CCR Section 3706(d).

**Applicant Response**

***Geotechnical Requirements***

*5. The report titled, "Geotechnical Specification for Inert Debris Placement" has been included in this response package.*

*6. A memo has been prepared which addresses this issue, and is included in this as "Attachment 1".*

***Hydrology and Water Quality***

*7. Reclamation Plan Exhibits B1 and B2 have been revised to show these drainage structures, and the required calculations are included as "Attachment 2".*

**Office of Mine Reclamation Comments  
(10/9/2013)**

8. CCR Section 3706(f) states that when stream diversions are required, they shall be constructed in accordance with the Stream and Lake Alteration Agreement between the operator and the California Department of Fish and Wildlife (DFW) and the requirements of the Federal Clean Water Act. The reclamation plan indicates that these requirements have been met and it includes the specific agreement numbers. OMR recommends including these documents as an appendix to the reclamation plan to ensure reclamation activities are carried out in accordance with these additional regulatory requirements.

**Resoiling and Revegetation**

9. Some of the information necessary to satisfy the requirements for resoiling and revegetation are included in the reclamation notes on the map sheets. This information needs to be copied into the text of the amended reclamation plan.

10. CCR Section 3711 establishes mandatory standards for topsoil salvage, maintenance, and redistribution. The reclamation notes on sheets B1 and B2 state that topsoil will be reapplied to a depth of 6 inches. More information needs to be provided on the salvage, stockpile management, and replacement of topsoil in order to satisfy the minimum requirements of this section.

**Applicant Response**

*8. The Streambed Alteration Agreement is included here as "Attachment 3", and will be included as an appendix to the Reclamation Plan.*

***Resoiling and Revegetation***

*9. The resoiling and revegetation information on the map sheets has now been included in the Reclamation Plan text.*

*10. Additional information on topsoil salvage, stockpiling, and replacement has been incorporated into the Reclamation Plan Text.*

Office of Mine Reclamation Comments  
(10/9/2013)

11. CCR Section 3705(c) requires that where surface mining activities result in soil compaction, ripping, discing, or other means should be used in areas to be revegetated to eliminate compaction and establish a suitable root zone in preparation for planting. CCR Section 3705(d) requires that all access roads, haul roads, and other traffic routes be reclaimed, stripped of any remaining roadbase materials, covered with suitable growth media or topsoil, and revegetated. While there is some mention of these topics under note #13 on map sheets B1 and B2, this information should be expanded and added to the text of the amended reclamation plan. Scarification should be to a minimum depth of 12 to 24 inches, rather than to 6 to 8 inches, in order to get successful establishment of the native shrubs in the seed mix.

12. The revegetation seed mix listed on page 27 in the reclamation plan is not adequately representative of the locally occurring native species. OMR recommends that it be replaced with the following seed mix and applied at rates totaling 25-30 pounds of pure live seed (PLS) per acre. The seed mix should include: coyote bush (*Baccharis pilularis*), California buckwheat (*Eriogonum fasciculatum*), brittlebush (*Encelia farinosa*), scalebroom (*Lepidospartum squamatum*), California sagebrush (*Artemisia californica*), sugarbush (*Malosma laurina*), mule fat (*Baccharis salicifolia*), deerweed (*Acmispon glaber*), and desert plantain (*Plantago ovata*).

Applicant Response

*11. Expanded text has been added to the Reclamation Plan Text, and scarification will now be to a minimum depth of 12-24 inches.*

*12. The revegetation seed mix has been adjusted to include the species referenced. S&S Seeds will be consulted to determine individual rates within the 25-30 pounds per acre total.*

Office of Mine Reclamation Comments  
(10/9/2013)

13. CCR Section 3705(k) requires that noxious weeds be managed when they threaten the success of the proposed revegetation; spread to nearby areas; or produce a fire hazard. Weed species occurring on site include castor bean (*Ricinus communis*), Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), tamarisk (*Tamarix sp.*), and summer mustard (*Hirschfeldia incana*). The plan should be revised to include a weed control program for these species.

14. CCR Section 3705(m) requires that the reclamation plan include success criteria that can be quantified by cover, density, and species richness. The success criteria given in the reclamation plan is for 35 percent of the cover, density, and diversity of perennial species compared to reference areas on adjacent lands. CCR Section 3705(a) requires that the density, cover and species richness of naturally occurring habitats shall be documented in baseline studies. The specific baseline data from undisturbed reference areas and the quantitative performance standards derived from that data must be provided in the reclamation plan prior to approval.

15. CCR Section 3705(m) requires that the reclamation plan include a monitoring plan with sampling methods set forth in the plan and a sample size that provides an 80 percent confidence level at a minimum. The only information provided under Monitoring and Maintenance on page 27 is that monitoring will be performed annually until success criteria are achieved. The section will need to be expanded to describe the sampling methods to be employed.

Applicant Response

13. *A weed control program for these species is now discussed in the Reclamation Plan text.*

14. *A specific baseline from undisturbed reference areas will be established and incorporated into the Reclamation Plan as a Condition of Approval for SMP139R1. This baseline study will be completed prior to initiating any reclamation activities.*

15. *An expanded discussion of reclamation monitoring has been included in the Reclamation plan text.*

RECEIVED  
NOV 01 2013

ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT

10874 Cameron Court  
Corona, CA 92883

October 29, 2013

Mr. Matt Straite  
Riverside County Planning Dept.  
PO Box 1409  
Riverside, CA 92502

Re: Mining Permit No 139 – Notice of Public Hearing – RESIDENT CONCERN

Dear Mr. Straite

I am writing as a very concerned resident of Sycamore Creek and an Environmental, Health & Safety professional for over 20 years. Without getting into too much detail, I bought a home in Sycamore Creek and moved my family from the foothills of South Corona in July 2009. At the time, I noted in the Declarations that there was a surface mine in the area but did not notice much activity there. Since moving to this development, my kids seemed to suffer from what appeared to be severe allergies bringing about asthma-type symptoms that they did not have when we lived in South Corona for over 16 years; I thought it was allergens; however, my wife and I also experienced higher incidents of allergy type symptoms when we never had any of these before. This has cost us thousands of dollars in medication and sleepless nights, requiring two of my youngest children to be on a nebulizer. My wife also noticed that this house is much dustier than our former home, requiring us to invest in special electrostatic filters for the HVAC system and keep the windows closed more than normal and especially on windy days. My pool filter picks up significant volumes of this brownish/gray dirt as well; I notice it when I clean the cartridges.

I thought this was isolated to my family, however, over the years, as we got to know other families around us and in the local school (Todd Elementary), it became obvious that this perceived allergy and dusty house issue is more widespread than just my family. I started to think back to when I had employees working at Cal Portland Cement in Fontana; the dust conditions seemed familiar to what I saw and which required me to issue P100 HEPA filter respirators to my employees to protect them from fine dusts. The attached photo shows an example of window sill dust two weeks after the last wipe down; it's not dirt but rather a light brownish/gray fine powdery consistency. During this time, and to the present, the two local cement companies literally operate through the night, five days per week with their bright lights glowing in the background. Aside from the glowing haze you can see, we also have to listen to what sounds like large rocks being bounced on metal plates and the incessant sound of truck's back up alarms sounding. While driving down Temescal Canyon toward the 15 freeway in the morning, I pass these two cement/aggregate plants. The trucks arriving and leaving the side roads near Maitri Rd. stir up clouds of this brownish/gray dust suspending it high into the air.

Sometimes I noticed the roadways are being wetted, but not nearly often enough. I contacted the SCAQMD last year and they said they would need more complaints to actually do something, but the inspector took a ride over and reported they have operating permits. This really does not mean much especially when companies can operate outside of SCAQMD's work hours. Aside from the aforementioned health and dust conditions with the current operation of the mine and cement plants, we now have a new park and more homes are being built in the area. This mine and these potential health issues really need to be addressed and I was actually planning to write the County regardless, however, I then received the Planning Notice indicating that the mine permit actually wants to be extended another 50 years AND wants to operate even closer to the Sycamore Creek development; this stepped up the urgency. The current and future operation of the mine and plants is just not acceptable, poses a potential respiratory health threat and I think the County needs to do more to solicit input on this issue more than just a letter in the mail and cover all surrounding developments and conduct a comprehensive health evaluation, at a minimum.

Please note that I am not anti-business and realize the mine pre-dates the developments; however, the County allowed residential development of this land and there is clearly a problem that needs to be better evaluated before allowing this mining and cement plant operations to continue and, especially before considering extending permit limits which could increase volume of the health hazards to the residents and especially the children. Most people either don't know or are unwilling/unable to articulate their concerns in writing or attend a meeting.

I cannot guarantee my work schedule will allow me to attend this Hearing so I am developing this letter to voice my position and concerns; I hope others from the neighborhood can attend. While a cessation of mining and plant operations would rectify this issue, I do not think one letter can accomplish that. I do, however, would like to request a delay in this permit change/extension pending the following:

- Conduct a comprehensive environmental impact assessment by an impartial third party that consists of a comprehensive mail and phone survey of the neighborhoods within a three mile radius of this mine and cement/plants to ascertain if, indeed, the health concerns articulated are more widespread. Have this effort lead and supported by CARB and SCAQMD.
- There should be 24-hour air samples, taken at concentric radii taken over a six to 12 month timeframe to ascertain the exact type, nature and migration of the mining and plant by products/dust. Migration may differ over the course of the year which is why the extended timeframe.
- Examine the implementation of current operational controls and restrictions to prevent the present and future emissions and migration of mining and cement plant by products and dust. Enforce this through Code Enforcement. Overall, these plants or the mine should not be allowed to operate between 11pm and 6am, it is just too loud and disruptive and sends dusts into the air.
- Develop the report on health risks and controls and incorporate them into conditions associated with any new permit and limit its term. If too significant, then disapproval of the permit should be considered as well; including the cessation of business activity.



I fear that this is the source of my family's respiratory issues and many other as well. Failure to address this and allow the mine and plants to operate, even in their current design and under their current permit will bring about more chronic and debilitating health issues and negatively impact the surrounding developments, property values and even tax revenues. Some may be forced to move to protect themselves.

I thank you, in advance, for your time and attention; you may contact me if you require any further clarification or additional information at 949-285-6476.

Regards,

A handwritten signature in black ink, appearing to read 'T. Grempel', written over a light blue horizontal line.

Todd P. Grempel, CSP

Cc:

- Kevin Jefferies, Board of Supervisors
- SCAQMD

Attachment:

- Notice of Public Hearing – Mining Permit # 139 Rev Permit No.1



**NOTICE OF PUBLIC HEARING**  
and  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

**SURFACE MINING PERMIT NO. 139, REVISED PERMIT NO. 1** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Eric Werner – Mayhew Aggregates & Mine Reclamation – Engineer/Representative: Todd Pendergrass – Mayhew Aggregates & Mine Reclamation – First/First Supervisorial District – Glen Ivy Area Zoning District – Temescal Canyon Area Plan: Open Space: Mineral Resources (OS-MIN) – Location: South of I-15 and Temescal Canyon – 215 Gross Acres - Zoning: Mineral Resources and Related Manufacturing (M-R-A) - **REQUEST: SMP00139R1** proposes to consolidate PP01828, RCL00106, and SMP00139; reduce permitted annual tonnage allowed from 5,000,000 to 2,000,000; reconfigure areas subject to mining activities on-site to include the existing slopes and setback areas located along the western and southern boundaries of the site; and extend the expiration date of the permits from January 2018 to December 31, 2068 (50-years). No changes in the existing approved mining and trucking method or intensity proposed. Further, the SMP proposes to construct an inert debris engineered fill operation (IDEFO) to be located within the limits of the SMP00139 mine site. - Related Cases: SMP00150, SMP00150S1, SMP00202, SMP00139, PP01828, PP01828R1, PP01828S1, PP01828S2, RCL00106, RCL00106R1, RCL00106S1, RCL00106S2.

TIME OF HEARING: **9:00 am** or as soon as possible thereafter  
**November 6, 2013**  
RIVERSIDE COUNTY ADMINISTRATIVE CENTER  
BOARD CHAMBERS, 1ST FLOOR  
4080 LEMON STREET  
RIVERSIDE, CA 92501

For further information regarding this project, please contact Project Planner, Matt Straite, at 951-955-8631 or email [straite@rctlma.org](mailto:straite@rctlma.org) or go to the County Planning Department's Planning Commission agenda web page at [http://www.rctlma.org/planning/content/hearings/pc/current\\_pc.html](http://www.rctlma.org/planning/content/hearings/pc/current_pc.html).

The Riverside County Planning Department has determined that the above project will not have a significant effect on the environment and has recommended adoption of a mitigated negative declaration. The Planning Commission will consider the proposed project and the proposed mitigated negative declaration, at the public hearing. The case file for the proposed project and the proposed mitigated negative declaration may be viewed Monday through Thursday, 8:30 a.m. to 5:00 p.m., at the County of Riverside Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that, as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands, within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Matt Straite  
P.O. Box 1409, Riverside, CA 92502-1409

Surface Mining Permit No. 139R1



**Selected parcel(s):**

290-110-012 290-110-017 290-110-019 290-110-024 290-110-025

**\*IMPORTANT\***

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Fri Oct 04 08:02:47 2013

Version 130923

**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to October 29, 2013 Comment Letter**

COMMENT #	COMMENT	RESPONSE
1. Iodd Grepel (October 29, 2013)	<p>I am writing as a very concerned resident of Sycamore Creek and an Environmental, Health &amp; Safety professional for over 20 years. Without getting into too much detail, I bought a home in Sycamore Creek and moved my family from the foothills of South Corona in July 2009. At the time, I noted in the Declarations that there was a surface mine in the area but did not notice much activity there. Since moving to this development, my kids seemed to suffer from what appeared to be severe allergies bringing about asthma-type symptoms that they did not have when we lived in South Corona for over 16 years; I thought it was allergens; however, my wife and I also experienced higher incidents of allergy type symptoms when we never had any of these before. This has cost us thousands of dollars in medication and sleepless nights, requiring two of my youngest children to be on a nebulizer. My wife also noticed that this house is much dustier than our former home, requiring us to invest in special electrostatic filters for the HVAC system and keep the windows closed more than normal and especially on windy days. My pool filter picks up significant volumes of this brownish/gray dirt as well; I notice it when I clean the cartridges.</p>	<p>The County notes that this comment letter was provided on October 29, 2013, whereas the public review period for the project's Mitigated Negative Declaration (MND) concluded on October 7, 2013. The County further notes that this comment letter appears to be in reference to the project in general, and is not responsive to the project's MND. Nonetheless, responses are provided herein for informational purposes.</p> <p>The County acknowledges that the commenter was provided with Declarations at the time commenter's home was purchased. The County also understands that commenter acknowledged as part of this Declaration that commenter consented to said operations, and was specifically required to refrain from written or verbal objections and that, as part of the Declaration, the commenter agreed to waive any right to protest operations occurring at the nearby mining sites. Said Declaration also specifically noted that the nearby mining operations consisted of a 24-hour operation operating seven days a week. Objections specifically prohibited by the Declaration included, but were not limited to, objections related to noise, dust, fumes, unpleasing visual effects, heavy vehicular traffic, vibrations, offensive odors, destruction or displacement of plant life and animal life. A noise easement also was recorded over the Sycamore Creek property that similarly indicates that mining-related noise, dust, fumes, unpleasing visual effects, heavy vehicular traffic, vibrations, offensive odors, and injury proximately resulting therefrom shall not constitute physical injury. A copy of the original Declaration, executed on June 30, 1992, as well as the easement, which was recorded on February 2, 1993, are herein incorporated by reference and are included in the project's administrative record and can be viewed at the Riverside County Planning Department, 4080 Lemon Street, 12<sup>th</sup> Floor, in the City of Riverside, CA.</p> <p>Riverside County is committed to protecting the health, safety, and welfare of its residents through implementation of its Code of</p>

COMMENT #	COMMENT	RESPONSE
		<p>Ordinances. Specifically, Code of Ordinances Title 8 "Health and Safety" addresses various public health concerns, as does other Titles, including but not limited to Titles 9 through and including Title 17. Although the County acknowledges and sympathizes with the health issues of individual residents, its obligation is to protect the health, safety, and welfare of the general public, including residential homes and other populations that are considered sensitive receptors to environmental conditions such as air pollutants and noise. There is no evidence provided in this letter, nor is there any evidence in the County's administrative record for SMP 139R1, demonstrating that the existing Mayhew Aggregates mining operations are the cause or contributing factors to significant human health effects. On the contrary, the analysis presented in the project's MND provides substantial evidence demonstrating that the proposed project would not expose nearby sensitive receptors to substantial pollutant concentrations. As indicated in the MND (refer to Pages 10 through 16 of the project's Initial Study, provided as Appendix A to the MND), implementation of the proposed project would not result in emissions that exceed the South Coast Air Quality Management District (SCAQMD) regional or local significance thresholds, nor would the project result in the exposure of nearby sensitive receptors (i.e., residential uses) to substantial pollutant concentrations. Please refer also to the responses to Comments 1-2 through 1-14.</p> <p>The Project site is located in the South Coast Air Basin (SCAB or "Air Basin"), which is regulated by the SCAQMD. SCAQMD's Fiscal Year 2012-2103 Budget &amp; Work Program (herein incorporated by reference and available for review at <a href="http://www.aqmd.gov/fin/PDF/finalbudget1213.pdf">http://www.aqmd.gov/fin/PDF/finalbudget1213.pdf</a>), page 2, states that although the SCAB has suffered unhealthy air since World War II and is one of the most unhealthy air basins in the United States, the 65-year history of the region's air pollution control efforts is, in many ways, one of the world's key success stories. Overall air quality within the Air Basin is dramatically improving as the result of regulatory programs and is expected to</p>

COMMENT #	COMMENT	RESPONSE
		<p>continue to improve in the future as regulations become more stringent. In 2007 US EPA formally redesignated the Basin from nonattainment to full attainment of the federal health standard for carbon monoxide. Basin-wide maximum levels of carbon monoxide have been consistently measured at more than 30% below the federal standard since 2004. In 2010, US EPA established a new NO2 1-hour standard at a level of 100 ppb (0.100ppm) and SO2 1-hour standard at a level of 75 ppb (0.075 ppm). In 2011, a few sites in Los Angeles County exceeded the new 1-hour NO2 standard on one day. Based on the 3-year design values, the region continues to remain in attainment of the NO2 and SO2 standards.</p> <p>In 2006, US EPA rescinded the annual federal standard for PM10 (particulate matter –visible dust) but retained the 24-hour standard. Ambient levels of PM10 in the SCAB meet the federal 24-hour PM10 standard and the AQMD has requested US EPA to redesignate the Basin as in attainment of the health based standard for PM10. PM2.5 levels (fine particulate matter – inhalable dust) have decreased dramatically in the Basin since the beginning of the decade; however, regional concentrations continue to exceed the federal annual and 24-hour standards.” (SCAQMD, 2013, pages 3-4). This is a Basin-wide effect and not attributable to any particular land use or property.</p>
1-2	<p>I thought this was isolated to my family, however, over the years, as we got to know other families around us and in the local school (Todd Elementary), it became obvious that this perceived allergy and dusty house issue is more widespread than just my family. I started to think back to when I had employees working at Cal Portland Cement in Fontana; the dust conditions seemed familiar to what I saw and which required me to issue P100 HEPA filter respirators to my employees to protect them from fine dusts. The attached photo shows an example of window sill dust two weeks after the last wipe down; it's not dirt but rather a light brownish/gray fine powdery consistency.</p>	<p>Please refer to the response to Comment 1-1. The commenter's anecdotal observations of dust emissions associated with a cement-producing facility located in Fontana does not provide substantial evidence demonstrating that the proposed project would result in substantial dust emissions. On the contrary, the analysis in the project's MND demonstrates that dust emissions under the proposed project (PM<sub>10</sub> and PM<sub>2.5</sub>) would be below the SCAQMD regional and local thresholds of significance.</p>
1-3	<p>During this time, and to the present, the two local cement companies literally operate through the night, five days per week with their bright lights glowing in the background.</p>	<p>As indicated in the project's MND (refer to Page 8 of the Initial Study included as Appendix A to the MND), the proposed project would not introduce any new sources of lighting beyond what</p>

COMMENT #	COMMENT	RESPONSE
1-4	Aside from the glowing haze you can see, we also have to listen to what sounds like large rocks being bounced on metal plates and the incessant sound of truck's back up alarms sounding.	<p>occurs under existing conditions, and both the existing and proposed lighting elements are required to operate in conformance with the County Light Pollution Standard (Ord. No. 655). Ord. No. 655 requires that all lighting be shielded and restricts the types of lighting elements that may be used. Additionally, the MND for the project also incorporates a mitigation measure (Mitigation Measure M-BI-2, County Condition of Approval 10.Planning.41) that requires that all project lighting be shielded and directed away from the off-site areas abutting the northeastern corner of the project site (this area abuts the Sycamore Creek development).</p> <p>The project's MND includes a discussion and analysis of noise impacts, which is based on a site-specific technical study that is included in the MND as Appendix G. As noted in the MND (Page 67 of the Initial Study, included as Appendix A to the MND), mining operations associated with the proposed project would not expose nearby sensitive receptors to noise levels in excess of the County's daytime noise standard of 65 dB (10-minute Leq) or the County's nighttime noise standard of 45 dB (10-minute Leq). Accordingly, the project would not expose nearby sensitive receptors (i.e., residential homes) to excessive noise levels associated with mining operations during daytime or nighttime hours. Furthermore, it should be noted that the "large rocks being bounced on metal plates" during nighttime operations as referenced by this comment are not associated with operations at the Mayhew Aggregates site, but is instead associated with operations occurring on other properties. As part of the permitting effort for these nearby mining operations, the County conducted an evaluation in conformance with CEQA to ensure that noise levels associated with these off-site mining operations would not expose nearby sensitive receptors to substantial noise volumes (including nighttime noise levels). Additionally, the Sycamore Creek EIR, which was certified by the County in 1994, concluded that the "...design features [as proposed by the Sycamore Creek Specific Plan] are adequate to mitigate noise, dust, and visual impacts associated with potential land use conflicts between the existing mining operation and the proposed [residential uses within] the proposed Sycamore Creek Specific</p>



Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1

Responses to October 29, 2013 Comment Letter

COMMENT #	COMMENT	RESPONSE
1-5	While driving down Temescal Canyon toward the 15 freeway in the morning, I pass these two cement/aggregate plants. The trucks arriving and leaving the side roads near Maitri Rd. stir up clouds of this brownish/gray dust suspending it high into the air.	Plan" (Sycamore Creek Final EIR, 1994, p. V-39). Thus, the County finds that the design measures incorporated into the Sycamore Creek community are adequate to preclude significant noise effects associated with nearby mining operations, including both off-site mining areas and existing operations at the project site. Roadway dust associated with activities associated with the SMP 139R1 property will be addressed through conditions of approval imposed on the project, including the following conditions: Condition of Approval 10.Planning.012; Condition of Approval 10.Planning.016; Condition of Approval 10.Planning.022; and Condition of Approval 60.Planning.014. Compliance with these conditions of approval would be assured by annual inspections conducted by the Riverside County Building and Safety Department, as well as through regular inspections by the SCAQMD. This comment does not identify any deficiencies in the measures that have been proposed to ensure the project does not generate substantial amounts of dust, and the project's MND demonstrates that PM <sub>10</sub> and PM <sub>2.5</sub> emissions associated with the project would not exceed the SCAQMD regional or local thresholds of significance.
1-6	Sometimes I noticed the roadways are being wetted, but not nearly often enough. I contacted the SCAQMD last year and they said they would need more complaints to actually do something, but the inspector took a ride over and reported they have operating permits. This really does not mean much especially when companies can operate outside of SCAQMD's work hours.	Please refer to the response to Comment 1-5. According to the project applicant, the SCAQMD conducted a site inspection approximately one year ago, and did not identify any violations of the project's existing permits or requirements. The fact that mining operations occur over a 24-hour period does not preclude SCAQMD from monitoring compliance with the project's permit conditions, and additionally operations at the project site have historically been less during nighttime hours than daytime hours. The intensity of on-site operations was documented traffic scoping agreement process, which shows that vehicular trips associated with nighttime operations are substantially lower than daytime operations, thereby indicating that mining operations occur more intensively during daytime hours than during nighttime hours (refer to Attachment 1). As such, the fact that the SCAQMD primarily ensures compliance with applicable air quality regulations during daytime hours does not demonstrate that air quality violations are more likely to occur during nighttime hours.

COMMENT #	COMMENT	RESPONSE
1-7	<p>Aside from the aforementioned health and dust conditions with the current operation of the mine and cement plants, we now have a new park and more homes are being built in the area. This mine and these potential health issues really need to be addressed and I was actually planning to write the County regardless, however, I then received the Planning Notice indicating that the mine permit actually wants to be extended another 50 years AND wants to operate even closer to the Sycamore Creek development; this stepped up the urgency. The current and future operation of the mine and plants is just not acceptable, poses a potential respiratory health threat and I think the County needs to do more to solicit input on this issue more than just a letter in the mail and cover all surrounding developments and conduct a comprehensive health evaluation, at a minimum.</p>	<p>Please refer to the responses to Comments 1-1 through 1-6. Although commenter is correct that the project would extend the life of the existing permit by 50 years, commenter is incorrect in asserting that the revised permit would allow for mining operations to occur closer to the Sycamore Creek community than occurs under existing conditions; on the contrary, the revised mining permit would shift areas permitted for mining activities slightly to the west, and away from the Sycamore Creek development (as shown on Figure 3-4 of the project's MND). As noted above in the response to Comment 1-4, the Sycamore Creek EIR concluded that the "...design features [as proposed by the Sycamore Creek Specific Plan] are adequate to mitigate noise, dust, and visual impacts associated with potential land use conflicts between the existing mining operation and the proposed [residential uses within] the proposed Sycamore Creek Specific Plan" (Sycamore Creek Final EIR, 1994, p. V-39).</p> <p>Furthermore, and as noted in the response to Comment 1-1, the potential health effects associated with the project were evaluated in the project's MND, which determined that such health effects would be below a level of significance. Specifically, a project-specific air quality impact analysis, which is included as Appendix C to the project's MND, concludes that "the proposed project would not increase cancer and non-cancer health risks (Associates Environmental, July 2013, p. 1) Furthermore, the project's MND, which incorporates the project-specific air quality impact analysis and was circulated for a 30-day public review period that concluded on October 7, 2013, concludes that the proposed project: a) would not conflict with or obstruct implementation of the 2007 SCAQMD Air Quality Management Plan; b) would not violate any air quality standard or contribute substantially to an existing or projected air quality violation; c) would not 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; and d) would not expose sensitive receptors which are located within one mile of the project site to substantial point</p>

COMMENT #	COMMENT	RESPONSE
1-8	<p>Please note that I am not anti-business and realize the mine pre-dates the developments; however, the County allowed residential development of this land and there is clearly a problem that needs to be better evaluated before allowing this mining and cement plant operations to continue and, especially before considering extending permit limits which could increase volume of the health hazards to the residents and especially the children. Most people either don't know or are unwilling/unable to articulate their concerns in writing or attend a meeting.</p>	<p>source emissions. On the contrary, the air quality impact analysis (MND Appendix C) demonstrates that the proposed project would in fact result in a net reduction in all criteria pollutants, with the exception of PM<sub>10</sub>; although PM<sub>10</sub> would increase under the proposed project, the anticipated increase is below the SCAQMD's threshold of significance for PM<sub>10</sub>.</p>
		<p>Impacts associated with the introduction of residential uses into an area with existing on-going mining operations were evaluated as part of the Sycamore Creek Environmental Impact Report (EIR), which was certified by the Riverside County Board of Supervisors on November 8, 1994, and subsequent Addenda thereto. These analyses determined that the introduction of residential uses into an area where existing mining operations are occurring would not result in any health hazards, and the County required the incorporation of landscaped buffers along the western boundary of the Sycamore Creek development to preclude potential land use conflicts. This buffer area consists of a minimum 50-foot buffer zone along the eastern side of the SMP 139 site, a berm heavily landscaped with conifer trees planted between 15 and 20 feet apart, and a 2:1 landscaped berm measuring at least 30 feet in height with a six-foot community theme/sound wall on top of the berm. These buffer features were constructed in the northwestern portions of the Sycamore Creek community, as can be seen on aerial imagery of the site (Google Maps, 2013). Furthermore, there is no evidence provided in this comment, nor is any such evidence included in the administrative record for the proposed project, that demonstrates the proposed project would expose nearby sensitive receptors to health hazards; on the contrary, the information provided in the project's MND provides substantial evidence demonstrating that the project would not, in fact, expose nearby sensitive receptors to substantial pollutant concentrations. Specifically, Table EA-2 of the project's Initial Study (MND Appendix A) indicates that implementation of the proposed project would result in a net reduction of diesel particulate matter (PM<sub>10</sub>) emissions and therefore such emissions would not exceed the SCAQMD threshold of significance due to an increase in incremental</p>

**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to October 29, 2013 Comment Letter**

COMMENT #	COMMENT	RESPONSE
1-9	<p>I cannot guarantee my work schedule will allow me to attend this Hearing so I am developing this letter to voice my position and concerns; I hope others from the neighborhood can attend. While a cessation of mining and plant operations would rectify this issue, I do not think one letter can accomplish that. I do, however, would like to request a delay in this permit change/extension pending the following:</p> <ul style="list-style-type: none"> <li>• Conduct a comprehensive environmental impact assessment by an impartial third party that consists of a comprehensive mail and phone survey of the neighborhoods within a three mile radius of this mine and cement/plants to ascertain if, indeed, the health concerns articulated are more widespread. Have this effort lead and supported by CARB and SCAQMD.</li> </ul>	<p>cancer risk by more than 10 in one million. Additionally, the analysis contained in MND Appendix A (refer to Threshold 6.d)) shows that the project would not result in nor contribute to carbon monoxide hotspots.</p> <p>Comment is acknowledged, and this comment letter has been included in the administrative record for the proposed project. Please refer to the individual responses to Comments 1-10 through 1-13, below.</p>
1-10	<p>It is not clear from this comment how soliciting anecdotal feedback from all neighborhoods within a three mile radius from the project site would provide any evidence to demonstrate health effects associated with the proposed project or surrounding mining sites. Furthermore, the County notes that an impartial comprehensive environmental assessment, in the form of the project's MND, was conducted for the project, and the MND reflects the independent judgment and analysis of the County of Riverside. As part of the project's MND, the project's air quality consultant (Associates Environmental) conducted an analysis of potential air quality health effects associated with the project, and concluded that the project would result in a net reduction in diesel particulate matter emissions, thereby demonstrating that the project would not exceed the SCAQMD threshold of significance due to an increase in incremental cancer risk by more than 10 in one million. The analysis also demonstrates that the project would not result in nor contribute to any carbon monoxide "hot spots." Accordingly, no revision to the proposed project appears warranted pursuant to this comment.</p>	<p>It is not clear from this comment how soliciting anecdotal feedback from all neighborhoods within a three mile radius from the project site would provide any evidence to demonstrate health effects associated with the proposed project or surrounding mining sites. Furthermore, the County notes that an impartial comprehensive environmental assessment, in the form of the project's MND, was conducted for the project, and the MND reflects the independent judgment and analysis of the County of Riverside. As part of the project's MND, the project's air quality consultant (Associates Environmental) conducted an analysis of potential air quality health effects associated with the project, and concluded that the project would result in a net reduction in diesel particulate matter emissions, thereby demonstrating that the project would not exceed the SCAQMD threshold of significance due to an increase in incremental cancer risk by more than 10 in one million. The analysis also demonstrates that the project would not result in nor contribute to any carbon monoxide "hot spots." Accordingly, no revision to the proposed project appears warranted pursuant to this comment.</p>
1-11	<p>• There should be 24-hour air samples, taken at concentric radii taken over a six to 12 month timeframe to ascertain the exact type, nature and migration of the mining and plant by products/dust. Migration may differ over the course of the year which is why the extended timeframe.</p>	<p>Please refer to the County's Condition of Approval 60.Planning.014, which addresses this comment. Condition of Approval 60.Planning.014 requires the project applicant to conduct monitoring of project-generated fugitive dust emissions within 90 days after commencement of surface mining operations under the revised permit. The condition requires both upwind and downwind</p>

COMMENT #	COMMENT	RESPONSE
		<p>sampling of air quality located adjacent to the mining site, and further requires annual air quality monitoring after the first year of operations based on the previous year's compliance with SCAQMD rules and regulations. The condition further requires that all air quality testing must meet or not exceed SCAQMD standards for PM<sub>10</sub> (i.e., the difference between upwind and downwind monitoring stations shall not exceed 50 micrograms per cubic meter). If the monitoring determines that site operations exceed the SCAQMD standard, then mining activities are required to cease until further fugitive dust emission mitigation measures are included and implemented with the fugitive dust emissions control plan. Additional monitoring would then be required to verify the additional measures achieve the SCAQMD standard. Annual monitoring of this requirement would be conducted by Riverside County as part of the annual mining report required pursuant to Conditions of Approval Nos. 10.Planning.028, 60.Planning.013, and 10.BS Grade.002. Accordingly, because this comment is addressed by the project's conditions of approval, no new requirements are necessary.</p>
1-12	<ul style="list-style-type: none"> <li>Examine the implementation of current operational controls and restrictions to prevent the present and future emissions and migration of mining and cement plant by products and dust. Enforce this through Code Enforcement. Overall, these plants or the mine should not be allowed to operate between 11pm and 6am, it is just too loud and disruptive and sends dusts into the air.</li> </ul>	<p>No timing restrictions are proposed for the project, as the project's MND, which was based on a project-specific noise study prepared by Hans Giroux and dated June 12, 2013(MND Appendix G), demonstrates that mining operations would not expose nearby sensitive receptors to loud noise or dust during day or nighttime hours (refer also to the response to Comment 1-4). Please refer also to the response to Comment 1-11, which describes in detail the required monitoring program for dust emissions. No revision to the project is necessary based on this comment.</p>
1-13	<ul style="list-style-type: none"> <li>Develop the report on health risks and controls and incorporate them into conditions associated with any new permit and limit its term. If too significant, then disapproval of the permit should be considered as well; including the cessation of business activity.</li> </ul>	<p>A detailed analysis of potential impacts associated with health risks is provided on Pages 13 through 16 of the Initial Study (provided as Appendix A to the MND), which was based on a project-specific air quality impact analysis prepared by Associates Environmental, dated July 13, 2013 and included as MND Appendix C. As concluded in that discussion and analysis, the proposed project would result in a net reduction in the amount of diesel particulate matter and associated health effects, and the project would not result in or</p>

**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to October 29, 2013 Comment Letter**

COMMENT #	COMMENT	RESPONSE
1-14	<p>I fear that this is the source of my family's respiratory issues and many other as well. Failure to address this and allow the mine and plants to operate, even in their current design and under their current permit will bring about more chronic and debilitating health issues and negatively impact the surrounding developments, property values and even tax revenues. Some may be forced to move to protect themselves.</p>	<p>contribute to any carbon monoxide "hot spots." Additionally, the analysis in the MND demonstrates that project-related emissions would not exceed the SCAQMD regional or local thresholds of significance. Please refer also to the response to Comment 1-11, which describes in detail the required monitoring program for dust emissions. No revision to the project appears necessary based on this comment.</p> <p>The County acknowledges this comment, but finds that there is no evidence presented in this letter, nor in the administrative record for the proposed project, demonstrating that the proposed project would result in or contribute to significant adverse health issues affecting nearby residents. On the contrary, the project's MND includes a lengthy discussion and evaluation of the project's potential impacts to the environment, and concludes that all such impacts would be less than significant or mitigated to a level below significance with the incorporation of mitigation measures. Conditions of approval, as described above, will be imposed on the project by the County of Riverside to further ensure that the proposed project does not expose nearby residents to substantial pollutant concentrations.</p>
1-15	<p>I thank you, in advance, for your time and attention; you may contact me if you require any further clarification or additional information at 949-285-6476.</p>	<p>Comment is acknowledged, and the County will direct any questions or requests for additional information to the contact information provided.</p>

**Attachment 1:  
Historical Peak Hour Trip Information for SMP 139**

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TABLE 4: PEAK HOUR TRIPS AS PERCENTAGE OF TOTAL ADT

	1/20/05	2/9/05	3/7/05	4/7/05	5/19/05	6/17/05	7/5/05	8/23/05	9/13/05	10/19/05	11/11/05	12/28/05	Average Hourly Trips	Hourly %	
12:00 AM	6	2	0	4	6	2	0	8	10	2	4	8	4.3	0.67%	12:00 AM
1:00 AM	2	4	0	6	2	6	0	6	8	6	6	8	4.5	0.70%	1:00 AM
2:00 AM	4	4	0	10	8	6	0	2	10	2	14	4	5.3	0.82%	2:00 AM
3:00 AM	4	6	0	4	16	6	0	32	18	16	18	16	11.3	1.75%	3:00 AM
4:00 AM	18	18	34	28	30	36	68	56	40	28	26	32	34.5	5.34%	4:00 AM
5:00 AM	50	40	54	48	60	60	46	62	60	60	48	50	53.2	8.22%	5:00 AM
6:00 AM	32	54	54	52	12	34	60	28	96	52	60	48	48.5	7.50%	6:00 AM
7:00 AM	36	48	34	48	40	48	36	42	56	36	26	42	41.0	6.34%	7:00 AM
8:00 AM	64	52	38	38	50	50	44	44	44	68	40	52	48.7	7.53%	8:00 AM
9:00 AM	34	52	56	36	36	60	48	44	48	62	48	56	48.3	7.47%	9:00 AM
10:00 AM	28	34	60	42	34	56	66	54	64	62	44	52	49.7	7.68%	10:00 AM
11:00 AM	42	48	48	24	36	50	58	44	50	52	40	42	44.5	6.88%	11:00 AM
12:00 PM	28	52	66	44	38	82	44	40	60	60	38	56	50.7	7.84%	12:00 PM
1:00 PM	26	42	40	28	42	94	60	46	44	60	34	42	46.5	7.19%	1:00 PM
2:00 PM	36	42	58	30	44	24	50	78	56	38	22	32	42.5	6.57%	2:00 PM
3:00 PM	24	38	16	38	26	24	40	30	36	28	26	18	28.7	4.43%	3:00 PM
4:00 PM	8	18	22	16	22	4	38	30	36	12	20	8	19.5	3.02%	4:00 PM
5:00 PM	28	12	18	22	8	12	14	10	12	2	4	16	13.2	2.04%	5:00 PM
6:00 PM	8	14	4	22	8	6	10	6	14	10	8	12	10.2	1.57%	6:00 PM
7:00 PM	8	12	6	12	2	10	6	6	18	4	6	10	8.3	1.29%	7:00 PM
8:00 PM	6	8	2	6	6	8	2	6	10	2	4	6	5.5	0.85%	8:00 PM
9:00 PM	10	2	6	8	6	4	0	6	10	20	14	28	9.5	1.47%	9:00 PM
10:00 PM	0	14	8	10	20	6	8	24	20	16	2	16	12.0	1.86%	10:00 PM
11:00 PM	10	4	6	8	6	0	6	6	16	6	4	4	6.3	0.98%	11:00 PM
Total Tickets	512	620	630	584	558	688	704	710	836	704	556	658	646.7	100.00%	

Note: Data provided is from an adjacent mining operation. Data from 2005 was utilized because the adjacent mining site achieved 2.2 mtpy in 2005, which is the closest available data to the SMP 139R1 project (2.0 mtpy).





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov



SENT VIA USPS AND E-MAIL:  
[straite@rctlma.org](mailto:straite@rctlma.org)

October 31, 2013

Mr. Matt Straite, Project Planner  
Riverside County Planning Department  
P.O. Box 1409  
Riverside, CA 92502-1409

**Draft Mitigated Negative Declaration (Draft MND) for the Proposed  
Surface Mining Permit No. 139, Revised Permit No. 1 (SMP 139R1)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Mitigated Negative Declaration.

The Lead Agency proposes to consolidate activities covered under several existing permits into one permit for the whole facility that operates on 186 acres of a approximately 215 acre site. Currently, there is an existing on-site concrete batch facility allowed to excavate, move, load and haul approximately 5,000,000 tons per year of aggregate mining materials. The proposed project 1) extends the life of the existing permit entitlements for approximately 50 years (January 2018 to December 31, 2068); and 2) reduces the annual allowable tonnage to 2,000,000 tons per year and allows for both the on-site aggregate mining operations and the off-site Inert Debris Engineered Fill Operation (IDEFO). The latter involves importing inert construction debris to the property and then processing those materials onsite as part of a reclamation plan to generate fill for excavated areas on the project site.

Currently, there is a SCAQMD operational permit for the existing on-site aggregate processing equipment that includes crushing and screening. Should modification(s) to this equipment occur as a result of the proposed project, permits from the SCAQMD would be required. For questions related to permitting requirements, SCAQMD Engineering and Compliance staff can be contacted at (909) 396-2591.

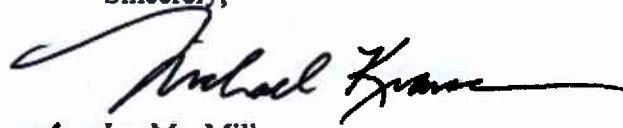
Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Mr. Matt Straite,  
Project Planner

1

October 31, 2013

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Kwan". The signature is fluid and cursive, with a long horizontal stroke at the end.

*for* Ian MacMillan  
Program Supervisor, Inter-Governmental Review  
Planning, Rule Development & Area Sources

IM:MK:GM

RVC131008-01  
Control Number

Dear Project Planner Matt Straite,

We are the owners of 25139 Pacific Crest St. and 25109 Pacific Crest St. The back of those two properties are the Mine Reclamation. Because it is too close to our properties, we can feel the dust all the time, and we hear the sound from the trucks backing away almost every day, especially at night. We consider this Mine Reclamation effects our health and daily lives. Therefore, we disagree with the extension of the expiration date of the surface mining permit. Thank you very much!

Sincerely,

Yingqi Hu  
Wanhua Xiao  
626-320-3084  
626-320-3329



**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to October 31, 2013 Comment Letter**

COMMENT #	COMMENT	RESPONSE
1.	<b>South Coast Air Quality Management District (October 31, 2013)</b>	
1-1	The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Mitigated Negative Declaration.	The County notes that this comment letter was received on November 4, 2013, whereas the public review period for the project's Mitigated Negative Declaration (MND) concluded on October 7, 2013. Nonetheless, responses are provided herein for informational purposes.
1-2	The Lead Agency proposes to consolidate activities covered under several existing permits into one permit for the whole facility that operates on 186 acres of a approximately 215 acre site. Currently, there is an existing on-site concrete batch facility allowed to excavate, move, load and haul approximately 5,000,000 tons per year of aggregate mining materials. The proposed project 1) extends the life of the existing permit entitlements for approximately 50 years (January 2018 to December 31, 2068); and 2) reduces the annual allowable tonnage to 2,000,000 tons per year and allows for both the on-site aggregate mining operations and the off-site Inert Debris Engineered Fill Operation (IDEFO). The latter involves importing inert construction debris to the property and then processing those materials onsite as part of a reclamation plan to generate fill for excavated areas on the project site.	The description of the proposed project as provided in this comment is accurate; no response is necessary.
1-3	Currently, there is a SCAQMD operational permit for the existing on-site aggregate processing equipment that includes crushing and screening. Should modification(s) to this equipment occur as a result of the proposed project, permits from the SCAQMD would be required. For questions related to permitting requirements, SCAQMD Engineering and Compliance staff can be contacted at (909) 396-2591.	The County acknowledges that the Project Applicant would be required to obtain new or revised permits from the SCAQMD in the event that modifications to the existing on-site aggregate processing equipment is necessary as a result of revised mining operations. At this time, the Project Applicant does not anticipate a need for such new or revised permits. The Project Applicant has been provided with the contact information listed in this comment, and will coordinate with SCAQMD as appropriate if new or revised permits are required.
1-4	Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist- CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.	As noted in the response to Comment 1-1, this comment letter was not received by the County until November 4, 2013 and is dated October 31, 2013. The public review period for the project's MND concluded on October 7, 2013, and the project is currently scheduled for public hearing before the Planning Commission on November 6. Nonetheless, the County will mail a copy of the responses to the comments included in this letter to Gordon Mize

**Mayhew Aggregates and Mine Reclamation  
SURFACE MINING PERMIT REVISION SMP 139R1**

**Responses to October 31, 2013 Comment Letter**

COMMENT #	COMMENT	RESPONSE
		at the contact information provided in this comment.

COMMENT #	COMMENT	RESPONSE
1. 1-1	<p><b>Yingqi Hu (November 4, 2013)</b></p> <p>Dear Project Planner Matt Straite,</p> <p>We are the owners of 25139 Pacific Crest St. and 25109 Pacific Crest St. The back of those two properties are the Mine Reclamation. Because it is too close to our properties, we can feel the dust all the time, and we hear the sound from the trucks backing away almost every day, especially at night. We consider this Mine Reclamation effects our health and daily lives. Therefore, we disagree with the extension of the expiration date of the surface mining permit. Thank you very much!</p>	<p>The County notes that this comment letter was received on November 4, 2013, whereas the public review period for the project's Mitigated Negative Declaration (MND) concluded on October 7, 2013. The County further notes that this comment letter appears to be in reference to the project in general, and is not responsive to the project's MND. Nonetheless, responses are provided herein for informational purposes.</p> <p>The County understands that the commenter was provided with a written Declaration regarding the existing mining operations at the time commenter's home was purchased. The County also understands that commenter acknowledged as part of this Declaration that commenter consented to said on-going mining operations, and commenter was specifically required to refrain from written or verbal objections and that, as part of the Declaration, the commenter agreed to waive any right to protest operations occurring at the nearby mining sites. Said Declaration also specifically noted that the nearby mining operations consisted of a 24-hour operation operating seven days a week. Objections specifically prohibited by the Declaration included, but were not limited to, objections related to noise, dust, fumes, unpleasing visual effects, heavy vehicular traffic, vibrations, offensive odors, destruction or displacement of plant life and animal life. A noise easement also was recorded over the Sycamore Creek property that similarly indicates that mining-related noise, dust, fumes, unpleasing visual effects, heavy vehicular traffic, vibrations, offensive odors, and injury proximately resulting therefrom shall not constitute physical injury. A copy of the original Declaration, executed on June 30, 1992, as well as the easement, which was recorded on February 2, 1993, are herein incorporated by reference and are included in the project's administrative record and can be viewed at the Riverside County Planning Department, 4080 Lemon Street, 12<sup>th</sup> Floor, in the City of Riverside, CA.</p> <p>Notwithstanding the foregoing, impacts associated with the</p>

COMMENT #	COMMENT	RESPONSE
		<p>proposed project were thoroughly addressed in a Mitigated Negative Declaration (MND) that was circulated for a 30-day public review and comment period that concluded on October 7, 2013. The MND, which was based in part on a site-specific air quality impact analysis (MND Appendix C), included a discussion and analysis of potential impacts associated with dust (PM<sub>10</sub> and PM<sub>2.5</sub>). The analysis concludes that the project's emissions of PM<sub>10</sub> and PM<sub>2.5</sub> would not exceed the regional or local thresholds of significance established by the SCAQMD, and further concludes that "the proposed project would not increase cancer and non-cancer health risks" due to diesel particulate matter (DPM) emissions (Associates Environmental, July 2013, p. 1). As such, the County finds that the emission of dust associated with the existing/proposed mining operation would not expose nearby residences to substantial concentrations of particulate matter (dust).</p> <p>The project's MND further included an analysis of noise impacts, which was based on a project-specific noise impact analysis (MND Appendix G). As noted in the MND (Page 67 of the Initial Study, included as Appendix A to the MND), mining operations associated with the proposed project would not expose nearby sensitive receptors to noise levels in excess of the County's daytime noise standard of 65 dB (10-minute Leq) or the County's nighttime noise standard of 45 dB (10-minute Leq). Accordingly, the project would not expose nearby sensitive receptors (i.e., residential homes) to excessive noise levels associated with mining operations during daytime or nighttime hours. Additionally, the Sycamore Creek EIR, which was certified by the County in 1994, concluded that the "... design features [as proposed by the Sycamore Creek Specific Plan] are adequate to mitigate noise, dust, and visual impacts associated with potential land use conflicts between the existing mining operation and the proposed [residential uses within] the proposed Sycamore Creek Specific Plan" (Sycamore Creek Final EIR, 1994, p. V-39). Thus, the County finds that the design measures incorporated into the Sycamore Creek community are adequate to preclude significant noise effects associated with nearby mining</p>

COMMENT #	COMMENT	RESPONSE
		<p>operations, including both off-site mining areas and existing/proposed operations at the project site.</p> <p>Finally, the County notes that the revised SMP 139R1 permit would shift areas permitted for mining activities slightly to the west, and away from the Sycamore Creek development (as shown on Figure 3-4 of the project's MND). Thus, as compared to the existing approved mining permits for the site, the project as currently proposed would actually result in a slight reduction in the amount of dust or noise affecting nearby residents within the Sycamore Creek community.</p>



# Revision to the CEQA document

As shown on Figure 2-4, the proposed Project site is currently used as a permitted sand and gravel mining operation. The proposed Project site is surrounded by chain-link fencing and marked with signage to restrict public encroachment into the mining areas. Within the site, a 50-foot setback is observed within which mining does not occur as required pursuant to PP 1828 and SMP 139.

The central portion of the proposed Project site contains an existing aggregate desilting basin, which allows for the settlement of solids out of water used in processing activities. Water from the desilting basin is then re-used in the mining operations. In the south-central portion of the property is the main aggregate mining pit. In the west-central portion of the proposed Project site is an existing processing plant, composed of a crushing station, several conveyors, a surge pile, a washing and sizing station, and storage areas. Throughout the proposed Project site are a variety of gravel stockpiles and washed sand stockpiles, in addition to dirt roadways that facilitate the mining operations.

As documented by the Army Corps of Engineers (ACOE) in their determination that Mayhew Creek does not comprise a water of the U.S. (Appendix J), in January/February 2005, heavy rains, combined with geological movement along the Glen Ivy Fault line, caused the bank between the Mayhew Creek and the southern and eastern SMP 139 pit walls to substantially erode and partially collapse into the SMP 139 mining pit. As a result, flows from Mayhew Creek began to immediately discharge directly into the SMP 139 gravel pit and created instability of the southern and eastern slopes of the mining pit. In order to address this emergency condition, in approximately April 2005 the former mining operator (CEMEX) was directed by the Riverside County Building & Safety Department to construct a concrete down-drain structure measuring approximately 300 feet in length along the southern pit wall of the SMP 139 site.

The down-structure was approved by the Riverside County Planning Department on October 23rd, 2006 under RCL00106SI, and also was subject to review and consultation with the ACOE, California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB). As a result of this review, Mayhew Creek was determined by the ACOE not to comprise a Water of the U.S., and was therefore not subject to regulation under Section 404 of the Clean Water Act (CWA), thereby excusing Cemex from the need to obtain a Section 404 Permit from ACOE or a Section 401 Certification from the RWQCB. As part of the review and approval process associated with RCL00106SI, the mining operator was required to obtain a Streambed Alteration Agreement and prepare a Habitat Mitigation and Monitoring Program (HMMP), which required the creation of 9.7 acres of mule fat scrub habitat within the northeastern portions of the original SMP 139 site (and outside of the areas proposed to be included within SMP 139R1). A copy of the Streambed Alteration Agreement and amendment thereto is included as Appendix L to this MND. All requirements of the Streambed Alteration Agreement, as amended, would continue to apply to the proposed Project.

Due to the heavy rains and the geological movement along the Glen Ivy Fault Line, and the subsequent required and constructed down-drain structure, it was determined that the existing mining pit is sufficiently sized to capture and retain multiple 100-year storm events, effectively cutting Mayhew Creek off from the original flow line; thus, only minimal flows from the Mayhew Creek are discharged from the site to downstream areas. Furthermore, although flows from Mayhew Creek are mostly detained on-site, these flows are not used as part of any existing or proposed mining operations. Rather, the flows ultimately are absorbed into the ground and contribute to the existing groundwater table.

The only portions of the proposed Project site that remain relatively undisturbed under existing conditions include approximately six (6.0) acres along the eastern boundary of the property that consist of sage scrub habitat occurring on the upper banks of a riverine feature that collects in the northeastern corner of the proposed Project site. The northeastern corner of the proposed Project site was at one time actively mined, but now contains riparian vegetation. Disturbed habitat also occurs along the

CALIFORNIA DEPARTMENT OF FISH AND GAME  
330 Golden Shore, Suite 50  
Long Beach, California 90802

Notification No. 5-066-97

*Office*  
*Site (909) 974-5554* Page 1 of 5

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and name: Jim Gore, representing: Sunwest Materials, address: 430 N. Vineyard, Suite 500, Ontario, CA 91764, phone: (909) 277-7813, County of San Bernardino, State of California, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 1603 of California Fish and Game Code, the Operator, on the 25th day of February, 1997, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of, the following water(s): Mayhew Canyon Creek of Riverside County, tributary to Temescal Wash, located adjacent to Maitri Road and south Temescal Canyon Road. Section 11, Township 5 So., Range 6W, USGS Map LAKE MATHEWS

WHEREAS, the Department (represented by Dee Sudduth, who has made an inspection of subject area on the 21st day of March, 1997) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: those songbirds, raptors, other birds, mammals, reptiles, amphibians, plants, and all other aquatic resources and wildlife in the streambed/lake and associated area affected by the proposed project in this agreement.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

THIS AGREEMENT BECOMES EFFECTIVE ON DATE OF DEPARTMENT'S SIGNATURE AND TERMINATES March 26, 2002, for the proposed project only. The Operator may request an extension of the agreement annually for a 12-month period if additional construction time is necessary. The extension shall be requested prior to the termination date of the agreement. This agreement shall remain in effect for that time necessary to satisfy the terms/conditions of this agreement.

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 5-066-97

1. The following provisions constitute the limit of activities agreed to and resolved by this agreement. The signing of this agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this agreement, shall be subject to separate notification pursuant to Fish and Game Code 1600 et seq..
2. The Operator proposes to alter the following streambed: Mayhew Canyon Creek, to perform the following work: Continuous removal of sand and sediment within Basins #1 and #2, up to 10,000 cubic yards. Removal of material from two on-site 90 degree reach bends of Mayhew Canyon Creek, excavation of the new channel will be approximately 60 feet wide and 18 feet deep. Sediment removed from the new channel shall be deposited in the old channel. Maximum area impacted would be a total of 9.7 acres, as described in the submitted application.
3. The agreed work includes activities associated with No. 2 above. The project area is located in the following streambed Mayhew Canyon Creek, Riverside County, located approximately as follows: adjacent to Maitri Road and south Temescal Canyon Road. Section 11, Township S 30., Range 6W, USGS Map LAKE MATHEWS. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator and shall be implemented as proposed, unless directed differently by this agreement.
4. The Operator shall request an extension of this agreement prior to its termination. Extensions may be granted for up to 12 months from the date of termination of the agreement and are subject to Departmental approval. The extension request and fees shall be submitted to the Department's Region 5 Office at the above address. If the Operator fails to request the extension prior to the agreement's termination, then the Operator shall submit a new notification with fees and required information to the Department. The Operator may request up to five extension(s) of this agreement. Any activities conducted under an expired agreement are a violation of Fish & Game Code Section 1600 et.seq..
5. The Operator certifies by signing this agreement that the project site has been surveyed and shall not impact any rare, threatened or endangered species; or the Operator certifies that such a survey is not required for the proposed project. If rare, threatened or endangered species occur within the proposed work area, or could be impacted by the work proposed, this agreement shall not be valid and the Operator shall not proceed with the project until the Operator consults with the Department and obtains any required State and/or Federal permits.
6. The Operator shall institute a vigorous on-going exotic weed control program to include Arundo donax, tamarisk, castor bean, cocklebur and tree tobacco. Eradication shall be accomplished on that reach of Mayhew Canyon Creek which transects the Operator's property.
7. The Operator shall revegetate the three identified locations on the project site. These sites shall be planted with native riparian species obtained from on site sources or a local nursery. The Operator shall submit a revegetation plan which shall include a planting plan, an irrigation plan and 5-year monitoring plan with success criteria identified.
8. The Operator shall submit to the Department annual progress reports. These reports shall include photographs and replanting efforts.
9. In those project areas where nesting birds may occur, the Operator either shall not remove potential nesting riparian vegetation from March 15 through July 30, or shall survey all potential nesting riparian vegetation within the project site for active bird nests. If an active bird nest is located the nest site shall be flagged or staked a minimum of 5 yards in all directions, and this flagged zone shall not be disturbed until the nest becomes inactive, unless otherwise directed by the Department (ref.: Fish and Game Codes 3503, 3503.5).

10. The removal or disturbance of soil, vegetation and vegetative debris from the streambed or bank shall not exceed the limits approved by the Department, or as described in the submitted application.
11. Areas of disturbed soils with slopes toward a stream shall be stabilized to reduce erosion potential. Where possible, stabilization shall include the revegetation of stripped or exposed areas with vegetation native to the area. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials may be used for such stabilization.
12. Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake or in wetted areas, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the agreement and as necessary to complete authorized work.
13. If a stream channel has been altered during project operations, its low flow channel shall be returned as nearly as possible to pre-project conditions without creating a possible future streambed or bank erosion problem, or a flat wide channel or sluice-like area. The disturbed portions of any stream channel within the high water mark of the stream shall be restored to as near original condition as possible, except as otherwise indicated in the submitted application or as directed by the Department.
14. Fill length, width, and height dimensions shall not exceed those of the original installation or the original naturally occurring topography, contour, and elevation; fill shall be limited to the minimal amount necessary to accomplish the agreed activities; fill construction materials other than on-site alluvium, shall consist of clean uncontaminated soil, silt-free gravel, and/or river rock; except as described in the submitted application or as otherwise specified in this agreement.
15. Vegetation removed from the site shall not be stockpiled in the streambed/creek or on its bank. The sites selected on which to push this material out of the stream should be selected in compliance with the other provisions of this agreement. Where possible, suitable brush piles may be left to provide wildlife habitat.
16. This agreement does not authorize the construction of any temporary or permanent dam, structure, flow restriction or fill, except as described in the Operator's notification. Any temporary dam, artificial obstruction, or other flow diversion shall be constructed from materials, such as clean gravel or sandbags, which will cause little or no siltation. If necessary, flow diversions shall be done in a manner that shall prevent pollution, minimize siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be of sufficient quality and quantity to support existing aquatic life both above and below the diversion. Normal flows shall be restored to the stream immediately upon completion of work at that location.
17. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require that the work site be isolated and /or the construction of silt catchment basins, so that silt, or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the stream for this purpose, not included in the original project description, shall be coordinated with the Department. Coordination shall include the negotiation of additional agreement provisions.
18. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.
19. Spoil sites shall not be located within a stream/lake, where spoil can be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation. The Operator may remove all human generated debris, such as lawn and farm cuttings, garbage and trash.

20. Structures and associated materials, including debris, not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.
  21. No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.
  22. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to ensure compliance.
  23. The clean-up of all pollution spills shall begin immediately. The Operator shall notify the Department immediately of any spills and shall consult with the Department regarding clean-up procedures and requirements.
  24. All debris, bark, slash, sawdust, rubbish, silt, cement or concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances resulting from project related activities which could be hazardous to aquatic life or waters of the state, shall be prevented from contaminating the soil and/or entering the waters of the state. None of these materials shall be allowed to enter into or be placed within or where they may enter or be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
  25. All provisions of this agreement remain in force throughout the term of the agreement. Any provisions of the agreement may be amended or the agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original agreement and are subject to all previously negotiated provisions.
  26. If the Operator or any of the individuals mentioned above, violate any of the terms or conditions of this agreement, all work shall terminate immediately and shall not proceed until the Department has taken all of its legal actions.
  27. The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this agreement.
  28. The Operator shall provide a copy of this agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.
  29. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities, and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to the Department at 330 Golden Shore, Suite 50, Long Beach, CA 90802, Attn: Environmental Services.
  29. The Department reserves the right to suspend and/or cancel this agreement for other reasons, including but are not limited to, the following:
    - a. The Department determines that the information provided by the Operator in support of the Notification/Agreement is incomplete or inaccurate;
    - b. The Department obtains new information that was not known to it in preparing the terms and conditions of the Agreement;
    - c. The project or project activities as described in the Notification/Agreement have changed; and
    - d. The conditions of or affecting fish and wildlife resources change or the Department determines that project activities will result in a substantial adverse effect on the environment.
-

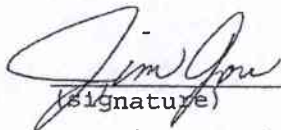
CONCURRENCE:

Sunwest Materials

California Department of  
Fish and Game

Jim Gore \_\_\_\_\_

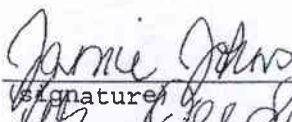
Dee Sudduth \_\_\_\_\_

  
\_\_\_\_\_  
(signature)

4-2-97  
\_\_\_\_\_  
(date)

Environmental Coordinator

(title)

  
\_\_\_\_\_  
(signature)

4/4/97  
\_\_\_\_\_  
(date)

Environmental Specialist III

(title)

**DEPARTMENT OF FISH AND GAME**<http://www.dfg.ca.gov>

Eastern Sierra-Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
Phone (909) 484-0459  
Fax (909) 481-2945



September 28, 2005

Christine Jones  
Regional Environmental Manager  
Cemex Construction Materials, L.P.  
430 North Vineyard, Suite 500  
Ontario, CA 91764-4463

**Request to amend Lake or Streambed Alteration Agreement Number 5-066-97**

Dear Ms. Jones:

The Department of Fish and Game (Department) has received your request to extend your original Lake or Streambed Alteration Agreement Number 5-066-97 (agreement). Your project now includes work or activities that were not described in the original notification package you submitted to the Department. Your executed agreement provides that the terms of the agreement may be renegotiated by mutual consent of the parties to the agreement. The Department has reviewed your request and agrees to amend your agreement to include increased impacts of the project, subject to the conditions set forth in the attached proposed amendment.

If you accept the conditions, please sign and date the attached amendment and return it to the Department at the above address. The Department will then sign the amendment and provide you with a copy of it. Please note that before the Department may execute any amendment to the agreement, it must comply with all applicable state laws, including the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 2100-21177), if CEQA applies.

If you have any questions regarding this matter, please contact the Department at the above telephone number or address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Brandt", is written over a horizontal line.

*for* Jeff Brandt  
Environmental Scientist  
Habitat Conservation Planning, Region 6

Attachment



**AGREEMENT TO AMEND  
LAKE OR STREAMBED ALTERATION AGREEMENT NUMBER 5-066-97**

WHEREAS, Jim Gore of Sunwest Materials, renamed Cemex Construction Materials, L.P. and represented by Christine Jones, Regional Environmental Manager, Cemex Construction Materials, L.P., 430 N. Vineyard ave, Suite 500, Ontario, CA 91764-4463, phone number (909) 974-5471 (Operator) and the Department of Fish and Game (Department) entered into Lake or Streambed Alteration Agreement Number 5-066-97 (agreement) on or about April 4, 1997; and

WHEREAS, the Operator has requested the Department to amend the agreement to include increased impacts of the project; and

WHEREAS, pursuant to section 1602 of the Fish and Game Code the terms of a Lake or Streambed Alteration Agreement may be amended by mutual consent of the parties to the agreement; and

WHEREAS, the Department has established a fee for amending Lake or Streambed Alteration Agreements and that fee, as set forth in section 699.5(g) of title 14 of the California Code of Regulations, is 50% of the fee of the original agreement, and

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth below, the Operator and the Department agree as follows:

1. The terms and conditions contained in the original agreement shall remain in full force and effect, except:
  - a. Amended Termination Date. This agreement expires on March 26, 2006.
  - b. **Amended condition 2.** The Operator shall not impact more than 9.7 acres of Departmental jurisdictional waters in Mayhew Creek, tributary to Temescal Wash. If impacts to drainages and riparian habitat exceed that authorized in this Agreement, the Operator shall mitigate at a minimum 5:1 replacement-to-impact ratio for the impacts beyond those previously authorized by this Agreement and submit a new 1600 streambed alteration agreement application for the entire project. All mitigation shall be approved by the Department.
  - c. **Amended condition 4.** Extension of Agreement. The term of this agreement shall not exceed five years in accordance with Fish and Game Code Section 1605. The Operator may request one (1) extension of this agreement prior to its termination for a period up to five (5) years, subject to Departmental approval. The extension request and fees shall be submitted to the Department's Region 6 Office at the above address. If the Operator fails to request the extension prior to the agreement's termination then the Operator shall submit a new notification with fees and required information to the Department. Any activities conducted under an expired agreement are a violation of Fish and Game Code Section 1600 et. Seq.
  - d. **Amended condition 7.** The Operator shall identify all riparian areas onsite and shall revegetate 9.7 acres onsite as riparian habitat as mitigation for the project. The mitigation habitat must be established and persist through the life of the project. Increases in the scope impacts will also cause increases to the required mitigation (as stated in Amended Condition 2).
  - e. **Amended condition 8.** An annual report shall be submitted to the Department each year for a minimum of 5 years after planting or until the Department deems the mitigation site(s) successful. This report shall include (a) a description of the restoration activities done the previous year (including revegetation and exotic species removal) and when they were conducted; (b) the survival, percent cover, and height of both tree and shrub species planted; the number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be

included; (c) The report shall also include information regarding exotic vegetation removal including the amount removed, the amount removed and treated, frequency and timing of removal and treatment, disposal specifics, and a summary of the general success and failures or failure of the exotic removal plan. The report shall also include wildlife observed at the site during monitoring surveys including sensitive species and/or listed species. Photos from designated photo stations shall be included. The first annual report is due to the Department no **March 26, 2006**.

- f. **Added condition 30.** Notification to the California Natural Diversity Database. If any sensitive species are observed on or in proximity to the project site, or during project surveys, the Operator shall submit California Natural Diversity Data Base (CNDDDB) forms and maps to the CNDDDB within five working days of the sightings, and provide the regional Department office with copies of the CNDDDB forms and survey maps. **This information shall be mailed within five days to:** California Department of Fish and Game, Natural Diversity Data Base, 1807 13th Street, Suite 202, Sacramento, CA 95814, Phone (916) 324-3812. A copy of this information shall also be mailed within five days to the Department regional office at: California Department of Fish and Game Region 6, Lampson Avenue, Suite J, Los Alamitos, CA 97702, **Attn: Streambed Team. Please reference SAA # 5-066-97**
- g. **Added condition 31.** A qualified biologist shall be on-site to monitor all activities that result in the clearing or grading of sensitive habitat as well as grading, excavation, and/or other ground-disturbing activities in jurisdictional areas. The Operator shall flag the limits of grading and the jurisdictional areas, perform necessary surveys, and take photographs during the construction process, as required by this permit. The monitor is required to halt construction activities if threatened or endangered species are identified and notify the appropriate agencies immediately.

2. All work shall be done in accordance with the plans and specifications the Operator provided the Department with the original notification package and/or described in the original agreement.

3. A copy of this amendment and a copy of the original agreement shall be provided to any contractors and subcontractors of the Operator and copies of these documents shall be available at the project site.

4. The Operator understands that the Department may not execute this amendment until it complies with all applicable state laws, including the California Environmental Quality Act (CEQA) (Pub. Resources Code, 2100-21177), if CEQA applies.

IN WITNESS WHEREOF, the parties below have executed this amendment to Lake or Streambed Alteration Agreement No. 5-066-97 as indicated below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Jones,  
Regional Environmental Manager,  
Cemex Construction Materials, L.P.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeff Brandt  
Environmental Scientist  
Habitat Conservation Planning, Region 6  
Department of Fish and Game

Memo from the Fee Administrator regarding Fees  
required by the project



**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**



*Juan C. Perez  
Agency Director*

*Carolyn Syms Luna  
Director,  
Planning Department*

*Juan C. Perez  
Director,  
Transportation Department*

*Mike Lara  
Director,  
Building & Safety Department*

*Greg Flannery  
Interim Director,  
Code Enforcement Department*

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**MEMORANDUM**

**DATE: November 4, 2013**

**TO: Matt Striate – Planning Dept. County of Riverside**

**FROM: Tim Wheeler – Interim Fee Administrator County of Riverside**

**SUBJECT: Memorandum of Determination of Mitigation Fees for SMP00139R1 for Exhibit A dated 1/3/13**

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This Memorandum of Determination of mitigation fees is for the revised use of a surface mining project; further referred to here as SMP00139R1. The mitigation fees to be discussed will be Development Impact Fee (DIF), Multiple Species Habitat Conservation Plan (MSHCP), Western Transportation Uniform Mitigation Fee (WTUMF) fees. The Stephen's Kangaroo Rat Habitat Conservation Plan (SKR) is not applicable to these parcels or project and does not need further review or comment.

Ordinance 659 DIF – This mitigation fee will not apply as indicated under DIF Resolution 2008-160; Sections 2B which states: ...The DIF fee shall be paid only on the gross acreage of the project site that was previously vacant and built subsequent to the effective date of the ordinance. Section 4A & H also states: DIF fees for surface mining operations will be determined by the total acreage of the 'Intensive Use Area'. DIF fees shall not be assessed on the area designated as the "Mineral Extraction Area" within the surface mining operation. The area proposed as revised use under SMP00139R1 is a manufactured slope and designated as "Mineral Extraction Area" and therefore exempt. Be sure this area is noted as "Mineral Extraction Area" on the approved Exhibit A dated 1/3/13.

Ordinance 810 MSHCP – This mitigation fee will not apply as referred to under MSHCP Resolution 2004-223; Section 3a indicating: ...The fee shall be paid only on the gross acreage of the project site that was previously vacant and built subsequent to the effective date of this ordinance. Recognizing that the revised use area under SMP00139R1 is a manufactured slope and that this revision will allow further disturbance into that area; therefore this acreage is exempt from payment.

Ordinance 824 WTUMF – This mitigation fee will not apply as there are no buildings or additions to existing buildings purposed under this SMP00139R1. Please note that if new buildings or structures that qualify for WTUMF payment are proposed, a further review will be required and WTUMF may apply.

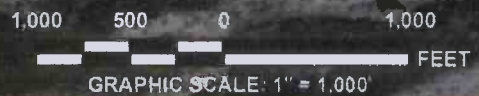
**EXHIBIT "D"**  
**AERIAL ORTHOPHOTO EXHIBIT**  
**SMP00139R1**  
**COUNTY OF RIVERSIDE, CA**

**SITE**

**NORTH**

OWNER/APPLICANT: MAYHEW AGGREGATES  
& MINE RECLAMATION

SOURCE OF ORTHOPHOTO: AERIAL TOPOGRAPHIC  
SURVEY DATED JANUARY 11, 2011, PERFORMED BY  
COOPER AERIAL SURVEYS, INC.



**EXHIBIT "E"**

**USGS QUADRANGLE MAP (24K/7.5-SERIES DRG)**

**SMP00139R1**

**COUNTY OF RIVERSIDE, CA**

**SITE**

Tennessee Valley

OWNER/APPLICANT: MAYHEW AGGREGATES  
& MINE RECLAMATION

QUADRANGLES: "LAKE MATHEWS" & "ALBERHILL"



GRAPHIC SCALE: 1" = 2,000'

# AGGREGATE AVAILABILITY IN CALIFORNIA

Fifty-Year Aggregate Demand Compared to Permitted Aggregate Resources

By  
 Susan L. Kohler

Department of Conservation  
 California Geological Survey

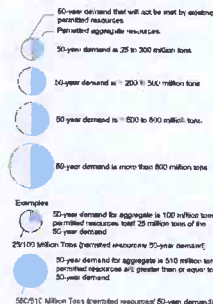
December 2006

Contributions By:  
 L. L. Busch and R. V. Miller

GIS Design and Map Layout By:  
 Milton Fonseca



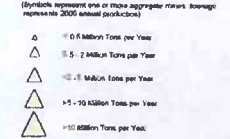
## Legend



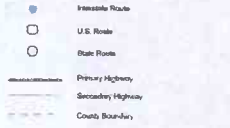
## Areas With Short Term Aggregate Supply



## Aggregate Production Areas



## Population



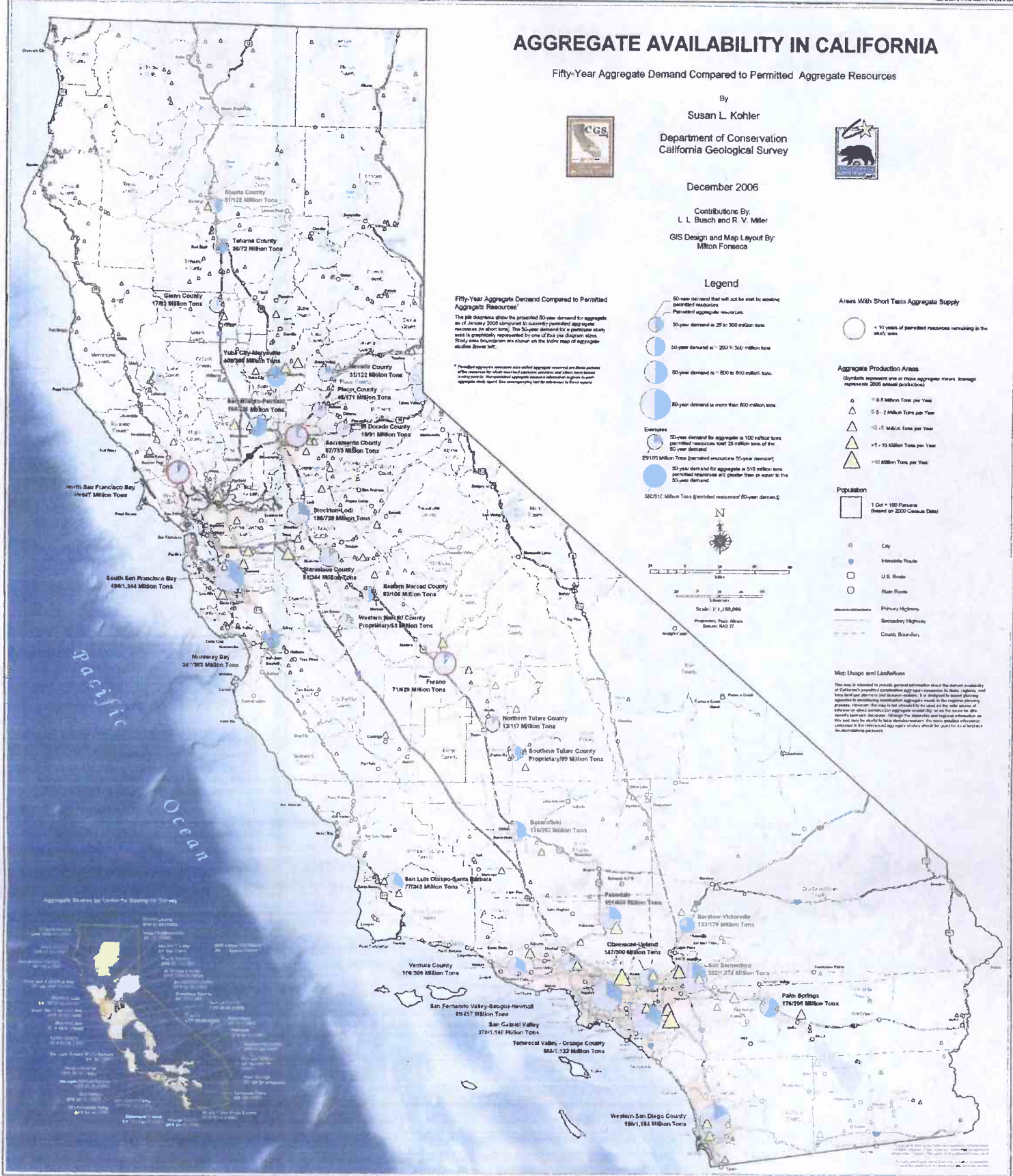
## Map Usage and Labeling

This map is intended to provide general information about the current availability of California's permitted aggregate resources. It is designed to assist planning agencies in developing aggregate supply plans for the future. It is not intended to be used as a basis for aggregate supply planning. The data and information on this map may be used to help develop aggregate supply plans. The data and information on this map may be used to help develop aggregate supply plans. The data and information on this map may be used to help develop aggregate supply plans.

**Fifty-Year Aggregate Demand Compared to Permitted Aggregate Resources**

The pie diagrams show the projected 50-year demand for aggregate as of January 2006 compared to currently permitted aggregate resources (on short term). The 50-year demand for a particular study area is graphically represented by one of five pie diagram sizes. Study area boundaries are shown on the outline map of aggregate studies shown left.

\* Permitted aggregate resources data and other information are based on the resources for which new and existing aggregate permits and short-term permits are in effect. Permitted aggregate resources and aggregate study areas are shown on the outline map of aggregate studies shown left.





## Visibility

The site is partially visible from residences located north and northeast of the site, and from Temescal Canyon Road, which borders the north end of the property. No operational changes to the processing plant or its location are planned at this time; therefore, no changes to the current view-shed would occur. At some point in the future, mining operations may transition to the original Phase IV area (area of aggregate reserves located under the current processing plant). Should that occur, the processing plant will be relocated below current ground elevation, improving the view of the project. Photographs taken from Maitri Road, Temescal Canyon Road, and the project's south property line adjacent to Werner Corporation (Photographs 1, 2 & 3 respectively) show the current site conditions including the vegetation and landscaped visual-buffer berms that have been in place for many years. These photos clearly demonstrate the effective buffering on visual resources in the area from the project.



View from Temescal Canyon Road, looking southwest (*Photograph 1*)



View from Maitri Road, looking northeast (*Photograph 2*)

Landscaped visual-buffer berms will continue to be maintained around the north and northwest edges of the property. Elevations along the easterly boundary with Sycamore Creek, including berms, vegetation, and concrete block walls, are such that existing buffering from the development is sufficient to restrict views of the mining plant operations.



View from south property line, looking east towards Sycamore Creek Development (*Photograph 3*)

Adjacent mining operations border the project site to the south and the west; therefore, current berms and vegetation are sufficient in terms of buffering visibility. At the conclusion of mining and reclamation, the visual buffer berms will have been removed, consistent with final reclamation and ultimate use of the site, which will conform to the Temescal Canyon Area Plan.

The Visual Simulation Study, included as Appendix 6, depicts what the site will look like with the processing plant located below-grade, and in a reclaimed condition.

## **Geology**

The Temescal Valley is filled by sedimentary materials that range in age from Late Tertiary to Holocene. Sedimentary sequences of the Temescal Valley are underlain by Mesozoic-age, crystalline basement rocks that are visible in hills on both sides of the valley.

The alluvial fan material being mined has been sourced from canyons to the southwest of the site, within the eastern side of the Santa Ana Mountains. Deposition of sediments within the alluvial fan has taken place during the Late Pleistocene through the Holocene and continues today.

Two formations are primary sources for alluvial fan material found at the subject site. The first is the Bedford Canyon formation, which is a slightly metamorphosed assemblage of interlayered argillite, slate, phyllite, graywacke, impure quartzite, and small amounts of limestone. Most of these materials are dark colored, very fine-grained, and range from slightly to highly weathered. Weathering, erosion, and deposition of Bedford Canyon materials typically results in a very fine-grained matrix of clayey or silty sand supporting gravel to cobble sized, dark-colored, fine-grained clasts. There is relatively little quartz or alkali feldspar associated with the Bedford Canyon formation.

The second source formation for materials found onsite is a part of the Cretaceous-age, Peninsular Ranges Batholith. This material consists of a heterogeneous mixture of granitic rocks including monzogranite, granodiorite, tonalite, and gabbro. The monzogranite and granodiorite are sources for relatively large quantities of quartz and unweathered, alkali feldspar. The resulting deposits of this material on the subject site consist largely of clean, quartz and feldspar sands with hard, fresh to slightly weathered gravels and cobbles, with virtually no clay and very little silt. Exhibit "E" is the Project Vicinity Map from the USGS 24k/7.5Min Quadrangle series.

A few active or potentially active faults have been found in relatively close association with the subject site. The Glen Ivy North fault crosses the north edge of the existing Mayhew Aggregates and Mine Reclamation (SMP139) pit, and continues northwest, passing to the north of the Chandler (SMP202 and 133) pits. The Glen Ivy South fault is located along the south edge of the Werner pits (SMP 143, 150, and 182) and continues to the northwest, passing within 1,000 feet of the Mayhew pit. A third, unnamed fault, only found on the Riverside County TLMA GIS fault map, is located within 300 feet of the southwest corner of the Mayhew pit, and encroaches approximately 100 feet into the west edge of the Werner pit. Another fault, which is unnamed on available maps but may be the Indian Canyon fault, trends toward the subject site, but is truncated by the Glen Ivy South fault one-half mile the west of the site. The latter two Riverside County designated fault zone segments have not been investigated. Fault rupture could alter the geometry and stability of a large cut slope. If human occupancy structures are proposed, more detailed fault investigations may be necessary and setbacks for active faults of 50 feet for human occupancy structures would be required. Groundshaking is the geologic hazard most likely to be experienced at the subject site. Seismic safety of the cut slopes was detailed in the "Report of Slope Stability Evaluation, Mayhew Aggregate and Mine Reclamation" prepared by Hilltop Geotechnical, Inc. in 2011.

Damaging floods have occurred, most recently in 2005. The Mayhew Creek has been partially channelized and a concrete spillway was constructed to reduce future flood damage to pit walls and the surrounding area. While erosion from flooding has been addressed by the project Civil Engineer, other erosion damage may occur on slopes

from locally-sourced runoff and incidental rainfall. The upper edges of all slopes should be contoured, bermed, or have swales constructed to direct runoff water away from slopes, and velocity of runoff above the slopes should be controlled by appropriate drainage control devices to prevent concentrated flow and potential erosion at any point along tops of slopes.

Onsite landsliding is addressed through slope stability analyses in the "Report of Slope Stability Evaluation, Mayhew Aggregate and Mine Reclamation" prepared by Hilltop Geotechnical, Inc. Landslides within higher elevations of the Santa Ana Mountains southwest of the subject site are considered likely to occur at some time and cannot be entirely ruled out. However, relatively few landslides have been reported on the eastern slopes of the Santa Ana Mountains in the Corona area, and their impact on the Mayhew pit has been negligible. Encountered boulder layers and lenses attest to past debris flows. Such events could be damaging to the mines, but the deep pits likely would provide significant protection for residential areas to the north. The Mayhew and Werner pit areas are designated by the County of Riverside as 'low' to 'very low' liquefaction potential.

Slope stability is discussed in detail in the "Report of Slope Stability Evaluation, Mayhew Aggregate and Mine Reclamation" prepared by Hilltop Geotechnical during their site investigation conducted during March and April 2011, and is included herein as Appendix 1.

## Hydrology

A Hydrology Study & Drainage Analysis (see Appendix 2) has been prepared by Joseph E. Bonadiman & Associates, Inc. to determine peak 100-year tributary and on-site runoff and volumes for existing, proposed, and final site reclamation conditions, using the methodology described in the Riverside County Hydrology Manual.

### Existing Conditions

The analyzed watershed is approximately 3,045 acres total. Of this, 2,990 acres were analyzed to determine runoff volumes (approximately 2,525 acre-feet (a.f.) of total runoff for the 100-year, 24-hour storm event). The existing excavated pits retain approximately 2,442 a.f. of this runoff for 2,826 acres (including the entire runoff from the Mayhew Creek watershed). A FLO-2D analysis was performed to verify that this runoff is retained within the pits.

There is a 164-acre drainage area, running in a northerly watercourse along the eastern edge of the project site, which does not discharge to the main pit. This drainage results in a peak 100-year discharge of approximately 311 cubic-feet-per-second (c.f.s) through the 30' culvert running under Temescal Canyon Road. Approximately 9.5 a.f. of this runoff (83 a.f.) is retained within the existing excavation pit located at the northeast portion of the site; the remaining 73.5 a.f. is discharged through the existing culvert.

The Mayhew Creek watershed (point of discharge at the southern property limits) is estimated to produce approximately 211 acre feet of debris; which includes soil, vegetation, and considerations for burn conditions, as required in the County Flood Control Handbook for the 100-year storm event.

### **Proposed Conditions**

As shown in the Hydrology Study and Drainage Analysis, the project site will still retain the 100-year, 24-hour (5-day) runoff volume. This includes both drainages on site, as well as drainage from the Mayhew Creek.

Post-reclamation, water from Mayhew Creek will continue to flow into the retention basin. Temporarily ponded water that is retained in the basin will percolate and evaporate, recharging the groundwater table. Processing equipment will not be located in the vicinity of the basin and additionally, berms will be maintained around the perimeter of the basin. Detained water from Mayhew Creek would not be utilized in any site operations. There are no gauging stations currently planned for SMP 139R1.

Additional details can be found in the Hydrology Study & Drainage Analysis and the Water Quality Management Plan prepared by Joseph E. Bonadiman & Associates, Inc.

## **Groundwater**

### **Groundwater Observations**

Drilling at various sites within the pit during the Geotechnical Study conducted by Hilltop Engineering encountered no groundwater. Borings extended 250' below current ground level, and areas of the pit are excavated to near 300' of depth. While some ponding of water occurred after the winter rains, no groundwater was observed or reported. Borings completed by Hilltop Engineering in March and April of 2011 in the adjacent Werner Corporation (SMP 143, 150 & 182) pit extended to over 400' below original elevations, and groundwater was not encountered.

### **Groundwater Study**

A groundwater study for the site was completed in February, 2012 by Mark Bulot. As determined in that study, the Coldwater Basin is a small groundwater body separated from the adjacent Temescal Basin by fault barriers to subsurface flow. The water-bearing alluvial deposits of the basin encompass a land area of slightly more than two and one-half square miles. It is a northwest-trending basin, slightly more than one-half mile wide and slightly less than four miles long.

The Temescal Valley is filled by sedimentary materials that range in age from late tertiary to Holocene. Sedimentary sequences of the Temescal Valley are underlain by Mesozoic-age, crystalline basement rocks that are visible in hills on both sides of the valley.

The alluvial and alluvial fan deposit materials being mined have been sourced from canyons to the southwest of the site, within the eastern side of the Santa Ana Mountains. Deposition of sediments within the alluvial and alluvial fan deposit have taken place during the Late Pleistocene through the Holocene and continues today.

Two (2) formations are primary sources for the alluvial and alluvial fan deposit materials found at the subject site. The first is the Bedford Canyon formation, which is a slightly metamorphosed assemblage of inter-layered argillite, slate, phyllite, graywacke, impure quartzite, and small amounts of limestone. The second and prominent source formation for materials found onsite is a part of the Cretaceous-age, Peninsular Ranges Batholith. This material consists of a heterogeneous mixture of granitic rocks including monzogranite, granodiorite, tonalite, and gabbro. The monzogranite and granodiorite are sources for relatively large quantities of quartz and unweathered, alkali

feldspar. The resulting deposits of this material on the subject site consist largely of clean, quartz and feldspar sands with hard, fresh to slightly weathered gravels and cobbles, with a minimal amount of clay and very little silt.

The upper Quaternary conglomerate material observed on-site was generally coarse-grained, gravelly sand with varying amounts of cobbles and boulders. While bedding attitudes varied somewhat with location and depth, observed dips were generally 10 to 12 degrees toward the north and north-northeast, generally following the ground surface slope. The inter bedding does not appear to create any significant confining of groundwater, although artesian conditions have been noted along the North Glen Ivy Fault during periods of very high groundwater (MWH, 2004). The Basin is considered to present an unconfined aquifer.

The depth of alluvial materials in the basin is thought to range up to 800 feet (MWH, 2004).

Groundwater movement is from the southwest basin margin toward the Glen Ivy Fault, with a pumping depression surrounding the city and EVMWD pumping wells. The groundwater elevation for much of the Temescal Basin adjacent to the North Glen Ivy Fault is typically higher in elevation than in the Coldwater basin, resulting in very little underflow out of the Coldwater Basin. Estimates of over 1,400 acre-feet per year of underflow out of the Coldwater Basin occur when groundwater levels are elevated (MWH, 2004).

Groundwater production from the Coldwater Basin is highly monitored and regulated. A Safe yield value has been established, and both Corona and EVMWD have produced more than their limits of the annual portion of that safe yield for at least the last three years. The over production is a result in groundwater levels higher in elevation those last three years than the basis for the safe yield. Therefore, when the groundwater in storage exceeds the managed storage level, production will exceed the annual safe yield until the extra storage is exhausted. As the water quality is good in the basin and the cost of production is a fraction of imported water, the incentive to produce from the basin is great.

Studies on potential for conjunctive use (artificial recharge of storm water capture and imported water) show one management scheme resulting in water elevations rising above mine excavation base. This was considered unsuitable as the exposed water can potentially become contaminated through industrial operations, and that water would directly recharge a drinking water source. This situation was considered undesirable.

As the production from the basin is managed, and the incentive to produce water and to maintain groundwater elevations below mine excavation levels is great, it is appropriate to use groundwater elevations that represent two wet years in a row as the maximum elevation. This would add 70 feet to the Sta 71 well and 35 feet to the Mayhew well elevations from 2011 as the maxima, resulting in an average groundwater elevation for the slope stability analysis of 967 feet.

Mining and well pumping in the area have existed concurrently for approximately 40 years, with no detrimental effects to water quality or the water table. Future operations will continue to comply with local, state, and federal requirements to ensure that there are no detrimental impacts from the project to water quality in any form.

To further ensure water quality, a waiver of Waste Discharge Requirements (WDR's) has been obtained for the IDEFO portion of the project, through an application prepared by Associates Environmental. This waiver, which was issued by the Santa Ana Regional Water Quality Control Board (RWQCB) on October 3, 2011, specifies the following materials can be used in the on-site fill; Fully Cured Asphalt, Uncontaminated Concrete, Crushed Glass, Brick, Ceramics, Clay and Clay Products, and Silts and Clays from adjoining mining properties.

## Soils

The soil survey for the Western Riverside area indicates that the Mayhew Canyon alluvial fan is composed primarily of Cortina gravelly loamy sand. In a typical 60 inch profile, the surface layer is grayish-grown gravelly loamy sand about 10 inches thick. Below this is a grayish-brown gravelly sandy loam and very gravelly coarse sand. Such soils are considered to be good sources of sand and gravel. This sandy deposit is known to extend much more deeply than the 60 inches included in the soil survey (Chambers Consultants, June 1981). Yellowish-brown coarse gravelly sand, in addition to the preceding, was also encountered in the upper 60" of the deposit during on-site drilling.

Drilling for the slope stability analysis conducted in March 2011 by Hilltop Geotechnical confirmed the above findings, with the additional notation that the deposit of sand and gravel extends at least 300' below the surface.

## Vegetation

The project site has been used for surface mining, the sales and shipping of aggregate materials, and the production of ready-mix concrete since the early 1970's. As such, the entire site has been disturbed, and any vegetation on site exists in the form of landscaping, visual buffer berms, or areas of partial reclamation/revegetation.

Based on a biological survey conducted on the proposed Project site in February 2012 by Glenn Lukos Associates (GLA) seven (7) distinct vegetation/land use types are mapped for the Project site. The vegetation/land use types include Disturbed Alluvial scrub, Chaparral/Disturbed Chaparral, Riversidean sage scrub (RSS)/Disturbed RSS, Southern willow scrub, Disturbed/Developed, Residential/Urban/Exotic, and Aggregate Desilting Basin. A detailed discussion of the vegetation communities that occur on the proposed Project site and within the off-site impact areas is provided in the report prepared by GLA. Figure 2-6, Existing Vegetation Communities, depicts the location and extent of vegetation communities located on the proposed Project site.

The proposed Project site is characterized predominantly by areas of substantial disturbance as a result of past and current surface mining operations. Areas not actively mined are dominated by non-native ruderal species including castor bean (*Ricinus communis*), Russian thistle (*Salsola tragus*), summer mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), tamarisk (*Tamarix* sp.), and lambs quarters (*Chenopodium album*). Native ruderal species that occur in these areas of high disturbance include mule fat (*Baccharis salicifolia*) and telegraph weed (*Heterotheca grandiflora*). These areas of substantial disturbance are classified as "Disturbed".

As a result of the mining operation, large stockpiles of mine tailings have created variations in topography resulting in hilly terrain composed of sandy and cobbly material. The hills and slopes have a similar vegetation composition as the flatter areas across the proposed Project site with the addition of some native scrub species including coyote bush (*Baccharis pilularis*), California brittle bush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), deerweed (*Acmispon glaber*), California everlasting (*Gnaphalium californicum*), wreath plant (*Stephanomeria virgata*), and purple nightshade (*Solanum xanti*). The slopes also contain a variety of non-native grasses dominated by brome species including ripgut brome (*Bromus diandrus*) and red brome (*Bromus madritensis* ssp. *rubens*). Areas containing these native scrub species typically occur on the perimeter of the proposed Project site in locations that have not been subject to recent mining activities and exhibit topographic variability that mimics a natural condition.

Within the actively mined area in the center of the proposed Project site and within portions of the adjacent off-site mining sites are impoundments of water used in the mining operations, which have resulted in ponded features vegetated predominantly with southern cattails (*Typha domingensis*), arroyo willow, mule fat, and tamarisk. These areas are classified as Aggregate Desilting Basin (ADB).

## Wildlife

Wildlife surveys conducted in the past on both the subject site and adjacent mining sites had identified small mammal activity, including the Bottà pocket gopher, dusky-footed woodrat, pocket mice, and the Pacific kangaroo rat (Hamilton & Associates, 1990). The same study also noted band-tailed pigeons and Hutton's Vireo. An earlier study, as reported in the Chambers Group 1978 Surface Mining Application, found only the Whitecrowned Sparrow, scrub jays, and gray squirrels on site.

The site, as it exists presently, has been completely disturbed as a result of surface mining and related activities over the past 40 years. As a result of the mining and related activities per the Riverside County approved SMP139, PP 1828, and RCL 106, typical wildlife activity is minimal. No rare, threatened or endangered species were observed on the site per the Hamilton & Associates Study from 1990.

Wildlife surveys conducted in February 2012 by Glenn Lukos Associates did not identify any special-status animal species within the proposed Project site. However, certain special-status animals have the potential to occur including: Bell's sage sparrow, burrowing owl, coast horned lizard, coast patch-nosed snake, orange-throated whiptail, ferruginous hawk (foraging), loggerhead shrike (foraging), northern harrier (foraging), San Diego black-tailed jackrabbit, southern rufous-crowned sparrow, tricolored blackbird, white-faced ibis, white-tailed kite (foraging), yellow-breasted chat, and yellow warbler.



# Mining Plan

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## Mineral Commodity

The primary minerals extracted from the project site are construction grade sand and gravel. SMP139, and the area in Temescal Canyon south of Corona, have been a significant producer of aggregates in the region since the early 1970's. The deposit was formed as an alluvial fan from Mayhew Canyon, and continues to be a high quality source of sand for concrete, asphalt, and construction grade building materials. There are approximately 46,000,000 tons of aggregate in the slopes and setbacks between the subject property and the adjoining mining operations. This also includes reserves that can be realized by relocating utility easements on site, as well as through the relocation of plant equipment at the latter stages of the project.

## Mining Operation

The mining operation will continue to operate as a sand and gravel pit in the same manner as it is presently entitled under SMP139, PP 1828, and RCL 106. Front-end loaders, dozers, haul trucks, and a water truck are used in the pit to bring the raw material to the processing plants for crushing, washing, and sizing. Initial screening separates material using a 2" opening, which creates a sand surge and a rock surge pile for further processing. Since the site has been active since the 1970's and is completely disturbed, there is no vegetation or overburden to be removed.

The sand is then washed and sized according to the particular specifications of different products (Washed Concrete Sand, Washed Plaster Sand, etc.) and distributed into stockpiles via stacking conveyors, where it dewateres and awaits final shipment. The rock surge pile is crushed, washed, and sized according to specifications, and stockpiled using a combination of stacking conveyors.

The June 1981 Mining and Reclamation Plan showed excavations in what is PP 1828 and in SMP139, which is the Southeastern corner of the property. The original plan called for 4 phases of mining. 3 of the phases are all in process, with Phase IV consisting of material located under the current processing plant. This application proposes an extension of time for continued mining in the areas originally called out as Phases I-III, with mining in Phase IV starting when the processing plant is relocated. In addition, this application proposes the mining of the already disturbed slopes and setbacks between the project site and the adjacent mining operations.

Through the SMP139R1 application, the subject site can continue to operate the mining operations while concurrently conducting reclamation and restoration activities. The proposed SMP revision will allow the site to continue current operations for an additional 50-year operational period in order to extract the remaining reserves, while the operation of the IDEFO will be a primary means of achieving final reclamation.

## Operating Hours

Mining operations and associated activities will continue to be conducted seven days per week / twenty-four hours per day, with the following exception: *"All uses shall confine operations on the property, other than maintenance, to the hours between 6:00 a.m. and 10:00 p.m. of any day, except those operations that are located not less than 300 feet from the outer boundary of such property"*. Operations will remain in strict compliance with Riverside County Noise and Lighting Standards, as well as Riverside County Ordinances 555 and 348.

## Project Life

This application will consolidate existing entitlements (SMP00139, RCL00106, and PP001828) under a single revised Surface Mining Permit (SMP139R1), with a new reclamation plan covering the site. The site, which is bordered to the south by the Werner Corporation and to the west by Chandler's Sand & Gravel, will have the slopes and setbacks removed from the boundaries contiguous to the other mining operations when their respective permits are revised.

The project will expand the existing, permitted Mayhew Aggregates and Mine Reclamation operation (SMP139), by the removal of approximately 10.5 million tons of material that exists in the slopes and setbacks between SMP139 and the existing surface mining operations (SMP 143 and 150) to the south. There are also approximately 7.5 million tons of additional reserves along the property line with the Chandler's Sand & Gravel SMP202 mine to the west. These tonnages would be accessible upon revision of their respective SMP's.

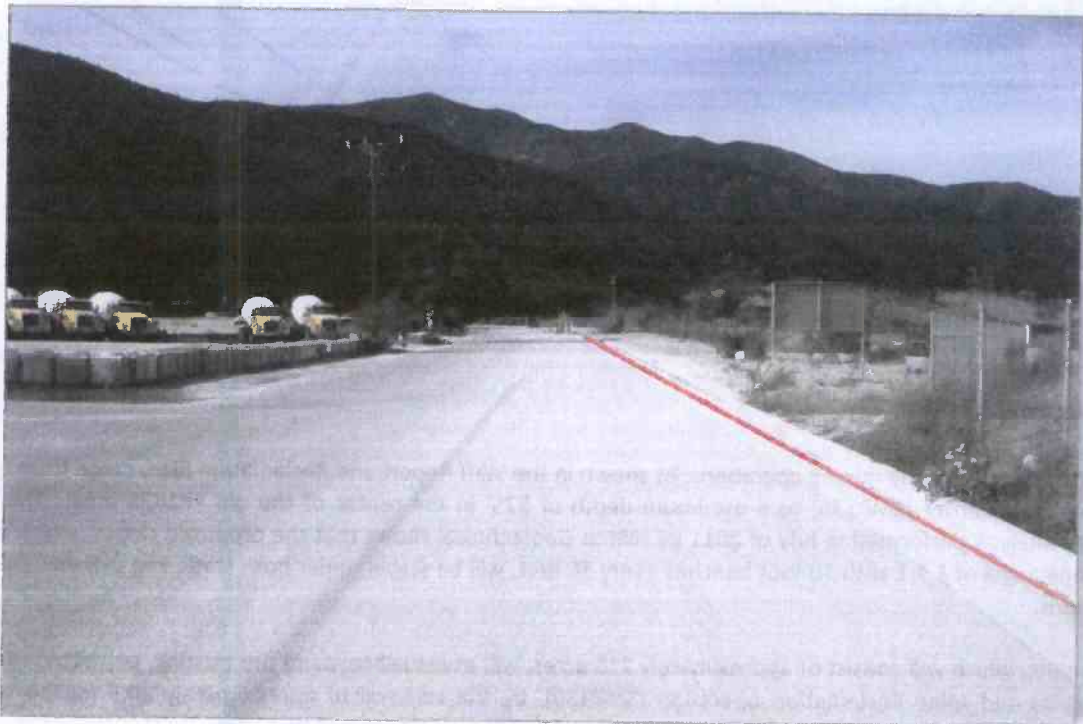
The total additional reserves made accessible in this application will total approximately 46,000,000 tons, and will be included as part of the SMP139R1 entitlement, which is currently permitted through January, 2018. By maintaining, and not increasing production or operational levels, the operation will be extended by 50 years, based on a combination of current levels and demand forecasts. The new permit would have an expiration date of December 31, 2068.

**Revised Permit Life Tabulation (Table 1)**

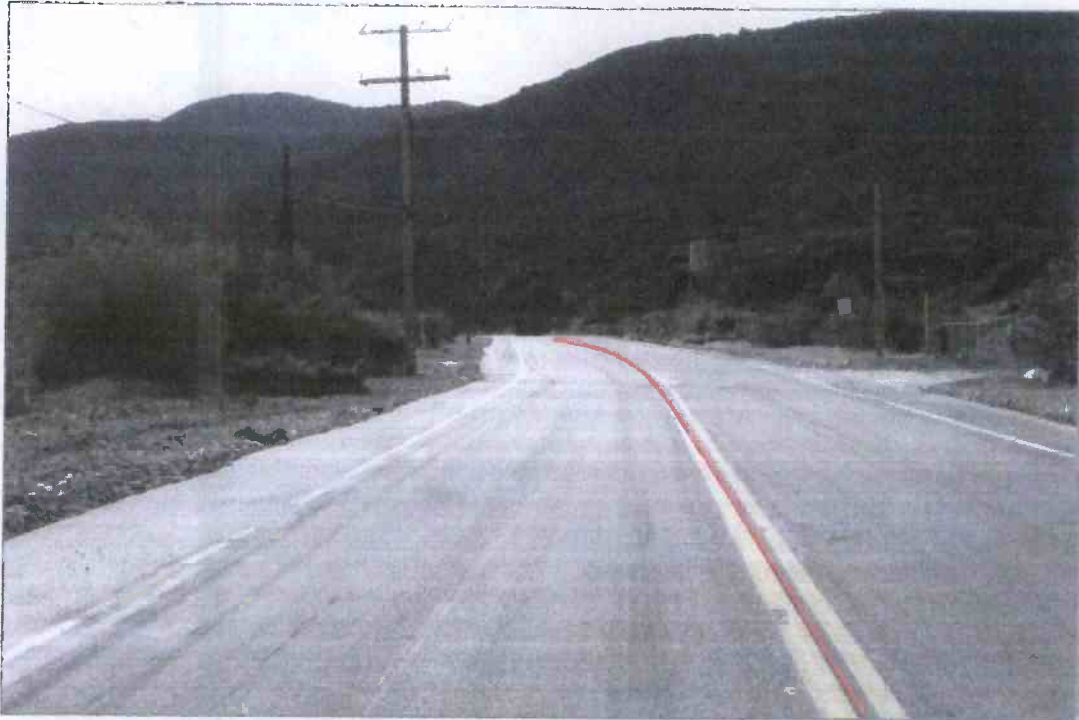
Permit Year	Average CY/Year	Cumulative Total (CY)	Average Tons/Year	Cumulative Total (tons)
2018	680,000	680,000	1,020,000	1,020,000
2023	680,000	4,080,000	1,020,000	6,120,000
2028	680,000	7,480,000	1,020,000	11,220,000
2033	680,000	10,880,000	1,020,000	16,320,000
2038	680,000	14,280,000	1,020,000	21,420,000
2043	680,000	17,680,000	1,020,000	26,520,000
2048	680,000	21,080,000	1,020,000	31,620,000
2053	680,000	24,480,000	1,020,000	36,720,000
2058	680,000	27,880,000	1,020,000	41,820,000
2063	680,000	30,000,000	1,020,000	46,000,000
2068	-----	30,000,000	-----	46,000,000
<b>Total</b>	680,000	30,000,000	1,020,000	46,000,000

## Size

The project site for SMP139R1 is 215 acres. Mining will occur on 186 acres of the 215 total acres. Photographs 4 and 5 show the existing property lines between the adjacent mining operations, which Maitri Road and Werner Corporation's private access road currently occupy. This private roadway will allow access to affected operations owned or maintained by the various public and private agencies including, but not limited to, So. Cal. Edison, the Gas Company, County of Riverside, County Fire, EVMWD, Pacific Bell, etc.



Property line (approximate location shown in red) between SMP139 (Right) and SMP 150 (Left) (Photograph 4)



Property line (approximate location shown in red) along Maitri Road between SMP139 (Left) and SMP202 (Right) (Photograph 5)

### **Excavations**

Permitted depths for the mining operations, as shown in the Staff Report and Reclamation Plan, range from 300' in the southeast corner (SMP139) to a maximum depth of 575' in the center of the old PP1828 area. The Slope Stability Analysis performed in July of 2011 by Hilltop Geotechnical shows that the proposed slopes, which will be at a slope angle of 1.3:1 with 10 foot benches every 50 feet, will be stable under both static and dynamic (seismic) conditions.

The project, which will consist of approximately 215 acres, will eventually expand the existing, permitted Mayhew Aggregates and Mine Reclamation operation (SMP139), by the removal of approximately 10.5 million tons of material that exists in the slopes and setbacks. These slopes and setbacks sit between SMP139 and the existing surface mining operations (SMP 143 and 150) to the south. There are also approximately 7.5 million tons of additional reserves along the property line with the Chandler's Palos Verdes Sand & Gravel SMP202 mine to the west. These reserves will become accessible when the permits for SMP's 202 and 143,150, and 182 are revised.

### **Anticipated Production of Commodity**

The processing plant at the site can currently produce approximately 500 tons per hour of sand and gravel. The operational permit with SCAQMD ( Permit No. R-F36556 ) has established a monthly production limit of 252,000 tons per month, which is considerably more than is being currently produced or proposed in this application. Because of this, the continued operation of the mine will not have a negative impact on the air quality of the surrounding area.

Production limits are not expressly stated in the operating permits for either PP1828 or SMP139. However, a review of the Staff Reports and supporting documentation for the entitlements show annual production limits for PP1828 of 1,020,000 tons per year and 4,000,000 tons per year for SMP139 (or a combined annual production of 5,020,000 tons per year). A recent 5-year average production level is 2,068,758 tons per year (combined PP1828 and SMP139), and represents the proposed maximum annual production for the life of the new permit extension. Maximum annual production will be 2,000,000 tons per year.

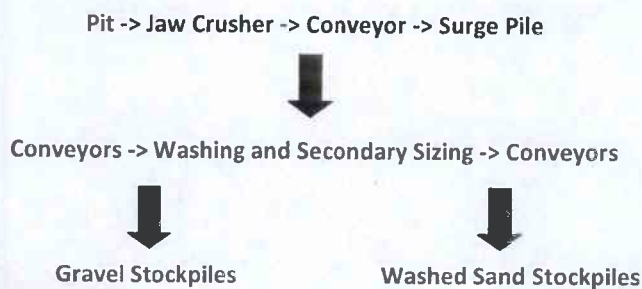
Average production values, for purposes of estimating the life of the deposit and calculating average daily impacts, will be set at 170,750 tons per month. In practical terms, the production and sales from the site will range from 85,000 tons per month in the current economic environment, to a maximum production level of 170,750 tons per month. The values shown in Table 1 (Revised Permit Life Tabulation) are based on 85,000 tons per month.

As the IDEFO begins to operate, aggregate production and sales will be reduced to offset the production from the processing, placing, and compacting of fill materials. Importation of silts and clays from aggregate processing will be from the adjacent mine sites as currently permitted, and through the use of existing customer truck trips.

Approximately 7-8% of production will be silts and clays, which will remain on-site for revegetation and use in the IDEFO.

### Planned Ore Processing Methods on Site

Processing methods on site will remain essentially the same, with the existing wash and screening plants continuing to produce aggregates. Mining in the pit begins with front-end loaders and haul trucks delivering the material to the primary crushing station, and continues on to the surge pile. Once initially stockpiled, the sand and gravels are then sized, sorted, and washed to construction specifications. Sands are produced for use in concrete, asphalt, plaster, and block production. Washed products are then stockpiled in the yard and allowed to de-water prior to shipment. Shipping utilizes another front-end loader to load customer trucks. A simplified flow diagram might look similar to:



### Production Water Data

Water used on-site for dust control and aggregate processing is obtained from one of many Elsinore Valley Municipal Water District (EVMWD) water wells in the Temescal Valley. During maximum production levels, approximately 100,000 gallons per day would be used for dust control purposes, and approximately 756,000 gallons per day is needed for processing. In no case would water from Mayhew Creek be utilized during site operations.

Water for dust control consists of both a water truck for wetting roadways and stockpiles, and fine sprays on conveyors and transfer points. Water demand for these activities can vary greatly depending on the time of year and atmospheric conditions, but an average of 100,000 gals per day will be sufficient to maintain compliance given current AQMD Rules.

Processing plant water is utilized in the rinsing of gravel, and in removing silts and clays from the washed sand products. The 756,000 gallons of processing water are after adjusting for recycling capabilities, which supplies approximately 80% of total demand. The processing plant utilizes approximately 1,500 gallons per minute (gpm), and usually includes 2 production shifts per day in peak production periods.

This total of 856,000 will convert to 280 acre feet per year for both processing plant activities and dust control (sprays and water truck for roadways). Water usage will not increase over the life of the SMP, and is projected to decrease slightly during IDEFO operations. The site will be graded to retain any potential flows onsite resulting in no discharge of wastewater.

### **Mine Wastes**

There is no topsoil or overburden on the project site, as the site has been previously disturbed by the on-going mining activities. Silt and clay produced during the washing process is estimated at approximately 7-8% of production, and would total nearly 150,000 tons per year at peak production. The silt and clay produced on-site will be utilized in reclamation, both for revegetation efforts and as a component of the engineered fill operation (IDEFO).

### **Imported Wastes**

There will be no importation of domestic garbage, chemicals, oil, or other waste into the project site. Waste in the form of domestic garbage generated by the mining employees and the on-site office (i.e. small amounts of paper, food scraps, containers, etc.) will be disposed of by a licensed municipal waste hauler on a weekly basis.

### **Erosion and Sediment Control**

The site is graded to capture all surface flows and retain them on-site. Pit walls are sloped and hydro-seeded as excavations reach the outer boundary of the mining area, to prevent rilling and erosion from impacting off-site property. The Hydrology Study and Water Quality Management Plan both show that on-site drainages will not leave the site, eliminating concerns about sediment-laden water leaving the property.

Stockpiles of finish materials are washed, and contain sufficient moisture to prevent wind erosion. Stockpiles that meet the criteria for preventative erosion measures pursuant to AQMD rules will be treated or covered, in compliance with Rule 403.

### **Blasting**

The surface mining operations within the project site will not require the use of explosives in order to extract the sand and gravel. Therefore, there will be no blasting at the site.

## Truck Traffic

This application is for an increase in time to mine aggregate material in slopes and setbacks between SMP139 and SMP 150 to the south and SMP202 to the west. This application does not propose to increase beyond the recent levels of 2,068,758 tons per year nor the associated truck traffic. In fact, permitted levels will be capped at an annual rate of 2,000,000 tons per year. During the life of the project, it is anticipated that approximately 46,000,000 tons of aggregates will be shipped from the project site. The IDEFO will utilize existing truck-trips to deliver fill materials when possible.

All trucks on and exiting the site will continue to conform to AQMD, MSHA, and California Highway Patrol regulations. Trucks found not in compliance will not be allowed to continue operations until they can demonstrate adherence to the regulations.

A Traffic Study is being finalized by Urban Crossroads, and will be included as an attachment to this project upon completion. The Traffic Study determined that proposed operations under the SMP 139R1 project would not result in any significant impacts to area traffic, with exception of cumulative impacts to the following intersections:

- o I-15 Northbound Ramps / Temescal Canyon Road
- o Temescal Canyon Road / Lawson Road
- o Temescal Canyon Road / Glen Ivy Road
- o Maitri Road / Temescal Canyon Road

Cumulative impacts to the above-listed intersections would be mitigated to a level below significance through the payment of fair-share contributions, as specified in the project's Mitigated Negative Declaration and as would be enforced by Riverside County as part of the project's conditions of approval.

Additionally, on September 28, 2005 the California Department of Fish and Wildlife (CDFW) issued an Agreement to Amend Lake or Streambed Alteration Agreement Number 5-066-97 (SAA 5-066-97), which amended the original Streambed Alteration Agreement for Mayhew Creek and included new and amended conditions related to Mayhew Creek. SAA 5-066-97 authorized the impacts to Mayhew Creek that occurred during construction of the down-drain structure subject to revised mitigation requirements.

As required to implement the conditions specified in the amended SAA 5-066-97, fulfill the requirements associated with RWQCB Order No. 2004-0004-DWQ, and as required by the ACOE, a HMMP was prepared to address impacts to Mayhew Creek that resulted from construction of the concrete down-drain structure. Mitigation specified by the HMMP included the on-site restoration of 9.7 acres of riparian habitat as a mule fat plant community, to be located in the northeastern corner of the SMP 139 site. The goal of the restoration area is to replace riparian scrub habitat and provide biological water quality treatment of nuisance and "first-flush" runoff prior to discharge into Temescal Creek. The restoration area receives flows from east of the SMP 139 site along a former tributary of Mayhew Creek. It should be noted that although the restoration area occurs within the SMP 139 site, it occurs fully outside of the areas to be permitted as part of proposed SMP 139R1.

Subsequent to the above-described consultations with the RWQCB, ACOE, and the CDFW, Riverside County approved Substantial Conformance No. 1 to Reclamation Plan No. 106 (RCL 106), which is associated with PP 1828. Approval of the Substantial Conformance legalized the 300-foot down-drain structure that had been constructed under emergency conditions in April 2005 and imposed new conditions of approval on RCL 106.

#### **Proposed Conditions**

As part of proposed SMP 139R1, areas proposed for mining activities would be expanded to include the existing slopes and setback areas between the SMP 139R1 site and adjacent mines (SMPs 143, 150, 182, and 202). However, in order to mine these slopes, mining also would need to eventually occur along the off-site portions of the slopes and setback areas within areas currently regulated pursuant to SMPs 143, 150, 182, and 202. Since the off-site portions of these slopes and setback areas cannot be mined until the permits for SMPs 143, 150, 182, and/or 202 are revised to allow for such mining activities, the portions of these slopes and setback areas located within the SMP 139R1 site also cannot be mined until those adjacent permits are revised. Revisions to SMPs 143, 150, 182, and 202 would consist of discretionary approvals that would be subject to compliance with the California Environmental Quality Act (CEQA).

As a necessary component of mining the slopes and setback areas (both on- and off-site), the existing down-drain structure located at the southern boundary of the SMP 139 site would need to be relocated to the southern portion of the SMP 150 site in order to accommodate the expanded pit that would be created between these two mining sites.

Although plans for the relocation of this down-drain structure are not clearly defined at this time, construction of a down-drain structure along the southern slope of the SMP 150 site is required pursuant to the existing approved SMP 150 permit. Impacts associated with the construction of a drop-down/inlet structure along the southern slopes of SMP 150 were evaluated as part of Riverside County Final EIR No. 359, which imposed the following mitigation measure: "The existing flow channel and banks of the Mayhew Creek that traverse the site of Werner Corporation SMP 150 and 182 shall be maintained intact until mining of the three pits is completed or until operational needs warrant [sic] its removal/relocation." Thus, although relocation of the down-drain structure is a reasonably foreseeable consequence of the SMP 139R1 project, its relocation to the SMP 150 site is already approved pursuant to SMP 150, Revision No. 1, and impacts associated with its relocation were evaluated and disclosed as part of Riverside County Final EIR No. 359.

Additionally, a portion of the historic Mayhew Creek drainage has been preserved along the eastern perimeter of the SMP 143 and SMP 139R1 sites. This drainage conveys flows from the southwest towards the restoration area identified by the above-described HMMP, and thence northeasterly via an existing 30-foot earthen bottom culvert towards the Temescal Creek Wash. This portion of Mayhew Creek will not be impacted by the proposed SMP 139R1 project, and will be retained in its existing condition. Conditions of approval to be imposed on SMP 139R1



by Riverside County would preclude the mining of the slopes and setback areas between the SMP 139 site and SMP 150 until such a time that SMP 150 is revised to identify the drop-down structure and a new drop-down structure is constructed on the SMP 150 site.

In the interim, the attached hydrology report demonstrates that the existing pit within the SMP 139 site is capable of capturing and retaining multiple 100-year storm events. Under interim conditions, the detention basin will be maintained so as to not create a public health hazard or nuisance, as would be assured by conditions of approval assigned to SMP 139R1 by Riverside County.

### **Slopes and Slope Treatment**

In areas where slopes remain, fill slopes will be at a ratio of 3:1 (Horizontal:Vertical), based on recommendations in the "Report of Slope Stability Evaluation" by *Hilltop Geotechnical, Inc.* Slopes will be re-seeded using the Reclamation Seed Mix referenced herein, and will be applied to the slopes through the use of a hydroseeder. Prior to hydro seeding, the slopes will be prepared and roughened to create an advantageous environment for the seeds and seedlings to take hold. Seeding will be done immediately preceding the wet season when possible, to take advantage of precipitation and normal growth cycles to assist with germination.

All waste piles, tailings, etc. will be incorporated into the IDEFO or removed from the site.

### **Pit Areas and Excavations**

The excavation areas will be backfilled utilizing available tailings and overburden from the on-site and adjacent mining operations as currently permitted under a substantial conformance as well as through the operation of an IDEFO. All slopes will be finished at a ratio of no steeper than 3:1 (Horizontal:Vertical), with the ultimate design of filling the pit to within 10' of original elevations.

Slopes will be revegetated to protect and stabilize the soil surface. The revegetation mix list is identical to that approved for Reclamation Plan 106, which was filed in 1978. Jojoba and plantago, while not native to the site, will germinate quickly and protect the soil surface until the other species are able to perform this function (Chambers, June 1981).

Soil surfaces will be roughened to reduce erosion and enhance revegetation through the use of track walking and imprinting, using on-site equipment on the slopes where possible. This will provide better results than smooth graded slopes, and provide higher success rates in seed germination and seedling survival. Topsoil and other silts/clays will be incorporated at this stage on the reclaimed 3:1 slopes, created during the IDEFO phase.

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

Any pond areas remaining on-site will be backfilled and/or graded to the elevations specified on the Reclamation Plot Plan. All overburden piles and stockpiles will also be graded to the specified elevations. Any residual material will be used for contouring and slope enhancement. The face of the reclaimed IDEFO slope may have an approximately depth of 40' of water on the southern slopes during 100-year storm events. The effect of this water on the reclaimed slope has been analyzed by Hilltop Geotechnical, and been added as a Technical Memorandum to the "Geotechnical Specifications for Inert Debris Placement", which is part of the IDEFO Operations Plan.

## Clean-up

### Processing Plant and Equipment

The existing stationary processing plant as well as all ancillary buildings and structures will be dismantled and removed during the final stages of mining, concurrent with reclamation. The material mined during the last stages of the project will be processed using smaller, portable equipment. None of the existing structures from the aggregate plant will remain on site post-reclamation.

### Trash and Debris

The entire project site will be monitored and clean-up performed as necessary for trash and debris removal. The trash and debris will be placed in suitable containers and hauled off-site for appropriate disposal.

Prior to final reclamation, a Phase I Environmental Site Assessment will be conducted on the site to certify that the property is environmentally clean and in suitable condition for future use. The purpose of a Phase I Site Assessment is to identify, through research and visual inspection, any environmental problems resulting from the use of hazardous materials, including:

- Evaluating storage, handling, treatment, and disposal of materials and waste.
- Investigating site for evidence of underground storage tanks or spills.
- Researching history of the facility, soil type, and ground and surface water.
- Reviewing the regulatory files on sites surrounding the property and/or properties.

## Contaminants

Heavy equipment operation for mining and reclamation will warrant the use of both diesel and gasoline fuels as well as various lubricants as part of operations. All fuels, lubricants, and other approved materials will be handled and stored per the site's SWPPP and SPCC plans, which are kept on-site. Additional details, where appropriate, are included in the attached Water Quality Management Plan (WQMP), prepared in August 2011. The delivery and removal of all such substances or contaminants are handled by 3<sup>rd</sup> party, approved vendors.

The WQMP, which the site must be compliant with, details control measures that include, identifying potential spill areas, specifies material handling procedures, describes spill control procedures, and details required clean-up equipment.

A few examples of routine site maintenance include the placement of drip pans or absorbent materials beneath all disabled equipment, and all potential drip and spill locations during filling and unloading of tanks. Any collected liquids or soiled absorbent materials must be reused/recycled or properly disposed. Spill control activities will follow the Spill Prevention Control and Countermeasure Plan and reporting to the Regional Water Quality Control Board will take place in the event of any potential spills.

## Soils and Fine Textured Waste

Silts and clays resulting from the washing process will remain on site and be utilized as part of the compacted fill and the reclamation/revegetation requirements. The revegetation plan addresses the requirements for growth of plant species related to the site, and as such discusses the requirements related to proper soil preparation for this area.

## Revegetation

The reclamation seed mix currently consists of the following species:

SPECIES	QUANTITY
Jojoba	5 lbs/acre
California Buckwheat	10 lbs/acre
Sugar Bush	4 lbs/acre
White Sage	3 lbs/acre
Laurel Sumac	2 lb/acre
Plantago	10 lb/acre
<b>Total</b>	<b>34 lbs/acre</b>

The revegetation mix list is identical to that approved for Reclamation Plan 106, which was filed in 1978. Jojoba and plantago, while not native to the site, will germinate quickly and protect the soil surface until the other species are able to perform this function (Chambers, June 1981).

Soil surfaces will be roughened to reduce erosion and enhance revegetation through the use of track walking and imprinting, using on-site equipment on the slopes where possible. This will provide better results than smooth graded slopes, and provide higher success rates in seed germination and seedling survival. Topsoil and other silts/clays will be incorporated at this stage on the reclaimed 3:1 slopes, created during the IDEFO phase.

Seed application will be accomplished with hydroseeding equipment, using both contractors and plant personnel when possible. Seeding will be done in the fall to early winter to maximize the potential benefit of limited Southern California rainfall, and this method has proved successful in revegetation efforts on the adjoining mine properties.

Test plots will be conducted on the upper benches of the eastern project boundary so as not to be disturbed by mining or IDEFO activities. Irrigation may be necessary as determined by the test plots. The test plots will help evaluate:

- How different species of plants grow and mature at the site.
- How effective seeding methods are, and whether improvements can be incorporated.
- Different soil amendments and fertilizers.
- Irrigation possibilities vs. using rainfall exclusively.
- Plant protection needs and weed control techniques.

## Monitoring and Maintenance

One year after seeding, the site will be assessed for success of seeding efforts and erosion control. Remedial actions that may be employed at that time will include removal of non-native species, reseeding if necessary, and replacement of erosion control devices. Monitoring will be performed annually for a period of five years after reclamation, or until the success criteria have been met. The success criteria for the revegetation plan is 35

percent of the cover, density, and diversity of perennial species on-site at the end of reclamation compared to the reference areas on adjacent lands.

### **Reclamation Assurance**

Financial Assurances for the subject site are currently in-place, and have been prepared in accordance with the *Surface Mining and Reclamation Act* FINANCIAL ASSURANCE GUIDELINES (Rev 2004). The Financial Assurance Cost Estimate (FACE) is updated on an annual basis, and is submitted for review and approval to the Riverside County Building and Safety Department. The amount currently on-file and in-place, in the form of CD's, is \$920,000.

During the SMP139R1 application, the applicant will continue to closely monitor interim reclamation progress while maintaining and updating the FACE on an annual basis.

### **Preliminary Project-Specific Water Quality Management Plan**

The site operates under a Storm Water Pollution Prevention Plan (SWPPP), prepared in accordance with CRWQCB requirements, and will continue to do so for the duration of this permit and any subsequent permit revisions. Additionally, the site is graded so that no water will leave the site in the form of run-off, as shown in the *Water Quality Management Plan*, prepared for the facility by Joseph E Bonadiman & Associates (included as Appendix 5).

Project specific Potential Pollution Source and BMP's, taken from the facility's current SWPPP, are included here for reference:

**Industrial Process:** This facility is involved in sand and gravel mining. Raw aggregate is mined from active pits and directed to the processing plant where the material is then washed. The large rocks are then crushed into gravel and aggregate, and then screened to the appropriate size. Finished product is stored at the site until it is purchased and delivered or independently hauled off-site by customers. Significant materials used in this process are primarily lubricant materials. The lubricant materials are used in routine maintenance at both the processing plant and the batch plant. Both the processing plant and the batch plant are maintained on a daily basis or as needed.

BMP's for these activities include good housekeeping, preventative maintenance, regular self-inspections, and spill response training for employees.

**Material Handling and Storage Area:** Storage locations of the significant materials that are kept on-site for truck and plant maintenance and fueling are identified on the Facility Map in the SWPPP. Spill response for all storage areas listed includes assessing the size of the spill, obtaining absorbent material and, if needed, other emergency equipment to contain the release. If the incident is beyond immediate control, evacuation of all employees will take place and notification of the County of Riverside Hazardous Materials Management Division will occur.

BMP's for these activities include good housekeeping, preventative maintenance, regular self-inspections, and spill response training for employees.

**Fueling Area:** Diesel fuel is stored in a 10,000-gallon above ground tank. The fuel is dispensed into vehicles or equipment using a pump, hose and nozzle. A concrete pad surrounds the fueling area. The tank sits within a secondary containment area west of the maintenance shop. Fuel is shipped to the facility via independently

licensed truck tankers. The fuel is pumped from the tanker truck into the storage tank using a hose and nozzle. Each fuel pump is equipped with an automatic shut-off valve.

BMP's for these activities include good housekeeping, preventative maintenance, regular self-inspections, and spill response training for employees. Special attention is paid to the secondary containment areas around the fuel tanks, and the apron is swept on a regular basis.

**Oil, Grease and Solvent Storage:** Oil, grease and solvents are stored inside the maintenance shop. The building is completely enclosed with a concrete pad surrounding it. All materials are stored in DOT approved drums.

BMP's for these activities include good housekeeping, preventative maintenance, regular self-inspections, and spill response training for employees. Proper storage and labeling of chemicals will minimize potential contaminants from coming in contact with rainfall during storm events.

**Hazardous Materials Storage:** Hazardous materials and waste are stored at the maintenance shop. The materials include waste oil, spent oil filters and waste antifreeze. Waste oil is stored in a 1,000-gallon above ground storage tank located behind the maintenance shop. A concrete pad surrounds the opening to the tank. Waste oil is deposited into the tank by a drum, nozzle and hose. This method reduces the possibility of a spill. Upon reaching capacity a licensed waste transporter drains the waste oil tank by inserting a locking hose into the opening and pumping out the material. Spent oil filters and waste antifreeze drums are located outside the maintenance shop. When the drums are full or reach the maximum 90-day accumulation period they are closed and are transferred onto trucks and hauled off-site by a licensed hazardous waste transporter. Waste oil is hauled off-site by a licensed hazardous waste transporter for disposal in accordance with local, state and federal regulations. Oxygen, nitrogen and acetylene are stored in the maintenance building as well.

BMP's for these activities include good housekeeping, preventative maintenance, regular self-inspections, and spill response training for employees. Proper storage and labeling of chemicals will minimize potential contaminants from coming in contact with rainfall during storm events.