

Source: Urban Crossroads

T&B PLANNING, INC.
 1742 East 17th Street, Suite 100, Tucson, AZ 85710
 P: 714.589.8360 F: 714.589.8361
 www.tbplanning.com



Figure EA-4
 STUDY AREA AND EXISTING NUMBER OF THROUGH LANES AND INTERSECTION CONTROLS

Potentially Significant Impact Less than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Table EA-8 Intersection Analysis for Existing (2012) Conditions

#	Intersection	Traffic Control ³	Intersection Approach Lanes ¹												Delay ² (Secs.)		Level of Service	
			Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM
			L	T	R	L	T	R	L	T	R	L	T	R				
1	I-15 NB Ramps / Temescal Canyon Road	TS	0	1	0	0	0	0	1	2	0	0	2	1>>	38.7	32.6	D	C
2	I-15 SB Ramps / Temescal Canyon Road	TS	0	0	0	0	1	1	0	1	1>>	1	1	0	22.3	25.3	C	C
3	Temescal Canyon Road / Lawson Road	CSS	0	1	0	0	1	0	0	1	0	0	0	0	23.9	21.3	C	C
4	Temescal Canyon Road / Trilogy Parkway	TS	1	1	0	0	1	1	1	0	1	0	0	0	12.4	15.9	B	B
5	Temescal Canyon Road / Glen Ivy Road	CSS	1	1	d	1	1	0	0	1	0	0	1	0	18.2	15.5	C	C
6	Maitri Road / Temescal Canyon Road	AWS	0	1	1	0	1	d	1	1	1	1	1	0	11.5	10.6	B	B
7	Campbell Ranch Road / Temescal Canyon Road	TS	1	0	1	0	0	0	0	1	1	1	1	0	18.6	16.1	B	B
8	Campbell Ranch Road / Indian Truck Trail	TS	1	2	1>	2	2	0	0	1	0	1	1	1	20.4	23.7	C	C
9	I-15 SB Ramps / Indian Truck Trail - with Planned Improvements ⁴	CSS	0	0	0	0	1	0	0	1	0	0	1	0	11.5	17.6	B	C
		TS	0	0	0	1	1	1	0	3	1	1	2	0	10.7	12.8	B	B
10	I-15 NB Ramps / Indian Truck Trail - with Planned Improvements ⁴	CSS	0	1	0	0	0	0	0	1	0	0	1	0	83.9	27.1	F	D
		TS	1	1	1	0	0	0	2	2	0	0	2	1	13.8	13.8	B	B
11	Temescal Canyon Road / Indian Truck Trail - with Planned Improvements ⁴	AWS	0	1	0	0	1	0	0	1	0	0	0	0	9.4	8.7	A	A
		TS	1	1	0	0	1	1	2	0	1	0	0	0	15.0	15.2	B	B

- When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum of 19-feet). These lanes have been designated as defacto (d) right turn lanes.
L = Left; T = Through; R = Right; > = Right-Turn Overlap Phasing, >> = Free Right Turn Lane
- Delay and LOS calculated using the TRAFFIX operation analysis software, Traffix Version 8.0 (2008), based on the 2000 Highway Capacity Manual (HCM) method. Synchro 7 (Version 8, 2011) has been utilized to calculate delay and LOS for intersections along Indian Truck Trail between Campbell Ranch Road and Temescal Canyon Road and the I-15 Freeway ramps at Temescal Canyon Road.
- TS = Traffic Signal; CSS = Cross Street Stop; AWS = All-Way Stop
- The improvements shown at the I-15 Freeway Ramps at Indian Truck Trail and the intersection of Temescal Canyon Road and Indian Truck Trail are consistent with the Riverside County Transportation Department's I-15 Freeway at Indian Truck Trail Interchange Project and are expected to be fully constructed by February 2013. Improvements are shown for this scenario for comparison purposes only.

BOLD = Unsatisfactory level of service.

In addition, based on a traffic signal warrants analysis, none of the unsignalized study area intersections appear to warrant a traffic signal under existing conditions.

Project Trip Generation and Distribution

As indicated in Section 3.2.2 of the MND, the proposed Project would comprise approximately 24.26% of the estimated high end estimate of 10,000 tpd that would be mined at the Project site, or approximately 2,426 tons per day. As shown in Table EA-9, *Total and Project Daily Truck Trips*, the proposed Project would generate approximately 194 net additional truck trips per day above the historic baseline, or approximately 594 daily Passenger Car Equivalent (PCE) trips. Based on an analysis of traffic distribution at adjacent mining sites that have similar characteristics to the proposed Project, it was estimated by the Project's traffic consultant (Urban Crossroads) that the proposed Project would generate approximately 49 PCE trips in the AM peak hour and 19 PCE trips in the PM peak hour.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table EA-9 Total and Project Daily Truck Trips

Proposed Daily Tonnage for Traffic Impact Analysis (tpd):	10,000 tons
Average Tons per Truck:	25 tons
One-Way Trucks per Day (10,000 tpd/25.0 tons per truck):	400 trucks
Total Two-Way SMP139R1 Truck Trips per Day (In/Out) ¹ :	800 trucks
Total Project-Related Truck Trips per Day (In/Out) ² :	194 Trucks

1. Total trucks per year, multiplied by 2.0 (for inbound and outbound trips).
2. Assumes 24.26% of total daily truck trips per day.

As the operational characteristics of the proposed Project are not anticipated to be substantially different than that of the existing mining operation, vehicle license plate surveys were conducted and utilized to determine the existing travel patterns of the Project. Based on the results of this analysis and the Project's estimated trip generation, the Project's trips were distributed to the study area roadway network, as depicted on Figure EA-5, *Project Average Daily Traffic*.

Ambient and Cumulative Traffic

Future year traffic forecasts are based upon one (1) year of background (ambient) growth at 2% for 2013 traffic conditions. The ambient growth rate is added to existing traffic volumes to account for area-wide growth not reflected by cumulative development projects. Ambient growth has been added to daily and peak hour traffic volumes on surrounding roadways, in addition to traffic generated by cumulative developments.

A cumulative project list was developed through consultation with County of Riverside Transportation Department staff. Figure EA-6, *Cumulative Development Projects Location Map*, illustrates the locations of the cumulative development projects considered in the analysis. A summary of cumulative development projects and their proposed land uses are shown on Table 4-6 of the Project's traffic study (MND Appendix H). The traffic generated by individual cumulative projects was added to the Existing plus Ambient plus Project plus Cumulative (EAPC) conditions to ensure that traffic generated by the listed cumulative development projects are reflected as part of the background traffic.

Existing Plus Project Intersection Operations Analysis

Existing Plus Project (E+P) peak hour traffic operations have been evaluated for the study area intersections. The intersection operations analysis results are summarized in Table EA-10, *Intersection Analysis for Existing plus Project Conditions*. As shown in Table EA-10, the intersection of I-15 Northbound Ramps/Indian Truck Trail was found to operate at an unacceptable LOS under E+P traffic conditions (AM peak hour only). However, as shown on Table EA-10, it is anticipated that the intersection of I-15 Northbound Ramps at Indian Truck Trail would operate at acceptable LOS (i.e., LOS "D" or better) with the implementation of the I-15 Freeway at Indian Truck Trail interchange improvements which would be fully constructed and open to traffic prior to Project approval. Accordingly, for purposes of analysis, all study area intersections would operate at an acceptable LOS under E+P conditions.



Figure EA-5

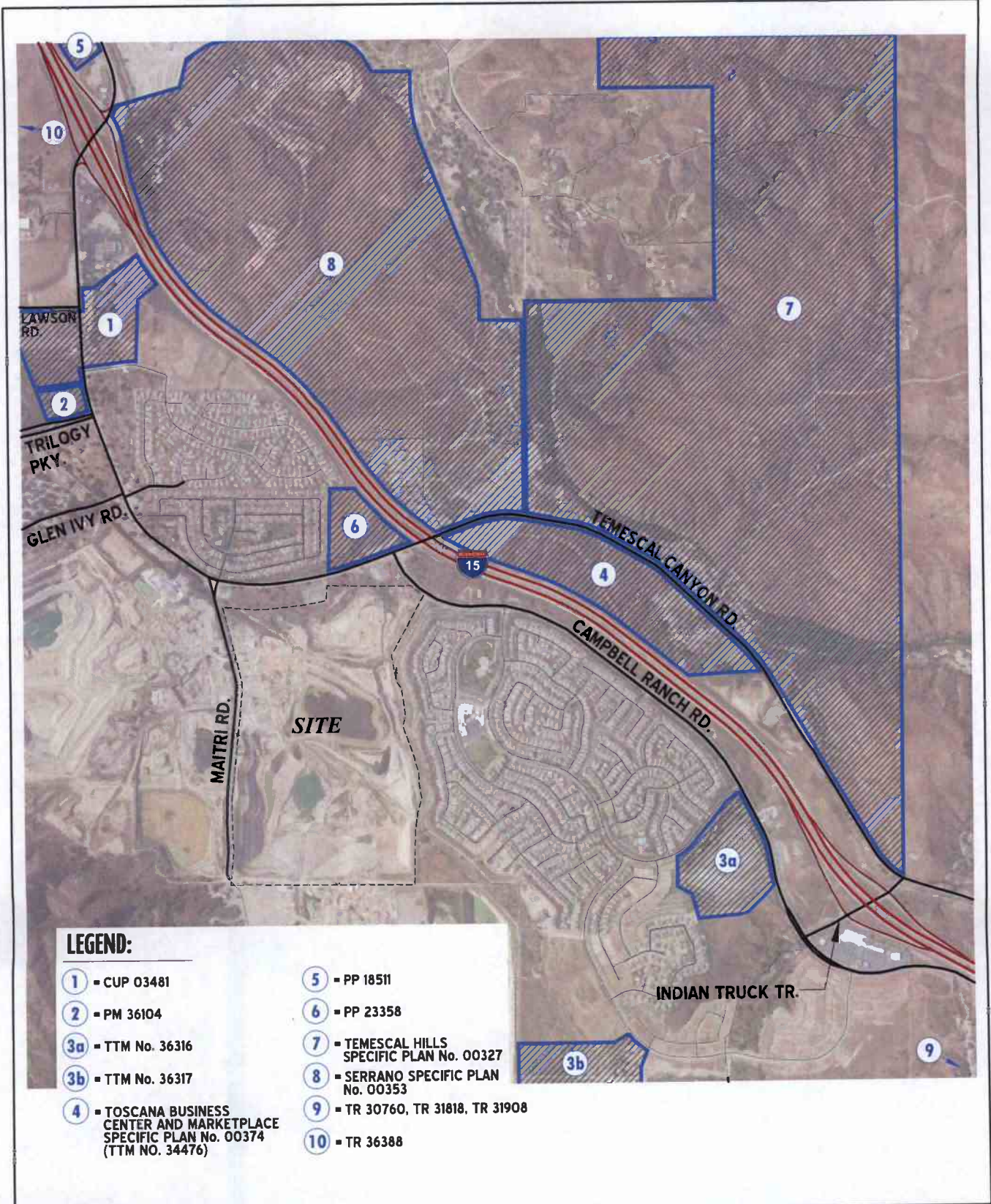


Figure EA-6



Potentially Significant Impact Less than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Table EA-10 Intersection Analysis for Existing plus Project Conditions

#	Intersection	Traffic Control ³	Intersection Approach Lanes ¹								Existing (2012)				Existing + Project							
			Northbound		Southbound		Eastbound		Westbound		Delay ² (Secs.)		Level of Service		Delay ² (Secs.)		Level of Service					
			L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM	AM	PM		
1	I-15 NB Ramps / Temescal Canyon Road	TS	0	1	0	0	0	0	1	2	0	0	2	1>>	38.7	32.6	D	C	39.5	33.7	D	C
2	I-15 SB Ramps / Temescal Canyon Road	TS	0	0	0	0	1	1	0	1	1>>	1	1	0	22.3	25.3	C	C	22.2	25.4	C	C
3	Temescal Canyon Road / Lawson Road	CSS	0	1	0	0	1	0	0	1	0	0	0	0	23.9	21.3	C	C	25.6	21.7	C	C
4	Temescal Canyon Road / Trilogy Parkway	TS	1	1	0	0	1	1	1	0	1	0	0	0	12.4	15.9	B	B	12.5	15.9	B	B
5	Temescal Canyon Road / Glen Ivy Road	CSS	1	1	d	1	1	0	0	1	0	0	1	0	18.2	15.5	C	C	19.2	15.8	C	C
6	Maitri Road / Temescal Canyon Road	AWS	0	1	1	0	1	d	1	1	1	1	1	0	11.5	10.6	B	B	11.8	10.6	B	B
7	Campbell Ranch Road / Temescal Canyon Road	TS	1	0	1	0	0	0	0	1	1	1	1	0	18.6	16.1	B	B	18.5	16.1	B	B
8	Campbell Ranch Road / Indian Truck Trail	TS	1	2	1>	2	2	0	0	1	0	1	1	1	20.4	23.7	C	C	20.5	23.7	C	C
9	I-15 SB Ramps / Indian Truck Trail - with Planned Improvements ⁴	CSS	0	0	0	0	1	0	0	1	0	0	1	0	11.5	17.6	B	C	11.6	17.6	B	C
		TS	0	0	0	1	1	1	0	3	1	1	2	0	10.7	12.8	B	B	10.7	12.7	B	B
10	I-15 NB Ramps / Indian Truck Trail - with Planned Improvements ⁴	CSS	0	1	0	0	0	0	0	1	0	0	1	0	83.9	27.1	F	D	86.9	27.2	F	D
		TS	1	1	1	0	0	0	2	2	0	0	2	1	13.8	13.8	B	B	14.0	14.0	B	B
11	Temescal Canyon Road / Indian Truck Trail - with Planned Improvements ⁴	AWS	0	1	0	0	1	0	0	1	0	0	0	0	9.4	8.7	A	A	9.4	8.7	A	A
		TS	1	1	0	0	1	1	2	0	1	0	0	0	15.0	15.2	B	B	14.9	15.1	B	B

¹ When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum of 19-feet). These lanes have been designated as defacto (d) right turn lanes.
L = Left; T = Through; R = Right; > = Right-Turn Overlap Phasing; >> = Free Right Turn Lane

² Delay and LOS calculated using the TRAFFIX operation analysis software, Traffix Version 8.0 (2008), based on the 2000 Highway Capacity Manual (HCM) method. Synchro 7 (Version 8, 2011) has been utilized to calculate delay and LOS for intersections along Indian Truck Trail between Campbell Ranch Road and Temescal Canyon Road and the I-15 Freeway ramps at Temescal Canyon Road.

³ TS = Traffic Signal; CSS = Cross Street Stop; AWS = All-Way Stop

⁴ The improvements shown at the I-15 Freeway Ramps at Indian Truck Trail and the intersection of Temescal Canyon Road and Indian Truck Trail are consistent with the Riverside County Transportation Department's I-15 Freeway at Indian Truck Trail Interchange Project and are expected to be fully constructed by February 2013. Improvements are shown for this scenario for comparison purposes only.

BOLD = Unsatisfactory level of service.

In addition, traffic signal warrants indicate that no unsignalized study area intersections would warrant a traffic signal under E+P conditions.

Existing Plus Ambient Plus Project (2013) Intersection Operations Analysis

Level of service calculations were conducted for the study intersections to evaluate their operations under Existing plus Ambient plus Project (EAP) (2013) traffic conditions with existing roadway and intersection geometrics with the exception of the I-15 Freeway at Indian Truck Trail interchange improvement project, which were completed and open to traffic in early 2013. As shown in Table EA-11, *Intersection Analysis for EAP (2013) Conditions*, all study area intersections are anticipated to operate at acceptable LOS during the peak hours under EAP (2013) traffic conditions. As such, the Project's contribution to the study area intersections would be less than significant. In addition, for EAP (2013) traffic conditions, no additional intersections appear to warrant a traffic signal.

Potentially Significant Impact Less than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Table EA-11 Intersection Analysis for EAP (2013) Conditions

#	Intersection	Traffic Control ³	Intersection Approach Lanes ¹												Existing (2012)				EAP (2013)							
			Northbound				Southbound				Eastbound				Delay ² (Secs.)		Level of Service		Delay ² (Secs.)		Level of Service					
			L	T	R		L	T	R		L	T	R		L	T	R		AM	PM	AM	PM	AM	PM	AM	PM
1	I-15 NB Ramps / Temescal Canyon Road	TS	0	1	0		0	0	0		1	2	0		0	2	1>>		38.7	32.6	D	C	43.9	34.8	D	C
2	I-15 SB Ramps / Temescal Canyon Road	TS	0	0	0		0	1	1		0	1	1>>		1	1	0		22.3	25.3	C	C	22.2	25.7	C	C
3	Temescal Canyon Road / Lawson Road	CSS	0	1	0		0	1	0		0	1	0		0	0	0		23.9	21.3	C	C	26.7	22.4	D	C
4	Temescal Canyon Road / Trilogy Parkway	TS	1	1	0		0	1	1		1	0	1		0	0	0		12.4	15.9	B	B	12.5	16.0	B	B
5	Temescal Canyon Road / Glen Ivy Road	CSS	1	1	d		1	1	0		0	1	0		0	1	0		18.2	15.5	C	C	19.7	16.1	C	C
6	Mairi Road / Temescal Canyon Road	AWS	0	1	1		0	1	d		1	1	1		1	1	0		11.5	10.6	B	B	12.0	10.8	B	B
7	Campbell Ranch Road / Temescal Canyon Road	TS	1	0	1		0	0	0		0	1	1		1	1	0		18.6	16.1	B	B	18.7	16.2	B	B
8	Campbell Ranch Road / Indian Truck Trail ⁴	TS	1	2	1>		2	2	0		0	1	0		1	1	1		20.4	23.7	C	C	19.3	23.0	B	C
9	I-15 SB Ramps / Indian Truck Trail	TS ⁵	0	0	0		1	1	1		0	3	1		1	2	0		10.7	12.8	B	B	10.7	12.9	B	B
10	I-15 NB Ramps / Indian Truck Trail	TS ⁵	1	1	1		0	0	0		2	2	0		0	2	1		13.8	13.8	B	B	14.2	14.0	B	B
11	Temescal Canyon Road / Indian Truck Trail	TS ⁵	1	1	0		0	1	1		2	0	1		0	0	0		15.0	15.2	B	B	15.1	15.4	B	B

- When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum of 19-feet). These lanes have been designated as defacto (d) right turn lanes.
L = Left; T = Through; R = Right; > = Right-Turn Overlap Phasing; >> = Free Right Turn Lane
- Delay and LOS calculated using the TRAFFIX operation analysis software, Traffix Version 8.0 (2008), based on the 2000 Highway Capacity Manual (HCM) method. Synchro 7 (Version 8, 2011) has been utilized to calculate delay and LOS for intersections along Indian Truck Trail between Campbell Ranch Road and Temescal Canyon Road and the I-15 Freeway ramps at Temescal Canyon Road.
- TS = Traffic Signal; CSS = Cross Street Stop; AWS = All-Way Stop
- The intersection of Campbell Ranch Road at Indian Truck Trail is anticipated to operate at improved delays in comparison to Existing (2012) conditions due to the future signalization and coordination with the I-15 Freeway Ramps along Indian Truck Trail.
- The improvements shown at the I-15 Freeway Ramps at Indian Truck Trail and the intersection of Temescal Canyon Road and Indian Truck Trail are consistent with the Riverside County Transportation Department's I-15 Freeway at Indian Truck Trail Interchange Project and are expected to be fully constructed and open to traffic by February 2013.

Existing Plus Ambient Plus Project Plus Cumulative (2013) Intersection Operations Analysis

Level of service calculations were conducted for the study intersections to evaluate their operations under Existing plus Ambient plus Project plus Cumulative (EAPC) (2013) traffic conditions with existing roadway and intersection geometrics, including the I-15 Freeway at Indian Truck Trail interchange improvement project which was operational in early 2013. As shown in Table EA-12, *Intersection Analysis for EAPC (2013) Conditions*, a total of five (5) intersections were found to operate at an unacceptable LOS under EAPC (2013) traffic conditions.

However, in an effort to perform a conservative analysis and overstate as opposed to understate potential traffic impacts, the EAPC (2013) analysis has been performed assuming traffic generated by the Serrano Business Park project but without circulation improvements that would be required to be implemented by the Serrano Business Park project prior to the issuance of building permits. Such improvements include the proposed extension of a north-south segment of Temescal Canyon Road along the eastern side of I-15. The Temescal Canyon Road extension would provide a parallel route to the existing Temescal Canyon Road between the I-15 Freeway interchange at Temescal Canyon Road and Campbell Ranch Road.

Potentially Significant Impact Less than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Table EA-12 Intersection Analysis for EAPC (2013) Conditions

#	Intersection	Traffic Control ³	Intersection Approach Lanes ¹												Delay ² (Secs)		Level of Service					
			Northbound				Southbound				Eastbound				Westbound				AM	PM	AM	PM
			L	T	R	L	T	R	L	T	R	L	T	R	L	T	R					
1	I-15 NB Ramps / Temescal Canyon Road	TS	0	1	0	0	0	0	1	2	0	0	2	1>>	>200.0	102.7	F	F				
2	I-15 SB Ramps / Temescal Canyon Road	TS	0	0	0	0	1	1	0	1	1>>	1	1	0	67.1	79.0	F ⁴	F ⁴				
3	Temescal Canyon Road / Lawson Road	CSS	0	1	0	0	1	0	0	1	0	0	0	0	>100.0	>100.0	F	F				
4	Temescal Canyon Road / Trilogy Parkway	TS	1	1	0	0	1	1	1	0	1	0	0	0	18.7	18.3	B	B				
5	Temescal Canyon Road / Glen Ivy Road	CSS	1	1	d	1	1	0	0	1	0	0	1	0	54.6	50.1	F	F				
6	Maitri Road / Temescal Canyon Road	AWS	0	1	1	0	1	d	1	1	1	1	1	0	74.2	95.2	F ⁴	F ⁴				
7	Campbell Ranch Road / Temescal Canyon Road	TS	1	0	1	0	0	0	0	1	1	1	1	0	19.3	21.9	B	C				
8	Campbell Ranch Road / Indian Truck Trail	TS	1	2	1>	2	2	0	0	1	0	1	1	1	19.2	23.7	B	C				
9	I-15 SB Ramps / Indian Truck Trail	IS⁵	0	0	0	1	1	1	0	3	1	1	2	0	15.4	17.9	B	B				
10	I-15 NB Ramps / Indian Truck Trail	TS⁵	1	1	1	0	0	0	2	2	0	0	2	1	14.5	13.5	B	B				
11	Temescal Canyon Road / Indian Truck Trail	IS⁵	1	1	0	0	1	1	2	0	1	0	0	0	15.1	16.6	B	B				

- When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum of 19-feet). These lanes have been designated as defacto (d) right turn lanes.
L = Left; T = Through; R = Right; > = Right-Turn Overlap Phasing; >> = Free Right Turn Lane
- Delay and LOS calculated using the TRAFFIX operation analysis software, Traffix Version 8.0 (2008), based on the 2000 Highway Capacity Manual (HCM) method. Synchro 7 (Version 8, 2011) has been utilized to calculate delay and LOS for intersections along Indian Truck Trail between Campbell Ranch Road and Temescal Canyon Road and the I-15 Freeway ramps at Temescal Canyon Road.
- TS = Traffic Signal; CSS = Cross Street Stop; AWS = All-Way Stop
- Volume-to-capacity ratio is greater than 1.00; Intersection unstable; Level of Service "F".
- The improvements shown at the I-15 Freeway Ramps at Indian Truck Trail and the intersection of Temescal Canyon Road and Indian Truck Trail are consistent with the Riverside County Transportation Department's I-15 Freeway at Indian Truck Trail Interchange Project and are expected to be fully constructed and open to traffic by February 2013.

BOLD = Significant Impact.

According to the Project's traffic consultant (Urban Crossroads, Inc.), without traffic generated by the Serrano Business Park (and without its associated improvement to Temescal Canyon Road), the intersection of I-15 Southbound Ramps and Temescal Canyon Road would operate at acceptable LOS. Similarly, if the Serrano Business Park project were to be constructed with the required extension of Temescal Canyon Road in place, the Project's traffic consultant estimates that the I-15 Southbound Ramps at Temescal Canyon Road would also continue to operate at acceptable LOS during the peak hours for EAPC (2013) traffic conditions because the distribution of traffic from the Serrano Business Park project would access the I-15 Freeway at Temescal Canyon Road interchange from east of the I-15 Freeway as opposed to the west (as would occur under Horizon Year (2035) traffic conditions).

Since the impact to I-15 Southbound Ramps at Temescal Canyon Road would not occur in the absence of traffic generated by Serrano Business Park under EAPC (2013) conditions, and because the Serrano Business Park project would be implemented without the north-south extension of Temescal Canyon Road, it is concluded that the intersection of I-15 Southbound

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Ramps at Temescal Canyon Road would not be significantly impacted by the proposed Project under EAPC (2013) traffic conditions and no mitigation would be required.

In conclusion, the Project's contribution to the deficient LOS at the following intersections under EAPC (2013) conditions is evaluated as a cumulatively significant impact for which mitigation would be required.

- I-15 Northbound Ramps / Temescal Canyon Road – LOS "F" AM and PM peak hours
- Temescal Canyon Road / Lawson Road – LOS "F" AM and PM peak hours
- Temescal Canyon Road / Glen Ivy Road - LOS "F" AM and PM peak hours
- Maitri Road / Temescal Canyon Road – LOS "F" AM and PM peak hours

In addition, for EAPC (2013) traffic conditions, the following intersections appear to warrant a traffic signal:

- Temescal Canyon Road / Lawson Road
- Maitri Road / Temescal Canyon Road

The Project's addition to traffic to the above-listed intersections also represents a cumulatively significant impact for which mitigation would be required.

Horizon Year (2035) Intersection Operations Analysis

Level of service calculations were conducted for the study intersections to evaluate their operations under Horizon Year (2035) with Project traffic conditions with existing roadway and intersection geometrics, including the I-15 Freeway at Indian Truck Trail interchange improvement project which were completed in early 2013. As shown in Table EA-13, *Intersection Analysis Summary for Horizon Year (2035) Conditions*, the following intersections were found to operate at an unacceptable LOS under Horizon Year (2035) with Project traffic conditions:

- I-15 Northbound Ramps / Temescal Canyon Road – LOS "F" AM peak hour
- Temescal Canyon Road / Lawson Road – LOS "F" AM and PM peak hours
- Temescal Canyon Road / Glen Ivy Road - LOS "E" AM peak hour
- Maitri Road / Temescal Canyon Road – LOS "E" PM Peak Hour

The Project's contribution to the deficient LOS at the above-listed intersections under Horizon Year (2030) conditions is a cumulatively significant impact for which mitigation would be required. It should be noted that the above-identified impacts would occur after the expiration of the existing mining permits for the SMP 139R1 Project site. Thus, approval of the proposed Project would result in new long-term impacts that would not occur in the absence of any mining permit extensions due to the proposed extension of time for the existing mining permits by a period of 50 years.

Under Horizon Year (2030) conditions, no additional intersections appear to warrant a traffic signal (beyond those already identified above for EAPC [2013] conditions).

Potentially Significant Impact Less than Significant with Mitigation Incorporated Less Than Significant Impact No Impact

Table EA-13 Intersection Analysis Summary for Horizon Year (2035) Conditions

#	Intersection	Traffic Control ³	Intersection Approach Lanes ¹								Without Project				With Project							
			Northbound			Southbound			Eastbound		Westbound		Delay ² (Secs)		Level of Service		Delay ² (Secs)		Level of Service			
			L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM	AM	PM	AM	PM
1	I-15 NB Ramps / Temescal Canyon Road	TS	0	1	0	0	0	0	1	2	0	0	2	1>>	>200.0	25.3	F	C	>200.0	26.2	F	C
2	I-15 SB Ramps / Temescal Canyon Road	TS	0	0	0	0	1	1	0	1	1>>	1	1	0	52.9	49.1	D	D	53.3	50.0	D	D
3	Temescal Canyon Road / Lawson Road	CSS	0	1	0	0	1	0	0	1	0	0	0	0	67.6	>100.0	F	F	78.1	>100.0	F	F
4	Temescal Canyon Road / Trilogy Parkway	TS	1	1	0	0	1	1	1	0	1	0	0	0	20.8	20.2	C	C	21.1	20.2	C	C
5	Temescal Canyon Road / Glen Ivy Road	CSS	1	1	d	1	1	0	0	1	0	0	1	0	35.6	25.2	E	D	38.3	25.9	E	D
6	Maitri Road / Temescal Canyon Road	AWS	0	1	1	0	1	d	1	1	1	1	1	0	23.7	34.7	C	D	24.8	35.9	C	E
7	Campbell Ranch Road / Temescal Canyon Road	TS	1	0	1	0	0	0	0	1	1	1	1	0	20.4	17.8	C	B	20.3	17.8	C	B
8	Campbell Ranch Road / Indian Truck Trail	TS	1	2	1>	2	2	0	0	1	0	1	1	1	30.2	28.3	C	C	30.4	28.5	C	C
9	I-15 SB Ramps / Indian Truck Trail	IS⁴	0	0	0	1	1	1	0	2	1	1	2	0	15.2	21.3	B	C	15.3	21.3	C	C
10	I-15 NB Ramps / Indian Truck Trail	IS⁴	1	1	1	0	0	0	2	2	0	0	2	1	16.8	15.2	B	B	16.8	15.3	B	B
11	Temescal Canyon Road / Indian Truck Trail	IS⁴	1	1	0	0	1	1	2	0	1	0	0	0	19.0	20.3	B	C	19.0	20.2	C	C

- When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum of 19-feet). These lanes have been designated as defacto (d) right turn lanes.
L = Left, T = Through, R = Right; > = Right-Turn Overlap Phasing; >> = Free Right Turn Lane
- Delay and LOS calculated using the TRAFFIX operation analysis software, Traffix Version 8.0 (2008), based on the 2000 Highway Capacity Manual (HCM) method. Synchro 7 (Version 8, 2011) has been utilized to calculate delay and LOS for intersections along Indian Truck Trail between Campbell Ranch Road and Temescal Canyon Road and the I-15 Freeway ramps at Temescal Canyon Road.
- TS = Traffic Signal; CSS = Cross Street Stop; AWS = All-Way Stop
- The shown improvements to the I-15 Freeway Ramps at Indian Truck Trail and the intersection of Temescal Canyon Road and Indian Truck Trail are associated with the Riverside County Transportation Department's I-15 Freeway at Indian Truck Trail Interchange Project and are expected to be fully constructed and open to traffic by February 2012.

BOLD = Significant Impact.

Based on the analysis presented above, the proposed Project would result in a conflict with the Riverside County General Plan's LOS thresholds for study area intersections under EAPC (2013) and Horizon Year (2030) conditions, which is evaluated as cumulatively significant impacts of the proposed Project. As noted above, these long-term impacts would be a direct result of extending the life of the existing mining permits for the site by a period of 50 years. The Project also would contribute to the need for signalization of two (2) study area intersections under EAPC (2013) conditions, which also is evaluated as cumulatively significant.

b) The congestion management program (CMP) applicable to the Project area is the Riverside County Transportation Commission's (RCTC) 2011 Riverside County Congestion Management Program. Within the Project's vicinity, only Interstate 15 (I-15) is identified as a CMP facility. However, the proposed Project would not contribute more than 50 peak hour trips to I-15 or any other CMP facility. 50 peak hour trips is generally considered the threshold above which an analysis of CMP facilities may be required. Accordingly, the Project has no potential to conflict with the level of service standards as specified in the 2011 CMP, nor would the Project interfere with the CMP's travel demand measures. Furthermore, the proposed Project would not conflict with any other standards established by the RCTC for designated roads or highways. Therefore, no adverse impact to the applicable CMP would occur.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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c & d) According to Riverside County GIS, the proposed Project site is not located within close proximity to any public or private airports, and is not located within any Airport Comprehensive Land Use Plans (ACLUP). In addition, there are no existing waterborne routes in the Project vicinity, nor are any railroads located near the proposed Project site. Accordingly, the proposed Project would have no impact on air traffic patterns, waterborne traffic, rail traffic, or air traffic. Impacts would not occur.

e) No roadway improvements are planned as part of the Project, with exception of the improvements that would result indirectly as a result of the Project's mitigation for cumulative traffic impacts. All improvements that would be implemented to address cumulative traffic impacts would be designed to County standards for safety, and would not substantially increase hazards due to a design feature. Additionally, the proposed Project represents the continuation of an existing mining operation, and would not result in the introduction of any new incompatible uses to the site that could pose a traffic safety hazard for surrounding land uses. Accordingly, no impact would occur.

f) Implementation of the proposed Project would extend the life of the existing mining permit by 50 years. Since the Project would increase the duration over which Project-related traffic would utilize County roadways, the Project would, over time, result in an increased need for the County to maintain roadway facilities in the local area. However, maintenance of nearby roadway facilities would be funded through taxes generated by the Project site, and the increased length of demand for roadway facility maintenance would not result in the County's inability to fund other improvements such that significant environmental impacts would result. Accordingly, a less than significant impact would occur.

g) Since the proposed Project represents the continuation of an existing operation and would not involve any construction phase, there would be no impacts to the circulation network associated with construction activities. Although portions of Maitri Road may be relocated as a reasonably foreseeable consequence of the proposed Project, Maitri Road is a private roadway facility and the relocation of this facility would have no adverse impact on the area's circulation system. No impact would occur.

h) The proposed Project site is not identified as an emergency access route under any local or regional plans, and roadways serving the Project site do not provide access to any other land uses except for adjacent mining sites. Accordingly, there would be no impact due to inadequate emergency access or due to obstruction of access to nearby uses.

i) The Riverside County General Plan does not identify the proposed Project site for any public transit facilities, bikeways, or pedestrian facilities. There are no components of the proposed Project that would substantially decrease the performance or safety of such facilities. Accordingly, no impact would occur.

Mitigation:

M-TR-1 (Condition of Approval 20.Trans.001) In order to address deficient levels of service that occur under EAPC (2013) and Horizon Year (2035) condition, and within 45 days of issuance of the SMP 139R1 Permit, the Project applicant shall pay the Riverside County Transportation Uniform Mitigation Program (TUMF) fee pursuant to Riverside County Ordinance 824 and the Riverside County Development Impact Fee pursuant to Riverside County Ordinance 659).

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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M-TR-2 (Condition of Approval 20.Trans.004) Within 45 days of Project approval, the Project applicant shall pay a fair-share amount of \$72,699 to mitigate its cumulative impacts at the following intersections:

- o I-15 Northbound Ramps / Temescal Canyon Road – LOS “F” AM peak hour
- o Temescal Canyon Road / Lawson Road – LOS “F” AM and PM peak hours
- o Temescal Canyon Road / Glen Ivy Road - LOS “E” AM peak hour
- o Maitri Road / Temescal Canyon Road – LOS “E” PM Peak Hour

The fair share amount is based on the Project’s share of traffic over the total growth of traffic at these intersections. Based on an analysis conducted by the Project’s traffic consultant, which compared the Project’s contribution of traffic to the cumulatively impacted intersections, the Project’s fair-share contribution is estimated at \$72,699 (refer to Tables 8-1 and 9-2 of the Project’s traffic study, provided as MND Appendix H). The fair share contribution shall be used to fund future improvements or a combination of improvements of these intersections or as approved by the Director of Transportation.

Payment of DIF, TUMF, and fair-share contributions towards impacted intersections would fully reduce the Project’s cumulatively significant impacts to a level below significant under both EAPC (2013) and Horizon Year (2035) conditions.

Monitoring: Within 45 days of issuance of the SMP 139R1 permit, the County shall ensure the payment of appropriate DIF fees, TUMF fees, and fair-share contributions.

44. Bike Trails

Source: TCAP, Figure 8 (Trails and Bikeway System)

Findings of Fact: According to Figure 8 of the Temescal Canyon Area Plan, two trail segments are planned in the immediate vicinity of the Project site and off-site impact areas, including a Historic Trail along Temescal Canyon Road and a Community Trail located immediately adjacent to the eastern boundary of the Project site (SMP 139 site). Neither of these trail designations includes or requires accommodations for bicycles. In addition, and as discussed under the analysis of Threshold 42, the designated trail alignments are not required to be improved as part of the Project. The proposed Project also does not propose any new bike trails. Accordingly, no impact would occur.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

UTILITY AND SERVICE SYSTEMS Would the project

45. Water

a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

b) Have sufficient water supplies available to serve

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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the project from existing entitlements and resources, or are new or expanded entitlements needed?

Source: Department of Environmental Health Review; *Elsinore Valley Municipal Water District Urban Water Management Plan*. Elsinore Valley Municipal Water District, May 2011.

Findings of Fact:

a) As indicated in MND Section 3.2.2.C, the proposed Project would not result in a net increase in demand for water resources as compared to existing baseline conditions. Accordingly, the proposed Project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects, and no impact would occur.

b) Water to the proposed Project site is provided by the EVMWD, which has prepared an Urban Water Management Plan (UWMP) dated May 2011, which provides for the long-range planning efforts of water purveyance within its district. Since the proposed Project represents an active mining operation that has been in existence since prior to 2000 (when the EVMWD prepared its first UWMP), and since water usage would not increase under the proposed Project, the proposed Project is accounted for in the EVMWD's UWMP. Since the UWMP concludes that the EVMWD has sufficient water supplies available to serve all existing land uses within its service area, and since the Project would not result in an increased demand for water resources, it can therefore be concluded that the EVMWD would have sufficient water supplies available to serve the Project from existing entitlements and resources, and no new or expanded entitlements would be needed. Accordingly, no impact would occur.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

46. Sewer

a) Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?

b) Result in a determination by the wastewater treatment provider that serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Source: Department of Environmental Health Review

Findings of Fact:

a & b) The proposed Project does not involve the construction of any new homes, and would not increase the number of permitted employees at the site. As such, there would be no increase in the site's demand for wastewater treatment facilities or capacity. Furthermore, wastewater generated at the site under existing conditions is handled via an existing septic system, which would not require expansion as part of the Project, although the septic system may need to be periodically pumped and

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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eventually replaced, as would be required under existing conditions. Accordingly, no impact would occur.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

47. Solid Waste

a) Is the project served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

b) Does the project comply with federal, state, and local statutes and regulations related to solid wastes including the CIWMP (County Integrated Waste Management Plan)?

Source: General Plan; Project Application Materials

Findings of Fact:

a) The Project would not change the amount of solid waste generated by the mining operation under existing conditions. The proposed Project does not involve the construction of any new homes, and would not increase the number of employees permitted at the site. However, the proposed Project would extend the expiration date of the existing permits from January 2018 to December 31, 2068. As a result, the Project would result in an increased demand for landfill capacity. Existing landfills have the capacity to handle solid waste generated by the site under existing conditions, but many area landfills would reach capacity prior to expiration of the Project's permits in 2068. Therefore, the proposed Project may ultimately contribute incrementally to the need for a new or expanded landfill facility. However, as it cannot be determined at this time whether new or expanded landfills would be required, nor is it possible to identify the location of any such new or expanded landfills, any analysis of impacts associated with such landfill expansion or construction would be speculative (CEQA Guidelines § 15145). Moreover, solid waste generated by the Project would only result from site workers and operations at the existing office complex, and would not comprise a large amount of refuse. Furthermore, there is no evidence that solid waste generated by the Project would exceed the capacity of any current or planned landfills. Accordingly, the Project's direct and cumulative impacts to landfill capacity are evaluated as less than significant. Additionally, there would be no new conflict with any federal, state, or local statutes or regulations related to solid waste as a result of the proposed Project.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

48. Utilities

Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?

a) Electricity?

b) Natural gas?

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Street lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: General Plan; Project Application Materials

Findings of Fact:

a through g) The proposed Project would involve the continuation and expansion of an existing mining operation, and would not result in a substantial increase in daily operational characteristics at the site. All utilities needed to serve the proposed Project are currently in place. As such, the proposed Project would not require the physical expansion of utilities, including the use of electricity, natural gas, communications systems, storm water drainage, street lighting, public facilities (including roads), or other governmental services. No impact would occur.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

49. Energy Conservation

a) Would the project conflict with any adopted energy conservation plans?

Source: Project Application Materials

Findings of Fact: The site will have no increase in daily production, and no change in the hours of operation is proposed. The project will not create any new energy demand. In addition, there are no adopted energy conservation plans applicable to the proposed Project. Accordingly, no impact would occur.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

MANDATORY FINDINGS OF SIGNIFICANCE

50. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Source: Staff review, Project Application Materials

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: Assuming incorporation of the mitigation measures specified herein, implementation of the proposed Project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The site is an existing surface mine that has been in operation for over 35+ years.

51. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, other current projects and probable future projects)?

Source: Staff review, Project Application Materials

Findings of Fact: As indicated throughout the analysis provided herein, the Project does not have impacts which are individually limited, but cumulatively considerable.

52. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Source: Staff review; Project Application Materials

Findings of Fact: The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any: None

Location Where Earlier Analyses, if used, are available for review: N/A

VII. AUTHORITIES CITED

Authorities cited: Public Resources Code Sections 21083 and 21083.05; References: California Government Code Section 65088.4; Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. REFERENCES

The following documents were referred to as information sources during the preparation of this document.

Cited As:

Air Quality and Greenhouse Gas Evaluation Report	<i>Air Quality and Greenhouse Gas Evaluation Report for Surface Mining Permit Revision (SMP 139R1) & Conditional Use Permit (CUP 03679).</i> Associates Environmental, July 2013.
Biological Technical Report	<i>Biological Technical Report for the Mayhew Aggregates and Mine Reclamation Project (SMP 139 R1).</i> Glenn Lukos Associates, Inc., February 4, 2013.
CARB Air Quality Almanac	<i>2009 Air Quality Almanac.</i> California Air Resources Board, 2009.
CARB Risk Reduction Plan	<i>Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. Stationary Source Division. Mobile Source Control Division.</i> California Air Resources Board, October 2000.
CARB Scoping Plan	<i>Climate Change Scoping Plan.</i> California Air Resources Board, December 2008.
CMP	<i>2010 Riverside County Congestion Management Program.</i> Riverside County Transportation Commission, March 10, 2010.
Corona General Plan	<i>City of Corona General Plan.</i> City of Corona, March 17, 2004.
<i>CREED v. City of San Diego</i>	<i>CREED v. City of San Diego</i> (2011), Super. Ct. No. 37-2009-00085307-CU-MC-CTL.
EVMWD UWMP	<i>Elsinore Valley Municipal Water District Urban Water Management Plan.</i> Elsinore Valley Municipal Water District, May 2011.
General Plan	<i>County of Riverside General Plan.</i> Riverside County Transportation and Land Management Agency, October 2003.
General Plan EIR	<i>County of Riverside General Plan Final Program Environmental Impact Report,</i> Riverside County Transportation and Land Management Agency, October 2003.
GIS Database	Riverside County Land Information System (accessed December 7, 2011). http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html
Groundwater Study	<i>Hydrologic Characterization of the Coldwater Basin.</i> BULOT, Inc., March 2012.
Historic Storm Runoff Analysis	<i>Mayhew Aggregates – Historic Storm Runoff.</i> Chang Consultants, June 13, 2013.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Hydrology and Drainage Analysis	<i>Preliminary Hydrology Study & Drainage Analysis.</i>				
	Joseph E. Bonadiman & Associates, Inc., August 2011.				
Hydrology Update Letter	<i>Technical Memorandum, Hydrology & Hydraulics/WQMP for Updated SMP00139R1.</i>				
	Joseph E. Bonadiman & Associates, Inc., December 5, 2012.				
MATES III	<i>Final Report – Multiple Air Toxics Exposure Study in the South Coast Air Basin.</i>				
	South Coast Air Quality Management District, September 2008.				
Noise Impact Analysis	<i>Noise Impact Analysis – SMP 139 Extension/Revision.</i>				
	Hans Giroux, December 24, 2012.				
Oak Tree Survey	<i>Oak Tree Survey Report for the Mayhew Aggregates and Mine Reclamation Project (SMP 139R1).</i>				
	Glenn Lukos Associates, Inc., June 12, 2013.				
Ord. No. 460	Riverside County Ordinance No. 460, Subdivision Regulations.				
	June 3, 2010.				
Ord. No. 484	Riverside County Ordinance No. 484, An Ordinance of the County of Riverside Amending Ordinance No. 484 for the Control of Blowing Sand.				
	March 14, 2000.				
Ord. No. 625	Riverside County Ordinance No. 625, Right-to-Farm Ordinance.				
	March 18, 1986 (Amended November 8, 1994).				
Ord. No. 655	Riverside County Ordinance No. 655, Regulating Light Pollution.				
Ord. No. 659	Riverside County Ordinance No. 659, Establishing a Development Impact Fee Program.				
	July 21, 2009.				
RCTC Congestion Management Program	<i>2011 Riverside County Congestion Management Program.</i>				
	Riverside County Transportation Commission. December 14, 2011. Available on-line at: http://www.rctc.org/uploads/media_items/congestionmanagementprogram.original.pdf				
Report of Slope Stability Evaluation	<i>Report of Slope Stability Evaluation, Mayhew Aggregate and Mine Reclamation Aggregate Quarry.</i>				
	Hilltop Geotechnical, Inc., September 14, 2011.				
SCAQMD Air Quality Significance Thresholds	<i>SCAQMD Air Quality Significance Thresholds.</i>				
	South Coast Air Quality Management District, March 2011. Available on-line at: http://aqmd.gov/ceqa/handbook/signthres.pdf				
SCAQMD AQMP	<i>Final 2012 Air Quality Management Plan.</i>				
	South Coast Air Quality Management District, December 2012.				
SCAQMD GHG Significance Threshold	<i>Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold.</i>				
	South Coast Air Quality Management District, October 2008. Available on-line at: http://www.aqmd.gov/ceqa/handbook/GHG/2008/oct22mtg/GHGguidance.pdf				

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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TCAP		<i>Temescal Canyon Area Plan.</i> Riverside County Transportation and Land Management Agency, October 2003.
Traffic Impact Analysis		<i>Surface Mining Permit 139 R1 (Conditional Use Permit 03679) Traffic Impact Analysis.</i> Urban Crossroads, Inc., January 22, 2013.
U.S.D.A. Conservation Service Soil Surveys	Soil	<i>Soil Survey, Western Riverside Area California.</i> United States Department of Agriculture, 1971.
WQMP		<i>Project Specific Water Quality Management Plan.</i> Joseph S.C. Bonadiman & Associates, Inc., August 2011.
WRCMSHCP		<i>Western Riverside County Multiple Species Habitat Conservation Plan.</i> Riverside County Transportation and Land Management Agency, October 2003.

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APPENDIX B:

MITIGATION, MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
<p>SECTION V.7 – BIOLOGICAL RESOURCES Approximately 9.1 acres in the southwestern corner of the off-site impact area contains habitat with the potential to support NEPSSA target species and/or special status plant species. Impacts to NEPSSA target species would represent a potential conflict with MSHCP Section 6.1.3. Therefore, potential impacts to NEPSSA target species and/or special status plant species represents a significant impact for which mitigation would be required.</p>	<p>Less than Significant</p>	<p>M-BJ-1 Prior to approval of any revisions to Surface Mining Permit 182 allowing for mining activities within the relatively undisturbed habitat located southwesterly of the existing office building (and westerly of existing approved Surface Mining Permit 182), off-site of the Project site, focused surveys shall be conducted to determine whether special status plant species occur within this area. This area comprises approximately 9.1 acres and includes 1.84 acres of chaparral, 1.14 acres of Riversidean sage scrub, 1.65 acres of Riversidean sage scrub/chaparral ecotone, and 1.92 acres of coast live oak woodland habitats. Non-covered plant species with at least a low to moderate potential to occur in this area, and that shall be evaluated as part of future focused surveys, include Hammit's clay-cress (<i>Sibaropsis hammitii</i>), many-stemmed dudleya (<i>Dudleya multicaulis</i>), Munz's onion (<i>Allium munzii</i>), and San Miguel savory (<i>Satureja chandleri</i>). If one or more of these species is identified within the area located southwesterly of the existing office building, and in the event that avoidance is not possible, then a Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared as described below. The preparation of a detailed habitat restoration plan for the impacted habitat also shall be prepared once the type and quantity of the non-covered species impacts are known, so appropriate restoration or translocation options can be discussed.</p>	<p>Project Applicant / Riverside County Planning Department and Environmental Programs Department</p>	<p>Prior to approval of any mining permits affecting the 9.1 acres located in the southwestern corner of the off-site impact areas that contain chaparral, Riversidean sage scrub, Riversidean sage scrub/chaparral, and coast live oak woodland habitats (refer to Figure EA-2).</p>
		<p>If any Narrow Endemic Plant Species populations are identified as part of the survey, then the provisions of MSHCP Section 6.1.3 shall apply, including the requirement to avoid impacts to 90% of those portions of the property that provide for long-term conservation value of the identified Narrow Endemic Plant Species until it is demonstrated that conservation goals for the particular species are met. If such avoidance is not feasible, then a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report shall be prepared and approved by the Riverside County Environmental Programs Department (EPD). The DBESP also shall be subject to review by the Wildlife Agencies. The DBESP shall be prepared in accordance with the requirements and criteria set forth in MSHCP Section 6.1.2, which requires the Project applicant to demonstrate that although the proposed project would exceed the 10% Narrow Endemic Plant Species impact threshold, with proposed design and compensation measures, it</p>		

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
<p>The proposed Project has the potential to conflict with the MSHCP Section 6.1.4 due to potential indirect lighting and noise impacts.</p>	<p>Less than Significant</p>	<p>would result in an overall MSHCP Conservation Area design and configuration biologically equivalent or superior to that which would occur under a project alternative within the impact threshold without these measures.</p> <p>No permits which authorize impacts to the approximately 9.1-acre area located southwest of the existing office building, located off-site of the Project site, shall be issued unless either the focused surveys determine that no non-covered plant species occur, 90% of the habitat is avoided through design, or a DBESP is approved by EPD.</p> <p>M-BI-2 (Condition of Approval 10 Planning 41) Project lighting shall be shielded and directed away from the off-site areas abutting the northeastern corner of the proposed Project site.</p> <p>M-BI-3 (Condition of Approval 10 Planning 42) All proposed rock crushers shall be set back a minimum distance of 600 feet from the off-site riparian/riverine habitat located adjacent to the northeastern corner of the proposed Project site. In the event that rock crushers are proposed within 600 feet of the off-site riparian/riverine habitat, then a focused noise study shall be prepared to identify measures that need to be undertaken to reduce Project-generated noise levels affecting the off-site riparian/riverine habitat to less than 65 dBA CNEL.</p>	<p>Project Applicant / Riverside County Planning Department</p> <p>Project Applicant / Riverside County Planning Department</p>	<p>Compliance with Mitigation Measures M-BI-2 and M-BI-3 shall occur throughout the duration of mining and reclamation activities on-site, and evidence of compliance with these measures shall be incorporated into the annual reports required for SMP 139R1.</p>
<p>Implementation of the proposed Project would result in impacts to individual oak trees. A significant impact would occur if the Project were to fail to comply with the County's Oak Tree Management Guidelines.</p>	<p>Less than Significant</p>	<p>M-BI-4 Prior to approval of any future revisions to Surface Mining Permits (SMPs) 143, 150, 182, and/or 202, the Riverside County Environmental Programs Department shall assure that mitigation measures have been incorporated into the conditions of approval for the appropriate permit(s) to address any proposed impacts to oak trees requiring mitigation pursuant to the Riverside County Oak Tree Management Guidelines, as approved by the Riverside County Board of Supervisors on March 2, 1993. A summary of the trees requiring mitigation located within the off-site impact areas for the SMP 139R1 Project, along with the required mitigation ratios for each individual tree, are provided below in Table EA-3 5, <i>Oak Tree Mitigation Requirements</i>, while Figure EA-3 depicts the location of each individual oak tree</p>	<p>Project Applicant / Riverside County Planning Department</p>	<p>Prior to impacts to coast live oak tree habitat</p>
<p>SECTION V.11 – GEOLOGY AND SOILS In order to ensure compliance with the recommendations of the site-specific Slope Stability Evaluation, Mitigation Measure M-GS-1 has been imposed on the Project, which would preclude significant impacts associated with</p>	<p>Less than Significant</p>	<p>M-GS-1 (Condition of Approval 10.Planning.4) The following requirements of the Project's Slope Stability Evaluation (Appendix E) shall apply:</p> <ul style="list-style-type: none"> As shown on the Project's Reclamation Plan (Figure 3-2 and Figure 3-3) mining slopes along the eastern edge of 	<p>Project Applicant / Riverside County Building and Safety Department</p>	<p>During mining and reclamation activities</p>

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
geology and soils.		<p>SMP 139R1 shall be constructed by flattening the cut mining slope to an inclination of 1.3H:1V (Horizontal to Vertical) or flatter, by reducing the height of the mining slope to a maximum height of 150 vertical feet or less, or by providing a horizontal offset from the property line of 170 feet or greater to the top of the mining slope. Combinations of a couple of the modifications will also provide the minimum factor of safety, and, if proposed, shall be evaluated by a qualified geotechnical consultant and subject to review by Riverside County.</p> <ul style="list-style-type: none"> o To reduce long term erosion hazards associated with reclamation slopes, the following recommendations for slope protection and maintenance shall be considered and/or incorporated when planning, designing, and implementing slope erosion methods: <ul style="list-style-type: none"> ▪ Surface water should not be allowed to flow over the existing and/or proposed mining slopes other than incidental rainfall and irrigation. Alterations of manufactured or natural slopes, terraces, top of slope berms, etc. that will prevent run-off from being expediently directed to approved disposal areas and away from the tops of slopes shall not be allowed. ▪ Surface drainage shall be positively maintained in a non-erosive manner. ▪ Top of slope berms shall be constructed and compacted as part of any grading of the property and should be maintained by the property owner. The drainage patterns shall be maintained throughout the life of the proposed development. ▪ Concentrated surface waters entering the property from off-site sources shall be collected and directed to a permanent drainage system and away from the top of mining slopes. ▪ The property owner is responsible for the maintenance and cleaning of the interceptor ditches, drainage terraces, down drains and other drainage devices that have been installed to promote slope stability. ▪ The property owner shall establish a program for the elimination of burrowing animals. This shall be 		

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
		<p>an on-going program to protect slope stability.</p> <ul style="list-style-type: none"> ▪ The property owner shall observe the drainage patterns during heavy precipitation periods as this is often when trouble occurs. Problems such as gullying or ponding shall be corrected as soon as practicable. ▪ High moisture content in slope earth materials is a major factor in slope erosion and slope failures. Therefore, precautions shall be taken to minimize earth material saturation. <p>Evidence of compliance with the above-listed recommendations from the Slope Stability Analysis shall be maintained on-site and made available for inspection by Riverside County upon request.</p>		
<p>SECTION V.25 – HYDROLOGY AND WATER QUALITY</p> <p>Operation of the IDEFO has the potential to result in impacts to hydrology and water quality if conducted in a manner that violates the conditions specified in the site-specific waiver of waste discharge requirements, as adopted by the RWQCB Board Resolution No. R8-2007-0036. Mitigation Measure M-WQ-1 has been identified to ensure Project compliance with the provisions of the waiver of waste discharge requirements.</p>	<p>Less than Significant</p>	<p>M-WQ-1 (Condition of Approval 10.Planning.40) Throughout the life of operation of the Inert Debris Engineered Fill Operation (IDEFO), the following conditions shall apply:</p> <ul style="list-style-type: none"> ▪ No greenwaste, woodwaste, gypsum, or drywall are allowed as inert waste; ▪ Controls sufficient to contain all surface runoff from the IDEFO areas shall be installed, where necessary; and ▪ The site shall be adequately secured to prevent unauthorized disposal by the public. 	<p>Project Applicant/ RWQCB, Riverside County Building and Safety Department</p>	<p>Throughout the life of operation of the Inert Debris Engineered Fill Operation</p>
<p>SECTION V.43 – TRANSPORTATION/TRAFFIC</p> <p>The project would contribute to the deficient LOS at the following intersections under EAPC (2013) and Horizon Year (2035) with Project traffic conditions:</p> <ul style="list-style-type: none"> • I-15 Northbound Ramps / Temescal Canyon Road – LOS “F” AM and PM peak hours • Temescal Canton Road / Lawson Road – LOS “F” AM and PM peak hours • Temescal Canyon Road / Glen Ivy Road – LOS “F” AM and PM peak hours 	<p>Less than Significant.</p>	<p>M-TR-1 (Condition of Approval 20.Trans 001) In order to address deficient levels of service that occur under EAPC (2013) and Horizon Year (2035) condition, and within 45 days of issuance of the SMP 139R1 Permit, the Project applicant shall pay the Riverside County Transportation Uniform Mitigation Program (TUMF) fee pursuant to Riverside County Ordinance 824 and the Riverside County Development Impact Fee pursuant to Riverside County Ordinance 659).</p> <p>M-TR-2 (Condition of Approval 20.Trans 004) Within 45 days of Project approval, the Project applicant shall pay a fair-share amount of \$72,699 to mitigate its cumulative impacts at the following intersections:</p>	<p>Project Applicant / Riverside County Planning Department</p> <p>Project Applicant / Riverside County Planning Department</p>	<p>Within 45 days of issuance of the SMP 139R1 permit</p> <p>Within 45 days of issuance of the SMP 139R1 permit</p>

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
<ul style="list-style-type: none"> Maitri Road / Temescal Canyon Road – LOS “F” AM and PM peak hours <p>In addition, the following intersections appear to warrant a traffic signal:</p> <ul style="list-style-type: none"> Temescal Canyon Road/Lawson Road Maitri Road/Temesescal Canyon Road 		<ul style="list-style-type: none"> 1-15 Northbound Ramps / Temescal Canyon Road – LOS “F” AM peak hour Temescal Canyon Road / Lawson Road – LOS “F” AM and PM peak hours Temescal Canyon Road / Glen Ivy Road - LOS “E” AM peak hour Maitri Road / Temescal Canyon Road – LOS “E” PM Peak Hour <p>The fair share amount is based on the Project’s share of traffic over the total growth of traffic at these intersections. Based on an analysis conducted by the Project’s traffic consultant, which compared the Project’s contribution of traffic to the cumulatively impacted intersections, the Project’s fair-share contribution is estimated at \$72,699 (refer to Tables 8-1 and 9-2 of the Project’s traffic study, provided as MND Appendix H). The fair share contribution shall be used to fund future improvements or a combination of improvements of these intersections or as approved by the Director of Transportation.</p>		

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10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

SMP - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is 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 operate an inert debris engineered fill operation (IDEFO) to be located within the limits of the SMP00139 mine site, as a means of reclaiming the site, in accordance with the Reclamation Plan.

10. EVERY. 2

SMP - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the SURFACE MINING PERMIT; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the SURFACE MINING PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee

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10. GENERAL CONDITIONS

10. EVERY. 2 SMP - HOLD HARMLESS (cont.) RECOMMND

shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 SMP - DEFINITIONS RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Surface Mining Permit No. 139R1 shall be henceforth defined as follows:

APPROVED EXHIBIT "A" = Mining Plan Approved Exhibit No. "A", SMP Case No. 139R1, dated 1/3/13.

APPROVED EXHIBIT "B" = Reclamation Plan Approved Exhibit No. "B", SMP Case No. 139R1, dated 1/3/13.

APPROVED EXHIBIT "C" = Project Description Approved Exhibit No. "C", SMP Case No. 139R1, Dated 1/3/13.

APPROVED EXHIBIT "E" = HANS Riperian/Riverine Map dated 10/2/13

BS GRADE DEPARTMENT

10.BS GRADE. 1 SMP-APPROVED CONDITIONS RECOMMND

ALL PRIOR BUILDING & SAFETY DEPARTMENT CONDITIONS APPROVED UNDER SURFACE MINING PERMIT RECLAMATION PLAN 139 (INCLUDING OTHER REVISIONS AND SUBSTANTIAL CONFORMANCES) SHALL REMAIN IN EFFECT DURING THE LIFE OF THIS REVISED PERMIT 139 NO.1 UNLESS SPECIFICALLY REMOVED OR REPLACED BY ANOTHER CONDITION.

10.BS GRADE. 2 SMP-ANNUAL REPORT INFO RECOMMND

The operator shall submit to the Building & Safety Department with the annual report the following information (This report shall be prepared by a qualified, licensed professional).

1) New topographical maps detailing disturbed land and proximity to permit boundaries and property lines.

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10. GENERAL CONDITIONS

10.BS GRADE. 2

SMP-ANNUAL REPORT INFO (cont.)

RECOMMND

- 2) Certification letter certifying maximum depth of excavated areas.
- 3) Provide quantity in cubic yards and tons of minerals mined during the reporting period.
- 4) Certify all excavated areas are within the limits of the Surface Mining Permit/Reclamation Plan.
- 5) Provide data indicating any reclaimed land during the reporting period.
- 6) A certified engineering geologist or geotechnical engineer shall inspect all excavated slopes within the permitted boundaries (active and inactive) for slope stability. The operator shall provide to Building and Safety Department a copy of the inspection report.

NOTE: At least every three years of operation, the operator shall provide to the Building and Safety Department, aerial topography showing incremental and total changes to excavations. This will include cross-sectional maps showing berms, slope angles and benches of all excavations.

10.BS GRADE. 3

SMP-ANNUAL F.A.C.E.

RECOMMND

Each year after the 1st year of land disturbed under this Surface Mining Permit, Reclamation Plan or Substantial Conformance, the operator shall REVIEW & UPDATE the financial assurance on file with the County of Riverside. The operator shall submit a new cost estimate to the Building & Safety Department for review. The updated cost estimate shall include at least any new disturbed land, reclaimed land and allow for a yearly inflation factor.

All cost estimate shall utilize the guidelines outlined by the California Department of Conservation and the requirements of SMARA as outlined in the California Resources Code section 2773.1(a)(3), 2774(c), 3804, 3805 and 3805.5 and County of Riverside Ordinance 555 or as amended in the future.

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10. GENERAL CONDITIONS

10.BS GRADE. 4 SMP-TEMPORARY OFFICE RECOMMND

Temporary/portable office trailers are permitted provided they are installed with appropriate building permit(s). Other structures for night watchman security must be installed or constructed with appropriate building permit(s).

10.BS GRADE. 6 SMP-IMPORTING VEGETATION RECOMMND

There shall be no importing and/or storage of any cut vegetation without specific approval of the Planning Department and the Environmental Health Department.

10.BS GRADE. 7 SMP-PRIVATE RD GRDG PERMIT RECOMMND

Construction of a private road requires a grading permit. All private roads which are conditioned to be paved shall comply with Ordinance 457 base and paving inspection requirements.

10.BS GRADE. 8 SMP-BUILDING/GRADING PERMIT RECOMMND

THE PROVISIONS OF ALL RIVERSIDE COUNTY ORDINANCES SHALL APPLY DURING THE LIFE OF THIS SURFACE MINING PERMIT/ RECLAMATION PLAN, SPECIFICALLY, ORDINANCE 457 SHALL APPLY FOR ALL BUILDING PERMITS AND OTHER CONSTRUCTION WITHIN THE SURFACE MINING BOUNDARIES AND PROPERTY LINES OF SAID PARCELS. GRADING PERMITS SHALL BE OBTAINED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OPERATOR SHALL OBTAIN APPROVAL TO CONSTRUCT FROM THE BUILDING AND SAFETY DEPARTMENT.

10.BS GRADE. 9 SMP-PROPERTY LINE SETBACKS RECOMMND

There shall be a graded setback from all property lines of not less than 50 feet from all cut/fill slopes.

Within the setback area, the four foot verticle height safety berm can be installed.

In all other areas within the boundaries of the Reclamation Plan/Surface Mining Permit where mining will not take place, the provisions of Riverside County Grading Ordinance 457 shall be followed.

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10. GENERAL CONDITIONS

10.BS GRADE. 10 SMP-FENCING OF PERIMETER RECOMMND

The perimeter of the surface mine shall be fenced with at least 6 foot chain link fencing or other fencing that has been approved by another specific condition of this mining permit and shall have a secure entrance gate system.

Fencing, gates and perimeter signs are required for safety and to prevent/limit unauthorized access to the site.

10.BS GRADE. 11 SMP-OFFSITE EXCAVATION RECOMMND

ANY OFF SITE (outside of the Surface Mine Permit/ Reclamation Plan) EXCAVATIONS OR GRADING requires a grading permit. It shall be the responsibility of the operator to obtain proposed or required easements and/or permissions necessary to perform the excavations/grading proposed.

10.BS GRADE. 12 SMP-MISCELLANOUS INSPECT RECOMMND

In addition to the Special Inspection for the Annual Report, at any time during normal business hours, persons from the Building & Safety Department may conduct site inspection(s) for compliance with the conditions of approval, complaints by individuals or other reasons as identified at the time of inspection.

10.BS GRADE. 13 SMP- FAULT LOCATIONS RECOMMND

Prior to issuance of any building permit, the operator shall have a licensed professional, clearly delineate on maps and in the field any portions of the property, which are located within the "Fault Hazard Zone". No structures or any part thereof shall be located in those areas.

10.BS GRADE. 14 SMP-OBEY ALL GRDG REGS RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

10.BS GRADE. 15 SMP- DISTURBS NEED G/PMT RECOMMND

Ordinance 457 requires a grading permit prior to clearing, grubbing or any top soil disturbances related to

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10. GENERAL CONDITIONS

10.BS GRADE. 15 SMP- DISTURBS NEED G/PMT (cont.) RECOMMND

construction grading.

10.BS GRADE. 16 SMP-NPDES/SWPPP RECOMMND

Construction activities including clearing, stockpiling, grading or excavation of land which disturbs less than 1 acre and requires a grading permit or construction Building permit shall provide for effective control of erosion, sediment and all other pollutants year-round. The permit holder shall be responsible for the installation and monitoring of effective erosion and sediment controls. Such controls will be evaluated by the Department of Building and Safety periodically and prior to permit Final to verify compliance with industry recognized erosion control measures.

Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs 1 acre or more or on-sites which are part of a larger common plan of development which disturbs less than 1 acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. You are required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Department of Building and Safety upon request.

Year-round, Best Management Practices (BMP's) shall be maintained and be in place for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Stabilized Construction Entrances and project perimeter linear barriers are required year round. Removal BMP's (those BMP's which must be temporarily removed during construction activities) shall be in place at the end of each working day.

Monitoring for erosion and sediment control is required and shall be performed by the QSD or QSP as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan is required when there is a 50% or greater forecast of rain within the 48 hours, by the National Weather Service or whenever rain is imminent. The

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10. GENERAL CONDITIONS

10.BS GRADE. 16 SMP-NPDES/SWPPP (cont.) RECOMMND

QSD or QSP must print and save records of the precipitation forecast for the project location area from (<http://www.srh.noaa.gov/forecast>) and must accompany monitoring reports and sampling test data. A Rain gauge is required on site. The Department of Building and Safety will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

10.BS GRADE. 17 SMP-GEOTECH/SOILS RPTS RECOMMND

Prior to the issuance of a building permit, a Geotechnical soils report shall be submitted to the Building & Safety Department for review and approval. All grading for structures shall be in conformance with the recommendations of the geotechnical soils reports as approved by Riverside County.

The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

10.BS GRADE. 18 SMP-MAX SLOPE RATIO RECOMMND

Slopes shall not be finished at a slope ratio steeper than 2:1 (horizontal: vertical) unless they are adequately determined and demonstrated to be stable by the project certified engineering geologist and geotechnical engineer.

Slope stability shall be documented in a report(s) to be submitted to the Department of Building and Safety as well as the County Geologist for review and approval prior to final approval of finished slopes. This report(s) shall be updated and submitted annually, in conjunction with the required annual SMARA inspection schedule or submitted outside of annual inspection schedule as necessary to maintain safe conditions and forward progress of finishing slopes for reclamation purposes).

10.BS GRADE. 19 SMP-DRAINAGE DESIGN Q-100 RECOMMND

All drainage acilities shall be designed in accordance with Riverside County Flood Control & Water Conservation District's requirements to accommodate 100 year storm

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10. GENERAL CONDITIONS

10.BS GRADE. 19 SMP-DRAINAGE DESIGN Q-100 (cont.) RECOMMND
flows.

10.BS GRADE. 20 SMP-MINIMUM DRAINAGE GRADE RECOMMND
Minimum drainage grade shall be 1% except on portland
cement concrete where 0.35% shall be the minimum.

10.BS GRADE. 21 SMP-DRAINAGE & TERRACING RECOMMND
Provide drainage facilities and terracing in conformance
with the California Building Code's chapter on "Excavation
and Grading".

10.BS GRADE. 22 SMP-SLOPES IN FLOODWAY RECOMMND
Graded slopes which infringe into the 100 year storm flow
flood way boundaries, shall be protected from erosion, or
other flood hazards, by a method acceptable to the Building
& Safety Department's District Grading Engineer - which may
include Riverside County Flood Control & Water Conservation
District's review and approval. However, no graded slope
will be allowed which in the professional judgment of the
District Grading Engineer blocks, concentrates or diverts
drainage flows.

10.BS GRADE. 23 SMP-EASEMENTS & ACCESS RECOMMND
Prior to the issuance of the surface mining permit, it
shall be the responsibility of the applicant to obtain any
proposed or required easements and/or permissions' necessary
for access to the site for excavating and/or grading.

10.BS GRADE. 24 SMP-NOTARIZED OFFSITE LTR RECOMMND
A notarized letter of permission, from the affected
property owners or easement holders, is required for any
proposed off site grading.

10.BS GRADE. 26 SMP-OFF ST. PAVED PARKING RECOMMND
All off street parking areas which are conditioned or
proposed to be paved shall conform to Ordinance 457 base
and paving design and inspection requirements.

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10. GENERAL CONDITIONS

10.BS GRADE. 27 SMP-NO B/PMT W/O G/PMT RECOMMND

Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

10.BS GRADE. 28 SMP- PM-10 REDUCTION RECOMMND

SURFACE MINING OPERATIONS LOCATED WITHIN THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT SHALL COMPLY WITH RULE 1157 "PM-10 EMISSION REDUCTION FROM AGGREGATE AND RELATED OPERATIONS". THE OPERATOR SHALL HAVE A COPY OF ALL INSPECTIONS CONDUCTED BY THE DISTRICT AVAILABLE FOR THE CURRENT ANNUAL SURFACE MINE INSPECTION.

10.BS GRADE. 29 SMP- CONTRACTOR EQUIPMENT RECOMMND

All non-mining equipment must be stored in a designated area permitted for "Contractor Storage".

A "Contractor Storage" permit must be obtained from the Planning Department prior to storage of any non-mining equipment.

10.BS GRADE. 30 SMP-TRASH & DEBRIS RECOMMND

The parcel(s) where the mine is located shall be kept free of trash (including old tires) and other debris. There shall be no importing of recyclable materials or construction debris without a specific permit for that activity.

10.BS GRADE. 31 SMP- QUARRY SIGNS RECOMMND

Signs shall be installed at the top of all manufactured slopes (cut or fill), at intervals not greater than 100 lineal feet.

Each sign shall read "DANGER" "OPEN PIT MINE" "STEEP SLOPE". Signs shall be at least 18" X 18" square with contrasting background to lettering. (ie: white background and black lettering).

Perimeter signs around the approved Reclamation Plan or Surface Mine boundaries shall be installed not greater than 250 lineal feet. Each sign shall read "DANGER" "KEEP OUT" and "MINERAL RESOURCE ZONE" or "SURFACE

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10. GENERAL CONDITIONS

10.BS GRADE. 31 SMP- QUARRY SIGNS (cont.) RECOMMND

MINING OPERATION". All signs shall be with contrasting lettering/background.

10.BS GRADE. 32 SMP- BENCHES & SLOPES RECOMMND

During the mining operation, on the working faces of the quarry wall, benches shall be installed at no more than 30 feet in vertical height intervals or not higher than the equipment being used can reach to extract material. Each bench shall be a minimum of 15' in width.

Working slopes below benches shall not be steeper than 1:1 (horizontal to vertical). Finished slopes may not exceed 2:1 unless it has been demonstrated to be stable by the engineering geologist and geotechnical engineer and is approved by the Building and Safety Department and County Geologist.

10.BS GRADE. 33 SMP- SAFETY BERMS RECOMMND

A four (4) foot, minimum vertical height, SAFETY BERM shall be installed at the top of all cut/fill slopes (including roads).

10.BS GRADE. 34 SMP-HAZMAT GENERATOR PERMIT RECOMMND

Surface mining operations shall obtain from County Of Riverside, Department of Environmental Health, Hazardous Materials Management Division, a "HAZARDOUS MATERIALS GENERATOR'S PERMIT" for this specific location. The operator shall have a copy of all inspections conducted by HAZMAT, available for the current Annual Surface Mine inspection.

10.BS GRADE. 35 SMP- VEHICLE STORAGE RECOMMND

There shall be no storage of passenger vehicles, campers, travel trailers or other personal property that is not related directly to the mining of minerals at this site.

10.BS GRADE. 36 SMP- BUSINESS REGISTRATION RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business registration. For more information regarding business

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10. GENERAL CONDITIONS

10.BS GRADE. 36 SMP- BUSINESS REGISTRATION (cont.) RECOMMND

registration, contact the Business Registration and License Program Division of the Building and Safety Department at www.rctlma.orgbuslic.

10.BS GRADE. 38 SMP- PRE MINING MEETING RECOMMND

Prior to the startup of mining operations, the applicant is required to schedule a pre-mining meeting with the Building and Safety Department Environmental Compliance Division mine inspector.

10.BS GRADE. 39 SMP- APPROVED WQMP RECOMMND

Prior to the issuance of a grading permit, the owner/applicant shall submit to the Building & Safety Department evidence that the project-specific Water Quality Management Plan (WQMP) has been approved by the Riverside County Flood Control District and that all approved water quality treatment control BMP'S have been included on the mining plan and/or grading plan.

10.BS GRADE. 40 SMP- BLASTING REPORT FORM RECOMMND

Prior to issuance of permit for this mine's first special inspection, the operator shall prepare, submit and have approved an appropriate blasting report form. This form shall contain the necessary information to document the blasting operations undertaken for mining as well as the initial construction blasting for roads, etc.

This report form shall be submitted to the County Geologist and the County mine inspector for review and approval of the format and content prior to issuance of the first special inspection permit.

Completed blasting reports, during active mining operations, shall be submitted to the County's inspector on a quarterly basis (more frequently if necessary, upon request by the County) for review and consideration.

10.BS GRADE. 41 SMP- 1ST FINANCIAL ASSURANCE RECOMMND

Prior to commencement of any surface disturbance, construction of any processing plant, surface mining operation, or issuance of the first Special Inspection Permit, the permittee shall establish Financial Assurances to

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10. GENERAL CONDITIONS

10.BS GRADE. 41

SMP- 1ST FINANCIAL ASSURANCE (cont.)

RECOMMND

ensure reclamation of the Surface Mining Operation with the Riverside County Department of Building and Safety.

a.The financial assurance shall take the form of a surety bond, irrevocable letter of credit, trust fund or other form of financial assurance as approved by the Director of Building and Safety.

b.The amount of the financial assurance required for this permit shall be established through County review of the required financial assurance cost estimate prepared by the applicant pursuant to the requirements of SMARA and County Ordinance 555.

c.The financial assurance shall remain in effect for the life of the mine including Reclamation and the monitoring timetable. A final inspection by Building and Safety will advise the Director of Building and Safety to release the bond.

d.The financial assurance shall be made payable to Riverside County and the State of California, Department of Conservation.

10.BS GRADE. 42

SMP-1ST INSPECTION REPORT

RECOMMND

Prior to commencement of any surface disturbance, or construction of any processing plant, surface mining operation the permittee shall apply for a special inspection permit from the Riverside County Department of Building and Safety which will be accompanied by the appropriate filing fee set forth in Riverside County Ordinance 671. The Special Inspection Permit shall be accompanied by a written report which specifies conformance with these conditions of approval.

BS PLNCK DEPARTMENT

10.BS PLNCK. 1

USE - BUILD & SAFETY PLNCK

RECOMMND

There are new structures or equipment proposed at this time. Buildings permits shall be obtained from the building department prior to any construction or placement of any building, structure or equipment on the property.

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10. GENERAL CONDITIONS

E HEALTH DEPARTMENT

10.E HEALTH. 1 CONTACT LEA

RECOMMND

The operator must contact the County of Riverside, Local Enforcement Agency (LEA) at (951) 955-8982 for any operational and/or permitting requirements regarding CDI recycling and IDEFO operations.

EPD DEPARTMENT

10.EPD. 1 - LBV NESTING AVOIDANCE

RECOMMND

The north east corner of the project site supports Southern Willow Scrub which provides potentially suitable nesting habitat for Least Bell's Vireo (LBV). No mining activities may occur within 300' of those areas delineated as "Southern Willow Scrub - Riparian Habitat," between March 1 and September 30. These areas are delineated on EXHIBIT E. If work must be done during these times, a biologist shall conduct a nesting bird survey to ensure that no LBV are nesting within 300 feet of the proposed activity.

10.EPD. 2 - MBTA NESTING BIRDS

RECOMMND

Birds and their nests are protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Game (CDFG) Codes. Removal of vegetation or any other potential nesting bird habitat disturbances shall be conducted outside of the avian nesting season (February 1st through August 31st). If habitat must be cleared during the nesting season, a preconstruction nesting bird survey shall be conducted. The preconstruction nesting bird survey must be conducted by a biologist who holds a current MOU with the County of Riverside. The biologist shall prepare and submit a report, documenting the results of the survey, to the Riverside County Planning Department, Environmental Programs Division (EPD) for review and approval. If nesting activity is observed, appropriate avoidance measures shall be adopted to avoid any potential impacts to nesting birds.

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE FLOOD HAZARD RPT 2/4/13

RECOMMND

The District's review includes Surface Mining Permit 00139 and Revised Permit No. 1 Amended No. 1 (SMP00139R1A1). The

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10.FLOOD RI. 1

USE FLOOD HAZARD RPT 2/4/13 (cont.)

RECOMMND

approximately 910 gross acres is located in the Glen Ivy area, south of Interstate 15 south and Temescal Canyon Road. The District has previously reviewed this proposal as PAR 01296.

SMP 139R1A1 proposes to consolidate PP01828, RCL00106 and SMP00139 and 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. Additionally, the project proposes to construct an inert debris engineered fill operation (IDEFO) within the limits of the SMP 139 site.

Mayhew Canyon flows northerly between the easterly boundary of SMP 139 and westerly boundary of a residential development. Significant headcutting may occur if these flows start discharging into SMP 139 which could result in endangering or damaging this housing development. These slopes shall be stabilized with a maximum grade of 2:1 or an alternate grade as recommended by a certified slope stability analysis and approved by the County Geologist. Additionally, it is recommended these slopes shall be inspected and maintained after rain events or annually, at a minimum.

The development of this site includes the addition or replacement of 5,000 square feet or more of impervious surfaces, therefore a Project Specific Water Quality Management Plan (WQMP) is required. A preliminary WQMP was submitted, however, it does not comply with the current Low Impact Development (LID) WQMP requirement. A final project specific WQMP shall be submitted to the District for review and approval prior to the issuance of permits. Runoff is predominantly self-contained within the site due to the nature of the mining project.

10.FLOOD RI. 5

USE SUBMIT FINAL WQMP >PRELIM

RECOMMND

In compliance with Santa Ana Region and San Diego Region Regional Water Quality Control Board Orders, and Beginning January 1, 2005, projects submitted within the western region of the unincorporated area of Riverside County for discretionary approval will be required to comply with the Water Quality Management Plan for Urban Runoff (WQMP). The WQMP addresses post-development water quality impacts from new development and redevelopment projects. The WQMP

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10.FLOOD RI. 5

USE SUBMIT FINAL WQMP >PRELIM (cont.)

RECOMMND

requirements will vary depending on the project's geographic location (Santa Ana, Santa Margarita or Whitewater River watersheds). The WQMP provides detailed guidelines and templates to assist the developer in completing the necessary studies. These documents are available on-line at: www.floodcontrol.co.riverside.ca.us under Programs and Services, Stormwater Quality.

To comply with the WQMP a developer must submit a "Project Specific" WQMP. This report is intended to a) identify potential post-project pollutants and hydrologic impacts associated with the development; b) identify proposed mitigation measures (BMPs) for identified impacts including site design, source control and treatment control post-development BMPs; and c) identify sustainable funding and maintenance mechanisms for the aforementioned BMPs. A template for this report is included as 'exhibit A' in the WQMP. A final Project Specific WQMP must be approved by the District prior to issuance of building or grading permits.

Projects requiring Project Specific WQMPs are required to submit a PRELIMINARY Project Specific WQMP along with the land-use application package. The format of the PRELIMINARY report shall mimic the format/template of the final report but can be less detailed. For example, points a, b & c above must be covered, rough calculations supporting sizing must be included, and footprint/locations for the BMPs must be identified on the tentative exhibit. Detailed drawings will not be required. This preliminary project specific WQMP must be approved by the District prior to issuance of recommended conditions of approval.

The developer has submitted a report that minimally meets the criteria for a preliminary project specific WQMP. The report will need significant revisions to meet the requirements of a final project specific WQMP. Also, it should be noted that if 401 certification is necessary for the project, the Water Quality Control Board may require additional water quality measures.

10.FLOOD RI. 6

USE WQMP ESTABL MAINT ENTITY

RECOMMND

This project proposes BMP facilities that will require maintenance by public agency or commercial property owner association. To ensure that the public is not unduly

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10.FLOOD RI. 6 USE WQMP ESTABL MAINT ENTITY (cont.)

RECOMMND

burdened with future costs, prior to final approval or recordation of this case, the District will require an acceptable financial mechanism be implemented to provide for maintenance of treatment control BMPs in perpetuity. This may consist of a mechanism to assess individual benefiting property owners, or other means approved by the District. The site's treatment control BMPs must be shown on the project's improvement plans - either the street plans, grading plans, or landscaping plans. The type of improvement plans that will show the BMPs will depend on the selected maintenance entity.

PLANNING DEPARTMENT

10.PLANNING. 3 SMP - LOW PALEO

RECOMMND

According to the County's General Plan, this site has been mapped as having a "Low Potential" for paleontological resources. This category encompasses lands for which previous field surveys and documentation demonstrates a low potential for containing significant paleontological resources subject to adverse impacts. As such, this project is not anticipated to require any direct mitigation for paleontological resources. However, should fossil remains be encountered during site development:

1.All site earthmoving shall be ceased in the area of where the fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.

2.The owner of the property shall be immediately notified of the fossil discovery who will in turn immediately notify the County Geologist of the discovery.

3.The applicant shall retain a qualified paleontologist approved by the County of Riverside.

4.The paleontologist shall determine the significance of the encountered fossil remains.

5.Paleontological monitoring of earthmoving activities will continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be

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10. GENERAL CONDITIONS

10.PLANNING. 3

SMP - LOW PALEO (cont.)

RECOMMND

monitored. The supervising paleontologist will have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.

6.If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.

7.Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum* repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; places in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. * Per the County of Riverside "SABER Policy", paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.

8.The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

10.PLANNING. 4

SMP - GEO02278

RECOMMND

County Geologic Report (GEO) No. 2278 submitted for this project (SMP00139R1/CUP03679) was prepared by Hilltop Geotechnical, Inc. and is entitled: "Report of Slope Stability Evaluation, Mayhew Aggregate and Mine

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10.PLANNING. 4 SMP - GEO02278 (cont.)

RECOMMND

Reclamation, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated September 14, 2011.

In addition, Hilltop prepared the following:

"Response to Riverside County Planning Department Review of Slope Stability Evaluation, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated March 21, 2012.

"Response to Riverside County Planning Department Second Review of Slope Stability Evaluation, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated June 5, 2012.

These documents are herein incorporated as a part of GEO02278.

GEO02278 concluded:

1.The Glen Ivy North Fault crosses along the north edge of the existing pit. The Glen Ivy South fault is located approximately 1000 feet to the southwest of the pit. (* No structures for human occupancy are currently, proposed, nor will be allowed to be located across the trace of any active faults.)

2.Presently permitted 285 foot high final mining slopes at the bottom elevation of 900' MSL do not have a factor of safety equivalent to or exceeding 1.5 for static conditions, or 1.1 for seismic conditions, as needed for permanent stability per the Riverside County codes and ordinances.

3.The proposed 285 foot high modified final mining slopes can have a factor of safety equivalent to or exceeding 1.5 for static conditions and 1.1 for seismic conditions by flattening the cut mining slope to an inclination of 1.3H:1V (Horizontal to Vertical) or flatter, by reducing the height of the mining slope to a maximum height of 150 vertical feet or less, or by providing a horizontal offset from the property line of 170 feet.

4.Gross stability analyses, both static and pseudo static,

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10. GENERAL CONDITIONS

10.PLANNING. 4

SMP - GEO02278 (cont.) (cont.)

RECOMMND

indicate that the proposed 3H:1V reclamation slope has a factor of safety equivalent to or exceeding 1.5 and 1.1 respectively.

5.The likelihood of any adverse affects to occur on-site and/or immediately adjacent to the site due to liquefaction or lateral spread is considered low.

GEO02278 recommended:

1.Modification of the mine slopes and/or reclamation slopes by lowering ultimate heights and/or reducing slope angles.

2.Surface water should not be allowed to flow over the existing and/or proposed mining slopes other than incidental rainfall and irrigation. Alterations of manufactured or natural slopes, terraces, top of slope berms, etc. should not be allowed that will prevent run-off from being expediently directed to an approved disposal areas and away from the tops of slopes.

3.Surface drainage should be positively maintained in a non-erosive manner.

4.Top of slope berms should be constructed and compacted and maintained by the property owner. The drainage pattern should be maintained throughout the life of the proposed development.

5.Concentrated surface waters entering the property from off-site sources should be collected and directed to a permanent drainage system and away from the top of mining slopes.

6.Precautions should be taken to minimize earth material saturation.

GEO No. 2278 satisfies the requirement for a Geologic/Geotechnical study for Planning /CEQA purposes. GEO No. 2278 is hereby accepted for Planning purposes. Engineering and other Uniform Building Code parameters were not included as a part of this review or approval and this approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building

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10. GENERAL CONDITIONS

10.PLANNING. 4

SMP - GEO02278 (cont.) (cont.) (cont.)

RECOMMND

and Safety Department upon application for grading and/or building permits.

Also, it is understood that the existing pit is at its deepest planned elevation at this time and it is the intent of the mine owner/operator to commence required backfilling operations along the slopes that exhibit below the required minimum factors of safety for slope stability. The focus of initial filling operations is to be on the SE corner of the pit in order to achieve acceptable slope stability safety factors. Further, it is understood that the areas adjacent to the slope (immediately east of the top of pit slope) are not to be developed in the near future and work in this area will be remedial in nature and for the purpose of stabilizing the slope to alleviate any concern of less than acceptable slope stability factors of safety.

10.PLANNING. 5

GEN - INADVERTANT ARCHAEO FIND

RECOMMND

10 PLANNING - GEN - INADVERTENT ARCHAEO FIND

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit:

If during ground disturbance activities, cultural resources* are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed:

1.All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the project archaeologist**, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find.

2.At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal (or other appropriate ethnic/cultural group representative) and the archaeologist, a decision is made, with the concurrence of the County Archaeologist, as to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.

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10. GENERAL CONDITIONS

10.PLANNING. 5

GEN - INADVERTANT ARCHAEO FIND (cont.)

RECOMMND

3. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation measures.

* A cultural resources site is defined, for this condition, as being three or more artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

** If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the value/importance of the cultural resource.

10.PLANNING. 6

SMP - IF HUMAN REMAINS FOUND

RECOMMND

IF HUMAN REMAINS ARE FOUND ON THIS SITE:

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner and the County Archaeologist concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Archaeologist.

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10. GENERAL CONDITIONS

10.PLANNING. 7 SMP - COMPLY W/ ORD./EXHIBITS RECOMMND

The development of these premises shall comply with the standards of Ordinance Nos. 348 and 555 and all other applicable Riverside County ordinances and state and federal codes. The development of the premises shall conform substantially with that as shown on the Mining and Reclamation Plans and Project Description, unless otherwise amended by these conditions.

10.PLANNING. 8 SMP - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this surface mining permit, a) ceases operation for a period of one (1) year or more (unless an Interim Management Plan is approved in accordance with Ordinance No. 555), b) is found to be in violation of the terms and conditions of this permit, c) is found to have been obtained by fraud or perjured testimony, or d) is found to be detrimental to the public health, safety and welfare, or is a public nuisance, this permit shall be subject to the revocation procedures in Section 18.31 of Ordinance No. 348 and/or the applicable section of Ordinance No. 555.

10.PLANNING. 9 SMP - CONDITION REVIEW FEE RECOMMND

All subsequent submittals required by these conditions of approval, including but not limited to a revegetation plan or mitigation monitoring shall be reviewed, with payment therefore made on an hourly basis as a "research fee," or other such fee as may be in effect at the time of submittal, as required by Ordinance No. 671.

10.PLANNING. 10 SMP - SLOPE STABILITY RECOMMND

During the life of the permit the permittee shall comply with the recommendations concerning slope stability made in County Geologic Report GEO02278.

10.PLANNING. 11 SMP - SPARK ARRESTOR REQUIRED RECOMMND

During the life of the permit, the permittee shall comply with spark arrestor requirements of the Public Resources Code, Section 4422, among others as applicable, for all equipment used on the premises other than turbocharger vehicles designed and licensed for highway use.

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10. GENERAL CONDITIONS

10.PLANNING. 12 SMP - DUST PREVENTION MEASURE RECOMMND

During the life of the permit, all roads, driveways and mining areas shall be kept continuously wetted while being used, and shall be treated with EPA approved dust suppressants to prevent emission of dust. Nonhazardous soil stabilizers shall be applied to all inactive surface mining areas and/pr stockpiles (previously mined areas which remain inactive for 96 hours or more).

10.PLANNING. 13 SMP - COMPLY W/ SAFETY REQ. RECOMMND

During the life of the permit, mining operations and practices shall comply with the Safety requirements of MSHA, OSHA, the State Division of Industrial Safety, and California Mine Safety Orders.

10.PLANNING. 16 SMP - LOADED TRUCK CARE RECOMMND

All loaded trucks egressing from the subject property shall be properly trimmed with a two (2) foot freeboard height and/or covered and sprayed with water so as to minimize dust and prevent spillage onto the public roadway. In the event that spillage onto the road does occur, said spillage shall be removed immediately (within one hour of the spillage) from the road right-of-way.

10.PLANNING. 17 SMP - FIRE PREVENTION RECOMMND

All work areas and parking areas shall be maintained free of flammable vegetation and debris at all times. No open fires shall be allowed.

10.PLANNING. 18 SMP - CEASED OPERATION EFFECT RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void, unless an Interim Management Plan is submitted to the Planning Director within 90 days of becoming idle, as specified in Riverside County Ordinance No. 555. The applicant shall be responsible for the submission of the Interim Management Plan and remains responsible for the implementation of the Reclamation Plan should the permit become null and void.

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10.PLANNING. 19 SMP - STOCKPILE PROTECTION RECOMMND

Stockpiles shall be protected against water and wind erosion by covering with burlap or other Riverside County approved material, wetting, and/or temporary hydroseeding with native plant species.

10.PLANNING. 20 SMP - COMPLY W/ 348 STANDARDS RECOMMND

The development of the property shall comply with all provisions of Riverside County Ordinance No. 348, Article XIIb, Section 12.62 (Specific Development and Performance Standards), except as modified by the conditions of this permit.

10.PLANNING. 21 SMP - COMPLY W/ ORD. 655 RECOMMND

Surface mining operations approved by this permit shall conform to all of the applicable requirements of Riverside County Ordinance No. 655, regulating light pollution.

10.PLANNING. 22 SMP - COMPLY W/ SCAQMD RULES RECOMMND

The permittee shall comply with all applicable South Coast Air Quality Management District (SCAQMD) rules and regulations, including but not limited to, New Source Review Regulations, Standards of Performance for Asphaltic Concrete Plants, Rule 403 for fugitive dust, and PM10 requirements.

10.PLANNING. 23 SMP - NO EXPLOSIVES RECOMMND

No blasting, dynamiting or use of explosives of any kind whatsoever on the premises is authorized.

10.PLANNING. 24 SMP - NPDES COMPLIANCE (I) RECOMMND

The permittee shall comply with all of the applicable requirements of the National Pollution Discharge Elimination System (NPDES) and shall conform to NPDES Best Management Practices for Stormwater Pollution Prevention Plans during the life of this permit.

10.PLANNING. 25 SMP - SUSPEND OPER. FOR WIND RECOMMND

All surface mining operations, including excavating, crushing, screening and related material loading and hauling, shall be suspended when wind speeds (as

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10.PLANNING. 25 SMP - SUSPEND OPER. FOR WIND (cont.) RECOMMND

instantaneous gusts) exceed 20 miles per hour. All surface mining operations shall be suspended during first and second stage smog alerts.

10.PLANNING. 26 SMP - SIGNS NEED PERMIT RECOMMND

No signs are approved pursuant to this use. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Riverside County Planning Department, pursuant to the requirements of Section 18.30.a.(1) of Riverside County Ordinance No. 348 (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), and all necessary building permits shall be obtained from the Riverside County Department of Building and Safety.

10.PLANNING. 27 SMP - RESPONSIBLE TO RECLAIM RECOMMND

The permittee (mine operator and/or land owner) shall accept responsibility for reclaiming the mined lands in accordance with the approved reclamation plan and within the time limits of said plan and in conformance with reclamation requirements and standards according to State of California Surface Mining and Reclamation Act, Riverside County Ordinance No. 555 guidelines, and all other applicable regulations.

10.PLANNING. 28 SMP - ANNUAL REPORT RECOMMND

During the life of this permit, the permittee shall annually prepare and submit a written report to the County Geologist of the County of Riverside, demonstrating compliance with all of the conditions of approval and mitigation required for this SMP00139R1 and EA/MND No. 42476. The Planning Director may require inspection or other monitoring to ensure such compliance pursuant to SMARA and County Ordinance No. 555.

10.PLANNING. 33 SMP - 90 DAYS TO PROTEST RECOMMND

The project applicant has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees. dedications, reservations

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10.PLANNING. 33 SMP - 90 DAYS TO PROTEST (cont.) RECOMMND

and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

10.PLANNING. 34 USE - ORD 810 O S FEE (1) RECOMMND

In accordance with Riverside County Ordinance No. 810, to assist in providing revenue to acquire and preserve open space and habitat, an Open Space Mitigation Fee shall be paid for each development project or portion of an expanded development project to be constructed in Western Riverside County. The amount of the fee for commercial or industrial development shall be calculated on the basis of "Project Area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development.

10.PLANNING. 35 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 36 SMP - MAITRI ROAD ACCESS 1 RECOMMND

The vacated Maitri Road must provide access to Surface Mining Permits No. 182, 150 and 143. No grading or mining shall take place on SMP139R1 that would impact the access for Surface Mining Permits No. 182, 150 and 143 such that it would no longer be usable. Alternative access for Surface Mining Permits No. 182, 150 and 143 may be provided if such access is agreeable to the applicants/operators of Surface Mining Permits No. 182, 150 and 143.

10.PLANNING. 37 SMP - MAITRI ROAD ACCESS 2 RECOMMND

Due to the vacation of Maitri Road, the applicants for SMP139R1 must maintain access to Surface Mining Permits No. 182, 150 and 143 until such time that Surface Mining Permits No. 182, 150 and 143 have been completely reclaimed to the satisfaction of the County or until such time that Surface Mining Permits No. 182, 150 and 143 have been modified through the County to address access

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10. GENERAL CONDITIONS

10.PLANNING. 37 SMP - MAITRI ROAD ACCESS 2 (cont.) RECOMMND

concerns. Implementation of this condition shall be at the discretion of the Planning Director.

10.PLANNING. 38 SMP - GEO02278 #2 RECOMMND

"Response to Riverside County Planning Department Review of Slope Stability Evaluation, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated March 21, 2012.

"Response to Riverside County Planning Department Second Review of Slope Stability Evaluation, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated June 5, 2012.

"Response to Comment in Riverside County Planning Department Review, Aggregate Quarry, SMP00139R1, South of Temescal Canyon Road and East of Maitri Road, Glen Ivy Area of Riverside County, California", dated May 25, 2013.

These documents are herein incorporated as a part of GEO02278.

5.The likelihood of any adverse affects to occur on-site and/or immediately adjacent to the site due to liquefaction or lateral spread is considered low.

1.The Glen Ivy North Fault crosses along the north edge of the existing pit. The Glen Ivy South fault is located approximately 1000 feet to the southwest of the pit. (* No structures for human occupancy are currently, proposed, nor will be allowed to be located across the trace of any active faults.)

2.Presently permitted 285 foot high final mining slopes at the bottom elevation of 900' MSL do not have a factor of safety equivalent to or exceeding 1.5 for static conditions, or 1.1 for seismic conditions, as needed for permanent stability per the Riverside County codes and ordinances.

3.The proposed 285 foot high modified final mining slopes can have a factor of safety equivalent to or exceeding 1.5 for static conditions and 1.1 for seismic conditions by

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10.PLANNING. 38

SMP - GEO02278 #2 (cont.)

RECOMMND

flattening the cut mining slope to an inclination of 1.3H:1V (Horizontal to Vertical) or flatter, by reducing the height of the mining slope to a maximum height of 150 vertical feet or less, or by providing a horizontal offset from the property line of 170 feet.

4.Gross stability analyses, both static and pseudo static, indicate that the proposed 3H:1V reclamation slope has a factor of safety equivalent to or exceeding 1.5 and 1.1 respectively, as needed for permanent stability per the County of Riverside grading codes with 40 feet of water impounded against the face of the slope.

5.The likelihood of any adverse affects to occur on-site and/or immediately adjacent to the site due to liquefaction or lateral spread is considered low.

GEO02278 recommended:

1.Modification of the mine slopes and/or reclamation slopes by lowering ultimate heights and/or reducing slope angles.

2.Surface water should not be allowed to flow over the existing and/or proposed mining slopes other than incidental rainfall and irrigation. Alterations of manufactured or natural slopes, terraces, top of slope berms, etc. should not be allowed that will prevent run-off from being expediently directed to an approved disposal areas and away from the tops of slopes.

3.Surface drainage should be positively maintained in a non-erosive manner.

4.Top of slope berms should be constructed and compacted and maintained by the property owner. The drainage pattern should be maintained throughout the life of the proposed development.

5.Concentrated surface waters entering the property from off-site sources should be collected and directed to a permanent drainage system and away from the top of mining slopes.

6.Precautions should be taken to minimize earth material

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10.PLANNING. 38 SMP - GEO02278 #2 (cont.) (cont.)

RECOMMND

saturation.

GEO No. 2278 satisfies the requirement for a Geologic/Geotechnical study for Planning /CEQA purposes. GEO No. 2278 is hereby accepted for Planning purposes. Engineering and other Uniform Building Code parameters were not included as a part of this review or approval and this approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

Also, it is understood that the existing pit is at its deepest planned elevation at this time and it is the intent of the mine owner/operator to commence required backfilling operations along the slopes that exhibit below the required minimum factors of safety for slope stability. The focus of initial filling operations is to be on the SE corner of the pit in order to achieve acceptable slope stability safety factors. Further, it is understood that the areas adjacent to the slope (immediately east of the top of pit slope) are not to be developed in the near future and work in this area will be remedial in nature and for the purpose of stabilizing the slope to alleviate any concern of less than acceptable slope stability factors of safety.

10.PLANNING. 40 SMP - MM M-WQ-1

RECOMMND

M-WQ-1 Throughout the life of operation of the Inert Debris Engineered Fill Operation (IDEFO), the following conditions shall apply:

- No greenwaste, woodwaste, gypsum, or drywall are allowed as inert waste;
- Controls sufficient to contain all surface runoff from the IDEFO areas shall be installed, where necessary; and
- The site shall be adequately secured to prevent unauthorized disposal by the public.

This implements a mitigation measure from the CEQA document.

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10. GENERAL CONDITIONS

10.PLANNING. 41 SMP - MM M-BI-2

RECOMMND

Project lighting shall be shielded and directed away from the off-site areas abutting the northeastern corner of the proposed Project site.

This condition implements a mitigation measure from the CEQA documents.

10.PLANNING. 42 SMP - MM M-BI-3

RECOMMND

All proposed rock crushers shall be set back a minimum distance of 600 feet from the off-site riparian/riverine habitat located adjacent to the northeastern corner of the proposed Project site. In the event that rock crushers are proposed within 600 feet of the off-site riparian/riverine habitat, then a focused noise study shall be prepared to identify measures that need to be undertaken to reduce Project-generated noise levels affecting the off-site riparian/riverine habitat to less than 65 dBA CNEL.

This condition implements a mitigation measure from the CEQA documents.

10.PLANNING. 43 SMP - OPERATING HOURS

RECOMMND

On-site operating hours, other than maintenance or emergencies, shall be limited to the hours between 6:00 A.M. and 10:00 P.M. except those operations that are located not less than 300 feet from the outside boundary of the property. Operations located more than 300 feet from the outside boundary may operate 24-hours per day.

TRANS DEPARTMENT

10.TRANS. 1 SMP - STD INTRO (ORD 461)

RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Riverside County Road Improvement Standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential

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10. GENERAL CONDITIONS

10.TRANS. 1 SMP - STD INTRO (ORD 461) (cont.) RECOMMND

parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS. 2 SMP - COUNTY WEB SITE RECOMMND

Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site:
<http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

20. PRIOR TO A CERTAIN DATE

EPD DEPARTMENT

20.EPD. 1 - DEED RESTRICTION RECOMMND

Within 90 days of project approval, a deed restriction shall be recorded over the area delineated as "Avoidance Area," on EXHIBIT E, to protect it from any disturbance in the future and maintain it for conservation purposes. The deed restriction language must be submitted to the Riverside County Planning Department, Environmental Programs Division (EPD) for review and approval, prior to recordation. The deed restriction should include language indicating that the area being avoided includes Southern Willow Scrub - Riparian Habitat and Potential Habitat - Slender horned Spineflower. For more information, including sample deed restriction language, please contact EPD at (951) 955-6892.

PLANNING DEPARTMENT

20.PLANNING. 1 SMP - EXPIRATION DATE RECOMMND

This approval shall be used within five (5) years of the permit's approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial surface mining operations contemplated by this approval within the five (5) years period which is thereafter diligently pursued to completion.

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20. PRIOR TO A CERTAIN DATE

20.PLANNING. 2 SMP - LIFE OF PERMIT RECOMMND

This permit shall become null and void fifty (50) years after the date this permit revision became effective, or upon mining of one-hundred million tons, whichever comes first (2 million a year for 50 years). Annual mining tonnage shall not exceed 2,000,000 tons (inclusive of the materials imported for the IDEFO). Extensions of time to the life of this permit shall require submission of a revised permit application in accordance with Riverside County's Ordinance No. 555.

20.PLANNING. 3 SMP - ACCESS TO OTHER PROJECTS RECOMMND

Within one year of the project approval, the applicants shall have a reciprocal access easement recorded that assures full site access between Temescal canyon Road and Surface Mining Permits No. 182, 150 and 143 along the now vacated Matri Road.

TRANS DEPARTMENT

20.TRANS. 1 SMP - WRCOG TUMF AND DIF RECOMMND

Within 45-days of project approval, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

Within 45-days of project approval, the project proponent shall pay the Developer Impact Fee (DIF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 659.

20.TRANS. 2 SMP - IMPROVEMENTS RECOMMND

Within 45 days of the project approval, the project shall pay cash-in-lieu of constructing the sidewalk and landscaping along its frontage on Campbell Ranch Road.

20.TRANS. 4 SMP - FAIR SHARE RECOMMND

Within 45 days of the project approval, the project proponent shall pay a fair share amount of \$72,699 to mitigate its cumulative impacts at the following intersections:

I-15 Northbound Ramps at Temescal Canyon Road

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20. PRIOR TO A CERTAIN DATE

20.TRANS. 4 SMP - FAIR SHARE (cont.)

RECOMMND

Temescal Canyon Road at Lawson Road
Temescal Canyon Road at Glen Ivy Road
Maitri Road at Temescal Canyon Road

The fair share amount is based on the project's share of traffic over the total growth of traffic at these intersections. The fair share contribution shall be used to fund future improvements or a combination of improvements of these intersections or as approved by the Director of Transportation.

60. PRIOR TO GRADING PRMT ISSUANCE

FLOOD RI DEPARTMENT

60.FLOOD RI. 3 USE SUBMIT FINAL WQMP

RECOMMND

A copy of the project specific WQMP shall be submitted to the District for review and approval.

PLANNING DEPARTMENT

60.PLANNING. 5 SMP - RCL RECLAMATION PLAN

RECOMMND

The permittee shall comply with the Reclamation Plan, Exhibit B, and the Surface Mining and Reclamation Project Description, Exhibit C, all on file with the Riverside County Planning Department. Approval of the Reclamation Plan does not grant approval of any planned future use of the site.

60.PLANNING. 6 SMP - YR RECLAMATION REPORT

RECOMMND

The permittee shall submit a final reclamation completion report prior to the completion of mining and reclamation activities and prior to the operations expiration date. The report shall be submitted to the County Geologist for review and approval. This report shall indicate the completion of reclamation in accordance with the approved plan, including final contours, slopes as specified in EXHIBIT B, resoiled areas, erosion control structures, and successful revegetation. This report shall be submitted at least 30 days prior to completion of each phase and expiration of this permit. This report shall be accompanied by a stamped and wet-signed substantial conformance letter from an independent licensed engineer, landscape architect,

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 6 SMP - YR RECLAMATION REPORT (cont.) RECOMMND

geologist or other appropriate professional stating that the project was reclaimed pursuant to the approved Reclamation Plan and in full compliance with SMARA.

60.PLANNING. 8 SMP - 1ST FINANCIAL ASSURANCE RECOMMND

Prior to commencement of any surface disturbance, construction of any processing plant, surface mining operation, or issuance of the annual SMARA inspection permit, the permittee shall establish adequate financial assurances to ensure reclamation of the surface mining operation with Riverside County.

a. The financial assurance shall take the form of a surety bond, irrevocable letter of credit, trust fund or other form of financial assurance as approved by the County.

b. The amount of the financial assurance required for this permit shall be updated annually pursuant to SMARA regulations.

c. The financial assurance shall include, but not necessarily be limited to, costs for the removal of equipment, structures and derelict machinery, removal of waste materials, landscaping stabilization of slopes, and land restoration compatible with the topography and general environment of surrounding property in accordance with the approved Reclamation and Mining Plans.

d. The financial assurance shall remain in effect for the life of the mining permit and/or shall be released by the County on approval of the final Reclamation Plan inspection by the County and confirmed by the Office of Mine reclamation pursuant to SMARA regulations.

e. The financial assurance shall be made payable to Riverside County and the State of California, Department of Conservation.

60.PLANNING. 13 SMP - YR REPORT REQUIREMENTS RECOMMND

The permittee shall provide the following information as part of the annual report required by Condition No 10.PLANNING.28. This report shall be prepared by a qualified, licensed professional and shall contain, at a minimum, the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 13 SMP - YR REPORT REQUIREMENTS (cont.)

RECOMMND

following:

a. Indicate the mined area's proximity to the permit boundaries by topography and details on a copy of approved Exhibit A.

b. Show the annual and total change in topography generated by the mining excavation by cross sections and topographic maps. Compare original/previous contours and cross sections with current cross sections and contours.

c. Maximum depth of excavation.

d. Provide the quantity in cubic yards and tons mined during the previous year.

e. Certify that the excavations are within the limits of the permit.

f. Provide data indicating the area reclaimed for the year and for the total amount reclaimed to date. Certify that reclamation is complete in these areas as appropriate.

g. A Certified Engineering Geologist or Geotechnical Engineer shall inspect all excavated slopes within the surface mining area at least once per year for slope stability. The results of this inspection and any recommendations for slope remediation shall be included with the annual report.

h. The permittee shall report the discovery of any fossil vertebrate animal remains in the annual report.

g. Certify the mining operation is in compliance with SMARA, County Ordinance No. 555, all conditions of approval, and all required mitigation as applicable.

60.PLANNING. 14 SMP - YR TEST DUST EMISSIONS

RECOMMND

The permittee shall have an independent air quality professional, approved by the Planning Department, perform testing for project-generated fugitive dust emissions within 90 days after commencement of surface mining operations. The intent of this testing is to confirm that project-generated fugitive dust emissions are in compliance with South Coast Air Quality Management District (SCAQMD)

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 14

SMP - YR TEST DUST EMISSIONS (cont.)

RECOMMND

Rules and Regulations regarding fugitive dust and PM-10.

a. The permittee shall perform particulate matter monitoring when the surface mine is in operations on four days per quarter during the first year of operations; and, shall prepare a fugitive dust emissions control plan. The SCAQMD Rule 403 Implementation Handbook (PM10) shall be utilized as the guidance for particulate matter monitoring as well as plan preparation. The particulate matter monitoring program shall include upwind and downwind sampling stations adjacent to the surface mining operations. Annual air quality monitoring after the first year of operations shall be based upon the previous year's compliance with SCAQMD rules and regulations, as determined by the Planning Director.

b. The results of the air quality testing shall meet or not exceed SCAQMD standards for PM10 (upwind/downwind PM10 differences shall not exceed 50 micrograms per cubic meter). If the air quality testing results indicate non-compliance with the SCAQMD standards, State and Federal rules and regulations, including, but not limited to SCAQMD Rule 403 for fugitive dust, and State and Federal regulations pertaining to crystalline silica dust emissions, the permittee shall cease surface mining operations until further fugitive dust emission mitigation measures are included and implemented with the fugitive dust emissions control plan. Further testing shall then be performed to confirm compliance with the SCAQMD standards and State and Federal rules and regulations described above. The mitigation measures and further testing shall be submitted to the Planning Director for review and approval prior to commencement of further surface mining operations.

c. The results of air quality testing, monitoring, and/or new mitigation measures shall be included with the annual report required by Condition No. 5.1.

60.PLANNING. 15

SMP - YR ADJUST ASSURANCES

RECOMMND

The amount of reclamation financial assurance shall be adjusted annually for new lands disturbed by surface mining operations, completed reclamation in conformance with the approved Reclamation Plan, Exhibit B, and/or by adjustments to the U.S. Department of Labor Consumer Price Index for

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 15 SMP - YR ADJUST ASSURANCES (cont.) RECOMMND

the Los Angeles-Long Beach Metropolitan Area and/or other State approved price index.

60.PLANNING. 18 SMP - FEE BALANCE RECOMMND

Prior to any new disturbance approved under this revision the Planning Department shall determine if the deposit based fees for SMP No. 139R1 are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

60.PLANNING. 19 SMP - C/I SWPPP BMP REQD RECOMMND

The permit holder shall provide written proof of compliance with the California Regional Water Quality Control Board, Santa Ana Region's Watershed-wide waste discharge requirements as follows:

The management and maintenance of the 'common area' shall be in accordance with the projects approved Storm Water Pollution Prevention Plans (SWPPPs), Monitoring Programs, and Post Construction Management Plans to include the following best management practices (BMPs) to reduce storm water pollution:

Tenants of this site shall receive educational materials on good house keeping practices which contribute to the protection of storm water quality. These Educational materials shall be provided by the Riverside County Flood Control and Water Conservation District and shall be distributed by the Property Owners' Association. These materials shall address good housekeeping practices associated with the sites's land use and or uses (e.g., good housekeeping practices for office, commercial, retail commercial, vehicle-related commercial, or industrial land use). Employers at this site shall adapt these materials for training their employees in good housekeeping practices (BMP N1 & N13);

Only pesticide applicators who are certified by the State of California as Qualified Applicators or who are directly supervised by a Qualified Applicator shall apply pesticides to common area landscaping. The applicator shall apply all pesticides in strict accordance with pesticide application laws as stated in the California Food and Agricultural Code. Fertilizer shall be applied to common area

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 19

SMP - C/I SWPPP BMP REQD (cont.)

RECOMMND

landscaping in accordance with the manufacturer's recommendations. Application to hardscape surfaces shall be avoided (BMP N3);

The 'catch basin(s)', more particularly described on Exhibit 'A', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year. "ONLY RAIN IN THE DRAIN" and "NO DUMPING" stencils shall be repainted as necessary to maintain legibility (BMP N4 & S12);

The Property Owners' Association shall keep the common area(s) free of litter. Litter shall be removed from the common area, and litter receptacles shall be emptied at least once a month. Where improper disposal of trash has occurred, the Property Owners' Association shall take corrective action within forty-eight hours of discovery (BMP N5);

The 'water quality inlet(s), oil/water separator(s) and trash rack(s)', more particularly described on Exhibit 'A', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year (BMP S4 & S13);

The Property Owner's Association shall keep the common area(s) free of litter. Litter shall be removed from the common area, and litter receptacles shall be emptied at least once a month. Where improper disposal of trash has occurred, the Property Owner's Association shall take corrective action within forty-eight hours of discovery (BMP N5);

The Street(s) and parking lot(s), more particularly described on Exhibit 'A', shall be swept by the Property Owner's Association at least once a year and shall be swept no later than October 15th of each year (BMP N6);

The Property Owner's Association shall keep loading docks in a clean and orderly condition through a regular program of sweeping, litter control, and the immediate cleanup of spills and broken containers. In accordance with the Riverside County Ordinance No. 754, Establishing Storm Water/Urban Runoff Management and Discharge Controls, illicit discharges and non-storm water discharges (e.g., wash water) from loading docks to storm water drains shall

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 19 SMP - C/I SWPPP BMP REQD (cont.) (cont.) RECOMMND

not be allowed (BMP N12);

The Property Owner's Association shall maintain an up-to-date list identifying the party or parties responsible for the implementation and maintenance of each of the BMPs described herein. The list shall include the party's name, organization, address, a phone number at which the party may be reached 24 hours a day, and a description of the party's responsibility for implementation and maintenance of a particular BMP (BMP N14).

60.PLANNING. 20 SMP - ORD 810 OS FEE SMP (2) RECOMMND

Prior to any additional disturbance permitted by Surface Mining Permit No. 139R1, the permit holder shall comply with the provisions of Riverside County Ordinance No. 810, which requires the payment of the appropriate fee set forth in the Ordinance, unless the fee has already been paid. The amount of the fee shall be based on the "Project Area" as defined in the Ordinance and aforementioned Condition of Approval. The Project Area for the subject surface mining permit is calculated to be 215 acres. In the event Riverside County Ordinance No. 810 is rescinded and or superceded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

70. PRIOR TO GRADING FINAL INSPECT

PLANNING DEPARTMENT

70.PLANNING. 1 SMP - NO MINING AREA 2 REV REQ RECOMMND

As outlined on EXHIBIT A, "Area 2" represents a section of SMP139R1 which proposes to mine one half of a slope shared by a neighboring mines currently permitted as SMPs 143, 150, and 182. Mining within Area 2 (as outlined on EXHIBIT A) is prohibited within the on- and off-site slopes and setbacks until adjacent mines SMP143, SMP150, and SMP182 are revised and approved to account for the geographic expansion and potential tonnage increase in mining activities. Mining within Area 2 can occur after the processing of a discretionary applications, including CEQA, to revise SMP143, SMP150 and SMP182. Such revisions shall also include relocation of the downdrain and any/all State

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70. PRIOR TO GRADING FINAL INSPECT

70.PLANNING. 1 SMP - NO MINING AREA 2 REV REQ (cont.) RECOMMND

permits required for such action.

70.PLANNING. 2 SMP - NO MINING AREA 3 REV REQ RECOMMND

As outlined on EXHIBIT A, "Area 3" represents slopes on a western section of SMP139R1 which proposes to mine one half of a slope shared by a neighboring mine currently permitted as SMP202. Maitri Road, now vacated, resides on the top of the shared slope. Mining within Area 3 (as outlined on EXHIBIT A) is prohibited within the on- and off-site slopes and setbacks until the adjacent mine SMP202 is revised and approved to account for the geographic expansion and potential tonnage increase in mining activities. Mining within Area 3 can occur after the processing of a discretionary applications, including CEQA, to revise SMP202. Such revisions shall also address access concerns with the former Maitri Road to the satisfaction of the County (as outlined in other conditions of approval).

70.PLANNING. 3 SMP - 1ST CHECK CLEARANCES RECOMMND

The Riverside County Planning Department - Land Use Section shall verify that the Development Standards of this approval and all other conditions have been complied with prior to any use allowed by this revised Surface Mining Permit, and clearances have been obtained from all required agencies, departments, and/or districts.

70.PLANNING. 4 SMP - 1ST & YR ROAD SIGNS RECOMMND

All roads within the project limits shall be posted with speed limit signs of 15 miles per hour.

70.PLANNING. 5 SMP - 1ST & YR COLOR BLENDING RECOMMND

The processing plant, asphalt plant, and concrete batch plant, shall be painted with colors that blend and camouflage with the surrounding areas.

70.PLANNING. 6 SMP - 1ST & YR NO TRESPASSING RECOMMND

The outer boundary of the mining, processing, maintenance and access road areas shall be posted with "No Trespassing" signs as delineated on Mining Plan, Exhibit "A". Said "No Trespassing" signs shall be maintained to the completion of the project.

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70. PRIOR TO GRADING FINAL INSPECT

70.PLANNING. 7 SMP - 1ST & YR BOUNDARY FENCE RECOMMND

There shall be a fence and locked gates erected along the outer boundary of the active surface mining areas and processing plant indicated on Mining Plan, Exhibit "A". The fence shall be maintained at all times during the operation, and shall consist of a chain link or barbed wire fencing in areas of steep topography.

70.PLANNING. 8 SMP - 1ST & YR SITE STAKING RECOMMND

The outer boundary of the surface mining areas approved as part of this permit shall be surveyed and staked with visible markers such as white PVC pipe. These stakes shall be placed at no less than 300 foot intervals along the boundary of these areas. This staking shall be maintained throughout the life of this permit.

70.PLANNING. 9 SMP - YR TEMPORARY SLOPES RECOMMND

Temporary slopes created during mining operations shall be excavated no steeper than 1:1 (horizontal:vertical) and no higher than 30 feet in vertical height, or in compliance with MSHA and CALOSHA requirements.

80. PRIOR TO BLDG PRMT ISSUANCE

FLOOD RI DEPARTMENT

80.FLOOD RI. 3 USE - SUBMIT FINAL WQMP RECOMMND

A copy of the project specific WQMP shall be submitted to the District for review and approval.

PLANNING DEPARTMENT

80.PLANNING. 2 USE - FEE BALANCE RECOMMND

Prior to issuance of building permits, the Planning Department shall determine if the deposit based fees for project are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

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90. PRIOR TO BLDG FINAL INSPECTION

FLOOD RI DEPARTMENT

90.FLOOD RI. 1 USE - CERTIFY BMP IMPLEMENTATI RECOMMND

The developer must provide to the District documentation signed by a registered engineer, under the state of California, stating that the BMPs are implemented and constructed as shown on the plan.

90.FLOOD RI. 2 USE - BMP - EDUCATION RECOMMND

The developer shall distribute environmental awareness education materials on general good housekeeping practices that contribute to protection of stormwater quality to all initial users. The developer may obtain NPDES Public Educational Program materials from the District's NPDES Section by either the District's website www.floodcontrol.co.riverside.ca.us, e-mail fcnpdes@co.riverside.ca.us, or the toll free number 1-800-506-2555. Please provide Project number, number of units and location of development. Note that there is a five-day minimum processing period requested for all orders.

The developer must provide to the District's PLAN CHECK Department a notarized affidavit stating that the distribution of educational materials to the tenants is assured prior to the issuance of occupancy permits.

If conditioned for a Water Quality Management Report (WQMP), a copy of the notarized affidavit must be placed in the report. The District MUST also receive the original notarized affidavit with the plan check submittal, by mail or in person in order to clear the appropriate condition. Placing a copy of the affidavit in the WQMP without submitting the original will not guarantee clearance of the condition.

90.FLOOD RI. 3 USE - IMPLEMENT WQMP RECOMMND

All structural BMPs described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all non-structural BMPs described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The District will not release occupancy

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90. PRIOR TO BLDG FINAL INSPECTION

90.FLOOD RI. 3 USE - IMPLEMENT WQMP (cont.)

RECOMMND

permits for any portion of the project exceeding 80% of the project area prior to the completion of these tasks.

PLANNING DEPARTMENT

90.PLANNING. 3 USE - ORD 810 O S FEE (2)

RECOMMND

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection prior to use or occupancy for cases without final inspection or certificate of occupancy (such as an SMP), whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 810, which requires the payment of the appropriate fee set forth in the Ordinance. The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval. The Project Area for Surface Mining Permit No. 139R1 is calculated to be 255 net acres. In the event Riverside County Ordinance No. 810 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 810 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

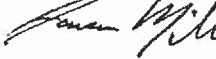


EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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 
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

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/.

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.



MEMORANDUM

To: Matt Straite
Riverside County Planning Department
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

From: Jeramey Harding

Re: **SMP 139R1 - RESPONSE TO SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD CONCERNS**

Date: February 11, 2013

Mr. Straite:

As you are aware, on January 7 and January 17, 2013, Mr. Glenn Robertson with the Santa Ana Regional Water Quality Control Board (RWQCB) indicated some concerns over the proposed Surface Mining Permit Revision 139 (SMP 139R1) project, particularly in reference to previous and potential future impacts to Mayhew Creek.

The purposes of this memo are to: a) provide a historical overview that led to the existing conditions of Mayhew Creek; b) provide a detailed description of the proposed project; and c) respond to the various issues raised in Mr. Robertson's e-mails.

Historical Context

As shown on Figure 1, *Existing Mining Operations*, mining within the vicinity of the SMP 139R1 project operates under multiple permits, including: Surface Mining Permits (SMP) 143, 150, and 182 to the south, and SMP 202 to the west. Within the SMP 139R1 site, mining currently occurs pursuant to two separate permits: PP 1828 and SMP 139 (herein collectively referred to as SMP 139). Mining activities at all of these sites have been ongoing since the early- to mid-1970s.

Historically, the Mayhew Creek traversed the SMP 182 and SMP 150 sites from south to north via a defined, unimproved, natural channel separated from mining activities by a 10-20 foot tall dike. A debris basin constructed at the north end of the SMP 150 site contained flows from Mayhew Creek and directed them through three 48-inch diameter pipes under the east-west access road and into a debris catchment basin located within the SMP 139 site. The basin on the SMP 139 site extracted debris from Mayhew Creek and diverted the creek's flow in an easterly direction and north along the eastern boundary of the SMP 139 site. Figure 2, *Mayhew Creek – Historic Spillway and Debris Basin Location Map*, and Figure 3, *Mayhew Creek - Historic Spillway and Debris Basin Cross Section*, depicts the location and configuration for the spillway and debris basin that were previously located on the SMP 150 and SMP 139 sites, which also are shown on Figure 4, *1994 Historic Aerial Photo*.



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 SMP 139 pit wall 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 issues with respect to 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 purpose of this down-drain structure was to stabilize the pit walls against water erosion hazards. With completion of the down-drain structure, all flows from the Mayhew Creek were fully detained within the SMP 139 pit and no longer were conveyed downstream to the Temescal Wash. Figures 5 and 6, *Existing Hydrology Conditions*, depict the current hydrology conditions of the SMP 139 site and surrounding areas that resulted from the events of early 2005.

On July 21, 2005, the Army Corps of Engineers (ACOE) issued a determination that, “due to the change in course of Mayhew Creek from going around the eastern boundary of [the] property to now flowing into the quarry gravel pit...” Mayhew Creek and the down-drain structure “...is not subject to [ACOE] regulation under Section 404 of the Clean Water Act and a Section 404 permit is not required...” Although the down-drain structure was determined not to be regulated pursuant to Section 404 of the Clean Water Act (CWA), the ACOE required the preparation of a new Habitat Mitigation Monitoring Plan (HMMP) for impacts to a previously-approved mitigation area (discussed below).

On September 9, 2005, the RWQCB acknowledged the finding of the ACOE, and determined that Mayhew Creek is a water of the state, discharges to which are subject to regulation under California Water Code Section 13000 *et seq.* Specifically, the RWQCB determined that the “discharge” associated with the construction of the down-drain structure is subject to State Water Resources Control Board Order No. 2004-0004-DWQ, *Statewide General Waster Discharge Requirements for Dredge and Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction* (Order No. 2004-0004-DWQ). On September 30, 2005, CEMEX (the former operator of the SMP 139 site) issued a Notice of Intent (NOI) to Participate in Order No. 2004-0004-DWQ and paid the appropriate fees associated therewith.

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.

Project Description – SMP 139R1 and Future Permitting Requirements

The currently proposed project consists of applications for a Surface Mining Permit Revision (SMP 139R1) and a Conditional Use Permit (CUP 03679). SMP 139R1 proposes to consolidate several existing permits (PP 1828, RCL 106, and SMP 139) under a single, comprehensive entitlement for the property; to reduce the permitted annual tonnage allowed at the mine from 5,000,000 tons per year to 2,000,000 tons per year; to 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 to extend the expiration date of the existing permits from January 2018 to December 31, 2068. CUP 03679 would allow for the operation of an Inert Debris Engineered Fill Operation (“IDEFO”), which would facilitate ultimate reclamation of the site by allowing for the import and on-site processing of inert construction debris.

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 permit¹. Impacts associated with the construction of a drop-

1. Please refer to the following documents attached to this memo: “SMP 150, Revision No. 1 Reclamation Plan, Exhibit 2,”



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 and as previously indicated on Figures 5 and 6, 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.

Response to RWQCB Concerns

The following provides a response to the concerns expressed by Mr. Glenn Robertson in his January 17, 2013 e-mail to Mr. Matt Straite.

- ***RWQCB Comment:*** *I do have confusion between his referenced “SMP 139R1 Project” vs. the proposed shift of operations between the existing SMP 139 quarry to the future SMP 143 quarry, and I hope the draft MND or DEIR will clarify any difference.*

Response: Please note that the January 7, 2013 e-mail response from T&B Planning incorrectly stated that the down structure would be relocated to the SMP 143 quarry; in fact, the down structure would be relocated instead to the SMP 150 quarry. The MND for SMP 139R1 will include a discussion of the relocation of the down-drain structure, although impacts associated with the relocation of this down-drain structure were previously evaluated as part of Final EIR No. 359. As a condition of approval placed on SMP 139R1, no mining activities within SMP 139R1 that necessitate relocation of the down-drain structure will be permitted to commence until after SMP 150 is revised to accommodate the relocated down-drain structure, and any CEQA compliance documentation required in conjunction with the revision to SMP 150 has been prepared and approved. Furthermore, please note that there would be no “shift of operations” to the SMP 143 or SMP 150 sites as a result of the proposed SMP 139R1 project. Only the down-drain structure would eventually need to be relocated from its current location to the SMP 150 site. Actual mining operations would occur as proposed by SMP 139R1, and future operations within SMP 150 would occur as allowed under its current permits and/or as modified pursuant to a future permit revision for SMP 150.

which clearly depicts a “Proposed Storm Water Inlet Structure” at the southern boundary of the SMP 150 site; b) SMP 150, Revision No. 1 Condition of Approval No. 9; c) Staff Report for SMP 150 requiring the construction of a inlet structure as mitigation for impacts to hydrology, flooding, drainage and water quality; and d) Riverside County Flood Control and Water Conservation District Letter dated April 5, 1991.



- **RWQCB Comment:** *Regardless we have a situation where the original Mayhew Creek was completely diverted in 2006 to the SMP 139 pit for aggregate washing purposes, thereby denying beneficial uses downstream that had been supported by that water. This was/is a violation of Mayhew Creek's water quality standards, i.e. violation of the Water Code which sanctions Regional Basin Plans to uphold those water quality standards.*

Response: As indicated above, Mayhew Creek was not diverted by the project applicant; rather, the course of this creek was altered due to heavy rain events in January/February 2005 and geological movement along the Glen Ivy Fault line. These conditions resulted in substantial erosion of the mining pit walls and caused the creek to flow into the SMP 139 gravel pit, thereby necessitating the emergency construction of a concrete down-drain structure to protect the slopes along the southern perimeter of the pit.

Mayhew Creek was not “diverted for...aggregate washing purposes.” Runoff from Mayhew Creek is fully detained within the southern portion of the SMP 139 pit, and there is no plumbing or other conveyance infrastructure allowing for the use of the water in this pit to be used as part of the mining operation. Rather, water used for aggregate mining operations is provided to the site by the Elsinore Valley Municipal Water District (EVMWD), which is pumped to a holding pond located near Temescal Canyon Road. Water from the holding pond is then pumped into the large desilting basin located in the north-central portion of the SMP 139 pit (which bears no connection to the southern basin into which Mayhew Creek drains). Water from the desilting basin is then utilized as part of a closed-loop system, in which water is pumped to the processing plant, used to process mining materials, then discharged back into the desilting basin to allow for settlement and re-use of the water. At no time is any water from Mayhew Creek utilized during the existing (or proposed) mining operation.

Furthermore, as stated in their September 9, 2005 letter to CEMEX, the RWQCB previously determined that the fill activities associated with the construction of the down-drain structure “...appears to be subject to State Water Resources Control Board Order No. 2004-0004-DWQ...” The prior mine operator (CEMEX) submitted a NOI to participate in Order No. 2004-0004-DWQ on September 30, 2005. The information provided in the 2005 NOI demonstrated the eligibility of the down-drain structure for participation in Order No. 2004-0004-DWQ, as follows: 1) Mayhew Creek was determined to be an isolated ephemeral stream that is not subject to Section 404 of the CWA, as evidenced by the July 1, 2005 letter from the ACOE; 2) improvements associated with the down-drain structure required only 100 linear feet of fill and involved only 0.1-acre of fill, which is less than the 400 linear feet for fill and 0.2-acre fill maximum allowed under Order No. 2004-0004-DWQ; 3) mitigation (as set forth in the HMMP) was fully implemented to address potential impacts to receiving waters; 4) no cumulative effects to beneficial uses for receiving waters were identified; and 5) no adverse effects to rare, candidate, threatened, or endangered species were identified in association with the construction of the down-drain structure (assuming compliance with the HMMP).



By virtue of the project's participation in Order No. 2004-0004-DWQ, the down-drain structure construction does not represent a violation of Mayhew Creek's water quality standards, nor is it a violation of the Water Code.

- ***RWQCB Comment:*** *So an argument that the down-drain's move to a future SMP 143 pit would simply perpetuate an already captured stream incorrectly perpetuates this violation; it appears that the Riverside County Planning Department should never have approved this diversion in 2006 to begin with – I doubt my agency heard about it but you certainly can cite an older EIR that discussed it.*

Response: Given the mining operator's participation in Order No. 2004-0004-DWQ (and associated mitigation), there is no "violation" of the Water Code.

The construction of the down-drain structure was necessary to rectify an emergency condition created by unusually heavy rain events and geological movements along the Glen Ivy fault that resulted in the alteration of the flow path for Mayhew Creek. Thus, flows associated with Mayhew Creek were not diverted by the SMP 139R1 project applicant or previous mine operators. Construction of the down-drain structure was reviewed by the RWQCB, as evidenced by their July 21, 2005 letter to CEMEX (a copy of which is attached hereto).

Riverside County did not issue Substantial Conformance No. 1 to RCL 106 until after all consultations with the RWQCB, ACOE, and CDFW had been completed. The County Planning Department's approval of Substantial Conformance No. 1 fully complied with Riverside County Ordinance No. 555.

As the construction of the down-drain structure was determined by the Riverside County Planning Department to be exempt from CEQA, no EIR (or MND) was prepared in support of the RCL 106 Substantial Conformance No. 1 application. It should be noted, however, that mining-related impacts to the Mayhew Creek were previously anticipated, disclosed, and evaluated as part of Riverside County Final EIR No. 359, which was prepared in conjunction with SMP 150, Substantial Conformance No. 1.

- ***RWQCB Comment:*** *I'm trying to give Regional Board staff a "first bite at that apple" given the Project's newly proposed move of the down-drain from SMP 139 to the future quarry SMP 143, which given that interruption seems to create a new diversion.*

Response: As previously noted, relocation of the down-drain structure would not occur until such a time that SMP 150 (not SMP 143) is revised to allow for mining of the portions of slopes and setback areas that occur on the SMP 150 site. Furthermore, relocating the down-drain structure would not create any new diversion in flows, since all flows would continue to be detained on-site within the mining pits. Relocation of the down-drain structure would merely shift the location where the water is detained; there would be no increase (or decrease) in the total volume of flows that would be conveyed via the down-drain structure and into the mining pits, where detained runoff would then be allowed to infiltrate into the ground.



- **RWQCB Comment:** *Now, it appears that a secondary channel is described by Mr. Harding as having formed alongside the lip of SMP 139 quarry, generally directing some of the localized runoff downstream again – though it is not the original tributary flowline of Mayhew Creek from the Santa Ana Mountains to Temescal Creek (Temescal Canyon Bottom).*

Response: The “secondary channel” along the eastern edge of the existing SMP 139 site is the former Mayhew Creek alignment that existed prior to the above-described events of January/February 2005, and is not a “new” channel that has since formed. As shown on Figures 5 and 6, flows within this channel originate from hills located southwesterly of the mining complex, and were historically tributary to Mayhew Creek. These flows, which traverse around the edge of the mining complex along the eastern boundary of SMP 143 and SMP 139, continue to be tributary to Temescal Creek. This is an existing condition that will not be altered or in any way impacted by the proposed SMP 139R1 project.

- **RWQCB Comment:** *The CEQA document should detail what has occurred, and provide documentation of approved water rights held by Mayhew Aggregates & Mine Reclamation (Company?) for this action on Mayhew Creek. I think all this deserves some follow up both in the CEQA document’s discussion and during the permit discussion...*

Response: The MND for SMP 139R1 will provide a discussion of the events of January/February 2005 and associated permits that were issued allowing for construction of the down-drain structure. The project proponent does not hold water rights for Mayhew Creek, as runoff from Mayhew Creek is not used during mining operations; rather, flows from Mayhew Creek are merely accommodated within the existing mining pit, where they infiltrate into the groundwater basin. Permits for relocating the existing down-drain structure would be sought following Riverside County approval of revisions to SMP 150, as the southern slope of SMP 139R1 cannot be mined and the down-drain structure cannot be relocated until a revision to SMP 150 is approved by Riverside County (and reviewed as part of a CEQA process).

- **RWQCB Comment:** *In the interest of time I am cc’ing this email to our Water Rights office at the State Water Resources Control Board in Sacramento, for their views on continued diversions of an entire stream... as opposed to the potential case of, say, diversion of only a portion of the stream if Mayhew Creek’s entire channel could be re-established (as a mitigation measure) all the way from the Santa Ana Mountains to Temescal Creek.*

Response: Existing conditions associated with the existing mining complex (including SMP 139R1 and surrounding mining sites) renders the re-establishment of the historic flow lines infeasible, as demonstrated on Figures 5 and 6. Moreover, no “diversion” of flows occurred to Mayhew Creek, as the change in course of Mayhew Creek occurred due to rain events in January/February 2005 and geological movements along the Glen Ivy fault, and not by any actions undertaken by the SMP 139R1 project applicant or by previous mine operators. It is our opinion that no additional mitigation measures should be required in association with the relocation of this down-drain structure, since such a relocation would not affect the total volume



SMP 139R1

February 11, 2013

Page 8 of 8

of flows that are detained and allowed to infiltrate into the groundwater basin, and because all appropriate mitigation is identified as part of the HMMP prepared pursuant to the requirements of the ACOE, CDFW, and RWQCB. Moreover, the down-drain is not proposed to be relocated at this time, and detailed plans for such eventual relocation are not available at this time. Relocation of the down-drain will be evaluated as required by CEQA when a future proposed revision to SMP 150 is submitted to the County to review.

We appreciate the continued efforts of Riverside County in support of the SMP 139R1/CUP 03679 project. If there are any questions or if the County should require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeramey Harding'.

Jeramey Harding, AICP

Senior Project Manager

T&B PLANNING

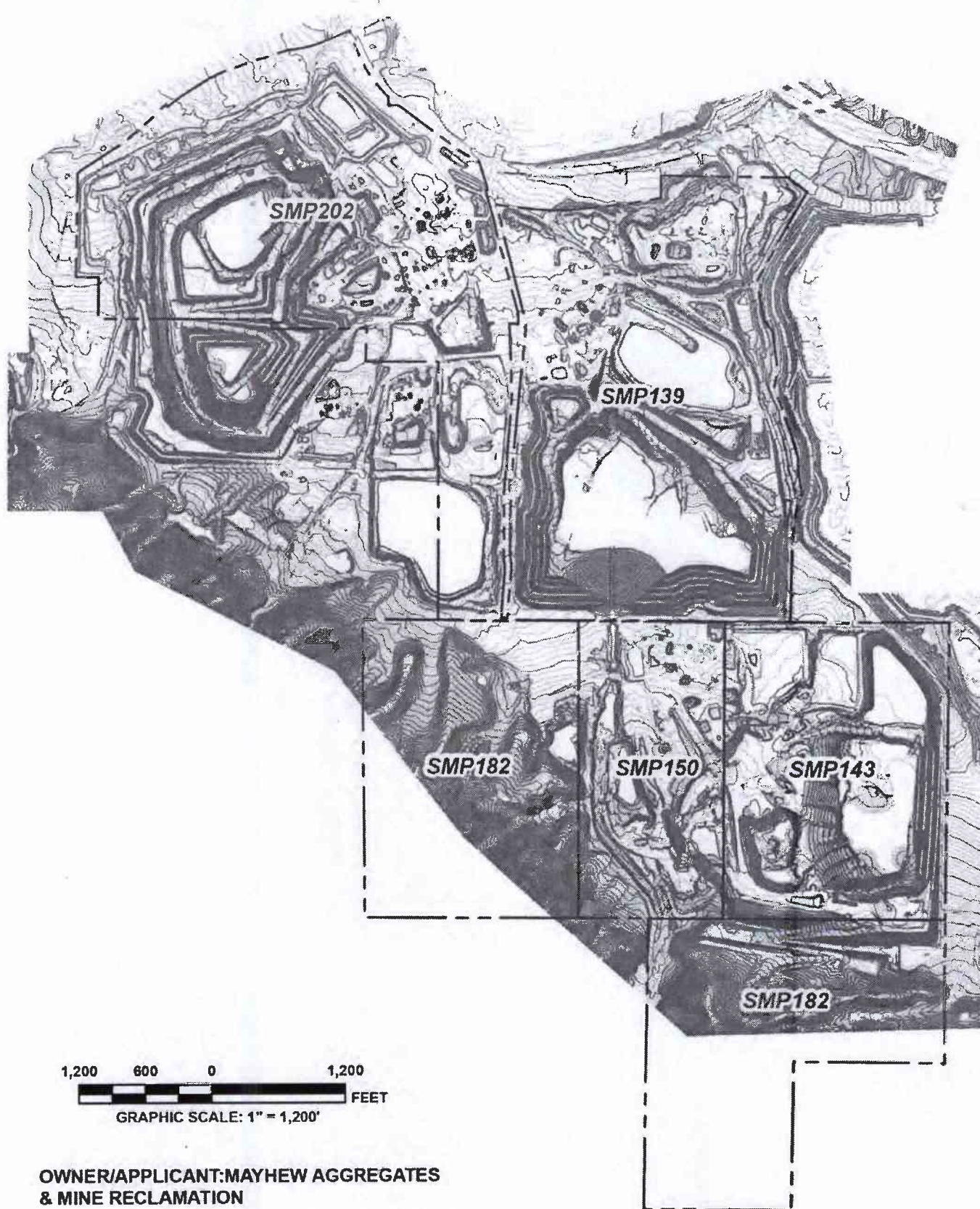
Phone: (760) 452-2300

jharding@tbplanning.com

Cc: Glenn S. Robertson, Santa Ana Regional Water Quality Control Board

Attachments: Figures 1 through 5; 2005 Wildlife Agency Correspondence & Documentation; RCL106 SC 1 Conditions of Approval; SMP 150 SC 1 Reclamation Plan; SMP 150 SC1 Conditions of Approval; Staff Report for SMP 150 SC 1; April 5, 1991 Flood Control Letter for SMP 150, SC1

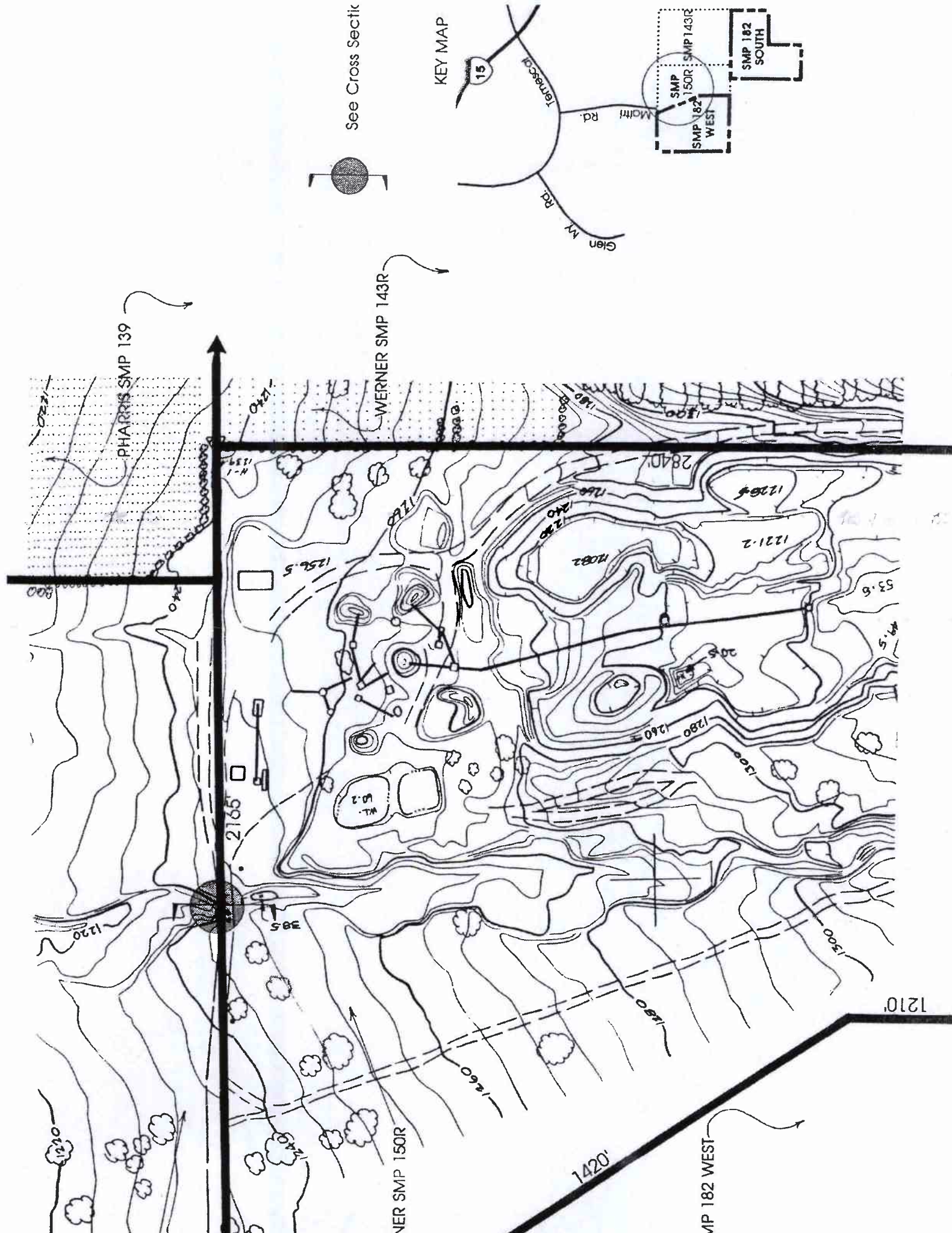
MAYHEW AGGREGATES AND MINE RECLAMATION



OWNER/APPLICANT: MAYHEW AGGREGATES
& MINE RECLAMATION

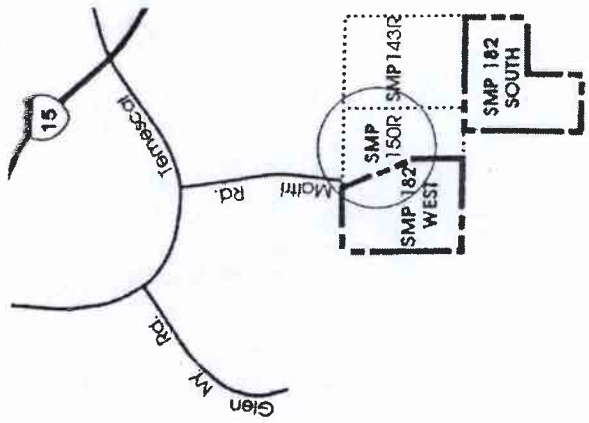
SOURCE OF TOPOGRAPHY: AERIAL TOPOGRAPHIC
SURVEY DATED JANUARY 11, 2011, PERFORMED BY
COOPER AERIAL SURVEYS, INC.





See Cross Sectic

KEY MAP



PHARRIS SMP 139

WERNER SMP 143R

WERNER SMP 150R

SMP 182 WEST

SMP 182 SOUTH

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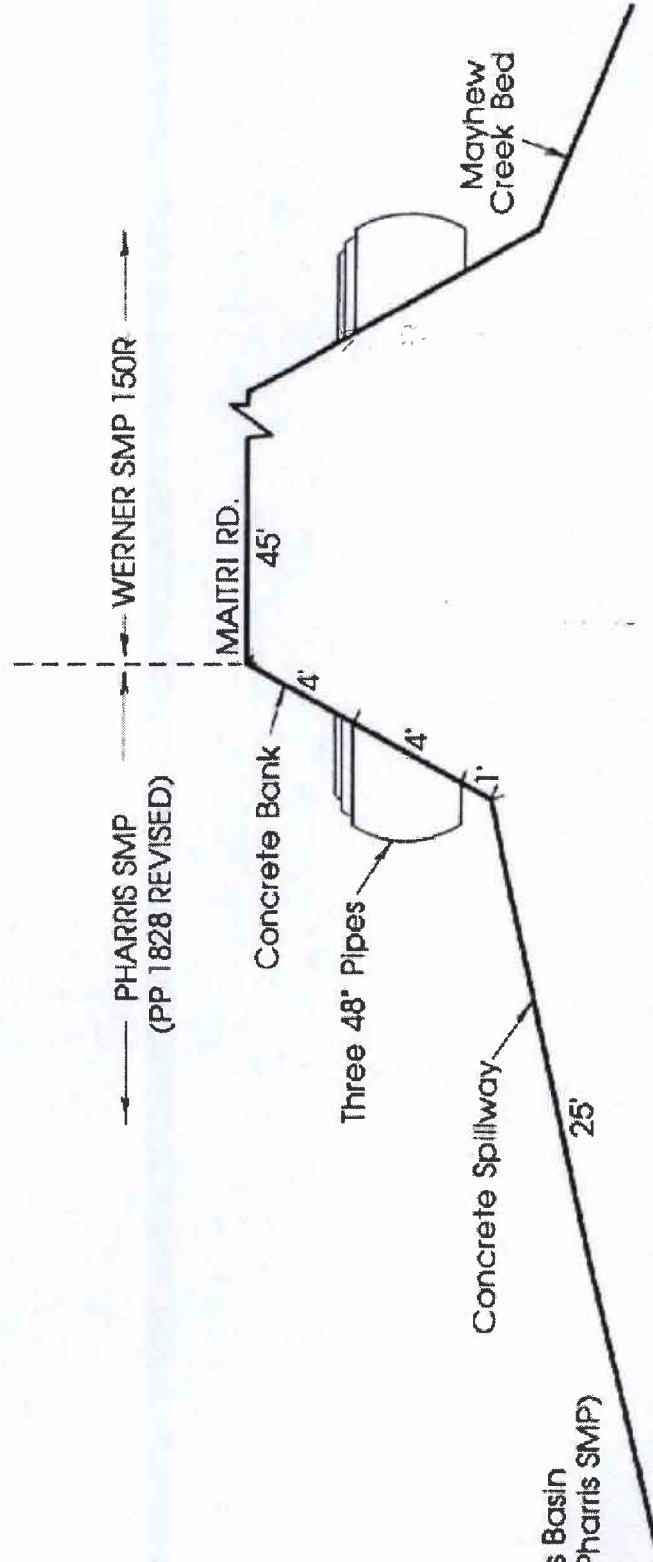
6140'

6160'

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6220'



NOTE: Side View, Looking East of Maitri Rd.

MAYHEW AGGREGATES AND MINE RECLAMATION



Source: Google Earth

T&B PLANNING
175421 East 17th Street, Suite 100, Tulsa, CA 92780
p. 714.305.6360 f. 714.305.6161
www.tbplanning.com

NOT TO SCALE



Figure 4
1994 HISTORICAL AERIAL PHOTO

ATTACHMENT A:
2005 WILDLIFE AGENCY CORRESPONDENCE & DOCUMENTATION



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

July 21, 2005

Office of the Chief
Regulatory Branch

Cemex Construction Materials, L.P.
Attention: Christine Jones
P.O. Box 4120
Ontario, California 91761

Dear Ms. Jones:

Reference is made to your letter (No. 200501644-WJC) dated July 6, 2005 for a Department of the Army Permit to discharge fill material on up to 0.1 acre of Mayhew Creek in the vicinity of Temescal Wash in Corona, Riverside County, California.

Due to the change in course of Mayhew Creek from going around the eastern boundary of your property to now flowing into the quarry gravel pit, Mayhew Creek is determined to not be regulated per the SWANCC court decision of 2000. The reason for the change in course is due to the rain events in January/February 2005 and geological movement along the Glen Ivy Fault line causing Mayhew creek to flow into the gravel pit. The rain events and the instability of the Glen Ivy Fault line caused the bank between the creek and the pit wall along the southern wall to collapse into the pit.

Based on the information furnished in your letter, we have determined that your proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is not subject to our regulation under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

Even though, Mayhew creek is now not subject to the Corps' regulation, the applicant is still responsible for the mitigation area that the applicant will be impacting. The mitigation area is a part of a previous permit, which impacted waters of the United States. The applicant shall provide to the Corps a new Habitat Mitigation and Monitoring Plan (HMMP) for the impacts to the mitigation area. Please submit a draft HMMP for the Corps review no later than August 31, 2005.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33

CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

I am forwarding copies of this letter to: California State Water Resources Control Board, 1001 I Street, Sacramento, California 95814, Attention: Mr. Oscar Balaguer, Chief, Water Quality Certification. California Regional Water Quality Control Board, Region 8, Santa Ana, Attention: Mr. Gerard J. Thibeault, 3737 Main Street, Suite 500, Riverside, California 92501-3339.

If you have any questions, please contact James Chuang of my staff at (213) 452-3372.

Sincerely,

A handwritten signature in cursive script that reads "Mark Durham".

Mark Durham
Chief, South Coast Section
Regulatory Branch

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Cemex Construction Materials, L.P.	File Number: 200501644	Date: July 21, 2005
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

DISTRICT ENGINEER
Los Angeles District, Corps of Engineers
ATTN: Chief, Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325

Tel. (213) 452-3425 FAX (213) 452-4196

If you only have questions regarding the appeal process you may also contact:

Douglas R. Pomeroy, Appeal Review Officer
U.S. Army Corps of Engineers, CESPD-ET-CO
333 Market Street
San Francisco, CA 94015-2195

Tel. (415) 977-8035 FAX (415) 977-8047

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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California Regional Water Quality Control Board

Santa Ana Region



Alan C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 – FAX (951) 781-6288 – TTY (951) 782-3221
<http://www.waterboards.ca.gov/santaana>

Arnold Schwarzenegger
Governor

September 9, 2005

Christine Jones
Cemex Construction Materials, LP
PO Box 4120
Ontario, CA 91761

Dear Ms. Jones:

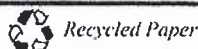
U.S. ARMY CORPS OF ENGINEERS NON-JURISDICTIONAL DETERMINATION FOR MAYHEW CREEK – LETTER DATED JULY 21, 2005

On July 28, 2005, we received a copy of a letter sent to you from the U.S. Army Corps of Engineers (Corps) on July 21, 2005 regarding a proposal to discharge fill material on up to 0.1 acres of Mayhew Creek in the vicinity of Temescal Wash in the City of Corona. In their July 21, 2005 letter, the Corps informed you that the proposed discharge was not subject to their regulation due to the isolated nature of the creek from waters of the U.S. The reasons cited for the isolation of Mayhew Creek are geological movement along the Glen Ivy Fault line and rain events in January and February of 2005 causing flows from Mayhew Creek to enter an adjacent gravel pit.

Although the Corps has determined that Mayhew Creek is isolated and not subject to their regulation, Mayhew Creek is a water of the State. Discharges to waters of the State that affect beneficial uses are subject to regulation under California Water Code Section 13000 *et seq.* Specifically, the proposed discharge of fill appears to be subject to State Water Resources Control Board Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredge and Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Order No. 2004-0004-DWQ).

Since receiving the Corps July 21, 2005 letter, Regional Board staff is unable to confirm that you have submitted a Notice of Intent (NOI) to participate in Order No. 2004-0004-DWQ. We request that you complete and submit the NOI form, Attachment 1 of Order No. 2004-0004-DWQ, enclosed, along with a fee deposit of \$500.00, to this office by September 22, 2005, so that Cemex's discharge of fill to Mayhew Creek can be appropriately regulated. Failure to submit the NOI is a violation of Order No. 2004-0004-DWQ.

California Environmental Protection Agency



September 9, 2005

If you need assistance in completing the NOI Form or have any questions, please call Adam Fischer at (951) 320-6363 or via electronic mail at afischer@waterboards.ca.us.

Sincerely,



Mark G. Adelson
Senior Environmental Scientist
Chief, Regional Basin Planning

Enclosures: State Board Order No. 2004-0004-DWQ
Notice of Intent Form (as an attachment)

cc: State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Oscar Balaguer



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".

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



September 30, 2005

Via Hand Delivery

Adam Fischer
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

RE: Notice of Intent to Participate in Order No. 2004-0004-DWQ for Mayhew Creek

Dear Mr. Fischer:

Enclosed, please find the NOI, requested attachments, and a check for the \$500 fee. I have not included the Mitigation Plan as we are still working on our amended Streambed Alteration Agreement with the California Department of Fish and Game (see enclosed attachments) and would like to ensure that there are no conflicts. If you have any questions or need additional information, please do not hesitate to contact me at (909) 974-5471.

Sincerely,

Christine Jones
Environmental Manager

Encls.

*July 5, 2005 Letter to ADWA from CEMEX
July 21, 2005 Letter to California Dept of Fish and Game
Aug 2, 2005 Original Response to NOI
July 14, 2005 Letter from CEMEX to County
Sept 7, 2005 Emergency Closure of the River
Sept 28, 2005 Letter to ADWA from CEMEX*

United States Operations

430 N. Vineyard Ave., Suite 500, Ontario, California. 91764-4463. USA. P.O. Box 4120, Ontario, California. 91761-1067. USA.

Tel: (909) 974-5500, Fax: (909) 974-5524, Dispatch: 1-800-801-ROCK (7625)

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF INTENT (NOI)

TO ENROLL UNDER AND COMPLY WITH THE TERMS OF WATER QUALITY ORDER NO. 2004-004 DWQ (GENERAL WDRs), STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION

Mark Only One Item	1. <input type="checkbox"/> New Discharge
	2. <input checked="" type="checkbox"/> Change of Information-WDID # <u>8 335001912</u>

I. Owner of the Land

Name CEMEX Land Company				
Mailing Address P.O. Box 4120				
City Ontario	County San Bernardino	State CA	Zip 91761-	Phone 909- 974-5471
Contact Person Christine Jones			1067	

II. Billing Address

Name CEMEX Construction Materials, L.P.				
Mailing Address P.O. Box 4120				
City Ontario	County San Bernardino	State CA	Zip 91761-	Phone 909- 974-5471
Contact Person Christine Jones			1067	

III. Discharger (if different from owner of the land)

Name CEMEX Construction Materials, L.P.				
Mailing Address Same as above				
City	County	State	Zip	Phone
Contact Person Same as above				

STATE USE ONLY

WDID: □□□□□□□□□□	Regional Board Office: □□	Date NOI Received: _____	
			Check #: _____

IV. Site Location

Street (including address, if any) 24980 Maitri Road, Corona, CA 91720	
Nearest Cross Street(s) Temescal Canyon Road	
County: Riverside	Total Size of Site (acres): Approximately 189
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest 1/2 second or decimal degrees (DD) to four decimals (0.0001 degree)	
DMS: N. Latitude Deg. 33 Min. 45 Sec. _____	
W. Longitude Deg. 117 Min. 28 Sec. 45	
DD: N. Latitude _____	
W. Longitude _____	
Attach a map of at least 1:24000 (1" = 2000') detail of the proposed discharge site (e.g., USGS 7.5 minute topographic map).	

V. Discharge Information

Subject	Notes
Name(s) and type(s) of receiving waters: Mayhew Creek, ephemeral stream (isolated)	Receiving water types are: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, wetland.
Eligibility of receiving water. Provide evidence that the water affected by this discharge is deemed to be out side of federal jurisdiction: USACE letter of July 21, 2005	U.S. Army Corps of Engineers jurisdictional disclaimer letter, or explanation why such a disclaimer is not needed
Identify all regulatory agencies having jurisdiction over this project. Attach copies of all federal and State license/permit applications or issued copies of licenses/permits from government agencies: CDFG	For example: Dept. of Fish and Game Streambed Alteration Agreement, Coastal Commission permit
Proposed project start date: October 3, 2005	Expected date of completion: May 1, 2006

Project description: Construction of a concrete channel to carry flows of Mayhew Creek 300 feet down pit wall.		For example: Discharge of riprap; discharge of fill; excavation for a utility line		
Purpose of the entire activity: Pit wall stabilization.		For example: Stream-bank erosion control; flood management; residential development		
Characterization of discharges: Earth, rock and P.C.C. will be used to reinforce the top of the pit and channel flows down the pit wall.		What types of constituents will be discharged? Is the sediment contaminated?		
Fill and Excavation Discharges: For each water body type listed below indicate in ACRES the area of the proposed discharge to waters of the state, and identify the impacts(s) as permanent and/or temporary. For linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment, and channelization projects, ALSO specify the length of the proposed discharge to waters of the state IN FEET. ¹				
Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
Wetland	0	0	0	0
Streambed	0.1	100	0	0
Lake/Reservoir	0	0	0	0
Ocean/Estuary/Bay	0	0	0	0
Riparian	0	0	0	0
Dredging Discharges: Volume (cubic yards) of <u>dredged</u> material to be discharged into waters of the United States. None				

¹ For guidance in determining the extent of impacted waters, see General WDRs, section II.A.4

VI. California Environmental Quality Act

Will an environmental impact report or a negative declaration be adopted for this project or has one been adopted?

YES NO

If yes, what is the current status of the environmental impact report or negative declaration?

- Not yet issued for public review.
- In public review.
- Adopted.

Name of lead agency _____

If an environmental impact report or a negative declaration is in public review or has been adopted, enclose the document with this NOI.

Will the discharge occur in, or in immediate proximity to, an area covered by a U.S. Fish and Wildlife Service (USFWS) Habitat Conservation Plan (HCP) or a Department of Fish and Game Natural Community Conservation Plan (NCCP)?

YES NO

Will the discharge occur in, or in immediate proximity to, any habitat of a plant or animal species that has been classified by the Department of Fish and Game, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service as candidate, sensitive, endangered, rare, or threatened?

YES NO

Will the discharge occur in, or in immediate proximity to, a significant historical or archeological resource, a unique paleontological resource or site, a unique geologic feature, or any human remains?

YES NO

Will the discharge occur in, or in immediate proximity to, land under existing zoning for agricultural use or under a Williamson Act contract?

YES NO

Will the discharge, as mitigated, cause any other significant adverse environmental impact?

YES NO

If you answered "yes" to any of the previous five questions, provide a detailed explanation demonstrating why the discharge is eligible to be enrolled under the General WDRs.

VII. Additional Submittals. In accordance with provisions of State Water Resources Control Board (SWRCB) Water Quality Order No. 2004-0004 DWQ, please submit the following with this NOI to the appropriate Regional Water Quality Control Board or, for multi-Region projects, to the SWRCB.

- a. A fee pursuant to California Code of Regulations, Title 23 Section 2200.
- b. A Mitigation Plan, as described in the General WDRs.

VIII. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of these General WDRs will be complied with."

Signature of Discharger <i>Christine Jones</i>	Title Environmental Manager
Printed or Typed Name Christine Jones	Date 9/28/05