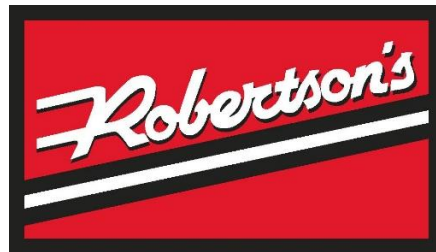


**CAJALCO ROAD PROPERTY
(Hubbs/Harlow Quarry Area)**

Request for Determination of Vested Rights

December 16, 2021

Submitted by:



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DEFINED TERMS AND ABBREVIATIONS

<i>DEFINED TERMS AND ABBREVIATIONS</i>	
<i>NAME OR ABBREVIATION</i>	<i>TERM OR DEFINITION</i>
"1948 ROS"	Record of Survey of the HH VRA and neighboring mineral properties, commissioned by Harlow in 1947 and filed with the County in 1948.
"1984 Study"	Harlow Hills Development: Quarry Rock and Talc Resource Study Phase I Report (October 29, 1984).
"3M"	Minnesota Mining and Manufacturing, operator of a quarry north of the HH VRA
"APN"	Assessor's Parcel Number
"ATSF"	Atchison, Topeka and Santa Fe Railroad
"BKS"	Related corporate entities Brion Corporation, S.T. & Koo International Corp.; and Sun-On Enterprises
"Calvert"	<i>Calvert v. County of Yuba</i> (2006) 145 Cal.App.4th 613
"County"	Riverside County
"CU-1146"	Condition Use Permit 1146, authorizing construction and operation of an asphalt plant, approved by the County in 1970.
"Exh."	Exhibit attached to RFD in Appendices A-D.
"First Amended Judgment"	First Amendment to Stipulated (2004) Settlement Agreement and Judgment Thereon, approved by the Superior Court for Riverside County on August 28, 2013.
"Gladding"	Gladding McBean and Company, a clay-mining and ceramics manufacturing company.
"HH VRA"	The Hubbs Harlow Vested Rights Area, a 792.22-acre property located in Sections 10 and 15, T.4.S, R.6.W, Riverside County, California and subject to this RFD.
"Hubbs Construction"	Paul J. Hubbs Construction Co.
"Hubbs"	Paul J. Hubbs and Lucile Hubbs, the individuals.
"Kincheloe Property"	Mineral property near to the HH VRA that Harlow sought, but failed, to purchase
"Liston"	Liston Brick Company, a ceramics manufacturer with a plant located near the HH VRA and who mined portions of the HH VRA.

“Livingston”	Livingston Rock and Gravel Co.
“M-404”	Permit M-3, No. 404, approved by the County in 1959.
“MWD”	Metropolitan Water District
“Pacific Clay”	Pacific Clay Products, a ceramics manufacturer who mined clay from the HH VRA.
“Paramount”	<i>Paramount Rock Company, Inc. v. County of San Diego</i> (1960) 180 Cal.App.2d 217.
“Porphyry”	Temescal dacite porphyry, an igneous rock formation, correlated with significant quarrying activities based on the rock’s strength and suitability for use in water infrastructure projects.
“RFD”	Request for Determination of Vested Rights
“RP 118”	Reclamation Plan RP-118, approved by the County in 1982.
“RRM”	Robertson’s Ready Mix, Ltd., operator of the HH VRA, with Corona Cajalco Road Development (“CCRD”) and Cajalco Road Quarry (“CRQ”), property owners of the HH VRA
“S-1”	Reclamation Plan RCL-118S1, approved by the County in 2013.
“S-2”	Reclamation Plan RCL-118S2, approved by the County in 2016
“S-4 VRA”	132-acre portion subject to prior vesting confirmations by the County, as defined by the boundaries of Reclamation Plan RCL-118S4.
“S-4”	Reclamation Plan RCL-118S4, approved by the County in 2020.
“Schultz Parcel”	APN 281-220-001, a piece of property wholly surrounded by the S-4 VRA, but which is not a part of RRM’s RFD.
“Second Amended Judgment”	Second Amendment to Stipulated (2004) Settlement Agreement and Judgment Thereon, approved by the Superior Court for Riverside County on July 26, 2016.
“SERA”	State Emergency Relief Administration
“SMARA”	Surface Mining and Reclamation Act of 1975, California Public Resources Code sections 2710-2796
“Sobrante”	The Rancho El Sobrante de San Jacinto, a Mexican Land Grant patented by the United States in 1867.
“Stringfellow”	Stringfellow Quarry Company

“Tourmaline”	Tin-bearing igneous rock primarily located within Corona quartz monzonite bedrock, correlated with occurrences of tin and tin oxides and subject of extensive surface mining beginning in 1857.
“USGS”	United States Geological Survey
“WPA”	Works Progress Administration

INTRODUCTION

Pursuant to Riverside County Ordinance 555.20, Sections 5.46.010 *et seq.* of the Riverside County Code, and Section 2776 of the California Surface Mining and Reclamation Act ("**SMARA**") (collectively "Vested Rights Regulations"), Robertson's Ready Mix ("**RRM**") hereby submits its Request for Determination of Vested Rights ("**RFD**"), seeking a determination by Riverside County ("**County**") that RRM's previously confirmed vested right (to mine aggregate and conduct related surface mining operations, across approximately 132 acres of RRM's property) be confirmed to include the remaining area of RRM's contiguous mining property, which encompasses approximately 792.22 total acres of land, colloquially known as the Hubbs Harlow Quarry ("**HH VRA**"), inclusive of the previously confirmed 132 acre vested right area. The geographic range of vested rights sought to be confirmed within the HH VRA is depicted in **Figure B-1.2** ("2021 HH VRA").¹

The HH VRA is located approximately one mile east of Interstate 15, adjacent to Cajalco Road within the County and encompasses approximately 792.22 acres, identified by the Assessor's Parcel Numbers ("**APN**") in **Table A-1.1**, and depicted in **Figure B-2.7** ("2021 Ownership"). Through this RFD, RRM requests that the County determine the following:

1. RRM's previously established vested mining rights, previously confirmed by the County on multiple occasions with respect to the 132 acres within the RCL118S-4 area ("**S-4 VRA**"), apply to and encompass the entire 792.22 acres of land within the HH VRA, as depicted in **Figure B-1.2**.
2. RRM's previously established vested mining rights within the S-4 VRA to utilize equipment as reasonable and necessary to blast, excavate, crush, wash, sort, stockpile, load, transport and otherwise manage commercial rock products operations be confirmed for the entire HH VRA.
3. RRM may continue surface mining operations, currently ongoing within the S-4 VRA, within the HH VRA on the basis of RRM's confirmed vested rights and a valid, approved, reclamation plan.

¹ As described in Appendix A, RRM leases the HH VRA from two entities: Corona Cajalco Road Development LP and Corona Quarries LLC. This RFD refers to all three entities, collectively, as "RRM."

This application is based on the following:

- The County’s prior official determinations and findings regarding the existence of RRM’s vested rights encompassing the S-4 VRA, (hereinafter referred to as the S-4 VRA” and depicted in **Figures B-1.2**);
- Findings made by the Superior Court for the County of Riverside corroborating and confirming the County's vested rights findings in various legal proceedings;
- Numerous deeds and other evidence of title, records of survey, and related documents recorded in the Official Records of Riverside County (“**Official Records**”) affecting the HH VRA and surrounding property;
- Records, maps, photos, archival personal oral histories, articles, and other documents from the State of California's mining journals, geologic surveys, and special reports;
- Numerous archival newspaper articles , beginning as early as the 1880s and extending across many decades, covering a large array of mining activity within the HH VRA, along with surrounding properties which together formed the "Temescal Mining District,"² a large area of mineral resources generally under a common ownership, and one of the most significant regional mining areas in southern California during the first half of the 20th Century; and
- Extensive on-site field reconnaissance of surface disturbances from mining activities and corroborating Light Detection and Ranging (“**LiDAR**”) mapping which together evince extensive past mining activities on the HH VRA consistent with the descriptions of mining activities in the historical mining journal and newspaper articles.

²The area is referred to as either the “**Temescal Tin District**” or “**Temescal Mining District.**” Tin was what brought interest to the region in the mid-1800s. However, this RFD uses the “**Temescal Mining District**” based on the number of mineral resources actually developed in the region beginning in the late-1800s and the evolution in nomenclature away from tin.

I. EXECUTIVE OVERVIEW

RRM is requesting a County determination through this RFD that that its entire 792-acre HH VRA is subject to vested rights.

The Legal Basis for RRM's Vested Right

1. In California, surface mining activities that occur before enactment of a law requiring a permit to mine, become grandfathered or "vested" as legal nonconforming uses, and are allowed to continue operating without a permit after the vesting date.
2. Because mining is considered a "consumptive" use, a legal rule called the "Diminishing Asset Doctrine" allows areas of the property that were not mined or disturbed before the vesting date to also vest, if it is shown that, at the time of vesting, there was an intent to eventually mine the entire property, or that the entire property was considered "appropriated" as a mining site.
3. Here, the County enacted Ordinance No. 348 requiring mining permits for the first time in 1949, so RRM must show evidence of surface mining activities, including activities evidencing an intent to mine the entire HH VRA as of 1949.

The County's Process to Determine RRM's Vested Right

1. Per County Ordinance 555.20, Section 17, the process to confirm a vested right requires: (1) the applicant to submit historical evidence proving the existence and scope of the vested right, and (2) a public hearing by the lead agency to consider and take testimony on the historical evidence, and render a decision.
2. A vested right hearing and determination focuses only on sufficiency of evidence supporting the vested right, not the merits or impacts of the current operation. It is not a discretionary CEQA process.
3. Through this RFD, RRM has submitted historical evidence supporting the existence and scope of a vested right across the entire HH VRA. The next steps will be for the County to determine the RFD application is complete, review the evidence, and schedule and hold a public hearing. The RFD's Table of Contents is attached.

RRM's Existing Vested Right and What RRM Must Still Prove

1. The first half of RRM's burden of proof – to prove a vested right was established on the HH VRA in 1949, and continues to exist today – has already been settled. Multiple County actions over many decades have already determined a vested right was established and exists today on at least 132 of the 792 acres in the HH VRA. These prior County actions include:
 - a. Issuance in 1970 (post-vesting date) of permit CU 1146 for processing facilities, that identified large areas that could continue to be mined without needing a permit;
 - b. Approval in 1982 of a Reclamation Plan (RP 118), with no related mining permit, that directly recognized vested rights within the portion of the HH VRA covered by RP 118; and
 - c. Approval of three recent amendments to RP 118, in 2013, 2017 and 2020, which confirmed vested rights on 132 of the 792 acres of the HH VRA, and also confirmed the scope of operations and equipment currently at the site.
2. Given these prior determinations, the issue now before the County in this RFD is limited to determining the geographic scope of existing vested rights within the HH VRA.

The RFD Provides Evidence that Vested Rights Apply to the Entire HH VRA

RRM has met its burden to prove vested rights across the entire HH VRA through extensive historic evidence of: (i) pre-vesting mining operations across a majority of the HH VRA, (ii) extensive mining activities that supported operations on adjacent mine sites held, pre-vesting, under common ownership with the HH VRA; (iii) pre-vesting exploration and surveying activities demonstrating intent to mine or to otherwise appropriate the entire HH VRA as a mine site; and (iv) post-vesting date mining throughout the HH VRA absent any permits that otherwise would have been required without a vested right. The evidence in the RFD will demonstrate the following:

1. RRM is but the latest in a succession of HH VRA owners dating back over 100 years to the late 1880s, all of whom supported development of the mineral resources across the entire HH VRA, and maintained the HH VRA as an active mine site;
2. From the 1880s to 1924, the HH VRA was part of a large commonly-owned, mineral rich regional land holding, that not only supported multiple mine operations within its boundaries, but it also functioned as a component of, and provided

ancillary support for, mining activities such as the Cajalco Tin Mine, all within the renowned Temescal Mining District,

3. From 1925 through vesting in 1949, after ownership of the HH VRA separated from the larger regional land holding in 1925 into roughly its current shape, the HH VRA owners put great effort into expanded mining operations, and exploring and inventorying the overall mineral resource, with the idea to exploit its full mineral resource potential, including:
 - a. Establishment of the Blarney Stone Quarry, and multiple smaller quarries and borrow pits, to furnish raw materials for many large infrastructure projects, including Cajalco Road, Cajalco Dam, and Prado Dam;
 - b. Development of clay mining to supply the region's widely-recognized ceramics industry;
 - c. Efforts to reopen the Cajalco Tin Mine, including to support the U.S. World War II effort;
 - d. In the 1930s, the HH VRA owner authorized mineral resource studies to verify rock products at the HH VRA were suitable for dam, canal, and breakwater construction, including projects such as the Prado Dam, and determined there were approximately **200 million tons** of such mineral reserves on the HH VRA;
 - e. In 1948, just before vesting, the HH VRA owner prepared an ambitious Record of Survey of the entire HH VRA site and adjoining mining property, to define and fully exploit the mineral resources at the site, spurred by failed efforts to acquire nearby mineral lands, and rapidly expanding mining operations.
4. All told, prior to vesting in 1949, there were 24 documented distinct mining sites, and numerous mine haul roads throughout the HH VRA. Post-vesting, an additional 23 mine sites were documented within the HH VRA, none of which had permits otherwise required after 1949. Overall, almost two-thirds of the entire HH VRA has already been disturbed or impacted by mine operations or support activities (haul roads, etc.).

In sum, the evidence supports extending the geographic scope of vested rights across the entire HH VRA, based on the extent of actual mining, and intent to fully appropriate the site for mining.

II. SUMMARY OF PRIOR VESTING DETERMINATIONS, LEGAL PRINCIPLES, AND HISTORICAL RECORD SUPPORTING THIS RFD

A. The County's Multiple Vesting Determinations at the HH VRA

The HH VRA has been subject to at least five (5) formal County actions that have confirmed vested rights in connection with the various surface mining operations that have been undertaken in the 132-acre S-4 VRA, located in the southwest corner of the overall HH VRA. The S-4 VRA has been colloquially known as either the "Hubbs Quarry" or sometimes the "Harlow Quarry" and the County has already issued multiple determinations confirming that this portion of the HH VRA has vested mining rights. The most recent County action occurred in 2020, in connection with the County's approval of the "S-4" reclamation plan amendment encompassing the S-4 VRA, as discussed below in **Section IV.J**. The County's previous actions that confirmed vested rights include the following:

- Conditional Use Permit No. CU-1146 ("CUP 1146") (1970);³
- Reclamation Plan No. RCL-118 ("RP 118" or "1982 Rec Plan") (1982);⁴
- Reclamation Plan Amendment No. RCL-118-S1 ("S-1") (2013);⁵
- Reclamation Plan Amendment No. RCL-118-S2 ("S-2") (2016);⁶ and
- Reclamation Plan Amendment No. RCL-118-S4 ("S-4") (2020).⁷

In addition to these previous County actions confirming vested rights, RRM's vested rights have been further corroborated by two Riverside County Superior Court orders entering judgments regarding reclamation obligations within the S-4 VRA.⁸

B. Key Legal Principles for Vested Rights Determinations

The historical evidence presented herein identifies a rich and varied history of surface mining activities throughout the HH VRA across many decades leading up to the time

³ Exhibit ("Exh.") C-1.2 (CU-1146)

⁴ Exh. C-1.3 (RP 118)

⁵ Exh. C-1.4 (S1)

⁶ Exh. C-1.5 (S2)

⁷ Exh. C-1.6 (S4)

⁸ See Exh. C-1.7- C-1.9 (2004 Judgment, First Amended Judgment, Second Amended Judgment).

of vesting. In weighing this evidence, the County should be guided by a number of well-established legal principles for determining the existence and scope of vested rights, including the following:⁹

1. The County's Authority to Determine Vested Rights

Section 2776 of SMARA provides that " No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this chapter." Section 2776 further defines the criteria for a vested right as follows: "A personal shall be deemed to have such vested rights if, prior to January 1, 1976, [they have] in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor." These provisions are mirrored in County Ordinance 555.20, Section 17.

Based on this, a SMARA-based vested right can be established by means of surface mining operations conducted as a legal "non-conforming" use on or prior to the date of the enactment of the ordinance.

2. The Establishment Date for Vested Rights

The date that a regulation is enacted that renders a prior lawful use unlawful, thereby creating a non-conforming use or vested right is referred to as the "Establishment Date." SMARA was enacted in 1976, thereby creating an Establishment Date of 1976 for many vested rights across the state. However, some local agencies enacted ordinances prior to SMARA that required mining permits at an earlier time, thereby creating earlier Establishment Dates. Riverside County adopted Ordinance No. 348 in 1948, effective January 1, 1949 requiring mining permits, thereby created an Establishment Date of 1949. The County has previously confirmed, on multiple occasions, that the Establishment Date is 1949, based on the Ordinance No. 348 (see discussion of S-1, S-2, and S-4, at **Section III**, *infra*). Thus the County will need to evaluate historical evidence of mining prior and up to January 1, 1949 to evaluate the scope of the vested right on the HH VRA.

⁹ These Legal Standards are discussed in greater detail below, in **Section II** of this RFD.

3. The Diminishing Asset Doctrine

The general rule in California is that a legal, non-conforming use may continue in its current footprint, but may not be expanded. The "Diminishing Asset" Doctrine is an exception to that rule, recognizing that mining is a consumptive use, and that mining operators cannot mine the entire site at once, and thus have the right to expand operations to mine additional areas after the operation becomes vested.

4. Objective Manifestations of Intent and Appropriated Mining Site

In order to determine how much of the site that was unmined prior to the Establishment Date can be mined pursuant to the "Diminishing Asset Doctrine" subsequent to the Establishment Date, a mine operator must demonstrate through "objective manifestations of intent" the full extent of the previously un-mined area that was intended to be mined at the time that the operation became vested. Moreover, if it can be shown that the entire tract or parcel was used for mining and mining related purposes, regardless of whether some areas remain unused or open space, the vested right will extend to the entirety of the property which is deemed "appropriated for mining."

5. Objective Manifestations of Intent Consider the Whole Operation Including Ancillary Uses Such as Prospecting, Stockpiling, and Haul Roads

In evaluating the existence of objective manifestations of intent, a vested right to mine and conduct related activities may be applied to all lands previously used in incidental or ancillary ways connected with mining operations, and specifically where the land previously was used for prospecting, stockpiling, and haul roads in support of other mining activities. Similarly, a vested right in the surface mining context includes all activities that were part of the historical overall business operation at the site prior to it becoming a non-conforming use.

6. Relevance of Activities Prior to the Establishment Date (Look Back)

In evaluating the nature and scope of surface mining activities on a parcel prior to the Establishment Date, California courts have held that such evaluation is not limited only to the activities occurring at, or immediately before, the Establishment Date. Rather, the evaluation is required to encompass (or "look back" at) the full scope of relevant mining activities that occurred at the site prior to the Establishment Date.

7. **The County's Prior Actions Confirming Vested Rights Limit the Scope of Issues to Consider in the Current RFD.**

The above principles provide essential guidance for determining the existence and scope of a vested right. Other principles and doctrines also must be evaluated in most instances, including assessment of whether the current vested operation constitutes a substantial change to the use vested at the Establishment Date, or whether the vested right has been abandoned over time. However, because of the unique circumstances related to the HH VRA, namely that a significant portion of the area (the S-4 VRA) has been determined to be vested on no less than five occasions, as recently as 2020, and for the same use that is being considered for the HH VRA, those principles warrant little if any consideration in this RFD.

C. **The Scope of the Requested Determination**

This RFD requests the County confirm that already-established vested mining rights on a portion of the HH VRA (*i.e.*, the S-4 VRA) apply to the remainder of the 792.22-acre HH VRA. To confirm the full scope of the existing vested rights, the historical evidence presented herein will demonstrate the following occurred prior to the 1949 **Establishment Date** for vested rights within the County:

1. Extensive surface mining activities involving multiple operations beginning after the HH VRA was created in 1925, and continuing through 1948.
2. Surface mining activities across the HH VRA supporting various mining operations within the Temescal Mining District (discussed below in **Section II.G, *infra***) located directly adjacent to, surrounding, and connected through the 792.22-acre HH VRA, undertaken when the HH VRA and such adjacent lands were within common ownership by RRM's predecessors up until 1925, demonstrating a regional-scale network of operations, including mining tin, silica, clay, aggregate, as well as copper prospecting and mineral exploration. These combined surface mining activities demonstrate not only extensive surface mining throughout the HH VRA, but also a clear intent that the entire HH VRA, which functioned as part of a larger mining district rich in mineral resources that were of strategic importance and high economic value throughout the region, was fully appropriated for mining uses as of 1949.
3. Multiple efforts prior to 1949 to explore, survey, and inventory the entire HH VRA for potential mining opportunities documented on multiple occasions, establishing objective manifestations of intent by RRM's predecessors to eventually mine the entire HH VRA.

D. Evidence Supporting the Requested Determination

1. Pre-Establishment Date Mining Activities and Exploration/Surveying Within the HH VRA Between 1925 and 1948 Confirm the Entire HH VRA Was Exclusively Dedicated to Mining

In its early history (approximately 1853-1925) the HH VRA fit within a mosaic of commonly-owned mining properties located south of Corona, in an area historically known as the Temescal Mining District (discussed in detail in **Section V.A, *infra***), which was a hub for tin, clay, rock, sand, and gravel operations. Beginning in the 1920s, through the lead-up to World War II, both the State of California and the United States government, considered the area to be of strategic mineral importance and a potential domestic source of glass, tin, and aluminum, and a key source of stone for southern California's multiple water improvement and flood protection projects.¹⁰

This increasing notoriety (see **Sections V.A and B, *infra***) made the Temescal Mining District an attractive prospect for land developers, which led E.E. Peacock, a Corona-based land developer, in 1925 to acquire land that essentially became the present-day, HH VRA, as depicted in **Figure B-2.3** ("1925 Ownership").¹¹ Peacock's ownership consisted of the majority of Section 15 and the south half of Section 10.¹² Before his death in the early 1930s, Peacock would give away essentially value-less pieces of the HH VRA, subject to mineral reservations, with sales of an encyclopedia.¹³ Peacock's

¹⁰ See Exh. C-2.13 at pp. 86, 505-520 (describing the economic and strategic minerals of the Temescal Mining District); *see also* Exh. C-2.13 at p. 281

¹¹ Vested rights are property rights that "run with the land" across multiple ownership transfers. *See* HH VRA title summary attached to this RFD as Appendix A.

¹² Note that neighboring portions of the property, including a small portion the SW ¼ of Sec. 15 directly adjacent to the S-4 VRA, are not a part of this RFD. These parcels were acquired by third parties in the early 1900s and owned by Corona Silica Company from February 1925, and used for silica sand mining and processing. The parcels were acquired by RRM's predecessor Leilamae Harlow in 1971, and sold upon disposition of her estate in 1979 to Gerhart L. Schultz et al. in 1979. This property now exists as APN 281-220-001 ("Schultz Parcel"), identified as "Not a Part," in the graphics supporting this RFD. Consequently, references herein to the HH VRA as encompassing all of Section 15 do not include the Schultz Parcel

¹³ These parcels were of limited value and essentially undevelopable because (1) their size, of approximately 50 feet by 30 feet meant nothing could be built on them; (2) the parcels were landlocked and sprinkled sporadically throughout the HH VRA; and (3) most importantly, Peacock consistently and universally reserved all minerals and related mining rights essential for surface mining activities, from every single parcel he conveyed as part of an encyclopedia

mineral reservations maintained the mining character of the HH VRA and allowed RRM's predecessors to consistently dedicate the HH VRA to mining purposes.

Following Peacock's death in the early 1930s, F.M. Kuhry, an individual to whom Peacock was indebted, acquired the HH VRA, and then entered into a joint tenancy with Leilamae Harlow, with whom he would devote and develop the HH VRA for surface mining over the next twenty years, as described in **Sections II.D** and **V**, *infra*.¹⁴

Peacock's purchase of the HH VRA transformed the activities on the property from primarily supporting operations on adjoining (but commonly owned) lands (through haul roads, smaller excavations, etc.) to rapidly expanded mining operations on the HH VRA as a now distinct mining property.

a. Surface Mining Activities: 1925-1948

Surface mining activities from 1925 until the time of vesting on January 1, 1949 included the following:

- i. Around 1927, a rock quarry was established along the west side of the HH VRA,¹⁵ as depicted in **Figures B-3.2** (depicting the quarry within the overall HH VRA) and **B-4.2** (depicting the quarry in a close-up aerial photograph), which provided building and paving stone to southern California markets and railroad ballast to the Atchison, Topeka, & Santa Fe ("ATSF") Railroad. In 1927 alone, the quarry produced enough material to supply approximately 5,000 yards of railroad track.¹⁶
- ii. In 1931, Pacific Clay Products established the Cajalco Clay Pit within the HH VRA, partially in and outside of the S-4 Area, as depicted in **Figures B-3.2** (depicting the pit within the overall HH

sale, declaring his intent to reserve "the oil and mineral rights." *See*, Exh. A-11. This mineral reservation is universal across all deeds conveyed by Peacock between 1925 and 1923.

¹⁴ *See* Appendix A, *see also* Exhibit A-12, A-13, A-14, A-15, and A-16.

¹⁵ This rock quarry produced primarily Temescal porphyry, a rock type known for strength and in high demand for infrastructure projects through southern California. *See* Exh. C-2.12 (Paul H. Dudley, "Geology of the Perris Block," REPORT OF THE STATE MINERALOGIST, Vol. 31 (1935)) at p. 497

¹⁶ *See* Exh. C-3.42 ("Santa Fe Finishes Rip-Rap Quarrying", CORONA DAILY INDEPENDENT, May 11, 1927); *see also* Exh. C-2.4 at p. 1028 (describing early quarrying of rock within HH VRA for ATSF railroad, "probably for track ballast.").

VRA) and **B-4.9** (depicting the pit in a close-up aerial photograph); one of several regional clay pits that supplied ceramic factories in Corona and the Elsinore-Alberhill area.¹⁷

- iii. During the 1930s, clay beds within the HH VRA were prospected and sampled to determine the viability of developing a domestic aluminum resource based on high-levels of bauxite and aluminum in the region's clay beds, as depicted in **Figures B-3.2** (depicting clay activity within the overall HH VRA) and **B-4.10** (depicting activity related to the clay and other strategic minerals in a close-up aerial photograph).¹⁸
- iv. Beginning in approximately 1932, the HH VRA contributed material (*e.g.*, porphyry, gravel, etc.) to multiple Depression-era public works projects, including the construction of Cajalco Road and Cajalco Dam, through multiple small-scale aggregate pits providing local rock, sand, and gravel. These borrow pits, depicted in **Figures B-3.2** (depicting these borrow pits within the overall HH VRA) and **B-4.14** (depicting these borrow pits in a close-up aerial photograph), were located within the HH VRA, but, importantly, outside of the S-4 Area, and were established by the work relief programs responsible for the infrastructure projects (*e.g.*, Works Progress Administration).¹⁹

¹⁷ Exh. C-2.3 (C.H. Gray, "Geology of the Corona South Triangle," Bulletin No. 178, California Division of Mines (1961)) at p. 110; Exh. C-2.4 (C.H. Gray et al., "Mines and Mineral Resources of Riverside County, California," California Division of Mines and Geology, preliminary manuscript (1961)) at p. 78; *see also* Exh. C-2.1 (Waldemar Feen Dietrich, "The Clay Resources and Ceramic Industry of California," Bulletin No. 99, California State Mining Bureau (1928)), pp. 162, 183.

¹⁸ *See* Exh. C-2.22 ("Californian Clays Require Special Treatment to Meet Metallurgical Demands") (describing occurrence of bauxite within the confines of the Sobrante, in Section 26, south of the HH VRA); *see also* Exh. C-2.12; C-2.13 (evaluating strategic minerals, including high-aluminum content clay).

¹⁹ *See* Exh. C-2.4 (describing rock, sand and gravel borrow pits); *see also* Exh. C-3.60 ("Success in Bond Election Means Much to Corona," CORONA DAILY INDEPENDENT (September 30, 1931) at pp. 1, 4 (describing material needs for construction of Cajalco Dam).

- v. In 1938, Kuhry and Harlow leased a portion of the HH VRA to Henry F. Charles,²⁰ who subleased the property to Blarney Stone Inc., a company partially-owned by the Pantages theatre-magnate family, who significantly expanded the existing porphyry quarry previously used to supply railroad track ballast into the **Blarney Stone Quarry** (later known as the Hubbs Harlow Quarry),²¹ as depicted in **Figures B-3.2** (depicting Blarney Stone within the overall HH VRA) and **B-4.11** (depicting Blarney Stone in a close-up aerial photograph).
 - vi. Between 1938 and 1941, the Blarney Stone Quarry and other areas outside the S-4 VRA were mined to provide Temescal porphyry and alluvial gravel for construction of the Prado Dam, as depicted in **Figures B-3.2** (depicting these operations within the HH VRA), **B-4.13**, and **B-4.14** (both depicting the operations in close-up aerial photographs).²²
- b. Activities Demonstrating Intent to Mine the Entire HH VRA: 1925-1948**

Beyond just the mine operations, the HH VRA owners also engaged in activities such as exploration and surveying that manifested their intent to mine or otherwise appropriate the entire HH VRA for mining purposes, including the following:

²⁰ Leilamae Harlow, one of the most important figures regarding development of the HH VRA, first acquired the property in 1932, with F.M. Kuhry. Harlow would own the property for 40 years and was instrumental in developing it as a mining property, as described in detail in **Sections IV.C, and IV.F, *infra***.

²¹ The Blarney Stone Quarry is alternatively known as the Hubbs Harlow Quarry. *See* Exh. C-2.5.

²² Exh. C-3.70 (“Paving Stone Company Opens Plant Near City,” CORONA DAILY INDEPENDENT (Nov. 28, 1938); Exh. C-3.75 (“Blarneystone Rock Goes to Prado Dam,” CORONA DAILY INDEPENDENT (December 14, 1939)); Exh. C-3.77 (“Stones Picked Up On Prado Dam” CORONA DAILY INDEPENDENT (May 15, 1940)); Exh. C-3.85 (“Story of the Carl Bliss Batch Plant,” CORONA DAILY INDEPENDENT (December 20, 1939); *see also* Exh. C-2.20 (“Historic American Engineering Record No. 178, Prado Dam,” pp. 58-67 (describing materials used in construction of Prado Dam); *see also* Exh. D-1.1 (describing an “elongate area extend[ing] along hillsides flanking an east-west orientated drainage” with “disturbances associated with ... gravel and aggregate mining.”) and Exh. D 1.1; *see also* **Figure B-6.5**.

- i. Concurrent with the development of the Blarney Stone Quarry (beginning in about 1938), operators of the HH VRA sought to determine the scope and suitability of resources for use in dam and canal construction, to ensure that the quarry could sell materials to the U.S. Army Corps of Engineers and resulted in a determination that there were approximately **200 million tons** of such reserves suitable for use in water infrastructure (*e.g.*, dam, canals, and breakwaters, etc.).²³ This effort demonstrates that both Harlow and operators of the HH VRA understood the extent of rock, sand and gravel reserves available within the HH VRA.

- ii. In 1948, right before the Establishment Date, a record of survey was prepared that confirms the owners of the HH VRA had fully appropriated the property for mining. As context, in 1946, HH VRA owners Kuhry and Harlow entered into a purchase agreement with James and Jakie Kincheloe, for land west of the HH VRA, as depicted in **Figures B-5.10** (“Kincheloe Property”).²⁴ The Kincheloe Property was known to contain both clay and silica sand deposits, similar to the minerals already being commercially mined along the western edge of the HH VRA (primarily by the Owens-Illinois Glass Co., located between the HH VRA and Kincheloe Property).²⁵ Kuhry and Harlow never acquired the property, were sued in 1946 for their failure to do so, and settled the case in 1947 in a manner that left them without mineral property to develop other than the HH VRA. In response, Harlow commissioned the record of survey in 1947, completed and recorded in 1948 (“1948 ROS”), which identified the clear boundaries of the HH VRA, and its neighboring mineral development properties (including, the Owens-Illinois Glass Co. silica sand operation, with which Kuhry and Harlow would have sought to compete had they acquired the Kincheloe Property). The 1948 ROS effectively provided Kuhry and Harlow clarity to

²³ Exh. C-3.69 (“Dodge Party Views Rock Quarries,” Los Angeles Daily News (September 28, 1938); *see also* Exh. C-2.4 (describing analysis of HH VRA materials conducted by U.S. Army Corps of Engineers Los Angeles District Laboratory in 1939).

²⁴ Exh. C 4.3; *see also* Exh. C-2.3 at p. 101 (describing Coronita Ranch Sand Deposit associated with Kincheloe Property); p. 103 (describing Jones (Hoag Ranch) Sand Deposit associated with Kincheloe Property); Exh. C-2.4, at p. 118 (describing Jones (Hoag Ranch) Clay Deposit).

²⁵ Exh. C. 4.3.

understand their mineral assets and thus is important in understanding their intent to fully appropriate the HH VRA by defining the boundaries within which surface mining operations and ancillary surface mining activities could be conducted.²⁶

As presented above, prior to 1949, there were at least 39 distinct surface mining activities across the 792 acre HH VRA, including 24 documented distinct mining sites, as well as extensive exploration, mineral inventorying, and surveying that occurred across the HH VRA.²⁷ Collectively, this evidence supports the determination of an intent to appropriate the entire HH VRA as a mine site. This evidence is discussed in greater detail in the main body of this RFD, at **Section V.C**, *infra*, and as depicted on **Figures B-3.1** (depicting surface mining activities within the HH VRA before 1925), **B-3.2** (depicting surface mining activities within the HH VRA 1925-1949), and **B-3.3** (depicting a composite of all surface mining activities until 1949).

Although this evidence alone is sufficient to establish a vested right to the entire HH VRA, additional pre-1949 evidence presented below at **Section V.D**, further supports this determination, by demonstrating how surface mining activities on the HH VRA supported and were interconnected with an even larger scope of surface mining operations occurring on adjacent properties within the Temescal Mining District.

2. Post-Establishment Date, Pre-SMARA (1949-1976) Surface Mining Activities Within the HH VRA Without Permits Corroborate the Vested Right

Surface mining activities continued apace post Establishment Date, absent the now-required use permits, demonstrating Harlow's continued exercise of the vested rights at the HH VRA, and include:

- a. Beginning in the 1950s, Harlow allowed several local mining operators, ceramics manufacturers, and independent trucking companies to access and conduct mine operations within the HH VRA, all without use permits.²⁸
- b. Two such operators – Stringfellow Quarry Company (“**Stringfellow**”) and Livingston Rock and Gravel Co. (“**Livingston**”) – merged to form Corona Quarries Inc., which

²⁶ **Figure B-5.10, B-5.11**

²⁷ Exh. D-1.1; *see also* “Declaration of Sage Thurmond) ¶ 7.

²⁸ *See* Exh. C-3.117 (“Rock Truck Complaints,” CORONA DAILY INDEPENDENT (August 7, 1958)).

would operate surface mining operations within the HH VRA for nearly a decade, again without use permits, including continued development of the Hubbs Harlow Quarry, as depicted in **Figures B-3.8** (depicting operations within the overall HH VRA), **B-4.15**, **B-4.17**, and **B-4.18** (all depicting the operations in close-up aerial photos).²⁹

- c. During the 1950s and 1960s, multiple additional clay pits and exploratory cuts were developed and operated without County mining permits within the HH VRA, primarily in areas north of the stone quarry, as depicted in **Figures B-3.8** (depicting clay mining activities within the overall HH VRA), **B-4.15**, **B-4.16**, **B-4.17**, **B-4.18**, and **B-4.29** (all depicting clay mining activities in close-up aerial photos). These clay operations were developed and mined without County-issued permits, primarily by ceramics producers whose factories were located on the west side of Temescal Wash, including the Liston Brick Co., and Gladding, as depicted in **Figures B-7.3.1** and **7.3.2** (depicting the multiple mining operations in the area as of 1959). The clay pits were located within the HH VRA, and primarily outside the S-4 Area.³⁰ These surface mining operations were occurring post-Establishment Date, absent use permits, and outside the S-4 VRA are compelling evidence that the scope of the vested right extended beyond the S-4 VRA and into the remainder of the HH VRA.
- d. In the mid-1960s, Paul Hubbs, then a junior partner in Corona Quarries, Inc., took full control of that company and eventually transformed it into Paul Hubbs Construction Co. ("**Hubbs Construction**"), which operated surface mining operations within the HH VRA from 1968, while the property was owned by Harlow.³¹ In 1970s, Hubbs submitted the application for CUP 1146, which as referenced above, authorized construction and operation

²⁹ Exh. C-3.120 ("Trucker Sues Corona Firm," Corona Daily Independent (April 15, 1965)).

³⁰ Exh. C-2.3 at pp. ; *see also* Figure B-6.

³¹ Exh. C-3.130 ("Certificate of Discontinuance of Use and/or Abandonment of Fictitious Name," CORONA DAILY INDEPENDENT (September 19, 1968)).

of an asphalt plant within the HH VRA, while defining a much larger, unpermitted mining area subject to a vested right.

Following Harlow's death in December 1972, and the protracted resolution of her estate, described in Appendix A, Paul J. Hubbs and Lucille Hubbs ("**Hubbs**") purchased the HH VRA on December 28, 1979 and continued ongoing surface mining operations throughout the HH VRA.³²

3. **Post-SMARA to Present (1976-2021) Surface Mining Activities Within the HH VRA Demonstrate Ongoing Operations and Continuing Intent to Appropriate the Site for Mining**

Following California's enactment of SMARA in 1976, surface mining activities continued within the HH VRA under the vested rights established in 1949. Soon thereafter, Riverside County recognized the existence of these vested rights with the approval of Reclamation Plan 118, in 1982.³³ The County went on to make several other vested rights determinations in relation to the S-4 VRA. From 1976 to the present, the following surface mining activities and vested rights confirmations occurred:

- a. Hubbs Construction, first as lessee, and later as owner continued quarry and clay pit operations within the HH VRA, as depicted in **Figures B-7.4.1** and **B-7.4.2** (photographs of heavily disturbed clay and quarry areas). Following Harlow's death in 1972, Hubbs, proprietor of Harlow's lessee Hubbs Construction, acquired the HH VRA in 1979.³⁴ Hubbs would operate the property until the early 2000s,³⁵ at which point he sold it to Temescal Cliffs, LLC. Temescal Cliffs promptly went bankrupt and during bankruptcy, current owner (and RRM's lessor) Cajalco Road Quarry ("**CRQ**") acquired it in 2011. The surface mining activities described below

³² See Appendix A.

³³ Under SMARA, vested surface mining operations do not require a use permit, but do require a reclamation plan.

³⁴ While Harlow died in 1972, disposition of her estate took several years. There were thus several successive owners of the HH VRA upon her death; however, Hubbs continuously operated the longstanding mining activities (*i.e.*, quarry) within the HH VRA during this period, until he acquired full ownership in 1979. A full discussion regarding the ownership succession can be found in **Appendix A**.

³⁵ in 1983, Hubbs conveyed a portion of the HH VRA, which was reacquired by an RRM-affiliate in 2007. The full details of this title history are provided in **Appendix A**.

continued after the Hubbs' acquisition of the property, and were continuous through successive owners, including RRM.

- b. In 1982, the County approved RP 118 for operations within the S-4 VRA portion of the HH VRA. The approved language in the 1982 Rec Plan states: "Based on existing rules and regulations, the operations have a vested right of operations since 1976."³⁶
- c. In 2003, the County sued Hubbs alleging violations of RP 118 resulting in a 2004 settlement to remediate certain site conditions while also reflecting intent to continue surface mining at the site.³⁷ This settlement also caused the sale of the HH VRA described above.
- d. Following RRM acquisition of the Hubbs quarry site in 2011, RRM and the County discussed remediation of the mining areas within the S-4 VRA to resolve dangerous site conditions unresolved from the 2004 settlement, resulting in an amended settlement in 2013, later adopted and ratified by the Superior Court in a judgment and order thereon, which confirmed vested rights within the S-4 VRA, based on the prior County actions confirming vested rights, including approvals of CUP 1146 and RP 118. The terms of the court order were further memorialized by the County when it approved S-1, which included express findings of vested rights within the S-1 reclamation boundary, consistent with the Court's judgment and order.³⁸
- e. A second amended settlement was adopted by the Superior Court through another judgment and order issued in 2016, and further reflected in the County's S-2 amendment of RP 118 approved in 2017, which again included additional vested right findings related to the geographic and operational scope of vested rights with the S-4 VRA.³⁹

³⁶ Exh. C-1.3

³⁷ Exh. C-1.7

³⁸ Exh. C-1.8

³⁹ Exh. C-1.9

- f. In 2020, the County approved S-4 as a third amendment to RP 118, again adopting additional vested rights findings in connection with the S-4 VRA, and clarifying the need for a public review process at such time as RRM sought to further confirm the scope of the HH VRA outside the boundaries of the S-4 VRA.⁴⁰

4. **Pre-1949 Mineral Activities on the HH VRA that Supported Adjacent Operations Within the Larger Temescal Mining District Further Confirm the HH VRA Was Fully Appropriated for Mining**

As noted above, prior to the 1949 Establishment Date, the HH VRA not only accommodated multiple surface mining operations directly within its boundaries, but it also functioned as a component of, and provided ancillary support for, mining activities within the much larger Temescal Mining District, much of which was under common ownership. This section discusses how these regional mining activities reinforce the vested right within the HH VRA.

a. **Prior to Peacock’s Purchase of the HH VRA in 1925, it was Part of a Single, Large Property Holding Within the Temescal Mining District**

The HH VRA was originally part of the enormous Mexican land grant, known as the Rancho El Sobrante de San Jacinto (“**Sobrante**”), which encompassed a significant portion of the mineral rich Temescal Valley and its surrounding hills, in the range of about 64,000 acres.⁴¹ From 1867 until the 1920s, the entire Sobrante was owned as a single piece of property by RRM’s predecessors. Large areas within the Sobrante were dedicated to various uses, including land development, agriculture, and mining.⁴² Not surprisingly, the HH VRA is located within the area dedicated to mineral resource

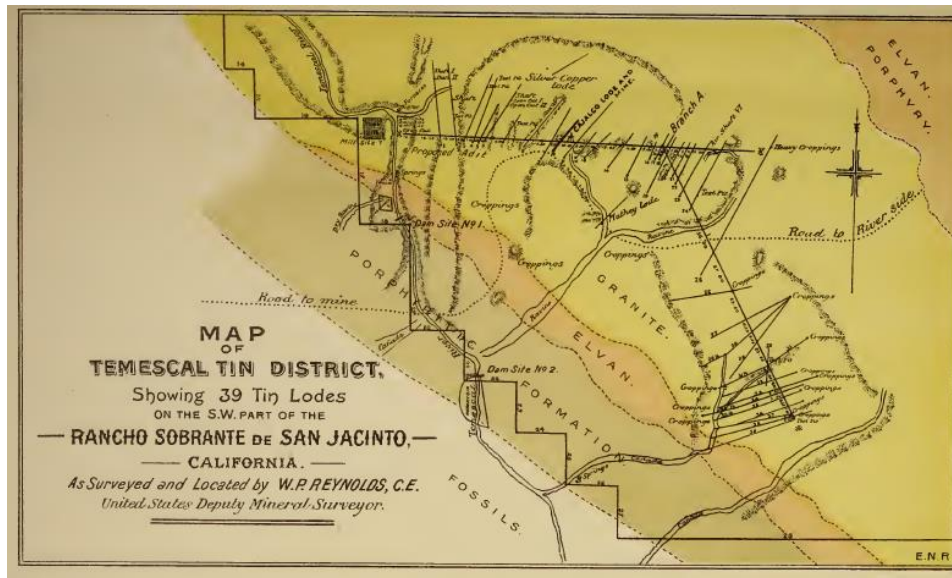
⁴⁰ Exh. C-1.6

⁴¹ The United States Patent was issued for “11 leagues,” an area of approximately 64,000 acres. See Exh. A-1; see also Exh. 4.1.

⁴² See, e.g., Exh. C-3.6 (“Corona, The Crown of the Valley,” CORONA DAILY INDEPENDENT (July 5, 1907) (detailing the “mineral resources” of the Temescal Mining District as “practically untouched” and describing known cement rock, silica sand, and porphyry resources); Exh. C-3.8 (*Sunset: The Magazine of the Pacific and of All The Far West*, Vol. 26 (Jan.-June 1911) (“The [Sobrante] includes ... immense mineral resources, quarries, and mines”); Exh. C-3.9 (“Sale of 43,000 Acres in Riverside County,” CORONA DAILY INDEPENDENT (Jan. 26, 1911) (“The mountainous portion of the [Sobrante] is rich in mineral resources and also includes stone quarries of great value and immense gravel deposits”).

development.⁴³ An early map, reproduced below, produced by the Sobrante owners identifies the HH VRA as within the Temescal Mining District, and overlaying known mineral resources of porphyry and granite (note: see **Figure B.5.5.1** for the location of the HH VRA relative to this map and **Figure 5.5.2** for an understanding of the regional mineral operations within the Temescal Mining District).⁴⁴

Figure 1 – Map of Temescal Mining (Tin) District: 1890



Common ownership of such a regional-scale mineral resources area facilitated development of mineral resource operations across broader areas that are today separated into multiple, distinct legal parcels or tracts owned by different entities, but historically operated as a single “site,” owned by a single entity. The HH VRA thus functioned, at that time, in a manner that often supported mining activities occurring on what are now neighboring mining sties.⁴⁵ These support activities included establishing mining haul roads (which constitute surface mining activities) as a transportation conduit between areas on either side of the HH VRA.

⁴³ As described in detail below, the specific mineral resources RRM’s predecessors developed included (i) porphyry rock; (ii) multiple varieties of fire clay (including high-aluminum content clay); (iii) granite; (iv) tourmaline and associated tin oxides; (v) copper prospects; and (vi) other high quality rock varieties. See Exh. C 3.6; see also Exh. 2.21 (describing geology of Temescal Tin District); Exh. 2.8 (describing geology and mineral resources of Temescal Mining District).

⁴⁴ Exh. 2.21.2.

Viewed in that context, it is not surprising that the 132-acre S-4 VRA is only one of many vested mining properties or operations surrounding and within the HH VRA, originally within the historic Temescal Mining District, as depicted in **Figure B-5.7**.⁴⁶ Thus, confirming RRM's vested rights across the HH VRA can be viewed more like filling in a gap between present-day vested areas, all of which were part of the historic Temescal Mining District, and all of which the County has previously confirmed as vested mining sites. A summary of the pre-Establishment Date activities occurring across the larger Temescal Mining District are described below.

b. 1880s – 1925: Regional Mining Operations Within the Temescal Mining District That Occurred Directly On the Future HH VRA

Surface mining operations that occurred directly within the HH VRA that supported larger operations within the Temescal Mining District included:

- i. Tin Mining and Prospecting: As discussed in **Section V.B.1, *infra***, beginning in the 1880s, extensive tin mining operations occurred just to the northeast of the HH VRA. However, some exploration, prospecting, and hand mining also occurred in the northeast corner of the HH VRA, as depicted in **Figure B-3.4** (depicting the HH VRA's interaction with regional mining operations), and **Figures B-3.1, 3.3, and 4.6.1, 4.6.2, and 4.6.1** (depicting the disturbances within the HH VRA) and **Figures B-6.1 and 6.2** (depicting LiDAR images and aerial photographs of the disturbances). These efforts resulted in surface mining disturbances for tin (found in the tin-bearing tourmaline surface veins and outcroppings). These surface disturbances were in conjunction with exploration and developed across approximately fifty veins within the Temescal Mining District.⁴⁷
- ii. Borrow Pits: Between 1917 and 1923, multiple borrow pits, located within the HH VRA, but outside the S-4 Area, were established to provide material necessary to maintain and improve the interior haul road connecting the adjacent Cajalco Tin Mine to destinations across and on the other

⁴⁶ See discussion in **Section V.D.1, *infra***.

⁴⁷ Exh. C-2.6, at p. 506.

side of the HH VRA, as depicted in **Figures B-3.1 and B-4.5**.⁴⁸

- iii. Clay Pit Mining: In the early 1900s, clay pit mining to the west and south of the HH VRA, including within the southwestern corner of the Sobrante, as depicted in **Figure B-3.4**, provided a source of fire clays to the region's multiple ceramics manufacturers.⁴⁹ These pits used a mine haul road through the HH VRA to reach the ATSF Railroad tracks, until that Railroad completed a spur line in the late 1920s.⁵⁰ Like the tin mine haul road, this clay mine haul road used the HH VRA as an access point to move mined materials to market.
- iv. Porphyry Rock Quarry: Beginning around 1911, a porphyry rock quarry was established within the HH VRA, along the east side of Temescal Wash (on the western edge of the HH VRA), as depicted in **Figure B-3.1**. This quarry would be expanded by 50% in the late 1920s under Peacock's ownership to provide railroad track ballast, described in **Section D.1.a, supra**.

c. **1880s – 1925: Regional Mining Operations Within the Temescal Mining District Proximate to, But Supported by, Activities in the Future HH VRA**

Surface mining activities on the HH VRA that supported regional mining operations on adjacent or surrounding lands, all under common ownership of the Sobrante owners, and all within the Temescal Mining District, included:

- i. Adjacent Tin Mining Supported by HH VRA Haul Road: The Temescal Mining District accommodated the only tin mine with any significant production in the United States, known as the Cajalco Tin Mine, which was primarily located immediately adjacent to, and northeast of, the HH

⁴⁸ Exhs. C-3.18, 3.23, 3.27 (describing restoration work of tin mine haul road).

⁴⁹ Exh. C-3.15 (“Santa Fe Considering Temecula Canyon Road”)

⁵⁰ Exh. C-3.36 (“Corona Santa Fe Asks to Lease Proposed Railway,” Corona Courier (May 14, 1926) (describing proposed construction of 14.6 mile railroad along Temescal Wash connecting Alberhill with ATSF's then end-of-the-line at Porphyry/Cajalco Canyon)

VRA (although, as discussed above, a portion of the mined area extended onto the northeast corner of the HH VRA). Surface excavations, exploration, smelting, and production occurred during periods of high tin demand, including 1891-1892 and 1917-1923. In 1927, work around the Cajalco Tin Mine was restarted, with significant restoration work of the existing infrastructure. Work was halted in 1929 because of the Great Depression.⁵¹ From approximately 1940 through 1946, work at the Cajalco Tine Mine restarted yet again to assist the United States war effort, with an area of six square miles centered around Cajalco Hill surveyed, examined, and excavated to determine the viability of developing domestic tin production, as depicted in **Figures B-3.4, B-3.5, B-5.7, and B-5.8.**⁵²

A critical mining haul road was constructed across the HH VRA to transport refined ore and produced tin bars (which were displayed in exhibitions as far afield as San Francisco and Paris) to the ATSF siding located at the mouth of Cajalco Canyon, near the northwest corner of the HH VRA (*i.e.*, on the other side of the HH VRA from the tin mine).⁵³

- ii. Regional Mining Agreement: In the 1910s, to further exploit their land and mineral resources, the Sobrante owners entered into an agreement with a group of investors, including preeminent banker and former Corona mayor, E.J. Genereaux ("**SJL Agreement**"), further demonstrating early intent to dedicate its land within the Temescal Mining District, including the HH VRA, to mining activity

⁵¹ Exh. C-2.16 (briefly describing the periods of tin mine production and restoration); Exh. C-2.14 (stating that, as of 1941, work at the tin mine was halted in 1929); *see also* Exh. C-3.45 ("Community Chatter," CORONA DAILY INDEPENDENT (Feb. 7, 1928) (stating that "day and night shifts are being operated at the tin mine," just prior to onset of Great Depression)).

⁵² Exh. C-2.16 (describing work done at tin mine to assist war effort); *see also* Exh. C-2.13, pp. 290-291 (describing Cajalco Tin Mine's strategic value).

⁵³ *See Hansen*, 12 Cal.4th at 554-558 (finding that haul roads constitute "surface mining activities," and relying on cases finding that haul roads and access roads must be considered in determining whether a property has been appropriated for mining)

(including advertising that same land for mineral development).⁵⁴

- iii. Adjacent Silica Operations: Adjacent to the western edge of the HH VRA lay the P.J. Weisel (later, the Owens-Illinois) silica sand surface mining operation, which beginning in the early 1920s, established silica sand mining along Temescal Wash, bordering the HH VRA. As production (and pits) expanded, the P.J. Weisel Facility became the single largest producer of glass-grade silica sand in California. In 1945, P.J. Weisel sold the operation to the Owens-Illinois Glass Co., which continued to expand production and facilities on the site, including construction of linkages between the sand silica operation and the HH VRA, as depicted in **Figures B-3.6 and B-4.8, 4.14, and B-4.20**, which show the interaction between the silica sand plant and the HH VRA.

Figure B-3.6 depicts the overall regional mining encompassing the silica sand facilities, connected via the Tin Mine Haul Road through the HH VRA to the tin mine, which provided the sand silica operation with materials (primarily decomposed rock and tin oxides) from the tin mine for use in manufacturing silica glass products (particularly during World War II), *and* allowed the Weisel operation access to haul roads accessing the ATSF Railroad, thereby increasing the output of silica sand to market.⁵⁵

- d. **A Network of Mining Haul Roads Through the HH VRA Connected the Temescal Mining District as a Regional Mining Resources**
 - i. The network of private mining haul roads in the Temescal Mining District, including multiple haul roads across the HH VRA, identified in **Figures B-3.7 and 3.8**, provided access to the Corona-Elsinore Highway, as well as the ATSF Railroad, thus allowing the mining operations to supply

⁵⁴ Exh. C-3.18 (describing the agreement, and multiple mining operations anticipated throughout the property and stating Genereux “had spent half a day in the [Temescal] mineral district and stated ... he was able to trace the tin ore outcroppings” for five miles).

⁵⁵ The development of these facilities is discussed in detail in **Section V.D.2, *infra***.

both (1) local manufacturing operations along the Temescal Wash (on the western edge of the HH VRA]), such as the P.J. Weisel, Liston Brick Co., and Gladding, McBean and Company (“**Gladding**”) ceramics plants, and (2) export throughout southern California. These haul roads helped establish the HH VRA and the adjacent operations as a central mining area, one that Peacock, and later Harlow, would utilize to develop the HH VRA into a singular mining property.

E. The Historical Evidence Supports Findings of Vested Rights Across the Entire 792-Acre HH VRA

Based on the cumulated evidence above, and applying the legal standards discussed in Section II, *infra*, there is a preponderance of evidence to support the following conclusions and findings:

1. Prior to vesting in 1949, there were 24 documented distinct mining sites, and numerous mine haul roads throughout the HH VRA, for a total of at least 39 distinct surface mining activities that occurred within the HH VRA, as depicted in **Figure B-3.3**.⁵⁶ The activities included surface mining activities associated with tin mining, clay mining, and rock, sand, and gravel mining.
2. There were also dozens of pre-1925 regional surface mining operations that originated from the Sobrante owners' broader, regional mining development, as depicted in **Figure B-3.6**.
3. Following vesting and up to enactment of SMARA in 1976, an additional 23 mine sites were documented within the HH VRA, none of which had permits otherwise required after 1949, including surface mining activities associated with rock, sand, and gravel, as well as clay, mining, as depicted in **Figure B-3.8**.⁵⁷
4. Overall, almost two-thirds of the entire HH VRA has already been disturbed or impacted by mine operations or support activities (haul roads, etc.) Approximately 486 acres (61.3%) of the 792.22 acre HH VRA

⁵⁶ Declaration of Sage Thurmond ¶ 7.

⁵⁷ *Id.*

has been disturbed by surface mining operations and ancillary surface mining activities.⁵⁸

5. The extensive geographic scope of the surface mining activities, both before and after vesting in 1949, demonstrate an objective manifestation of intent to mine the entire 792.22 acres.
6. Beyond the actual surface mining activities across the majority of the HH VRA at one time or another, there is extensive evidence of an intent that the entire HH VRA was fully appropriated for mining activities, based on (i) its location within the Temescal Mining District overlying known mineral reserves (particularly of porphyry rock), (ii) Peacock's reservation of all minerals starting in 1925; (iii) the evaluation of mineral reserves through the property as early as 1938, and (iv) efforts of RRM's predecessors to accurately map the full extent of mineral property across the entire HH VRA, including Harlow's 1948 ROS.

Thus, under all applicable legal standards, there are vested rights to mine the entire 792.22 acres of the HH VRA.

III. LEGAL REQUIREMENTS TO ESTABLISH VESTED RIGHTS

This Section details the legal principles that underlay RRM's Request for Determination. The County's evaluation of the facts and substantive issues underlying RRM's Request is governed by constitutional principles, as implemented and interpreted by SMARA (including Section 2776), and several key cases. The County's Ordinance 555.20 incorporates the principles of SMARA Section 2776, and also sets forth the process to consider RRM's RFD.

A. Constitutional Principles Protect Vested Rights

The vested rights doctrine is based in constitutional principles, namely, the recognition of a constitutionally-protected real property right as applied to existing or established uses of land.⁵⁹ This protection typically requires a zoning ordinance or other land-use regulation to operate *prospectively*. In contrast, a zoning ordinance or other land-use regulation that operates *retrospectively* may impinge on constitutional rights by

⁵⁸ Exh. D-2.

⁵⁹ See U.S. Constitution, 5th Amend.

“effect[ing] an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made . . . may be invalid as applied to that property unless compensation is paid.”⁶⁰

This principle causes virtually all state and local zoning ordinances to be drafted and operate *only* in a prospective manner, and utilize “grandfathering” provisions that exempt lawful, pre-existing uses from late-enacted restrictive zoning ordinances, in order to avoid the potential to effectuate a “taking.” Furthermore, where there is any ambiguity as to whether a zoning ordinance exempts pre-existing uses, courts will adopt any reasonable interpretation of such ordinance in favor of such an exemption to avoid a “taking.”⁶¹

B. A Constitutionally-Protected Vested Right Is Established When An Ordinance is Enacted Restricting a Lawful, Pre-existing Use

As a matter of law, a vested right is the right to continue an established, nonconforming use upon the enactment of a statute or regulation that would otherwise render that use impermissible:

“[a] nonconforming use is a lawful use existing on the effective date of a new zoning restriction and continuing since that time in nonconformance to the new restriction . . . As such, it constitutes an automatic exemption from the terms of a comprehensive zoning ordinances and does not have to be applied for.”⁶²

This is true even where an ordinance requires a permit, rather than an outright ban on the use. Moreover California courts have repeatedly held that principles of estoppel protect vested rights.⁶³ Estoppel is an equitable or “fairness” principle that bars a party from making an allegation or a denial that contradicts what it previously stated as the truth, where another party has relied on that prior statement. In the context of land use regulation, estoppel may be asserted against a governmental agency where a party has relied on a representation or promise from the agency to its detriment. Thus, “[t]he

⁶⁰ *Hansen Bros. Enterprises, Inc. v. Board of Supervisors of Nevada County* (1996) 12 Cal.4th 533 (“*Hansen*”), citing *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552, 559.

⁶¹ See, e.g., *Edmunds v. County Los Angeles* (1953) 40 Cal.2d 642, 651.

⁶² Longtin, *California Land Use*, 2d Ed., § 3.80[4].

⁶³ *McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 339.

foundation of a vested rights doctrine is estoppel which protects a party that detrimentally relies on the promises of government.”⁶⁴

Though RRM does not formally assert estoppel herein as a basis for the County to confirm its vested right, principles of estoppel – essentially equitable or fairness principles – are relevant in the context of the County’s repeated historical determinations and representations relating to RRM’s vested rights. These representations are discussed in **Section III, *infra***. It is important for the County to keep these principles in mind when reviewing the historical record of operations within and adjacent to the HH VRA, as well as the County’s actions relating to RRM’s existing vested rights.

C. California Law, including SMARA Section 2776, Recognizes Vested Rights

In 1975, California enacted the Surface Mining and Reclamation Act of 1975 (“SMARA”),⁶⁵ which took effect on January 1, 1976. SMARA generally requires that a mine operator obtain a permit to conduct surface mining operations, and defines a “permit” as “any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.” Surface mining operations is defined as “any part of the process involved in the mining of minerals on mined lands . . .”⁶⁶

The Legislature specifically recognized the principle of protecting preexisting mining uses when it noted that “[i]t is not the intent of the Legislature by the enactment of [SMARA] to take private property for public use without the payment of just compensation in violation of the Constitutions of the United States and California.”⁶⁷ Accordingly, under Section 2776 of SMARA, mining operations with a vested right are not required to obtain a permit:

No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long

⁶⁴ *Monterey Sand Co. v. California Coastal Comm’n* (1987) 191 Cal.App.3d 169, 177.

⁶⁵ Public Resources Code § 2710 *et seq.*

⁶⁶ Public Resources Code § 2732.5.

⁶⁷ Public Resources Code § 2713.

as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this chapter.⁶⁸

SMARA defines the criteria for a vested right as follow:

A personal shall be deemed to have such vested rights if, prior to January 1, 1976, [they have] in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor.⁶⁹

Based on this, a SMARA-based vested right can be established in one of two ways:

1. By means of surface mining operations conducted as a “conforming” use under local regulation, (*i.e.* a legal use that operated under a valid permit) when SMARA became effective on January 1, 1976; or
2. By means of surface mining operations conducted as a legal “non-conforming” use on or prior to January 1, 1976 (*i.e.*, a legal use that became exempt from the requirement of a permit under a local ordinance enacted prior to SMARA).

As will be discussed throughout this Request for Determination, RRM asserts a vested right primarily under the second category, *i.e.*, based upon a legal, non-conforming use established prior to January 1, 1976.

D. Enactment of a Local Land Use Regulation Requiring a Use Permit May Create an Establishment Date Before January 1, 1976.

The date by which a non-conforming use can be established as a vested right (known as the “**Establishment Date**”) can be prior to 1976 (although never later than 1976), where there is some form of local land use regulation (*i.e.*, a zoning ordinance) requiring a permit to conduct mining operations. Where there is such an ordinance, the Establishment Date for the vested right is the date where the restrictive ordinance is enacted.⁷⁰

California law is clear that even where an ordinance does not specifically identify the criteria necessary to establish vested rights, “[t]he rights of users of property as those

⁶⁸ Public Resources Code § 2776.

⁶⁹ Public Resources Code § 2776

⁷⁰ Longtin, California Land Use, 2d Ed., § 3.80[4].

rights [exist] at the time of the adoption of a zoning ordinance are well recognized and have always been protected.”⁷¹ Thus, the Establishment Date of vested rights can occur before 1976 in those jurisdictions where a permit to mine was required by local regulation. As discussed below, the seminal California Supreme Court case on vested rights in the mining context, *Hansen Bros.*, involved an Establishment Date over 20 years prior to the enactment of SMARA.

E. Key Substantive Factors Affecting the Establishment and Scope of Vested Rights as Articulated by *Hansen Bros. Enterprises, Inc. v. Board of Supervisors of Nevada County and Other Authorities*

In *Hansen Bros.*, the California Supreme Court interpreted both the necessary elements of a vested mining right, as well as the provisions of SMARA Section 2776. The 1996 *Hansen Bros.* decision is the leading California case on the substantive elements of vested surface mining operations and provides the underlying basis for many of the factors for determining both the “establishment” and “scope” of a vested right. A discussion of key principles established in this case is thus instructive in analyzing the factual record in RRM’s RFD.

1. Background

Hansen Brothers owned the Bear’s Elbow Mine, an aggregate business on a 67-acre tract of land. Historically, most of the aggregate were mined from replenishing supplies from a riverbed (because this was the most economical source), but a smaller portion was quarried from a hillside a few hundred feet away. The Hansen Brothers’ production of aggregate had been continuous since 1954, from both the riverbed and the quarry.⁷² During the 50 preceding years, including 8 years before the Hansen Brothers acquired the operation, approximately 209,000 cubic yards had been mined from the quarry out of a total reserve of approximately 5 million cubic yard, an extraction of about 4%.⁷³

In an attempt to comply with SMARA, the Hansen Brothers submitted a reclamation plan for the mine, claiming a vested right to mine and quarry based on the 50 year history of surface mining operations prior to the enactment of SMARA. Nevada County determined that the Hansen Brothers’ vested rights had terminated because of infrequent and sporadic quarrying from the hillside, which it found to be distinct from the mining of aggregate in the riverbed. The County also found that “expanding”

⁷¹ *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651.

⁷² *Hansen*, 12 Cal.4th at 543-546.

⁷³ *Id.* at 546.

mining to the hillside quarry would be an impermissible expansion of whatever vested rights remained.⁷⁴ Although the Superior Court and Court of Appeal did not recognize the Hansen Brothers' vested rights to mine, the Supreme Court disagreed and reversed, holding that vested rights did exist.

2. Key Substantive Issues that Must be Addressed in Assessing a Vested Right

Hansen Bros. covers the following key legal principles:

a. The “Diminishing Asset” Doctrine Determines the Geographic Scope of a Vested Right

The general rule in California is that, a legal, non-conforming use may continue in its current footprint, but may not expand that footprint, following the adoption of a statute or regulation without the need to obtain a permit.⁷⁵

Hansen Bros., however, clarified the application in California of the “diminishing asset” doctrine, as an exception to this general rule with respect to vested rights for mining operations, because mining operations are a consumptive (i.e., diminishing) use, and the expansion of a mining operation to previously unmined lands is necessary in order to continue the business. The “diminishing asset doctrine” acknowledges that an owner cannot mine an entire property at once (whereas a property owner with a building could, in fact, build it all at once), and thus has the right to expand its operation to mine additional areas after the operation becomes non-conforming.⁷⁶

Hansen Bros. also recognized that the diminishing asset doctrine’s “applicable rule” was previously articulated in *McCaslin v. City of Monterey Park*:⁷⁷

The very nature and use of an extractive business contemplates the continuance of such use of the entire parcel of land as a whole, without limitation or restriction to the immediate area excavated at the time the ordinance was passed. A mineral extractive operation is susceptible of use and has value only in the

⁷⁴ *Hansen*, 12 Cal.4th at 547-551.

⁷⁵ See *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651.

⁷⁶ *Hansen*, 12 Cal.4th at 553.

⁷⁷ (1958) 162 Cal.App.2d 339.

place where the resources are found, and once the minerals are extracted it cannot again be used for that purpose.⁷⁸

The *Hansen* Court noted that under *McCaslin* “[a]n *entire tract* [of land] is generally regarded as within the exemption of an existing nonconforming use, **although the entire tract is not so used at the time of the passage or effective date of the zoning law.**”⁷⁹ The *McCaslin* Court properly noted that the entirety of a property (*i.e.*, “tract”) is devoted to mining and thus generally within the scope of a vested right, regardless of whether it was actively mined at the time the operation became a non-conforming use. Indeed, citing a line of prior cases, the *McCaslin* Court noted that “**Quarry property is generally a one use property.** The rock must be quarried at the site where it exists or not at all.”⁸⁰ This language suggests that in considering a vested right in the mining context, the appropriate scale is to consider the entirety of land, *i.e.*, the “quarry property,” to assess the scope of the vested right.

The *Hansen* Court clarified that “[a] vested right to quarry or excavate the entire area of a parcel on which the nonconforming use is recognized requires more than the use of a part of the property for that purpose when the zoning law becomes effective . . . there must be evidence that the owner or operator at the time the use became nonconforming had exhibited an intent to extend the use to the entire property owned at that time.”⁸¹

b. Where "Objective Manifestations of Intent" to Mine Previously Un-Mined Areas of a Parcel or Tract Are Demonstrated, the Entire Parcel or Tract is "Appropriated for Mining"

The *Hansen* Court clarified that application of the “diminishing asset doctrine” thus requires the operator to demonstrate “objective manifestation of intent” to mine a previously un-mined area at the time that the operation became vested:

When a mining or quarrying operation is a lawful nonconforming use, progression of mining or quarrying activity into other areas of the property is not necessarily a prohibited expansion or change of location of the non-conforming use. **When there is objective evidence of the owner’s intent to expand a mining operation,**

⁷⁸ *Id.* at 349 (emphasis added).

⁷⁹ *Hansen*, 12 Cal.4th at 554, citing *McCaslin*, 163 Cal.App.2d at 349 (emphasis added).

⁸⁰ *McCaslin*, 163 Cal.App.2d at 349.

⁸¹ *Hansen*, 12 Cal.4th at 555-56.

and that intent existed at the time of the zoning change, the use may expand into the contemplated area.⁸²

However, the *Hansen* Court also relied on an Illinois case holding that the entirety of the land need not be excavated for the vested right to apply to its entirety”

The right to expand mining or quarrying operations on the property is limited by the extent that the particular material is being excavated when the zoning law became effective. Thus, in *County of Du Page v. Elmurst-Chicago Stone Co., supra*, 165 N.E.2d 310, while the court applied the ‘diminishing asset’ doctrine to a parcel of land from which aggregate was mined, **it described the rule as permitting use of all the land** “which contains the particular asset and which constitutes an integral part of the operation,” (*id.* at p. 313) and held that the owner was using all of its 40-acre tract which contained gravel and aggregate, notwithstanding the fact that the entire tract was not yet under excavation. (*Ibid.*)⁸³

Indeed, under *Hansen* and the cases discussed therein, an objective manifestation of intent to mine previously un-mined lands may also be shown by demonstrating that those lands had been “**appropriated**” to mining or were part of the overall mining operation, *i.e.*, serving ancillary uses, etc.⁸⁴ The *Hansen* Court noted that the “determining factor” in addressing the scope of a vested right under the diminishing asset doctrine is

whether the nature of the initial nonconforming use, in light of the character and adaptability to such use of the entire parcel, manifestly implies that the entire [mine] property was **appropriated** to [mining and quarrying] use prior to the adoption of the restrictive zoning ordinance.⁸⁵

⁸² *Id.* at 553 (emphasis added).

⁸³ *Id.* at 557 (emphasis added).

⁸⁴ *Id.* at 556-558.

⁸⁵ *Id.* at 557, cited *Stephan & Sons v. Municipality of Anchorage* (Alaska 1984) 685 P.2d 98, citing 6 R. Powel, *the Law of Real Property* ¶ 871[3][iii] at 79C-178-179 (Rohan rev. ed. 1979 (emphasis added)).

Thus, the “use” of the property at the time the use became non-conforming is the key inquiry. If the entire property is used for mining and mining related purposes, regardless of whether some areas remain “open space,” the vested right will extend to the entirety of the property, as clarified by the *Hansen* Court:

[i]n determining the use to which the land was being put at the time the use became nonconforming, the overall business operation must be considered. ‘[O]ne entitled to a nonconforming use has a right to . . . engage in uses normally incidental and auxiliary to the nonconforming use Furthermore, open areas in connection with an improvement existing at the time of adoption of zoning regulations are exempt from such regulations as a nonconforming use if such open areas were in use or partially used in connection with the use existing when the regulations were adopted.⁸⁶

An Illinois Supreme Court case discussed by *Hansen* perhaps best summarizes the logic of this approach:

We think that in cases of a diminishing asset the enterprise is ‘using’ all that land which contains the particular asset and which constitutes an integral part of the operation, notwithstanding the fact that a particular portion may not yet be under actual excavation. It is in the very nature of such business that reserve areas be maintained which are left vacant or devoted to incidental uses until they are needed. Obviously, it cannot operate over an entire tract at once.⁸⁷

c. "Objective Manifestations of Intent" to Mine Previously Un-Mined Areas Can Include Incidental or Auxiliary Uses Such as Haul Roads or Other Elements of the Whole Operation

As examples of when non-mined lands were included within the scope of vested rights under the diminishing asset doctrine, the *Hansen* Court surveyed various cases from other jurisdictions regarding what might constitute an “objective manifestation” of

⁸⁶ *Hansen*, 12 Cal.4th 566.

⁸⁷ *Id.* at 555, citing *County of Du Page v. Elmhurst-Chicago Stone Co.* (1960) 18 Ill.2d 479, 165, N.E.2d 310, 313.

intent to mine a previously unmined area. The Court's survey identified several criteria or factors they considered, including whether the un-mined lands were used incidentally or in an auxiliary fashion for surface mining operations.⁸⁸

In *Hansen Bros.*, the court found that mining and related activities may be conducted on all lands previously used in connection with mining operations,⁸⁹ and the court specifically noted that use of the land for haul roads is a mining use that gives rise to a vested right. There is considerable law holding that the existence of haul roads demonstrate that a property was appropriated for mining activities.⁹⁰

Thus, the "diminishing asset" doctrine requires that an operator demonstrate an objective manifestation of intent at the time the operation becomes vested to mine areas that previously were un-mined. An "objective manifestation" may be demonstrated by specific evidence, or where a tract of land has been "appropriated" to mining uses. As detailed in **Section IV**, the HH VRA was entirely "appropriated" to mining uses.

d. A Vested Rights Determination can "Look Back" at the Entire History of Mining at the Site Prior to the Establishment Date to Determine the Scope of Vested Rights

In evaluating the nature and scope of surface mining activities on a tract prior to the Establishment Date, California courts have held that such evaluation is not limited only to the activities occurring at, or immediately before, the Establishment Date. Rather, the evaluation can encompass (or "**look back**" at) the full scope of relevant mining activities that occurred at the site prior to the Establishment Date. In *Hansen Bros.* the court held that the entire, historic operation must be considered in determining the scope of a vested right.⁹¹ Indeed, the *Hansen Bros.* Court made clear that in the surface mining context, the overall pre-SMARA history of surface mining

⁸⁸ *Hansen*, 12 Cal.4th 565-566

⁸⁹ *Id.* at 554-558.

⁹⁰ *County of DuPage v. Elmhurst-Chicago Stone Co.*, *supra*, 18 Ill.2d 470, 164 N.E.2d at 313 (plot of land found to be devoted to excavation based on numerous switch tracks, even though material had not yet been removed from entirety of land); *Syracuse Aggregate Corp. v. Weise* (App. Div. 1961) 51 N.Y.2d 278, 434 N.Y.S2d 150, 414 N.E.2d 651, 655 (service roads throughout the property, coupled with other features, "manifest[ed] an intent to appropriate the entire parcel to the particular business of quarrying"); *Gibbons & Reed Co. v. North Salt Lake City* (1967) 19 Utah 2d 329, 431 P.2d 559 (land was integral part of gravel operation based, in part, on existence of multiple haul roads connecting it with other mining property).

⁹¹ *Hansen*, 12 Cal.4th at 573.

operations (which in other administrative proceedings before the SMGB included activities that occurred more than 70 years prior to SMARA) must be considered in evaluating the vested right, not just a "snapshot" of time at or just prior to 1976. The rule is grounded in the principle that vested rights "run with the land" meaning that successive owners succeed not only to a purchased business, but to the rights and privileges that apply to that business under the vested rights doctrine. Thus the buyer of a property is entitled not just to the seller's vested right, but also to the benefit of the mining history prior to the date the mining use became nonconforming.

The factual history in the *Hansen Bros.* case is instructive. In that case, the Hansen Bros. purchased their mine in 1954 from predecessors who operated it starting in 1946. The Court held that the Hansen Bros. were correct in asserting the relevance to the vested right of the Bear's Elbow Mine, established by their predecessors a decade before they acquired the operations.⁹²

This rule also takes into account that mining economics are cyclical, and from time to time economics can either encourage or discourage mining activities. Thus in other vested rights determination proceedings before the SMGB, it has been held that even if there were no mining or processing activities on or near the Establishment Date, all surface mining activities conducted prior to that time are relevant to assessing the scope of what was vested in 1948. Accordingly, in RRM's case, all of the activities at the HH VRA from the 1880s through December 31, 1948 would be relevant to assessing the scope of vested rights established in 1948.

Another case, *Paramount Rock Company, Inc. v. County of San Diego* (1960) 180 Cal.App.2d 217 ("*Paramount*") addressed the required "look back," based on the types of historic operations encompassed by a vested right.⁹³ In the context of *Hansen Bros.*, a vested right includes evaluating all uses and activities that had occurred on site before the Establishment Date.⁹⁴

e. The Overall Business Operation Must be Considered When Assessing the Scope of Mining Activities Encompassed by a Vested Right

In determining that the Hansen Brothers' vested right included the right to conduct both riverbed mining for sand and gravel, and hillside rock quarrying, the *Hansen* Court stated directly that the overall business itself must be considered, and that all

⁹² Hansen, 12 Cal.4th at 561.

⁹³ *Paramount Rock*, 180 Cal.App.2d at 217.

⁹⁴ *Id.*

“ancillary” and “auxiliary” uses falling within that overall business are included within the scope of the vested right:

In determining the use to which the land was being put at the time the use became non-conforming, the overall business operation must be considered. “[O]ne entitled to a nonconforming use has a right to . . . engage in uses normally incidental and auxiliary to the nonconforming use but, **one who engages in a nonconforming use has the right to engage in uses normally incidental and auxiliary to the nonconforming use.**”⁹⁵

Based on the principle, the *Hansen Brothers'* Court ruled that it was error by the Planning Commission to treat one form of mining activity (*i.e.*, a stream bed surface mining operation) as *separate* from another form of mining activity (*i.e.*, surface mining operations in a hard rock quarry), even though, as the Court plainly noted, “[t]he mining and quarrying methods also differ.”⁹⁶ Instead, the Supreme Court stated that the “nonconforming use of the property has always been the operation of an aggregate production business, of which mining for the components is an aspect.”⁹⁷ The Supreme Court went on to conclude that the “mining uses of the Hansen Brothers’ property are incidental aspects of the aggregate production business.”⁹⁸

Extending this logic, the Court clarified that a vested right includes the right to all the uses to which the land was being put at the time the use became nonconforming.⁹⁹ The Court stated:

We have found no authority for refusing to recognize a vested right to continue a component of a business that itself has a vested right to continue using the land on which it is located for operation of the business. An aggregate business does not differ from other land uses simply because mining for some or all of the materials that comprise aggregate is a component of the business. Unless an independent aspect of the business has been discontinued, the use may not be broken down into component

⁹⁵ *Hansen*, 12 Cal.4th at 565 (emphasis added).

⁹⁶ *Id.* at 567.

⁹⁷ *Id.* at 565.

⁹⁸ *Id.* at 566.

⁹⁹ *Id.* at 565-566.

parts and vested rights for less than the entire business operation.¹⁰⁰

The Court thus clearly established that a vested right in the surface mining context includes all activities that were part of the business operation prior to it becoming a non-conforming use. The Court held that:

We also conclude that the nonconforming use which Hansen Brothers may claim a right to continue is the **aggregate production business** that was being operated on the property its predecessors owned in 1954 when the Nevada County zoning ordinance was adopted. That business, and the nonconforming use, include all aspects of the operation that were integral parts of the business at that time, including mining replenishable materials from the riverbed and banks and quarrying rock from the hillside; crushing, combining, and storing the mined materials which compose aggregate; and selling or trucking the aggregate from the property.¹⁰¹

The *Hansen Bros.* Court clarified that a vested aggregate operation will include, as a matter of right, all ancillary aspects of the business conducted as of the time it become a nonconforming use, including (1) mining, (2) processing, (3) stockpiling/storing, (4) trucking, and (5) selling. As discussed in **Section III.C.** below, the prior County determinations of vested rights relating to the S-4 VRA, in the S-1, S-2, and S-4 approvals, confirm the scope of vested mining operations, which RRM requests be extend to the entire HH VRA.

f. A Vested Mining Operation Must Not Undergo a “Substantial Change”

Section 2776 of SMARA allows a vested mining operation to continue without a permit “as long as no substantial changes are made in the operation.” “Substantial change” is not defined or addressed in the statute or the implementing regulations. However, *Hansen* does provide guidance on the issue.

In assessing the vested right of the Hansen Brothers, the Court addressed whether the “proposal for future quarrying would be an impermissible intensification of its

¹⁰⁰ *Hansen*, 12 Cal.4th at 566.

¹⁰¹ *Id.* at 543 (emphasis added).

nonconforming use.”¹⁰² It is clear from the Court’s discussion that determining whether a mining operation has undergone “impermissible intensification” is really an assessment of whether the operation has undergone a “substantial change,” in a manner that would exceed the scope of its vested right. The *Hansen* Court, after reviewing a variety of cases, set forth two factors that may be assessed:

1. Does the operation involve a substantially new use, which exceeds the scope of the original vested right?
2. Has the operation intensified, *i.e.*, increased its volume of production such that the “character or purpose” of the vested right has been changed?

As discussed in **Section VI**, this RFD seeks only to confirm the application of the existing vested right for the S-4 VRA, recognized and confirmed no less than five previous times by the County, to the entire 792.22 acres of the HH VRA. This RFD does not request the County to (1) make a new determination regarding the scope of use; (2); to change the previously made determinations relating to the current scope of use of the existing vested rights; or (3) authorize a change the intensity of the existing vested right.

g. A Vested Right Is Only Abandoned if there is Both an Intent to Abandon and an Overt Act of Abandonment

In *Hansen*, the Supreme Court overruled the Planning Commission’s finding that any use of the property had been discontinued. Discontinuance – in the sense of abandonment – requires both an intent to abandon, *as well as* an overt act or failure to act which demonstrates that the owner no longer wishes to continue the nonconforming use. This principle manifests in two primary ways regarding mining operations: (i) all (or portions) of a mining operation may cease for a period of time; and (ii) acts, such as obtaining a permit, do not waive or abandon a vested right unless there is an overt act and intent.

i. The Entirety (or Portions) of a Mining Operation May Cease Without Abandoning or Waiving Existing Vested Rights

With respect to mining operations, it is recognized that there may be periods of inactivity within an mining operation. Such inactivity may affect either the entirety of an operation, or portions of an operation, based on factors such as market conditions, or the existence of adequate existing stockpiles to meet needs until such stockpiles are

¹⁰² *Id.* at 571.

depleted. Thus, it is clear that land subject to a vested right for surface mining may undergo periods of inactivity, even long periods, without impacting the validity of the vested rights. .¹⁰³

For example, in *Hansen*, the Court determined that because the riverbed gravel mining operation and the hillside rock quarrying operation were merely different aspects of an integrated “single use,” the cessation of use in one aspect did not cause an abandonment of either aspect of the business. The California Supreme Court agreed that the quarry operations had been discontinued, but stated that the overall business operation must be considered as a whole. The Court noted that prior to the enactment of the ordinance which made the use nonconforming, rock was taken from the hillside to produce aggregate, along with sand and gravel from the riverbed. Thus, the Court viewed the operations as interdependent. “Unless an independent aspect of the business has been discontinued, the use may not be broken down into component parts and vested rights recognized for less than the entire business operation.”¹⁰⁴ The *Hansen* Court viewed the non-conforming use as the production of sale and aggregate.¹⁰⁵ Importantly, the Court held that because aggregate mining and sale is seasonal and depends on a fluctuating market, sales from existing stockpiles can be sufficient to sustain a vested right in the absence of active mining.¹⁰⁶

The ruling in *Hansen* demonstrates both that whole of an operation must be considered when evaluating vested rights, and the dormancy of a portion of the operation does not waive or demonstrate an intent to abandon vested rights, as well as the reality that market conditions may cause a mine to cease operations for a period of time but that such a cessation does not waive or demonstrate an intent to abandon vested rights.

ii. Obtaining a Use Permit Does Not Affect a Vested Right

Additionally, the law holds that a vested right is not waived by a subsequently-acquired permit.¹⁰⁷ In fact, the law indicates that when a party with a vested right obtains a CUP after establishing a vested right, that CUP becomes “inextricably intertwined” with the vested right and the party’s vested right may be expanded to include the CUP within its scope. In fact, waiver or abandonment of a vested right can only occur if the vested right is known. Simply put, it is impossible to abandon or

¹⁰³ *Hansen*, 12 Cal.4th at 568-71.

¹⁰⁴ *Id.* at 566.

¹⁰⁵ *Id.* at 569.

¹⁰⁶ *Id.* at 571, n. 30.

¹⁰⁷ (1987) 196 Cal.App.3d at 47, 49-50.

waive a vested right if there is no awareness of a vested right, even if a party has sought or obtained a use permit.¹⁰⁸

Here, the County has already determined that two use permits (M-404 in 1959 and CU-1146 in 1971), did not impact RRM's vested rights, as discussed below. Because this RFD seeks only to confirm that RRM's existing vested rights encompass the entire 792.22-acre HH VRA, there is no issue relating to the previously issued permits.

h. Vested Rights Are Property Rights that "Run With the Land"

In *Hansen*, the California Supreme Court affirmed unequivocally that a vested right to mine is a property right this is attached to and "runs" with the land, and thus is transferred to another party that acquires interests in that land. "Transfer of title does not affect the right to continue a lawful nonconforming use which runs with the land."¹⁰⁹ As a clear matter of law, a vested right is freely transferrable without affecting the underlying right. This principle aligns with the Constitutional protections afforded to vested rights as fundamental property interests, as discussed above.

Moreover, as a policy matter, promoting the transferability of vested rights is particularly appropriate because SMARA has a strong policy to encourage "the production and conservation of minerals ...".¹¹⁰ If vested rights somehow, could not be freely transferred, established mining operations would be bound to the original owner, lest they lose their vested rights upon sale or transfer.

i. The Establishment and Scope of Vested Rights May be Based on the Activities of Contractors and Lessees

The law is clear that a vested right may be established, and its scope defined, based on the activities of a lessee or contractor. In *McCaslin v. City of Monterey Park*, the appellate court determined that a vested right for the mining of decomposed granite had been established based in part on the mining activities of lessees prior to the enactment of the restrictive ordinance.¹¹¹ In *Hansen*, moreover, the Court focused on the overall business operation prior to vesting to assess what activities fell within the scope of the vested right. The Court stated, "[i]n determining the use to which the land was being put at the time the use became nonconforming, the overall business operation must be

¹⁰⁸ *Bickel v. City of Piedmont* (1997) 16 Cal. 4th 1040, 1053.

¹⁰⁹ *Id.* at 593, n. 1, citing *City of Los Angeles v. Gage* (1954) 127 Cal.App.2d 442.

¹¹⁰ Public Resources Code § 2712.

¹¹¹ 163 Cal.App.2d at 342.

considered.”¹¹² Thus, where a mining business utilizes contractors and lessees as part of its operation prior to vesting, the activities of those contractors and lessees properly form part of the basis of the vested right.

F. Procedural Due Process Requirements to Establish a Vested Right

In October 2000, William Calvert and the Yuba Goldfields Access Coalition filed a lawsuit in Sacramento Superior Court, *Calvert v. County of Yuba*, Sacramento Superior Court Case No. 00-CS-01434, challenging Yuba County’s vested rights determinations for six mining operators, which had been confirmed by Yuba County in May 2000. In that lawsuit, the Superior Court found that due process required the County to hold a public hearing when determining due process.

In 2006, the Third District Court of Appeal concluded that the determination of vested rights to conduct surface mining operations in a “diminishing asset” context presented an adjudicative determination that implicates the potential for significant or substantial deprivations of property, thus triggering procedural due process protections: “We conclude that the government determination of ... vested rights claim[s] implicates property deprivations significant or substantial enough to trigger procedural due process protections for landowners . . . adjacent to [the] proposed vested rights mining operation.”¹¹³ In reaching this conclusion, the *Calvert* court echoed the core precepts set forth in *Hansen*, including that the diminishing asset doctrine allows a mining operation to expand across a property where an objective manifestation of intent to do so is demonstrated.¹¹⁴

This legal requirement that a public hearing must be conducted for vested rights determinations in a diminishing asset context, has informed the procedures established by the County’s vested rights regulations under Ordinance 555-20.

G. Vested Rights Under the Riverside County Code

In 2019, the County passed Ordinance 555.20 (“**Vested Rights Regulations**”), which establishes a framework to obtain a vested rights determination. Under the Vested Rights Regulations, a claimant must provide a written application with sufficient “information pertinent to establishing the existence and scope of the Vested Right.”¹¹⁵

¹¹² *Hansen*, 12 Cal.4th at 565.

¹¹³ . *Calvert*, 145 Cal.App.4th at 629.

¹¹⁴ *Calvert*, 145 Cal.App.4th at 623-24.

¹¹⁵ Ordinance 555-20, § 17

This regulation echoes the case law discussed above and requires a claimant to submit relevant information sufficient to establish the geographic scope of a vested right.

H. Factors RRM Must Establish in Support of Its Vested Right

Based on the forgoing, RRM must demonstrate the following in support of this Request

(1) That RRM's **established** vested right to conduct various surface mining operations, as previously confirmed and recognized by the County when it approved CUP 1146, and S-1, S-2, and S-4 encompasses *not just* the 132-acre S-4 VRA, but the entire 792.22-acre HH VRA.

(2) That the scope of vested rights on the 792.22-acre HH VRA is based on:

- a. Evidence of "diligently commenced" surface mining operations within and utilizing the HH VRA, begun prior to the Establishment Date (January 1, 1949);
- b. Evidence of an "**objective manifestation of intent**" to mine areas of the HH VRA that were not previously mined, when the operation became a legal, non-conforming uses;
- c. Evidence that the un-mined lands were "**appropriated**" to mining, and thus the entire portion of the HH VRA where vested rights are claimed could be mined, *i.e.*, a showing that the nature of the initial nonconforming mining use, in light of the character and adaptability of that use to the entire property, implies that the entire property was appropriate to mining; and
- d. Evidence that the "**overall nature of the mining operations**" within the HH VRA demonstrates that the entire geographic scope of the HH VRA was part of a vested mining operation. Note, that in assessing the entire mining operation, it may not be broken down into component or distinct parts.

IV. THE HISTORY OF COUNTY DECISIONS CONFIRMING THE EXISTENCE OF RRM'S VESTED RIGHTS

Prior to the 1949 Establishment Date for vested mining rights in the County (*i.e.*, the date before which surface mining could be conducted in the County absent the need for a use permit and after which a use permit was required for surface mining), the HH VRA was the site for numerous surface mining activities. The scope of these activities,

summarized in **Sections I.D and I.G, supra**, and **Section III.A, infra**, and described in detail in **Sections IV.B and IV.C, infra**, formed the basis for the County's multiple prior recognitions of RRM's vested rights and will ultimately factor into the determination of the full scope of the vested right that was established in 1949.

Following the Establishment Date, the County recognized the existence of RRM's vested rights when it undertook various actions and approvals related to the HH VRA, as described in **Sections III.C et seq., infra**.

A. Context: Multiple Mining Operations Occurred on the HH VRA Prior to the 1949 Establishment Date .

Prior to the 1949 Establishment, RRM's predecessors-in-interest mined (or allowed to be mined) the HH VRA. Distinct surface mining activities and operations included: (i) quarrying operations to supply track ballast and other material to the ATSF railroad, (ii) quarrying operations by the Pantages Construction Co. to supply high-quality blarney stone to multiple public works projects; (iii) borrow pits for rock, sand, and gravel to aid construction of the public Cajalco Road; and (iv) exploration for exploitable strategic metals (primarily tin and aluminum). A full list of surface mining activities within the boundaries of the HH VRA are summarized in **Table 6**, located in **Section VI, infra**.

In addition the above, the HH VRA was also integral to broader, regional mining development. Mining began with sporadic and opportunistic hand-mining operations as early as 1853 – with the discovery of tin around Cajalco Hill, immediately northeast of the HH VRA and identified in **Figure B-3.4**. Concentrated mineral development in the region began in earnest after 1888, as Sobrante owners began developing mining operations within the mineral-rich Temescal Mining District, including (1) the first commercial tin production in the United States; (2) multiple stone and aggregate quarry operations that provided the raw materials to pave the streets of Los Angeles and constructed multiple dams to supply water to the region; (3) southern California's primary silica and sand producers; and (4) multiple ceramics and brick manufacturers. These extensive developments (also summarized in **Table 6, infra**) took place for over 60 years throughout and utilizing the HH VRA, prior to the 1949 Establishment Date when the County enacted Ordinance No. 348 (as discussed in **subsection B**, immediately below).¹¹⁶ The above enumerated "pre-vesting" surface mining activities

¹¹⁶ Prior to May 9, 1893, the HH VRA was located in San Bernardino County. On May 9, 1893, Riverside County was created assumed jurisdiction of the HH VRA.

thus constitute the baseline scope of activities to appropriately factor into the evaluation of the geographic scope of vested rights within the HH VRA.

B. 1949 Enactment of Ordinance No. 348, the First County Ordinance Requiring Land Use Permits for Mining Operations, and Modifications Thereto through the Present.

In 1949, County enacted the first comprehensive land use regulation requiring County-approvals to conduct mining operations. Ordinance No. 348 was enacted at the first “official land use plan for ... the County of Riverside” and rezoned the county. Specifically, Ordinance No. 348 zoned “[a]ll unincorporated territory of the County which is not included under the terms of th[e] ordinance ... as M-3 Zone,” including the HH VRA. as depicted in **Figure B-5.2**. As a M-3 Zone, Ordinance No. 348 required a “permit” for mining activities, including (1) commercial borrow pits; rock crushers or quarries; and rock, sand, or gravel pits. Thus, from 1949 onwards, the surface mining operations within the HH VRA existed as a legal, non-conforming use.

Ordinance No. 348 clearly and expressly applied to “new” mining operations, *i.e.*, occurring after the effective date of the ordinance, existing operations were exempt from its requirements. This reading is consistent with the basic legal proposition that ordinances generally will not have retroactive effect, or will otherwise risk a “taking.” The law is well established that “[i]n the absence of clear and unequivocal language manifesting an intention that an ordinance shall have retroactive operation, such operation will not be presumed.”¹¹⁷ In the case of Ordinance 348, there is no “clear and unequivocal language” that directs or even suggests that it should apply to preexisting uses, but rather strong language indicating the opposite.¹¹⁸

Although Ordinance 348 did not identify criteria necessary to establish a vested right under it, the law does not require express recognition of vested rights in an ordinance.¹¹⁹ In this regard, “[t]he rights of users of property as those rights [exist] at the time of the adoption of a zoning ordinance are well recognized and have always been protected.”¹²⁰ In fact, in this context, the prevailing law in California is that a legal, nonconforming use may be continued without obtaining a conditional use permit, even if the new ordinance directs that the non-conforming use is required to

¹¹⁷ *Biscay v. City of Burlingame* (1932) 127 Cal.App. 213, 220.

¹¹⁸ Ord. No. 348, § 18.6.

¹¹⁹ See *Avco Community Developers v. South Coast Regional Comm.*, 17 Cal.3d 785, 791-93 (1976).

¹²⁰ *Hansen*, 12 Cal.

obtain a conditional use permit.¹²¹ Indeed, it is long been settled that “when a sand and gravel pit has been in operation prior to the passage of a zoning ordinance and continuously thereafter, a nonconforming use existed and operation of the pit cannot be enjoined.”¹²²

The County has periodically amended Ordinance No. 348, thereby modifying the zoning of the HH VRA. For example, in 1976, the majority of the site was zoned as W-2, “Controlled Development Area,” which also required either a vested right or a conditional use permit to conduct surface mining activities, as depicted in **Figure B-5.3**. Currently, the HH-VRA is zoned as a combination of (i) mineral resources (M-R); (ii) mineral resources and related manufacturing (M-R-A-); (iii) natural asset (N-A), as depicted in **Figure B-5.4**. Like prior zoning designations, the present day zoning requires either a vested right or a conditional use permit to conduct surface mining activities.

Thus, at the time Ordinance 348 was enacted, Leilamae Harlow established a vested right to continue mining operations within the entire 792.22 acres of the HH VRA, a property that was fully appropriated for mining purposes for decades prior to the vesting date. Once established, these vested mining rights perpetuated and allowed surface mining activities to continue within the HH VRA.

C. M-404 (1959)

In 1959, Livingston Rock and Gravel Co. (“**Livingston**”), one of the entities conducting surface mining activities within the HH VRA while the property was under Harlow’s ownership, applied for and obtained permit M-3, No. 404 (“**M-404**”), authorizing the operation and maintenance of a rock crusher on the property.¹²³ Notwithstanding the issuance of the M-404 permit (which further demonstrated the intent to continue surface mining activities within the HH VRA), significant surface mining continued outside the M-404 permit boundaries at that time.¹²⁴

While the M-404 Permit, unlike later County Approvals, is not an explicit confirmation of the scope vested rights within the HH VRA, the continued activities of operators within the HH VRA, outside of the M-404 permit boundaries, demonstrates that the

¹²¹ Longtin, *California Land Use* § 3.80[4] (2d ed. 1994), citing *McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 339, see also *Bauer v. City of San Diego* (1999) 75 Cal.App.4th 1281.

¹²² *McCaslin*, 163 Cal.App.2d at 357.

¹²³ Exh. C-1.1.

¹²⁴ *Id.*; see also **Figure B-3.8**.

HH VRA owners were exercising a vested right contemporaneous with the M-404 permit.

D. CU-1146 (1970)

In 1970, Hubbs Construction, a former junior partner in the previous site operators Corona Quarries, Inc. applied for and obtained a conditional use permit to operate a rock crushing and asphalt plant (“**CU-1146**”).¹²⁵ As the County has previously determined in confirming the vested right for the S-4 area, CU-1146 does not contain any language indicating that the permit was intended to authorize surface mining or other excavation activities – it was solely related to the construction and operation of the crushing and asphalt plan.¹²⁶ Furthermore, neither the permit application nor the permit approval contains any language or other information that indicates the permit would affect the existing vested rights (*e.g.*, no statements or conditions limiting mining operations and no expiration date providing for the termination of operations).¹²⁷

Importantly, although CU-1146 was not a mining permit (*i.e.*, it did not authorize surface mining activities) CU-1146 included a site plan, that identified a large area of current or active mining, , much larger in fact than the active mining area identified in the M-404 site plan. The expanded scope in active mining area between 1959 and 1970, *without* any permit authorizing surface mining by the County, is consistent with the exercise of a vested right to continue surface mining operations.

E. RP-118 (1982)

In 1976, the California Legislature enacted SMARA, which required all surface mining operations have both (i) an entitlement to conduct mining activities (permit or vested right) and (ii) a reclamation plan with associated financial assurances.¹²⁸ Hubbs and Hubbs Construction had a vested right to mine the site, satisfying the first SMARA requirement, and obtained a reclamation plan in 1982 (“**RP 118**”) to satisfy the second. RP 118 expressly recognizes portions of the HH VRA vested right within the context of the overall mining development in the Temescal Mining District, stating

“The Mining operations being evaluated in this report have been in operation since at least the mid 1950’s. The whole region along Temescal

¹²⁵ Exh. C-1.2 (CU-1146, May 13, 1970)

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Public Resources Code § 27770(a)

Creek has been mined for nonmetallic mineral commodities since the turn of the century. These Commodities include sand and gravel, clay and rock . . ." (emphasis added).¹²⁹

Although the authors of RP 118 did not identify 1949 as the Establishment Date (but instead relied on 1976, the year SMARA was enacted), RP 118 nevertheless specifically references the existence of a vested right:

"Based on existing rules and regulations, the operators have a vested right of operations since 1976."¹³⁰

RP 118 goes on to state that, as currently configured, the active mining area had a "projected operational lifetime" of approximately 20 years, but that "the rock resource adjacent to the quarry could extend the operational lifetime of the quarry. . .".¹³¹ RP 118 requires reclamation of the entire mined area because "areas mined prior to 1976 are integrally tied to current operations."¹³²

RP 118 and the language therein (i) provides confirmation regarding the existence of a vested right in a County approved-and-issued document and (ii) contains no reference to the scope of land vested beyond the boundaries of the reclamation plan, consistent with the custom and practice to limit the boundaries of the reclamation plan to the areas currently mined, or contemplated for mining within the near future.¹³³ RP 118, like M-404 and CU-1146, explicitly recognizes the vested rights existing on the S-4 VRA portion of the HH VRA and implicitly acknowledges that the property subject to a vested rights goes beyond the boundaries of both the existing quarry *and* the reclamation plan, by acknowledging that mining expansion outside of the quarry boundaries would require only that "the mining plan [part of RP 118] ... be amended" and *not* requiring that any expansion be subject to additional permitting.

¹²⁹ Exh. C-1.3 at p. 1.

¹³⁰ Exh. C-1.3 at p. 4.

¹³¹ Exh. C-1.3 at pp 1, 4.

¹³² *Id.*

¹³³ See, e.g., Ordinance 555.20, Section 17.C: ""This Reclamation Plan may cover some or all of the areas to which that Vested Right applies, but, at a minimum, it must cover: all of the area to which a Vested Right has been found to apply on which active mining operations have been conducted after January 1, 1976, as well as the entirety of any area to which a Vested Right has been found to apply that is planned or reasonably anticipated to contain surface mining operations in the near future."

This acknowledgement, particularly in the context of potential future quarry expansion, indicates that the County understood that the HH VRA site, beyond the quarry boundaries, would be able to operate under a vested right.

F. The HH VRA Continued to be Developed as a Mining Property by Hubbs and Related Corporate Entities (1983-2012)

On or around December 20, 1983, Hubbs conveyed the portion of the HH VRA property located east and north of the Hubbs Harlow Quarry to Brion Corporation.¹³⁴ From 1983 until 2004, Brion Corporation, and a series of related entities (collectively, “BKS”) owned the property.¹³⁵ In 2004, BKS conveyed the Brion Parcel to Cajalco Associates; who in turn conveyed the property in 2007 to Corona Twin Creeks, LLC.¹³⁶ Corona Twin Creeks, an affiliate of RRM, spent considerable time and effort to develop a phased mining plan for the property.¹³⁷ Those development plans were put on hold following the 2008 financial crash, and Corona Twin Creeks, LLC merged with the Corona Cajalco Road Development LP (“CCRD”), the current owners, on or around September 17, 2009.¹³⁸ CCRD, in conjunction with its affiliate Cajalco Road Quarry (“CRQ”) lease the HH VRA to RRM.¹³⁹

During this same period, Hubbs retained the then-active Hubbs Harlow Quarry (the “Hubbs Parcel”), operating pursuant to a County-confirmed vested right and the County-approved RP 118.¹⁴⁰ Hubbs owned the parcel until 2006, at which point he conveyed (likely for reasons described in section IV.G, *infra*,) the Hubbs Parcel to Temescal Cliffs, LLC.¹⁴¹ Temescal Cliffs, LLC sought to develop the site; however, the company promptly failed and entered bankruptcy, during which time CRQ purchased the Hubbs Parcel in 2011.¹⁴² Following CRQ’s purchase of the Hubbs Parcel, it lease, in

¹³⁴ See Exh. A-23. The full ownership succession is discussed in **Appendix A**.

¹³⁵ Exh. A-24, A-25, A-26.

¹³⁶ Exh. A-27, A-28.

¹³⁷ Exh. A-34, Declaration of Christine Goeyvaerts, ¶¶ 3-7.

¹³⁸ Exh. A-32.

¹³⁹ Exh. A-33

¹⁴⁰ Note that some of the area then being an active mining area as a result fell under ownership and control of Brion instead of Hubbs which may be due to an error in plotting the separation boundaries, possibly because of the exceptionally complicated legal description.

¹⁴¹ Exh. A-31.

¹⁴² Exh. A-32; *see also* Exh. A-34, Declaration of Christine Goeyvaerts ¶ 3-7,

conjunction with its affiliate CCRD, the entire HH VRA to RRM.¹⁴³ Thus, from 2011, CCRD and CRQ worked diligently to continue developing of the HH VRA's reserves, as a single, dedicated mining property owned and controlled by RRM.

G. The Hubbs Lawsuit and Settlement (2003-2004)

In 2003, the County filed a lawsuit against Hubbs alleging violations of RP 118, SMARA, and County land use regulation. The parties reached a settlement in 2004 and stipulated to resolve the County's allegations.¹⁴⁴ The 2004 Settlement required certain actions to remediate the site, but also expressly reflected Hubbs' intent to continue surface mining operations at the site. Thereafter, the court entered an order accepting the settlement terms as the order of the court, to resolve the allegations in the Hubbs lawsuit and address then-current hazardous conditions at the site resulting from surface mining operations of that prior operator.

Prior to compliance with that settlement, Hubbs sold the Cajalco Property to Temescal Cliffs LLC. Shortly after the sale, Temescal Cliffs LLC entered into bankruptcy.¹⁴⁵ The property was thereafter acquired by RRM in October 2011.¹⁴⁶

H. First Amended Judgment and Rec Plan Amendment RCL118-S1 (2013)

Following RRM acquisition of the Cajalco Property in 2011, RRM and the County began discussions regarding appropriate remediation of the mining areas within the S-4 VRA to eliminate significant threats to public health and safety, including unstable slopes and unstable sheer vertical faces.¹⁴⁷ These discussions yielded an amendment to the 2004 settlement, later adopted by the Superior Court as the Amendment to Stipulated Settlement Agreement and Judgment Thereon ("**First Amended Judgment**"), which required RRM to submit a revised reclamation plan known as RCL 118S1 ("**S1**"), revised financial assurances, and conduct surface mining activities within the scope of the approved reclamation plan.¹⁴⁸

The First Amended Judgment specifically determined that "no use permit or other approval is required to conduct such activities within the RCL118S1 boundary ...

¹⁴³ Exh. A-33.

¹⁴⁴ Exh. C-1.7

¹⁴⁵ Exh. A-34, Declaration of Christine Goeyvaerts, ¶¶ 3-7.

¹⁴⁶ Exh. A-32.

¹⁴⁷ Exh. C-1.9 at ¶¶ D-J.

¹⁴⁸ Exh. C-1.9 at ¶ L.

because they are substantially within the scope of historic vested mining operations on the Real Property.”¹⁴⁹

The need for and purpose of S1 was to address the then-immediate and significant threats to health and safety, including unstable slopes and sheer vertical faces over 300 feet in height. In approving S1 in 2013, the County adopted findings regarding the scope of vested rights to conduct surface mining activities at the site, including that “surface mining activities within the Amendment RCL00181S1 are consistent with the existing vested right confirmed in multiple, historical documents.”¹⁵⁰

I. Second Amended Judgment and Rec Plan Amendment RCL 118-S2 (2017)

On July 14, 2016, the County and RRM entered into the Second Amendment to Stipulated Settlement Agreement and Judgment Thereon (“**Second Amended Judgment**”) to further the intent and goals of the 2013 settlement and the First Amended Judgment.¹⁵¹ The Second Amended Judgment was entered as an order of the court on July 26, 2016. To implement the intent and goals of the Second Amended Judgment, RRM submitted, and on February 9, 2017, the County approved RCL118S2 (“**S2**”), which included an adjustment of reclamation plan boundaries.¹⁵²

The purposes of the Second Amended Judgment and S2 were to ensure compliance with S1 and provided for a re-aligned and upgraded access road and changes to mine operation for safety reasons (*e.g.*, reducing trespass, relocating explosive magazine bunkers, and providing appropriate site grading).¹⁵³

The Second Amended Judgment and S2 again included detailed findings confirming the existence of vested rights within the S-4 VRA, established in 1949.¹⁵⁴

Furthermore, the terms of the Second Amended Judgment stated that none of the upgraded or modernized equipment or facilities used by RRM changed the original

¹⁴⁹ Exh. C-1.8 at 4:26-28.

¹⁵⁰ Exh. C-1.4.

¹⁵¹ Exh. C-1.9.

¹⁵² Exh. C-1.9.

¹⁵³ Exh. C-1.9 at ¶¶ R, 1-14.

¹⁵⁴ Exh. C-1.9.

vested mining use, and that many of the modernizations and upgrades increased efficiency and environmental conservation of the surface mining operation.¹⁵⁵

With respect to the scope of operations confirmed under the vested right, S-2 included the following Finding 13:

"In approving RCL No. 118S1, the County specifically referenced or identified various surface mining activities to be undertaken during mining and reclamation, including crushing, screening, trucking, mining, and related activities historically ongoing at the site which further the existing quarry operations, including a processing plant, screens and conveyors. As determined in the 2013 findings supporting RCL No. 118S1, and as concluded by the Superior Court in the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment thereon, and confirmed herein, such surface mining activities are within the scope of the previously-determined vested right. Furthermore, an owner of vested surface mining operations is allowed to "modernize his operations; change, add to, or increase the size of his equipment (though determined to be structures), even though this increases his input and intensifies the use; provided that by such action, he does not change the original protected nonconforming use." [Citations] . . . Accordingly, none of the recently upgraded or modernized equipment or facilities change the original vested mining use, and in fact many of the modernizations and upgrades increase efficiency and environmental conservation of the applicant's surface mining operation."¹⁵⁶

J. Rec Plan Amendment RCL118-S4 (2020)

On November 16, 2020, the County approved RCL 118, Substantial Conformance No. 4 (RLC00118S4) ("S4"), based on the application submitted by RRM in 2019, for a third amendment to RP 118.¹⁵⁷ The purposes of S4 included (1) adjusting final reclamation contours and apply existing reclamation standards to the full scope of the previously-confirmed vested mining areas, within the existing, already approved 132-acre S2 reclamation boundary; (2) incorporating beneficial reclamation of disturbed areas of

¹⁵⁵ Exh. C-1.9.

¹⁵⁶ Exh. C-1.5

¹⁵⁷ Exh. C-1.6

the site not presently required to be reclaimed; (3) achieving full compliance with two prior settlement agreements and First and Second Amended Judgments.¹⁵⁸

As stated by the County in its findings approving S-4:

5. With the approval of RCL No. 118S2 in February 2017, the County approved a fourth mining-related entitlement that confirmed the areas previously recognized as subject to the vested right include at a minimum the areas located within the CUP No. 1146 and RP No. 118 boundaries. . . . Moreover, equipment upgrades or facility changes do not constitute such an expansion or extension, because an owner of vested surface mining operations is allowed to "modernize his operations," as discussed in the RCL No. 118S2 findings.

6. Because surface mining activities within the RCL00118S4 area are consistent with the existing vested right confirmed in multiple, historical documents, the County need not make any further determination of the scope of such vested right prior to approval of Amended RCL00118S4.

7. The applicant has stated that it reserves the right to seek future confirmation of its vested right to mine outside the boundaries of RCL No. 118S4. Should the applicant, in the future, seek to mine outside the boundaries of RCL No. 118S4, it would need to demonstrate the scope of its vested right pursuant to the vested right determination process required by and consistent with the appropriate lead agency surface mining ordinance, such as the County's surface mining ordinance (Ordinance No. 555) . . ."¹⁵⁹

The instant RFD essentially begins where Finding #7 of the County's S-4 approval leaves off. In the parlance of that finding, the "applicant" (RRM) is now "seeking to mine outside the boundaries of RCL No. 111S4" and therefore has compiled the historical information in this RFD in order to "demonstrate the scope of its vested right" pursuant to the County's vested right determination process.

¹⁵⁸ Exh. C-1.6

¹⁵⁹ Exh. C-1.5.

V. THE HISTORY OF MINING OPERATIONS ON AND AROUND THE HH VRA

As discussed in **Section II (Executive Summary)**, *supra*, properly determining the full scope of vested rights within the HH VRA requires an understanding of (1) the geological and historical context of the mineral region in which the HH VRA is located; (2) how the HH VRA fit within the larger regional mining area and operations that developed between the 1880s up through the time of vesting in 1949; and (3) the scope of surface mining activities occurring directly on the HH VRA from its creation as a distinct 800+-acre parcel in 1925.

A. **Historical Context: The HH VRA is Located Within An Area Historically Known for Abundant Mineral Resources Since the Late 1800s**

The HH VRA is located in an area known historically as the “**Temescal Tin District**” or “**Temescal Mining District**,”¹⁶⁰ (an area of long-standing historical mining activity in Riverside County. The Temescal Mining District was located south and southeast of Corona and primarily occupying the Temescal Valley and its eastern hills. Within the Temescal Mining District, the HH VRA was located within the western portion of the historic Sobrante land grant, an enormous land grant covering nearly 11 square miles, including and essentially surrounding the HH VRA to the north, east, and south.¹⁶¹ The regional location of the Temescal Mining District and the HH VRA is shown in **Figure B-5.1**, while details of the Temescal Mining District, Sobrante, and more particularly, the HH VRA, are shown in **Figures B-2.1—2.7, 3.1-3.10, and 5.10**. As discussed in **Section III.A**, it is important to understand how the interrelated nature of the Temescal Mining District with the HH VRA established the scope of the property’s vested rights. As discussed in detail in **Sections IV.B and IV.D**, *infra*, the HH VRA comprised a small portion of the Temescal Mining District, one of the more significant, mineral-rich areas in southern California. The District encompasses a variety of valuable minerals including: precious metals, industrial minerals, clays, stone, gravel, sand, and aggregates, and has, for many decades, served as a regional hub that provided the raw materials that helped fuel southern California’s growth during the twentieth century. The District continues to supply these building materials and remains a critical, regional hub for mineral supplies.

¹⁶⁰ As described in footnote 1 on page 2 of this RFD, the area is referred to as either the “**Temescal Tin District**” or “**Temescal Mining District**.” Tin was what brought interest to the region in the mid-1800s. However, this RFD uses the “**Temescal Mining District**” based on the number of mineral resources actually developed in the region beginning in the late-1800s.

¹⁶¹ Exh. C 2.21.

The HH VRA, as well as other portions of the historic Temescal Mining District, provide no better example of the comprehensive, multi-mineral mining development that defined this area of Riverside County, south and southeast of Corona, through the Establishment Date. The scope of these regional mining operations is displayed in **Figure B-5.7**.

1. **The Temescal Valley Contains a Unique Concentration of Mineral Resources That Gave Rise to the Temescal Mining District, Including the HH VRA**

The Temescal Valley,¹⁶² stretches approximately fifteen miles southeast of Corona and rests along the convergence of several major geologic features, including the Perris Block to the east and the Elsinore clays and Bedford formation to the south and west.¹⁶³ This geologic meeting point results in a concentrated area of mineral diversity, that consequently gave rise to the trove of mineral productivity known as the Temescal Mining District.¹⁶⁴

The Temescal Mining District has four primary mineral bodies that historically supported – and continue to support – surface mining operations:

(i) a ridge of unique igneous rock known as the Temescal dacite-porphry (“**porphyry**”),¹⁶⁵ which gave rise to no less than 4 distinct quarrying operations;¹⁶⁶

(ii) the Temescal quartz monzonite formation, which hosts the tin-bearing, tourmaline veins (“**tourmaline**”),¹⁶⁷ and gave rise to the tin mining operations adjacent to and partially overlapping onto the HH VRA;

¹⁶² Sometimes referred to as “Temeseal” (see Exh. C-2.4)

¹⁶³ Exh. C-2.3; see also Exh. 2.3.1; C.2.6, C-2.11, and C-2.12

¹⁶⁴ Exh. C-2.3; see also Exh. 2.21 (compiling mining engineer reports discussing geology and mineral wealth of the Temescal Mining District).

¹⁶⁵ Porphyry is an igneous rock useful as a stone for building water infrastructure; see also Defined Terms

¹⁶⁶ This rock body has been identified by several different names, including porphyry, Temescal porphyry, and colloquially as “blarney stone,” which lent its name the large quarry within the HH VRA.

¹⁶⁷ Tourmaline is Tin-bearing igneous rock primarily located within Corona quartz monzonite bedrock, correlated with occurrences of tin and tin oxides; see also Defined Terms.

(iii) an overlay of up to 600 feet of clay deposits, including red fire clay and pink mottled clays, which gave rise to the numerous clay mining operations, many of which occurred throughout the HH VRA; and

(iv) more (geologically) recent alluvial deposits of gravel, silica, and sand, which gave rise to the aggregate operations within the S-4 VRA, and many others in the area, as well as the silica sand and glass manufacturing operations located immediately west of the HH VRA.¹⁶⁸

This layered geology has resulted in the proliferation, since the nineteenth century, of multiple mining operations within the Temescal Mining District, including granite, hard rock, aggregate, sand, glass silica, and clay, as well as tin mines.¹⁶⁹

2. Following Resolution in 1888 of a Boundary (and Mineral Rights) Dispute Involving the U.S. Government, Development of the Temescal Mining District’s Mineral Resources Began in Earnest

Dating back to the mid-nineteenth century, the geology of the Temescal Mining District (and its attendant mineral abundance) was well known. In a journal from 1860, William H. Brewer, a member of the field party evaluating California’s mineral resources commissioned by California’s first state geologist Joshia Whitney, described the Temescal Mining District as:

The Temescal hills are range some two thousand feet high, lying east of the Santa Ana Mountains, and are celebrated now as being the locality of fabulous mines and quantities of tin. People are “crazy” about tin ore, every man has from one to fifty claims, while poor devils with ragged clothes and short pipes talk as they smoke of being wealthy owners of one hundred or two hundred claims, each in time to rival Cornwall or Banca. It was to these mines and the formation around that we came here.¹⁷⁰

¹⁶⁸ Exh. C 2.1, at p. 162. (The clay deposits were laid down when Temescal Valley “was an arm of the sea opening northward into the valley of western San Bernardino County and extending southerly to Temecula.”)

¹⁶⁹ Exh. C 2.1 at p. 5.

¹⁷⁰ William Henry Brewer, UP AND DOWN CALIFORNIA: THE JOURNAL OF WILLIAM H. BREWER 1860-1864 (4th Edition, 2003), p. 34

Brewer’s allusion to “mining claims,” indicates that the Temescal Mining District contained at least some public land owned by the United States. However; a significant portion of future mineral development would occur on the privately-held Sobrante estate. Indeed, the nature of the Sobrante (and how to dispose of its mineral resources) was a source of significant friction between the United States and the Sobrante owners, until a dispute over the borders of the Sobrante was resolved.

a. **The History of the Sobrante Mineral Dispute**

The Sobrante was bequeathed to Ms. Maria del Rosario Estudillo de Aguirre by the Mexican government and confirmed by a patent issued by the United States Land Office on October 26, 1867.¹⁷¹ Even before the United States issued that patent, the mineral nature of the Sobrante – and efforts to develop the mineral resources – was known, based on the purchase by a mineral speculator, Major Hancock, of the mineral rights of the Sobrante from Ms. Aguirre.¹⁷² Hancock then sought out Edward Conway an employee of the Surveyor General’s office, to run the proposed mineral business.¹⁷³ In 1864, several years after Hancock approached Conway about developing the Sobrante mineral interests, but before the United States would issue the patent, Conway purchased the entire Sobrante estate (mineral and surface) from Ms. Aguirre.¹⁷⁴

Conway’s involvement with development in the Sobrante prior to the issuance of the patent caused significant controversy – leading to two lawsuits before the Supreme Court of the United States.¹⁷⁵ The second lawsuit – *United States v. San Jacinto Tin Co.* – saw the United States attempt to overturn the patent and obtain ownership for itself of the mineral reserves within the Sobrante (and subsequently develop the same). To accomplish this, the United States alleged that the Sobrante patent had been procured by fraud.¹⁷⁶ The crux of the United States’ argument relied Conway’s – the Sobrante’s owner – previous relationship with the Surveyor General during the original survey of the Sobrante. The United States argued that Conway had an impermissible conflict-of-

¹⁷¹ Exh 4.1, *United States v. San Jacinto Tin Co.* (1888) 125 U.S. 273, 274-275; 287; see also Exh. A-1.

¹⁷² *Id.* at 290.

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 290-291.

¹⁷⁵ The first piece of litigation, *United States v. D’Aguirre*, dealt with the scope of the land grant, resulting in a determination that the Sobrante was the remainder of another land grant. See *U.S. v. D’Aguirre*, 68 U.S. 311 (1863).

¹⁷⁶ Exh. C -4.1 at 290.

interest and unduly enriched himself, because he was able to ensure the Sobrante patent included known mineral rich areas.¹⁷⁷ In 1888, the Supreme Court rejected this argument ruled against the United States, thus awarding the owners of the Sobrante full ownership of the land and mineral rights.¹⁷⁸

b. Resolution of the Sobrante Dispute Spurred Development in the Temescal Mining District

With the dispute over the Sobrante’s mineral development rights –including the HH VRA– resolved, mineral development began in earnest. As early as 1887, just before resolution of the Supreme Court lawsuit, local newspapers touted the “substantial resources” of the Temescal Mining District, including the Sobrante. An article in the South Riverside Bee described South Riverside – later renamed Corona – as a town “which has sprung up as if by magic,” which already had a “a splendid granite quarry,” “an immense lime deposit,” and “superior quality of clays and minerals found” in the surrounding hills, and predicted that many new mineral production and processing companies would soon develop in the area.¹⁷⁹ These mineral developments area – within the HH VRA and the Temescal Mining District generally – are discussed below.

B. Pre-1924: Surface Mining Activities On or Utilizing the HH VRA

Between 1866 and 1924, multiple surface mining operations developed within the boundaries of the Temescal Mining District, including the portion of the Sobrante that included the future HH VRA. These surface mining activities included the Cajalco Tin Mine, multiple stone quarries, and silica-sand exploration activities.

1. Development of the Cajalco Tin Mine and Use of the HH VRA to Support Tin Mining Activities (1853-1923)

The Temescal Mining District was the site of a “tin rush” in the middle of the 19th century. The discovery of tin bearing ore in the Temescal Mining District was the genesis of many mining operations – tin was what brought people to the region.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Exh. C-3.1 (“South Riverside: A Town Which Has Sprung Up as If By Magic,” SOUTH RIVERSIDE BEE (September 24, 1887))

a. **Initial Tin Mining Activities Until 1892**

Between 1853 and when the United States issued the Sobrante patent in October 1867, hundreds of claims were staked and exploration and hand-prospecting occurred throughout the Temescal Mining District.¹⁸⁰ Beginning in 1867, the owners of the Sobrante began to develop a commercial operation at the Cajalco Tin Mine, centered around Cajalco Hill, adjacent to and just to the northeast of HH VRA, as depicted in **Figures B-3.4 and B-4.1**. These initial surface mining activities included surface mining exploration and the excavation of tourmaline (tin-bearing ore) veins located on the surface (as opposed to underground tourmaline veins), construction of test smelting operations, and the dissemination and exposition of tin ore samples, including display at the Mechanics' Institute Fair in San Francisco in 1868 and the Paris Exposition in 1878.¹⁸¹ Despite these initial surface mining activities, the dispute between the Sobrante owners and the U.S. government idled mineral development between 1883 and 1888, during the pendency of the litigation.

Once the lawsuit was resolved, the Sobrante owners resumed mineral development efforts and the Cajalco Tin Mine produced marketable tin for two years, in 1891 and 1892. This tin was excavated primarily from surface-level tourmaline veins, as well as two working shafts that had been sunk 180 feet on an underground vein lode approximately 300 feet long.¹⁸² In addition to ore excavation, ore milling operations were also on-site, as well as additional tin prospecting activities by tunnels and open cuts.¹⁸³

During this period of tin mining, and relevant to the HH VRA, the produced tin was hauled from the mine site (located adjacent and to the northeast of the HH VRA) to Corona via a haul road that ran southwest, through HH VRA, to the Temescal Wash and the Elsinore-Corona Road (located adjacent and to the west of the HH VRA).¹⁸⁴

Work at the Cajalco Tin Mine was idled in 1892 based on the decrease in the price of tin and the overall cost of mining, milling, and transporting ore, entirely by road, from the Cajalco Tin Mine to market.¹⁸⁵ As discussed below, however, tin mining in this area

¹⁸⁰ *The Cajalco Digs: Exploring an Early California Mining Camp*, www.archaeologicalassociates.com/aa3.html (last accessed August 28, 2021)).

¹⁸¹ *Id.*

¹⁸² Exh. C-2.7 at p. 112.

¹⁸³ *Id.*

¹⁸⁴ Exh. C-2.15 at pp. 533-534; *see also* **Figures B-3.4 and B-6.1**.

¹⁸⁵ Exh. C-2.11 at pp. 151-152.

was restarted several times, to support the U.S. war efforts during both World War I and World War II, including a period in the 1940s, just prior to the Establishment Date. The details of this additional tin mining as discussed at **Sections IV.B.1.b** and **IV.C.2.d** *infra*.

b. The First Resurrection of the Cajalco Tin Mine: 1917-1923

During the early twentieth century, the price of tin did not justify resuming operations at the Cajalco Tin Mine. However, the fortunes of the mine were revived during World War I, which created an increased demand – and price – for tin. The owners of the Sobrante entered into an agreement with Corona Mayor E.J. Genereux, in an effort to reinvigorate the tin mine.¹⁸⁶

Contemporaneous accounts of the agreement are clear that the deal allowed Genereux to not only restart development of the Cajalco Tin Mine, but also develop and other mineral properties within the Temescal Mining District:

"It [the agreement] means the re-opening of the old mine, which has already begun, and in the development of large deposits of copper, silver and tin ore ... [and] Captain John Haswell, a prominent mining engineer . . . reported favorably upon the properties . . . that its potential possibilities are the greatest of any new mining properties in the state of California."¹⁸⁷

During this period, Genereux's team undertook significant improvements around the tin mine. The existing mine shaft was pumped dry, and deepened to 500 feet, surface prospecting and exploration was completed for tin and copper veins across an approximate 5-mile portion of the Sobrante, and a smelter was erected to allow for on-site processing.¹⁸⁸ Shortly thereafter, during the summer of 1918, Genereux attempted to obtain a contract with the United States government to produce tin for the war effort; however, the war ended before any war production actually occurred.¹⁸⁹ The lack of a government contract did not deter Genereux's efforts to continue developing the mine operation, and by 1923, exploration and development of the tin mine remained ongoing, including a ten-week survey of the mine and approximately 5

¹⁸⁶ Exh. C-3.19 ("Temescal Tin Mine May Be Reopened," Los Angeles Times (May 9, 1917)); *see also* Exh. A-6.

¹⁸⁷ Exh. C-3.20 ("Deal for Temescal Tin Mine and Other Property Closed," CORONA DAILY INDEPENDENT (August 25, 1917)).

¹⁸⁸ Exh. C-2.13 at pp. 509-511.

¹⁸⁹ Exh. C-3.24 ("United States Interested in Tin," CORONA DAILY INDEPENDENT (July 12, 1918)).

square miles of surrounding Temescal Mining District property (including the HH VRA) by a Denver-based mining engineer.¹⁹⁰ By 1923, the economic jolt provided by World War I had faded, and market conditions no longer justified continued work at the Cajalco Tin Mine.¹⁹¹

Like the initial work related to the Cajalco Tin Mine, the activities related to the resurrection of the Cajalco Tin Mine relied on the HH VRA for (1) access to and from the site (*i.e.* using the interior haul road); (2) supplies of rock, sand, and gravel from borrow pits within the HH VRA to repair and maintain that interior haul road; and continued; (3) areas to explore and prospect tin-bearing tourmaline veins, including those veins within the northeast corner of the HH VRA.

c. Timeline of Activities at Cajalco Tin Mine (1853-1923)

Table 1, below, provides a timeline of surface mining activities that occurred at the Cajalco Tin Mine and activities within the HH VRA associated with that mine during the time period both it, and the HH VRA, were part of the single, Sobrante Property.

Table 1: Timeline of Surface Mining Activities At and Associated With the Cajalco Tin Mine from 1853 Until 1923

Note: Appendix B, Table B-1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-1	1853	Tin-bearing tourmaline veins discovered in Temescal Mining District, leading to a “tin rush,” including exploration, prospecting, and mining of surface-level tourmaline outcrops and veins.	Discovery of tin spurred interest in Temescal Mining District

¹⁹⁰ Exh. C-3.32 (“L.A. Mine Officials Confer with Corona Business Men,” CORONA COURIER (October 5, 1923)).

¹⁹¹ *Id.*

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
R-2, M-4, M-5	pre 1890, 1891-1892	<p>Construction and use of “Tin Mine Haul Road,” running northeast to southwest through HH VRA, used to access to the tin mine and move produced tin to market via the Corona-Elsinore Highway and ATSF Railroad.</p> <p>Tourmaline surface excavation and prouduction of tin.</p> <p>Tourmaline surface excavation; construction of ancillary facilities in support of tin mining operations; and production of tin.</p>	<p>Sobrante owners construct haul road which, haul road ran through the HH VRA to move produced tin east of the HH VRA to market west of the HH VRA. The HH VRA provided access points to ATSF railroad and Corona-Elsinore Highway.</p> <p>Surface mining disturbances</p>
M-11, R-12, M-13, M-14, M-15	1917-1923	<p>Establishment of borrow pits to restore and maintain tin mine haul road; use of tin mine haul road.</p> <p>Refurbishment of the Cajalco Tin Mine, including surface facilities.</p> <p>Tourmaline vein excavation and exploration.</p>	<p>The Sobrante owners established borrow pits within he HH VRA to aid construction and maintenance of the interior haul road.</p> <p>The Sobrante owners refurbished the Cajalco Tin Mine and restarted surface mining exploration and excavation.</p>

2. The Corona Rock Boom and Other Mineral Development in the Temescal Mining District Prior to 1925

As discussed above in **Section IV.B.1.a, *supra***, if the discovery of tin-bearing tourmaline in the mid-19th century was the genesis of the Temescal Mining District, by the turn of the 20th-century, it was overtaken in importance by the stone and clay resources of the Temescal Mining District.

a. Temescal Mining District Rock Quarries Within or Associated with the HH VRA

Beginning in 1888, the area of the Temescal Mining District southeast of Corona, primarily along the eastern side of the Temescal Wash and along the Temescal Hills,

saw the establishment of multiple quarry operations.¹⁹² This period of quarry establishment was contemporaneously dubbed the “Corona Rock Boom,” and saw significant stone and aggregate production that supported the rapid growth of southern California in the late 19th and early 20th centuries.¹⁹³ By 1904, the Temescal Mining District was supplying more than 100 railcars per week/month of paving blocks and other stone products to Los Angeles for use in building and street construction.¹⁹⁴ The Corona Independent published an article extolling the District’s resources in 1907, writing with glowing optimism that,

“The mineral resources of the section are practically untouched as yet – merely prospected. There is no doubt in the minds of those best fitted to judge that they will ultimately prove a[s] sources of great wealth... .”¹⁹⁵

The article goes on to further describe a survey by the United States Geological Survey (“USGS”) that catalogued other resources, including nearly 330 acres of cement rock; tin-bearing tourmaline; gold and other metals; glass sand; and porphyry.¹⁹⁶

During this period rock quarrying operations were so important to Corona’s economy that civic leaders within the chamber of commerce urged the city to buy one of the few remaining rock quarries up for sale lest “taxpayers . . . pay fancy prices for crushed rock for road building purposes.”¹⁹⁷

The Corona Rock Boom saw numerous quarries established within the Temescal Mining District, including at least one within the HH VRA, to extract porphyry. As discussed in **Section IV.A.1**, *supra*, porphyry from the Temescal Mining District was renowned as being “the best of its kind in California,” and useful as a strong and

¹⁹² Exh. C-2.3; Exh. C-2.4; *see also* Exh. C-3.10 (“Corona’s Progress,” CORONA COURIER (Aug. 3, 1911)); Exh. C-3.11 (“Our Crushed Rock Industry,” CORONA DAILY INDEPENDENT (March 30, 1911)); C-3.13 (“The Fourth Big Rock Plant to Operate Soon,” CORONA DAILY INDEPENDENT (Oct. 19, 1911)).

¹⁹³ *Id.*

¹⁹⁴ Exh. C-3.3 (“Local Notes,” CORONA COURIER (April 16, 1904)).

¹⁹⁵ Exh. C-3.5 (“Corona Product in Great Demand,” CORONA INDEPENDENT (July 5, 1907))’ Exh. C-3.6 (“Corona, The Crown of the Valley,” CORONA DAILY INDEPENDENT (July 5, 1907)).

¹⁹⁶ *Id.*

¹⁹⁷ Exh. C-3.7 (“Much Interest Manifested in Organization: Corona Comes Up To Standard by Replacing Old Board of Trade Name Buy Chamber of Commerce – New Interest is Awakened,” CORONA INDEPENDENT (December 15, 1910)).

versatile building material for building construction, surfacing streets, and constructing flood control and water delivery infrastructure projects.¹⁹⁸ The main ore body of porphyry occurs just to the west of the tin-bearing tourmaline formation associated with the Cajalco Tin Mine at the western edge of the Temescal Mining District where the Temescal Hills meet the Temescal Wash.¹⁹⁹ The Sobrante owners, understanding the value of the ore body underlying their property, established multiple quarries within the Temescal Mining District, including the Temescal Rock Quarry, located north of the HH VRA, as well as an unnamed quarry located within the HH VRA, as depicted in **Figures B-3.1 and B-3.4**. The unnamed quarry within the HH VRA would later be expanded as the Blarney Stone, and later Hubbs Harlow Quarry. Thus, the Corona Rock Boom, and associated quarrying activity, was the first time that the quarrying operations occurred within the HH VRA, as part of a broader mineral development push by the Sobrante owners (and RRM's predecessors-in-interest).

b. Temescal Mining District Mineral Development and Clay Operations Within or Associated with the HH VRA

By 1911, with the streets of Los Angeles paved, the Corona Rock Boom subsided slightly, but mineral development in the Temescal Mining District continued. In January 1911, the Sobrante owners entered into an agreement to develop approximately 43,000 acres of land, including significant holdings within the Temescal Mining District.²⁰⁰ A contemporaneous newspaper article, describe the venture as including "11,000 acres of rougher land, hill lands, and mountains . . . rich in mineral resources and includ[ing] stone quarries of great value and immense gravel deposits."²⁰¹ The Sobrante owners promoted further mineral development in multiple publications, including an advertisement in *Sunset Magazine* that extolled the opportunity to invest in the Temescal Mining District's "immense mineral resources, quarries and mines."²⁰² Additional advertisements regarding mineral property development included one in a 1925 edition of the Santa Fe railroad's magazine, which described the Temescal Mining District as ripe for investment:

¹⁹⁸ Exh. C-3.5 ("Corona Product in Great Demand," CORONA DAILY INDEPENDENT (July 5, 1907)).

¹⁹⁹ See Exh. 2.21, Exh. 2.21.2.

²⁰⁰ See Exh. A-4; Exh. C-3.9 ("Sale of 43,000 Acres in Riverside County," Corona Daily Independent (Jan. 27, 1911)).

²⁰¹ *Id.*

²⁰² Exh. C-3.8 ("El Sobrante Land Company," SUNSET MAGAZINE (1911)).

“With the Corona and Santa Fe Railroad soon to be a reality, opening up a vast new country to development, and the richest tin mine in the world. . . vast deposits of silica are developed rapidly. Various companies are shipping large quantities of superior clays. The finest rock quarry in California is shipping between 1,500 and 2,000 cars of crushed rock every month.”²⁰³

Beyond advertising, additional mineral development in the Temescal Mining District was further aided by the completion of a spur line between Elsinore/Alberhill (a renowned clay mining area) and Corona, which significantly reduced the time and freight costs to move mineral materials from the Temescal Mining District to Los Angeles.²⁰⁴ The completion of this spur line increased connectivity to several clay operations located south of the HH VRA, including the El Sobrante Pit, as depicted in **Figure 3.6**. The 160-acres EL Sobrante Pit was located in Section 26, north of the Harrington Pit, in a section of the Temescal Mining District that borders the Alberhill/Elsinore area and supported at least 5 additional operations.²⁰⁵ The El Sobrante Pit served as a source of mottled pink clay, used primarily to manufacture facing brick and roof tiles, beginning in the early 1920s through the 1960s.²⁰⁶ The products from this area, prior to the completion of the rail spur line described above, had been transported on roads, including an interior haul road through the HH VRA, as depicted in **Figures B-3.4 and B-4.2**, to reach Corona and markets further afield.

Finally, the Temescal Mining District was known to contain reserves of high-quality silica sand as early as 1902.²⁰⁷ Extraction of this commodity began in earnest during the early 1920s. Between 1920 and 1923, the area along the western edge of the HH VRA (and areas adjacent to it), were explored and evaluated for the potential to support a commercial silica sand mining operation.²⁰⁸ By 1924, a small processing plant had been constructed adjacent to the HH VRA.²⁰⁹ Initially, silica and sand processing were

²⁰³ Exh. C-3.114 (“Corona,” The Santa Fe Magazine (December 1925)).

²⁰⁴ Exh. C 2.1, at p. 163.

²⁰⁵ Exh. C-2.1 at pp. 162 , 181, 329; *see also* Exh. 2.3.

²⁰⁶ Exh. C-2.1 at pp. 163.

²⁰⁷ Exh. C-3.31 (“Silica Industry Will Be Started in Corona,” Corona Courier (Dec. 19, 1924)).

²⁰⁸ *Id.*

²⁰⁹ Exh. C-2.9; Exh. C-2.10.

inefficient, and did not expand until the property was purchased by P.J. Weisel in the late 1920s, as described in **Section IV.D.2**, below.

The above-described mineral development of, the larger Sobrante property was integral to the establishment of the HH VRA as a distinct property. The area that would become the HH VRA was an integral link between multiple mining operations within the Sobrante and access to the ATSF railroad (allowing mined materials to be transported to market).

c. Timeline of Additional Surface Mining Activities Within the Temescal Mining District Within or Associated with the HH VRA Prior to 1925

Table 2, below, provides a timeline of surface mining activities discussed above and other mineral development activities that occurred within the Temescal Mining District either within or associated with the HH VRA during the time period the area, including the HH VRA, was part of the single, Sobrante Property.

Table 2: Timeline of Surface Mining Activities Within the Temescal Mining District Within or Associated with the HH VRA Prior to 1925

Note: Appendix B, Table B-1.1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-3	1888	Porphyry quarrying begins at Temescal Rock Quarry	Quarry north of the HH VRA established by Sobrante owners, along same porphyry occurrence as the HH VRA, demonstrates intent to develop all resources in Temescal Mining District.
M-6	1911	Small porphyry quarries (rip-rap and aggregate) established along eastern bank of Temescal Wash by Sobrante owners, including one within HH VRA	Multiple quarries, including one on the HH VRA, were established to meet demand of Los Angeles cinstryctuin needs,demonstrating intent of Sobrante owners to utilize HH VRA in conjunction with neighboring quarry operations to produce mineral materials as needed.

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-7	1911	Clay prospecting and quarrying throughout the Temescal Mining District, including within the northern portion of the HH VRA	Clay mineral resources evaluated for development throughout the Temescal Mining District, including within the HH VRA, demonstrating intent of Sobrante owners to fully develop all mineral resources with Temescal Mining District.
R-8	1911	Road construction in Temescal (Hoag's) Canyon connecting Temescal Mining District with broader regional markets and other regional surface mining operations	Road allowed multiple mineral developments to access the Corona market, thus facilitating development throughout the Temescal Mining District. The location of the road next to the HH VRA also established the property as a central location for hauling mineral materials.
R-9	1911	Railroad construction, connecting the Temescal Mining District with primary rail lines and broader regional market.	Railroad construction, terminating at the mouth of Cajalco Canyon, at the northwest corner of the HH VRA, became primary method of loading and export for multiple minerals (tin and porphyry) produced in the Temescal Mining District. The location of the railroad siding to the northwest of the HH VRA also established the property as a central location for hauling mineral materials.
R-10	1911-1926	Construction and use of clay haul road running south to northwest through the HH VRA	Sobrante owners construct and use clay haul road, running from clay pits on the border of the Temescal Mining District and Alberhill Clay District (including Harrington Clay Pit), to the ATSF railroad and Corona-Elsinore Highway, through the HH VRA.
M-11	1917	Increased quarrying activities and improvements within Temescal Mining District	Sobrante owners' continued investment in regional mining operations demonstrates intent to fully develop the Temescal Mining District as a regional mining hub.

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
E-16	1920-1923	Surveying and exploration for developable silica sand deposits.	Exploration, sampling, and testing of silica sand resources within the Temescal mining district, generally located within and just to the west of the HH VRA (and specifically areas along east and west banks of Temescal Wash) to determine viability of establishing silica sand mining and processing operation, demonstrating intent to fully develop all mineral resources in the Temescal Mining District.
M-17	1923	Activities to modernize equipment at Temescal ("Blue Diamond") Quarry and expanded surface mining activities	Sobrante owners' continued investment in regional mining operations demonstrates intent to fully develop the Temescal Mining District as a regional mining hub.
M-18	1923	Corona Sand and Silica Co. constructs a production plant and begins pit excavations along the east and west sides Temescal Wash	Exploration area include areas both on, and directly west, of HH VRA, demonstrating intent to fully develop all mineral resources in the Temescal Mining District.

C. In 1925 the HH VRA Divested from the Larger Sobrante Landholding, Triggering Increased Development of Mineral Resources Directly on the Site

As described above, prior to the creation of the HH VRA as a distinct mining property in 1925, there were significant surface mining activities within the Temescal Mining District, including within the HH VRA and adjacent land within the Sobrante property.

However, during the 1920s San Jacinto Ltd. divested itself of significant portions of the Sobrante, which led to the creation of the 800+ acre HH VRA tract that approximates the HH VRA as it appears today, as depicted in **Figures B-2.2 and B-2.3**. Yet, the fracturing of what had been a large cohesive property holding (and mineral development area) into smaller, more distinct property configurations, including the HH VRA, did not slow mineral development in the region. As discussed below, mineral development would accelerate during the 1930s to provide raw materials for multiple large-scale infrastructure projects in the region.

1. Ownership of the HH VRA as a Distinct Tract Began in 1925

As discussed in **Section I.I**, *supra*, and **Appendix A**, attached understanding the ownership of the HH VRA is necessary to understand the trajectory of mineral development on the property.

As discussed above, the HH VRA, in roughly its current form, was first owned by local real estate speculator E.E. Peacock. Peacock's ownership is depicted in **Figure B-2.3**, and consisted of the majority of Section 15 and the south half of Section 10.²¹⁰ Before his death in the early 1930s, Peacock would give away essentially value-less pieces of the HH VRA with sales of an encyclopedia. These parcels were of limited value and essentially undevelopable because (1) their size, of approximately 50 feet by 30 feet meant nothing could be built on them; (2) the landlocked nature of the parcels, sprinkled sporadically throughout the HH VRA; and (3) most importantly, Peacock's consistent, universal reservation of all minerals and related mining rights from every single parcel conveyed as part of an encyclopedia sale.²¹¹ These reservations maintained the mining character of the HH VRA and allowed RRM's predecessors-in-interest to consistently dedicate the HH VRA to mining purposes.

Following Peacock's death in the early 1930s, F.M. Kuhry, an individual to whom Peacock was indebted, acquired the HH VRA. Shortly after his acquisition, Kuhry entered into a joint tenancy with Leilamae Harlow, with whom he would devote and develop the HH VRA for surface mining over the next twenty years, as described in **Section I.G**, *supra*, and **Section IV.C**, *infra*. By 1954, Harlow obtained sole ownership of the HH VRA from Kuhry, and continued mining operations throughout the HH VRA, as described in **Sections IV.F and IV.G**, *infra*.

Following Harlow's death Hubbs, proprietor of Harlow's lessee Hubbs Construction, acquired the HH VRA in 1979.²¹² Hubbs would retain possession of the primary quarry

²¹⁰ Note that neighboring portions of the property, including a small portion the SW ¼ of Sec. 15, while not a part of this RFD, were acquired by third parties in 1909, before being acquired by Corona Silica Company in February 1925, and later acquired after 1971 by Leila Mae Harlow, whose estate sold it to Gerhart L. Schultz et al. in 1979 and which portion now exists as APN 281-220-001 ("Schultz Parcel"). Therefore references herein to the HH VRA do not include the Schultz Parcel.

²¹¹ See Exh. A-11.

²¹² While Harlow died in 1972, disposition of her estate took several years. There were thus several successive owners of the HH VRA upon her death; however, Hubbs continuously operated the longstanding mining activities (*i.e.*, quarry) within the HH VRA during this period, until he acquired full ownership in 1979.

until the early 2000s, at which point RRM purchased it. Surface mining activities continued after the Hubbs' acquisition of the property, and were continuous through successive owners, including RRM.²¹³

A map of these interests is depicted in **Figures B-2.1 – B-2.7**.

2. Increasing Development of Mineral Resources and Surface Mining Activities Within the HH VRA From 1925 Until 1948

After Peacock took possession of the HH VRA, surface mining activity within the HH VRA increased, driven, primarily, by a series of infrastructure projects, including road, rail, dam, and water pipeline construction, as described in detail in **Sections IV.C.2.a – IV.C.2.e, *infra***.

As described in **Section IV.B, *supra***, previous surface mining activity in the HH VRA was related to smaller scale excavations of tin-bearing tourmaline veins, as well as the stone quarry operations, clay, and the development and use of interior haul roads connecting the nearby mineral developments (*e.g.* tin mine, clay pits) in the interior of the Sobrante to the Corona-Elsinore Highway and ATSF railroad. From the 1920s onwards, surface mining activity would shift to include large-scale use of the HH VRA to produce multiple materials, including aggregate and road base, stone and riprap, and clay.

a. Materials for Railroad Construction and Maintenance

During the late 1920s, the ATSF railroad extended its spur line from Corona, which previously ended in Temescal Canyon just northwest of the HH VRA, located at the mouth of Cajalco Canyon, all the way to the Alberhill-Elsinore region.²¹⁴ This construction required significant amounts of ballast rock, of which ballast necessary to complete approximately 5000 yards of track were produced from the small quarry located along the western edge of the HH VRA, south of Cajalco Canyon and east of Temescal Wash, as depicted in **Figure B-4.2**, which show the early porphyry quarrying activities along the ATSF railroad within the HH VRA.²¹⁵

The construction of the spur line, in addition to requiring material quarried from the HH VRA, established a direct rail link between the Alberhill-Elsinore clay pits to

²¹³ Exh. A-34, Declaration of Christine Goeyvaerts, ¶¶ 3-7.

²¹⁴ Exh. 3.36 ("Santa Fe Asks to Lease Proposed Railway," CORONA COURIER (May 14, 1926)).

²¹⁵ Exh. 3.42 ("Santa Fe Finishes Rip-Rap Quarrying," CORONA DAILY INDEPENDENT (April 29, 1927)).

ceramic production facilities located in El Cerrito (on the west side of Temescal Wash), Corona, and Los Angeles. This new rail link eliminated the need to use the previous haulage trail, which ran from the clay pits south of the property, through the HH VRA, to the ATSF spur line station, thus freeing up a significant portion of the HH VRA for extensive quarrying and mineral production .

The stone used in construction of the ATSF spur line was the first documented, large-scale production of stone from the HH VRA.

b. Materials for Water Supply and Road Infrastructure

i. Mineral Development Supported Construction of Cajalco Road, Cajalco Dam, and Prado Dam, Among Other Public Works Projects

As described in **Section IV.C.1**, *supra*, Kuhry and Harlow acquired the HH VRA from Peacock in 1932. During their tenure as owners, the HH VRA was a prominent operation in providing material for several significant infrastructure projects, including construction of the Cajalco Road, construction of the Cajalco Dam, and construction of the Prado Dam.

In October 1931, voters in southern California approved a \$220,000,000 bond issue “to finance construction of a huge water supply tube from the Colorado river to . . . Los Angeles.”²¹⁶ The bond financed the construction of the Cajalco Dam and Reservoir (modern-day Lake Matthews), to be located “almost south and a trifle east” of the Cajalco Tin Mine, as well as two distribution lines, including the Metropolitan Water District (“MWD”) “Lower Feeder Line,” that runs along the northern edge of the HH VRA.²¹⁷ Before the final vote for the bond had been tallied, local Corona papers were

²¹⁶ Exh. C-3.54 (““Corona Prosperity Assured By Bond Election Affirmative Vote Tuesday,” CORONA COURIER (Oct. 2, 1931)); *see also* Exh. C-3.53 (“Success in Bond Election Means Much to Corona” and “Reservoir’s Dam Near to Corona to Cost Nine Million,” CORONA DAILY INDEPENDENT (Sept. 30, 1931)).

²¹⁷ *Id.* (“The largest dam of this great reservoir will be south and east of the old tin mine. . . . From near this dam, one line of the aqueduct will run west and south to Orange county [sic]...”).

already describing the benefits of construction for the region– including the supply of necessary construction materials from the area’s mining operations.²¹⁸

The approval of the Cajalco Dam project also spurred another construction project – construction of Cajalco Road – which would eventually bisect the HH VRA. Following news regarding success of the bond issue, then chairman of the Riverside County Board of Supervisors T.C. Jameson, began work with the County’s surveyors to establish a route from the site of the dam through Cajalco Canyon to Temescal Canyon and the ATSF tracks.²¹⁹ That route was acknowledged to be a superior route, allowing “[t]ons of building materials for the huge concrete dam . . . [to be] hauled through the hilly section for several miles” and give an outlet “directly to the Santa Fe tracks.”²²⁰

By 1933, Riverside County employed “relief labor”²²¹ “to widen and improve the road leading to the dam site from Temescal canyon . . . to get the Cajalco highway . . . in condition for the heavy traffic it will have to bear when actual construction is started on the giant reservoir.”²²²

Construction of Cajalco Road was complete by 1935, after three years of construction done entirely by hand labor, and using materials and desert-mix surfacing provided from local mining operations, including the HH VRA.²²³

ii. **Demand From The Public Works Projects Increased Mineral Production Significantly in the HH VRA**

These two large-scale construction projects, occurring both within and adjacent to the HH VRA, necessitated an increase in surface mining activities across the HH VRA. Between 1931 and 1938, several borrow pits for construct materials were opened,

²¹⁸ *Id.* (“They point out that Corona will be one of the busiest cities on the entire route and that much business will be given to this community, both as headquarters for the workmen and the purchase of much of the material.”).

²¹⁹ Exh. 3.54.

²²⁰ *Id.*

²²¹ Labor provided by relief organizations such the Works Progress Administration (“WPA”) and the State Emergency Relief Administration (“SERA”) *see* Exh. C-3.56 (“Arlington Road to Cajalco Dam Being Surface, Temescal Canyon Link is Being Widened by Relief Crew,” CORONA COURIER (Oct. 13, 1933)); Exh. C-.57 (“County Roads get Fed. Maintenance,” Corona Courier (March 9, 1934)).

²²² *Id.*

²²³ Exh. C-3.62 (“Cajalco Highway Open to Travel” CORONA DAILY INDEPENDENT (Sept. 9, 1935)).

identified as disturbances in **Figures B-3.2, B-3.5, B-4.5, and B.6.4.** located outside the boundaries of the S-4 VRA. These borrow pits were similar in nature to the pits opened and mined along the west side of the property during construction of the ATSF spur line. These disturbances are consistent with surface mining disturbances to provide gravel and other mined material associated with road construction.

iii. The Blarney Stone Quarry

In addition to the borrow pits located around the HH VRA, this period also saw the opening and mining of the Blarney Stone Quarry, located in the southwestern portion of the HH VRA. This quarry expanded upon earlier, unnamed quarries within the HH VRA to provide a ready and reliable supply of , opened and operated by the Pantages Construction Company, used the HH VRA to produce railroad ballast, stone, rip rap, and gravel beginning in about 1938.²²⁴

One contemporary newspaper article, written by an automotive editor who toured several quarries, described the stone produced from the HH VRA as,

This particular blarney stone is known as a fine linseed grain granite, similar to the texture of the original blarney stone which has been used in Europe for thousands of years in the building of moats and old castles, and has proved especially sound for rock structures under water.

We were told that as far as the engineers have been able to discover this is the only deposit of blarney stone on the North American continent. It will be of great help in the big construction problems facing the engineers. This blarney stone quarry contains **200,000,000 tons of rock**. It is on the Santa Fe railroad, as is also Prado dam, so that the rock will be delivered to the center of the dam by specially constructed cars.²²⁵

²²⁴ See Exh. C-2.18 (note, this report mentions operations on the HH VRA dating back to 1935. These operations indeed existed, but were not operated by the Pantages Construction Company, which began operations in 1938, but do correspond to known porphyry quarries); see also Exh. C-2.5; see also Exh. C-3.70 (“Paving Stone Company Opens Plant Near City,” CORONA DAILY INDEPENDENT (Nov. 28, 1938)).

²²⁵ Exh. C-3.69 (“Dodge Party Views Rock Quarries,” LOS ANGELES DAILY NEWS (Sept. 28, 1938)).

The study the newspaper relied upon was commissioned by Harlow and undertaken by the U.S. Army Corps of Engineers, Los Angeles Field District Laboratory, who had sample porphyry from various locations within the HH VRA, evaluated the reserves present throughout the entire property, and evaluated the porphyry for suitability in water infrastructure (e.g., dams, spillways, levees, breakwaters, etc.) projects undertaken by the Corps.²²⁶ Ultimately, the Corps determined that there was a massive **(200 million tons)** quantity of highly suitable, dense porphyry within the HH VRA.

Other contemporary accounts touted the unique nature of rock within the HH VRA. For example, an account described the stone as “in demand ... as railroad ballast, as it possesses that “cushion” quality so much desired by track maintenance men” and as the closest and best source of railroad “cushion” rock west of Albuquerque, New Mexico.”²²⁷

Much like the article in the Los Angeles Daily News, the Corona Daily Independent noted the anticipated scope and longevity of production within the HH VRA, stating “The very latest stone quarry machinery is being installed at the new Corona quarry, and indicate that founders of the enterprise not only have their eyes on the immediate future, but are considering steady production for years to come.”²²⁸

In addition to the large “blarney stone” produced from the quarry, the Prado Dam also utilized other materials from the HH VRA, specifically gravel and aggregate necessary to produce concrete. Carl Bliss – an associate of the Pantages Construction Company – operated a batch plant necessary to produce concrete for the Prado Dam. In August 1938, prior to Pantages Construction opening the Blarney Stone quarry, Carl Bliss was unable to find gravel suitable to produce the 200,000 cubic yards of concrete necessary to construct the Prado Dam.²²⁹ As describe by the Corona Daily Independent,

On a blistering August day in 1938, two men sat astride their horse on a mountainside over-looking Prado dam site. They had searched for two weeks, looking for enough gravel or small aggregate to build the bulk of some 200,000 cubic yards

²²⁶ See Exh. C-2.4; see also Exh. 3.70.

²²⁷ Exh. C-3.70; see also Exh. C-3.75 (“Blarneystone Rock Goes to Prado Dam,” CORONA DAILY INDEPENDENT (Dec. 14, 1939) (describing the delivery of rock from the Blarney Stone Quarry to the Prado dam using surface streets, beginning at the Corona-Elsinore Highway).

²²⁸ *Id.*

²²⁹ Exh. C-3.76 (“Story of the Carl Bliss Batch Plant,” CORONA DAILY INDEPENDENT (Dec. 20, 1939)).

of concrete for Prado Dam. But they might as well have looked for gold, for their search was equally fruitless.

The next day, instead of searching for gravel by horse, Bliss looked for gravel by plane, and found “an ancient wash looming up underneath the plane. The wash looked gravelly.”²³⁰ After landing, Bliss and a team of men dug approximately 21 test pits in the wash and found a bed of gravel 80 feet deep, 300 feet wide, and about one mile long – the gravel feature identified in **Figures B-3.2 and B-4.**, northeast of the Blarney Stone Quarry and south of Cajalco Road.

iv. **A Dispute Over Production from the Blarney Stone Quarry**

The HH VRA produced a significant amount of stone and aggregate materials; however, this productivity resulted in a dispute between Kuhry and Harlow, as the owner-lessors, and the Pantages Construction Co. as lessee-operators.

In 1938, Kuhry and Harlow entered in a lease with Henry F. Charles, which was later amended to allow a lease assignment to Blarney Stone, Inc., so long as Charles held the majority of that company’s shares.²³¹ In January 1939, Kuhry and Harlow attempted to terminate the lease, on the belief that Charles did not actually own the majority of shares in Blarney Stone, Inc., as required by the lease amendment.²³² By August 1940, Harlow and Kuhry issued a demand for Blarney Stone, Inc. to vacate the leased premises.²³³ Following Blarney Stone, Inc.’s failure to do so, Kuhry and Harlow filed a lawsuit in Riverside County Superior Court.²³⁴ In that lawsuit, Kuhry and Harlow alleged that Blarney Stone Inc.’s failure to surrender their leased premises result in significant financial hardship, based on multiple offers of other operators to mine property within the HH VRA.²³⁵ The litigation was resolved, and Harlow and Kuhry

²³⁰ *Id.*

²³¹ Exh. C-4.2.

²³² *Id.*

²³³ *Id.*

²³⁴ *Id.*

²³⁵ *Id.*; see also Exh. C-3.70 (describing competition for the production of the HH VRA as being “in demand ... as it possess that ‘cushion quality’ desired by railroad maintenance men and the attractive nature of the Blarney Stone Quarry to ATSF that “would give the company a desirable product located on their own line and accessible to their needs in the greater southwest” at a time when the next “closest source of ‘cushion’ rock” was in Albuquerque, New Mexico).

continued to fully develop the HH VRA and devote the entire property to mining development.

c. **Mining Clay for Ceramics Products**

The Temescal Valley – comprising both the Alberhill District and the Temescal Mining District – was historically one of the three most important clay-producing areas in California.²³⁶ By 1930, the entire Valley, from Elsinore in the south to Corona in the north, was producing upwards of 100,000 tons of clay, of over thirty (30) distinct varieties, used primarily in the manufacture of ceramic products, including sanitary tile, roofing tiles, and consumer goods.²³⁷ Production was centered on five primary producers, as well as “numberless pits, scattered throughout the valley, attest[ing to] the activity of the property owners, and the potential resource of the Canyon for the future.”²³⁸ While clay production in Temescal Valley is traditionally associated with the Alberhill area, approximately 5 miles northwest of Lake Elsinore, clay beds actually stretch the entirety of the Valley’s 15-mile length.²³⁹ Of note, two Pacific Clay Products (“**Pacific Clay**”)²⁴⁰ operated two clay pits within the bounds of the Sobrante. One, the El Sobrante Pit discussed in **Section IV.B.2.b**, *supra*, is at the end of the haulage road that runs directly through the HH VRA, as depicted in **Figure B-5.5.1**. The second pit, the “Cajalco Pit” is within the boundaries of the HH VRA, and partially outside the S-4 VRA.²⁴¹

Pacific Clay The Cajalco Pit is located “east of Temescal Wash ...south of Cajalco Road, along the east side of the railroad.”²⁴² Some accounts state that the Cajalco Pit is located in northeast quarter of Section 16, on property owned by the P.J. Weisel family (discussed in greater detail below). However, this location attribution is incorrect, for several reasons. First, there is only a single small property located “east of Temescal

²³⁶ Exh. 2.1, at p. 162.

²³⁷ *Id.*

²³⁸ “The Clays of Orange and Riverside Counties Southern California: A Geologic Thesis,” J. Clark Sutherland (California Institute of Technology 1930) at p. 34.

²³⁹ *See* Exh. C-2.16; *see also* Exh. 2.1, at p. 162.

²⁴⁰ Pacific Clay Properties operated numerous other pits in addition to the two mentioned here; however, those pits were not operated on land within the control of RRM’ predecessors-in-interest and therefore have no bearing on RRM’s vested rights.

²⁴¹ Exh. C-2.8 at p. 568.

²⁴² Exh. C-2.3 at p. 110; *see also* Exh. C-2.4.

Wash ...south of Cajalco Road, along the east side of the railroad,” as displayed in **Figure 3.1**, which did not support clay mining operations.

That small parcel does not contain any surface disturbances or clay workings. Rather, a review of historic aerial imagery from 1931 through 1938 demonstrates that the Cajalco Pit is located within the Harlow Hubbs VRA, as displayed in **Figures 3.1 and 4.9**.

The Cajalco Pit consists of “residual red mottled clay,” “bright brick-red clays about 30 [feet] thick,” and “mottled grayish green clays and gray clays ...[o]verlain by coarse, weak, sandstone of Paleocene Silverado formation, 0 to 5 [feet] thick which is capped by 10 to 20 [feet] of angular cobble and boulder conglomerate.”²⁴³ Pacific Clay worked the Cajalco Pit into an “irregular quarry, about 100 [feet] long, [and] 10 to 30 [feet] high.”²⁴⁴ This area would be extensively worked in beginning in 1948, and eventually expand across the HH VRA and the borders the Hubbs Harlow Quarry, as described in **Sections IV.C.3 and IV.F.3.b**, below.

In addition to the Cajalco Pit, there is also evidence of small clay prospecting operations on in the northwestern part of the HH VRA. These operations were related to a series of exploration activities during the 1930s to determine the existence and viability of any high-aluminum-content clay resources (including bauxite) in the Temescal Mining District and Alberhill-Elsinore Clay District.²⁴⁵ These exploration operations were part of the overall strategic mineral evaluation of the region, in an effort to bolster and understand strategic mineral supplies for the United States leading up to World War II.

d. Tin Mining Activities Adjacent to and Directly on the HH VRA Continued After the HH VRA Became a Distinct Mining Property in 1925, Including in Support of the U.S. War Effort

As described in Section IV.B.2, *supra*, activities related to and supporting the Cajalco Tin Mine occurred within and adjacent to the HH VRA dating back to the 19th century. Following the creation of the HH VRA in 1925, activities related to the Cajalco Tin Mine continued within the HH VRA.

In 1927, mining work at the tin mine commenced for the third time. During this production period, surface outcroppings were mined and stripped and the existing mine shafts were extended to 540 feet, and an additional 4 levels were added to fully

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ See Exh. C-2.11; Exh. C-2.13; Exh. 2-22,

exploit the vein; prospecting and mining occurred in numerous other veins with shafts sunk on the No. 2, No. 4, No. 5, and No. 9 mines of depths of 75-100 feet.²⁴⁶ A testing plant with a 10-ton capacity was also on-site.²⁴⁷ Exploration and small scale excavation of tourmaline veins continued throughout the property, including areas in the northeast of HH VRA. As described in a summary of this work produced in 1945:

The veins near the Cajalco mine were prospected . . . and many drifts were driven in search of new ore shoots. Many veins in the district were stripped and thousands of samples were taken; wherever high assays were obtained, shafts or adits were dug. . . . Investigations of the deposits in the last decade have consisted primarily of surface sampling.²⁴⁸

Despite these improvements and sampling efforts, the third attempt was cut short by the Great Depression. Yet, the development of a tin resource was not a lost cause. Much like the earlier tin revival during World War I, the later tin revival caused by World War II spurred a fourth round of development at the mine.

Starting in approximately 1942, the United States Geological Survey conducted extensive work across the 3,500 acres of land within the Temescal Mining District, including portions of the HH VRA, to survey and prospect for tin.²⁴⁹ The results of that survey were published in 1945, and demonstrated the extent of possible veins, stripped veins, and exploration work.²⁵⁰ Beginning in 1940, the USGS team investigated the Temescal Tin District. This investigation included: (i) mapping approximately six square miles within the vicinity of the Cajalco mine on a scale of 400 feet to the inch, in conjunction with existing topographic maps prepared by the USGS and MWD; (ii) unexcavated veins were mapped in detail on the surface and accessible underground locations; (iii) excavated trenches and veins were mapped and sampled; and (iv) previous mine works were repaired and examined.²⁵¹ Based on the mapping, sampling and assay results, approximately 1,400 tons of tin-bearing rock were mined and milled

²⁴⁶ Exh. C-2.10 at p. 498

²⁴⁷ *Id.*

²⁴⁸ Exh. C-2.16; *see also* Exh. D-1, Exh. D-2; and **Figures B-6.1, 6.2, and 6.3.**

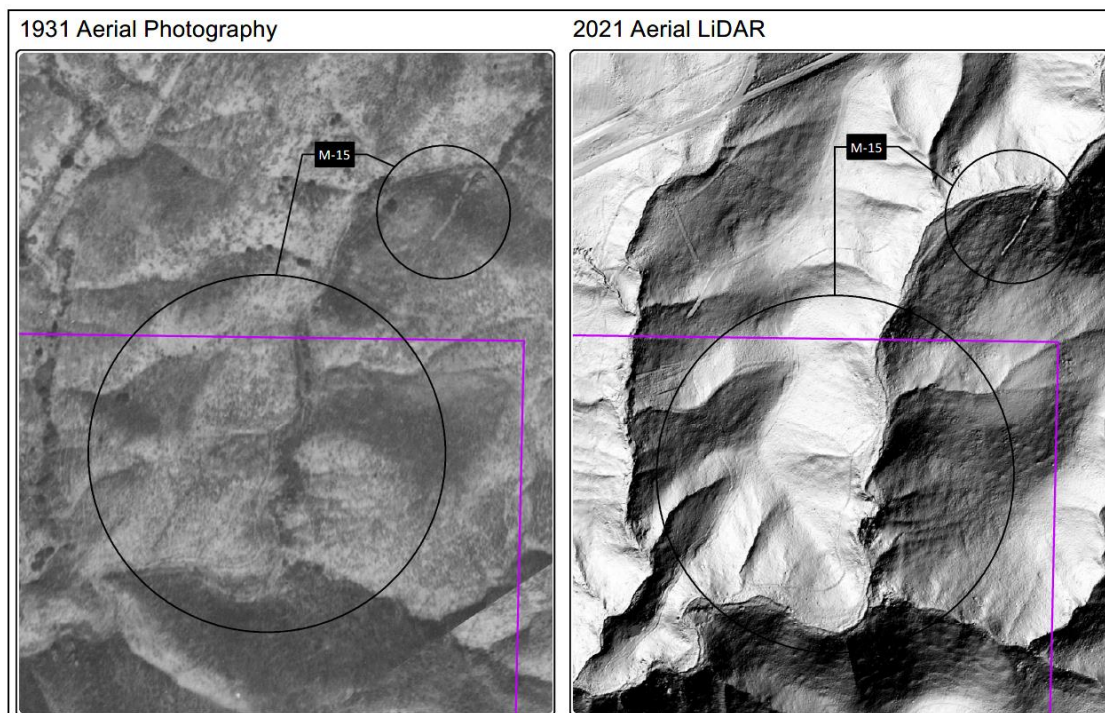
²⁴⁹ *Id.*

²⁵⁰ Exh. C-3.38 (“Rush Test Mill at Tin Mine To Be Ready in Six Weeks,” CORONA DAILY INDEPENDENT (March 1, 1943)).

²⁵¹ *Id.*

to determine the economic potential of wartime tin production.²⁵² By 1943, the Phelps Dodge Corporation,²⁵³ acting on behalf of the United States government, set up a test mill at the Cajalco Mine, with the aim of milling approximately 100 tons of ore every day.²⁵⁴

In particular, the USGS surveyors examined several tourmaline veins located in Section 10, including several prospected and stripped veins.²⁵⁵ These veins are located in a formation of tin bearing ores that reach onto the northeastern corner of the HH VRA, as depicted in **Figure B-3.6** and in **Figures B-4.6.2, 4.6.3 (reproduced below), B-6.1, 6.2, and 6.3**. The assays taken from these veins contained some of the highest percentage tin area (up to nearly 2%, against an average of 0.5%).²⁵⁶



By 1945, wartime work at the Cajalco Tin Mine idled again.

²⁵² Exh. C-2.16; *see also* Exh. D-2 and **Figures B-6.1, 6.2, and 6.3**.

²⁵³ Phelps Dodge had long been interested in the tin mine, having purchased the dubious claims staked in region prior to 1888, when the Supreme Court ruled that the area was properly private land owned by the Sobrante owners. (RRM's predecessor-in-interest) rather than federal land open to mining claims.

²⁵⁴ Exh. C-3.38.

²⁵⁵ *Id.* at p. 22

²⁵⁶ *Id.*

3. Timeline of Surface Mining Activities Within HH VRA (1924-1948)

Table 3, below, provides a timeline of surface mining activities within the HH VRA discussed above from the time of the HH VRA’s creation in 1925 until the establishment date in 1949.

Table 3: Timeline of Surface Mining Activities Within the HH VRA From 1925 Until the 1948

Note: Appendix B, Table B-1.1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map Key</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-19	1926-1927	Expansion of porphyry quarrying within the HH VRA to provide material for railroad expansion	After Peacock took ownership of the HH VRA, surface mining increased (including a 50% expansion of the existing porphyry quarry). This demonstrates the intent of the HH VRA owners to continue utilizing the property for surface mining.
M-20	1927-1929	Third wave of surface improvements, excavation, and exploration at Cajalco Tin Mine and associated surface tourmaline veins and tourmaline blowouts	Surface mining activities within and associated with the HH VRA, located in the northeastern corner of the property. The tin mine rejuvenation continued to utilize the tin mine haul road through the HH VRA.
E-23	1930	Exploration related to economic and strategic mineral development describes occurrences of dumortierite	Exploration and surveying of the HH VRA, including areas outside of the S-4 VRA, to determine if commercial or strategic minerals were present demonstrates intent to develop all possible mineral resources within the HH VRA

<i>Map Key</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-25	1931-1938	Excavation begins at the Cajalco Clay Pit, located south of Cajalco Road along with the western edge of the HH VRA.	Surface mining of clay resources within the HH VRA and partially outside the S-4 VRA.
E-24	1931	Exploration and sampling for high aluminum clays and bauxite, primarily north of Cajalco Road as part of strategic mineral evaluation.	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating continued intent to fully develop all possible mineral resources within the HH VRA.
M-27	1931	Mining disturbances consistent with clay prospecting and sampling.	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating a continued intent to mine the entirety of the property.
R-26	1931	Rock, sand, and gravel borrow pits opened to supply materials to improvements to tin mine haul road and Cajalco Canyon trails	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to utilize all mineral resources within the HH VRA.
M-28	1931	Aerial photographs show extent of tin mine exploration and excavation	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to mine the entirety of the property.
E-30	1930-1935	Multiple geologic survey and studies and economic analyses completed and published	Exploration work of the geologic and mineral characteristics of the HH VRA to determine mining feasibility.
R-32	1933-1935	Multiple borrow puts opened up to construct and surface Cajalco Road	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to mine the entirety of the property.

<i>Map Key</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-33	1938	Red clay resource quarried for approximately 100 feet east of Temescal Wash and ATSF railroad	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to mine the entirety of the property.
E-34	1938	Clay prospecting and sampling in Section 10 to determine presence of bauxite and or other high-aluminum clays	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to mine the entirety of the property.
M-36	1938-1940	Increased production of porphyry from HH VRA and the Blarney Stone Quarry, primarily associated with contract to supply 450,000 tons of materials to Prado Dam construction	Surface mining of rock resources within the HH VRA to meet regional demand.
M-37	1943	P.J. Weisel Sand and Silica excavation includes excavation of sandstone cliffs along east side of Temescal Wash	Surface mining activities within the HH VRA, in conjunction with regional mining operations, and outside the S-4 VRA demonstrate an intent to mine the HH VRA to meet demand for multiple mineral materials. .
E-38	1940-1945	Survey of six square miles around Cajalco Hill (site of Cajalco Tin Mine, located northeast of HH VRA), to map, sample, and evaluate suitability of tin resources to supply U.S. war effort	Evaluation of mineral materials useful to the U.S. war effort, including evaluation of mineral resources in the northeast corner of HH VRA, outside the S-4 VRA
M-40	1948	Liston Brick Co. begins small side-cut clay exploration and mining operations north of the Blarney Stone quarry	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrate an intent to mine the entirety of the property based on mineral demand.

<i>Map Key</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-41	1938-1948	Surface mining alluvial gravel resource south of Cajalco Road to supply aggregate for Prado Dam, including for use in concrete 1948 aerial photograph shows extent of access and excavation of these alluvial gravel resources, south of Cajalco Road	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrate an intent to mine the entirety of the property based on mineral demand.

D. From 1925 to 1948, Surface Mining Activities on the HH VRA Continued to Support and Interrelate with Adjacent Operations

The increasing development of surface mining activities within the HH VRA between 1924 and 1948 did not occur in isolation from – and at times was interrelated with – surface mining operations on nearby and adjacent mine sites within the Temescal Mining District, which, by 1927, was labelled a “significant” mineral development area.²⁵⁷ In a newspaper article dated October 24, 1927, J.L. Davis, the secretary of the Corona Chamber of Commerce, declared that the region was “Rich in Mineral Wealth” and that there was an “[e]ven greater return from the mines than products of citrus orchards,” amounting to approximately \$7 million in 1926.²⁵⁸ That same article described the multitude of operations, including: mining and processing upwards of fifty (50) different clay varieties and the continued quarrying of porphyry in the Temescal Mining District.²⁵⁹ Some of these proximate mining operations intersected with mining operations within the HH VRA and are described below.

1. Porphyry and Other Rock Quarries

While, as described in **Section V.B, supra**, the HH VRA may have been the “only source of blarney stone [high-quality porphyry]” on the North American continent, it was not the only quarry extracting porphyry from the Temescal Mining District.²⁶⁰ The

²⁵⁷ Exh. C-3.44 (“County Rich in Mineral Wealth Says J.L. Davis,” CORONA DAILY INDEPENDENT (October 24, 1927)).

²⁵⁸ Exh. C-3.44 (“County Rich in Mineral Wealth Says J.L. Davis,” CORONA DAILY INDEPENDENT (October 24, 1927)).

²⁵⁹ Exh. C-3.44.

²⁶⁰ See Exh. C-2.9; Exh. C-210.

surface mining operations that other quarries along the known porphyry resource, also thrived during the infrastructure boom of the 1930s and 1940s. Quarries that had fueled the paving of southern California in the early 20th century now satisfied the growing demand for materials necessary to construct water infrastructure and housing.

The Temescal Rock Quarry, which had started operations in 1888 as part of the Sobrante property, as described in **Section V.B**, *supra*, was idle in the mid-1920s after a fire destroyed on-site facilities.²⁶¹ The idling of this site caused a shift in large-scale stone quarrying operations to the Blarney Stone Quarry, located within the HH VRA.²⁶²

It was not until after the Blarney Stone Quarry produced significant, high-quality porphyry for use in the Prado Dam between 1938 and 1940 that interest in the resuming porphyry production from other Temescal Mining District properties. In fact, in 1941, the Minnesota Mining & Manufacturing Company (“3M”) purchased approximately 1,200 acres associated with the historical Temescal Rock Quarry and located directly north of the HH VRA.²⁶³ 3M restarted operations at the quarry and built a roofing granule manufacturing plant; operations at the vested site have continued through to the present day, as depicted in **Figure B-5.7**.

Similarly situated to the Temescal Rock Quarry, was the Philips Quarry, located northwest of the HH VRA, and established in the early 1900. By the middle of the 1930s, the Philips Quarry was being operated by the Sidebottom Construction Co and furnished “rubble, riprap and track ballast” to the ATSF railroad, especially to repair tracks after the Colorado River flooding of 1938 and protect new state highways from future flooding.²⁶⁴ The Sidebottom site was composed of two small quarries, and produced suitable, if not expensive, rock for riprap and levees.²⁶⁵

Like the Blarney Stone Quarry located in the HH VRA, both the Temescal Rock Quarry and the Sidebottom Quarry demonstrate a pattern and practice of Sobrante owners to initiate mineral development before selling off distinct operations. More importantly for understanding the development of the HH VRA immediately prior to the

²⁶¹ Exh. C-2.10.

²⁶² See Exh. C-3.58 (“Nearby Rock Plants in Steady Operation,” CORONA DAILY INDEPENDENT (June 25, 1934)).

²⁶³ Exh. C-3.80 (“Purchase Option Filed on Quarry,” CORONA DAILY INDEPENDENT (March 31, 1940)).

²⁶⁴ Exh. C-2.4.

²⁶⁵ Exh. C-2.4.

Establishment Date; however, was the impact on porphyry supply caused by the idling of the Temescal Rock Quarry, as well as the lower production quality from the Sidebottom Quarry. Absent sufficient production from these two operations, the HH VRA – including the Blarney Stone Quarry – became a significant production site for porphyry.

2. Silica Sand Production

Immediately neighboring the HH VRA to the west is a silica-sand operation, that operated from the 1920s until approximately the 1980s. As described in **Section V-A, supra**, the existence of high-quality silica sand reserves was known as early in the 20th century.²⁶⁶ However, it was not until the early 1920s that mining operations began in earnest.²⁶⁷ By 1924, the Corona Sand and Silica Company had constructed a small processing plant. Initially, silica and sand processing were inefficient, and was not successful. However, by 1926, a partner in the Corona Sand and Silica Company – one P.J. Weisel – successfully sued to acquire property straddling the western edge of the Sobrante and the HH VRA.²⁶⁸ Between 1926 and 1945, Weisel expanded the silica sand operation into the “oldest [and principal] continuously operated source of silica sand in southern California,” significantly, including (i) construction of multiple factories, (ii) mining along both the east and west sides of Temescal wash; and (iii) construction of a dedicated railroad siding to supplement existing railroad sidings located within the HH VRA.²⁶⁹ In 1945, P.J. Weisel leased his holdings to the Owens-Illinois Glass Company, which expanded operations, including the opening of a pit on the west side of Highway 71 and construction of a larger factory.²⁷⁰

²⁶⁶ C-3.11 (“Our Crushed Rock Industry,” CORONA DAILY INDEPENDENT (March 30, 1911)).

²⁶⁷ C-3.31 (“Silica Industry Will Be Started in Corona,” CORONA COURIER (Dec. 19, 1924)).

²⁶⁸ See C-3.37 (“Sheriff’s Sale on Execution Notice,” CORONA COURIER (Oct. 15, 1926)).

²⁶⁹ Exh. C-2.4 at p. 97; see also Exh. C-3.41 (“Improvements at Silica Plant to Increase Output,” CORONA COURIER (April 29, 1927)); Exh. C-3.61 (“Heavy Sands Shipments,” CORONA DAILY INDEPENDENT (Aug. 20, 1935)); Exh. C-3.67 (“As I See It,” CORONA COURIER (Jan. 7, 1938)); Exh. C-3.68 (“Ainsworth Describes Workings of P.J. Weisel Silica Plant,” CORONA DAILY INDEPENDENT (May 30, 1938)); Exh. C-3.87 (“P.J. Weisel Industrial Sands Division,” CORONA DAILY INDEPENDENT (Dec. 24, 1943)); Exh. C-3.88 (“Silica Sand Output At New Calif. High,” CORONA DAILY INDEPENDENT (April 30, 1945)).

²⁷⁰ *Id.*

In addition to these operations immediately adjacent to the HH VRA, the silica sand mining operation was connected to the HH VRA, particularly along the western edge of the HH VRA, and utilized HH VRA resources (particularly sandstone) in the

3. Timeline of Surface Mining Activities Adjacent to and Interrelated with the HH VRA (1924-1948)

Table 4, below, provides a timeline of surface mining activities adjacent to and interrelated with mining operations located within the HH VRA, as discussed above from the time of the HH VRA’s creation in 1925 until the establishment date in 1949.

Table 4: Timeline of Surface Mining Activities Adjacent to and Interrelated With the HH VRA From 1924 Through 1948

Note: Appendix B, Table B-1.1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map I.D</i>	<i>Year</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-21	1927-1928	Expansion of P.J. Weisel silica sand excavation and production facilities	Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad
M-28	1931	Aerial photographs show extent of tin mine exploration and excavation	As of 1931, the area of influence of the Cajalco Tin Mine included the northeastern corner of the HH VRA, and utilized the Tin Mine Haul Road through the HH VRA
M-29	1931	Aerial photographs show extent of silica sand plant excavations	Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad
R-31	1935	Rail siding expansions constructed both along P.J.	Silica sand mining occurred along the western edge of the HH VRA

		Weisel spur line and Temescal Wash Siding to accommodate increased production	and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad
M-35	1938-1945	P.J. Weisel uses ATSF rail siding on Temescal Wash and on Weisel spur line to export materials	Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad
M-39	1947	Owens-Illinois Glass Co. leases the P.J. Weisel silica sand operation, expands silica tailings, and constructs a new production plant	Silica sand mining occurred along the western edge of the HH VRA and the silica sand operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad. Additionally, the operation mined certain portions of the HH VRA. Finally, Harlow sought to compete with the silica sand and attempt to purchase neighboring silica sand resources, demonstrating intent to fully exploit known mineral resources.
M-42	1948-1949	Aerial photograph shows extent of 3M (“Temescal Rock”) Quarry	Continued expansion of quarry along porphyry ore body indicates continued intent to fully exploit known mineral resources within Temescal Mining District, including mining of same ore body found within HH VRA

E. Exploration and Surveying Activities Before 1949

During the pre-1949 period, multiple studies were also conducted to evaluate both the geologic and economic potential of Temescal Mining District. In 1924, a brief reconnaissance of the region determined that “the rock types were sufficiently complex” that additional study and mapping would be of both scientific interest and

“prove very practical to aid mining interests.”²⁷¹ These studies continued in 1927 and 1928 with significant field and laboratory work, before being presented at the Geological Society of America in 1931, and published by the State of California in 1935 in order to provide “[a] broad knowledge of the general geological features, a division of the rock types and a knowledge of their sequence,” as a matter “of great importance to successful mineral exploration and mining development” to assist “those interested in mining.”²⁷² These geological studies were part of a concentrated effort by California and the United States government to effectively map and exploit the mineral rich Temescal Mining District.²⁷³

1. A 1938 Study Identified 200 Million Tons of HH VRA Reserves Suitable for Water Infrastructure

These initial surveys and studies provided a baseline for understanding the mineral potential of the Temescal Mining District and the HH VRA. In 1938, Harlow would allow a study the Los Angeles District of the U.S. Army Corps of Engineers, to fully evaluate the quality and quantity of mineral materials available within the HH VRA. The study was commissioned before the HH VRA could supply any 450,000 tons of material to the Prado Dam it would be able to under the Carl Bliss contract.²⁷⁴ The results of the study were two-fold, finding that (1) the rock was of sufficient quality for nearly all water infrastructure projects and, most importantly (2), the HH VRA had over **200 million tons** of reserves.²⁷⁵ The sheer amount of reserves identified as this time provide a clear indication that Harlow saw the entire HH VRA as fully appropriate for mining until the reserves would be exhausted.

²⁷¹ Exh. C-2.12, at p. 488.

²⁷² Exh. C-2.12 pp. 488-489.

²⁷³ See Exh. C-2.12 (evaluating strategic minerals); Exh. C-2.13 at pp. 86, 505-520 (describing the economic and strategic minerals of the Temescal Mining District); see also Exh. C-2.13 at p. 281 (“The possibility of war interfering with the importation of much needed raw materials which are not now produced domestically in sufficient quantity has brought up again the subject of strategic minerals. At the request of the Geologic Branch, Mr. Charles White Merrill, engineer of the U.S. Bureau of Mines as well as of the U.S. Army reserve, has prepared and generously contributed for our publication the following timely paper – “Strategic Minerals in California” – explaining what conditions the country would be facing and how California can help in the case of another international disturbance”); pp. 290-291 (discussing strategic minerals in Temescal Canyon).

²⁷⁴ Exh. C-3.75 (“Blarneystone Rock Goes to Prado Dam,” CORONA DAILY INDEPENDENT (Dec. 14, 1939)).

²⁷⁵ Exh. C-2.5; see also Exh. C-3.69.

2. In 1947, Harlow Commissioned an Comprehensive Record of Survey, which was Recorded in 1948, to Clarify Her Access to Mineral Resources Across the Entire HH VRA

Additionally, prior to January 1, 1949, the Kuhry and Harlow, as owners of the HH VRA (and RRM's predecessors-in-interest) undertook actions clearly demonstrating their intent to appropriate and develop the HH VRA as a single, distinct mining property. First, Kuhry and Harlow leased a portion of the HH VRA specifically for quarry development (the Blarney Stone Quarry, described in **Section V.C, supra**). In addition to this lease, Kuhry and Harlow *also* sought out other, neighboring mineral properties, including a property (the "**Kincheloe Property**") known to contain both clay and silica sand deposits (similar to the minerals along the western edge of the HH VRA and those actively being mined by the Owens-Illinois Glass Co., which lay in-between the HH VRA and the Kincheloe Property, as depicted in **Figure B-5.10**).²⁷⁶

In 1946, Kuhry and Harlow entered into a purchase agreement for Kincheloe Property, located west of the HH VRA. Despite this agreement, the Kuhry and Harlow never acquired the property (and, in 1946, were sued for their failure to do so). That lawsuit was settled in 1947 in a manner that left Kuhry and Harlow without new mineral property to develop.

As a result of the failure to purchase the Kincheloe Property and its mineral assets, Harlow commissioned a record of survey in 1947, which was completed and recorded in 1948 ("**1948 ROS**"). The 1948 ROS was designed to specifically identify the clear boundaries of the HH VRA, as well as the clear boundaries of neighboring mineral development properties (including, the Owens-Illinois Glass Co. silica sand operation, which Kuhry and Harlow had sought to compete against with their purchase of the Kincheloe Property). The 1948 ROS provided Kuhry and Harlow the clarity necessary to understand the property (and minerals) that they could mine following their failure to acquire additional mineral development property within the Temescal Mining District. Thus, the 1948 ROS is critical in understanding that Kuhry and Harlow, just two years before the Establishment Date, sought to fully reconnoiter the HH VRA and understand the boundaries within which they could conduct (or allow to be conducted) surface mining operations.

²⁷⁶ See Exh. C-4.3 (agreement and lawsuit relating to Kincheloe Property); *see also* Exh. C-2.4 (describing local mineral deposits, including Coronita Silica Sand Deposit, located on Kincheloe Property).

F. Composite Table of All Surface Mining Activities Directly on the HH VRA Prior to 1949

The following is a composite of all surface mining activities within the HH VRA until 1949.

Table 5: All Surface Mining Activities Conducted within the Boundaries of the HH VRA Prior to the County’s Adoption of Ordinance No. 348 in 1949

Note: Appendix B, Table B-1.1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activity</i>	<i>Relevance</i>
<u>Surface Mining Activities Prior to Creation of HH VRA Tract (Pre-1925)</u>			
R-2	1868-1890	Construction and use of “Tin Mine Haul Road,” running northeast to southwest through the HH VRA	Sobrante owners construct interior haul road, running from Cajalco Tin Mine to ATSF Railroad/Corona-Elsinore Highway, through the HH VRA. The haul road is used to transport tin ore and produced tin from active mine to market.
R-10	Pre-1911	Construction and use of clay haul road running south to northwest through the HH VRA	Sobrante owners construct and use clay haul road, running from clay pits on the border of the Temescal Mining District and Alberhill Clay District, to the ATSF railroads and Corona-Elsinore Highway, through the HH VRA.
M-6	1911	Small porphyry quarries (rip-rap and aggregate) established along eastern bank of Temescal Wash by Sobrante owners, including one within HH VRA	Multiple quarries, including one on the HH VRA, were established to meet demand of Los Angeles cinstryctuin needs,demonstrating intent of Sobrante owners to utilize HH VRA in conjunction with neighboring quarry operations to produce mineral materials as needed.

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activity</i>	<i>Relevance</i>
R-12	1917-1918	Establishment of borrow pits to restore and maintain tin mine haul road; use of tin mine haul road.	<p>The Sobrante owners established borrow pits within the HH VRA to aid construction and maintenance of the interior haul road.</p> <p>The Sobrante owners refurbished the Cajalco Tin Mine and restarted surface mining exploration and excavation.</p>
M-13 M-14 M-15	1918-1923	<p>Refurbishment of the Cajalco Tin Mine, including surface facilities.</p> <p>Tourmaline vein excavation and exploration.</p>	<p>The Sobrante owners established borrow pits within the HH VRA to aid construction and maintenance of the interior haul road.</p> <p>The Sobrante owners refurbished the Cajalco Tin Mine and restarted surface mining exploration and excavation.</p>
E-16	1920-1923	Surveying and exploration for developable silica sand deposits.	Exploration, sampling, and testing of silica sand resources within the Temescal mining district, generally located within and just to the west of the HH VRA (and specifically areas along east and west banks of Temescal Wash) to determine viability of establishing silica sand mining and processing operation, demonstrating intent to fully develop all mineral resources in the Temescal Mining District.
<u>Surface Mining Activities After the Creation of HH VRA as Distinct Mining Property (1925-1948)</u>			
M-19	1926-1927	Expansion of porphyry quarrying within the HH VRA to provide material for railroad expansion	After Peacock took ownership of the HH VRA, surface mining increased (including a 50% expansion of the existing porphyry quarry). This demonstrates the intent of the HH VRA owners to continue utilizing the property for surface mining.

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activity</i>	<i>Relevance</i>
M-20	1927-1929	<ul style="list-style-type: none"> • Third wave of surface improvements, excavation, and exploration at Cajalco Tin Mine and associated surface tourmaline veins and tourmaline blowouts 	Surface mining activities within and associated with the HH VRA, located in the northeastern corner of the property. The tin mine rejuvenation continued to utilize the tin mine haul road through the HH VRA.
E-23	1930	Exploration related to economic and strategic mineral development describes occurrences of dumortierite	Exploration and surveying of the HH VRA, including areas outside of the S-4 VRA, to determine if commercial or strategic minerals were present demonstrates intent to develop all possible mineral resources within the HH VRA
E-24	1931-1938	Exploration and sampling for high aluminum clays and bauxite, primarily north of Cajalco Road as part of strategic mineral evaluation.	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating continued intent to fully develop all possible mineral resources within the HH VRA.
M-25	1931-1938	Excavation begins at the Cajalco Clay Pit, located south of Cajalco Road along with the western edge of the HH VRA.	Surface mining of clay resources within the HH VRA and partially outside the S-4 VRA.
R-26	1931	Rock, sand, and gravel borrow pits opened to supply materials to improvements to tin mine haul road and Cajalco Canyon trails	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to utilize all mineral resources within the HH VRA.
E-30; see also Figure B-5.6	1935	Multiple geologic survey and studies and economic analyses completed and published	Exploration work of the geologic and mineral characteristics of the HH VRA to determine mining feasibility.

<i>Map I.D.</i>	<i>Year</i>	<i>Surface Mining Activity</i>	<i>Relevance</i>
M-33	1938	Red clay resource quarried for approximately 100 feet east of Temescal Wash and ATSF railroad	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrating an intent to mine the entirety of the property.
M-36	1938-1941	Increased production of porphyry from HH VRA and the Blarney Stone Quarry, primarily associated with contract to supply 450,000 tons of materials to Prado Dam construction	Surface mining of rock resources within the HH VRA to meet regional demand.
E-38	1940-1945	Survey of six square miles around Cajalco Hill (site of Cajalco Tin Mine, located northeast of HH VRA), to map, sample, and evaluate suitability of tin resources to supply U.S. war effort	Evaluation of mineral materials useful to the U.S. war effort, including evaluation of mineral resources in the northeast corner of HH VRA, outside the S-4 VRA
Figures B-5.8 and B-5.9	1946-1947	Owners of the HH VRA commissioned record of survey to assist in determining scope of mineral assets of HH VRA and surrounding properties	Survey of HH VRA property boundaries in conjunction with potential mineral land acquisition demonstrates owners of HH VRA intended to devote entire property to mining purposes
M-40	1948	Liston Brick Co. begins small side-cut clay exploration and mining operations north of the Blarney Stone quarry	Surface mining activities within the HH VRA and outside the S-4 VRA demonstrate an intent to mine the entirety of the property based on mineral demand.

G. Mining Activities Continued Within the Entire HH VRA Between 1949 and 1976 Absent Mining Permits

As discussed in **Section IV.B**, *supra*, Riverside County passed Ordinance No. 348, effective January 1, 1949, which thereafter required a use permit for any non-

conforming land use, including mining operations, thereby creating the Establishment Date of 1949. But permits were not required for operations that existed prior to the Ordinance's enactment. Yet, despite this new requirement, only two use permits (M-404 and CU-1146, discussed in **Sections III.C** and **III.D**, *supra*) were issued for the myriad mining operations that occurred within and adjacent to the HH VRA.

Instead, surface mining activities continued almost uninterrupted, except in very specific instances where the owners understood that the proposed use would require a permit from the County. For example, Hubbs obtained CU-1146 in order to operate an asphalt plant; but did not obtain any permits to mine materials to supply that asphalt plant.²⁷⁷ As described in detail below, between 1949 and the enactment of SMARA in 1976, the HH VRA hosted multiple surface mining activities across the entirety of the property, without any permits, thereby indicating the valid exercise of a vested right across the entire 792.22-acre HH VRA.

1. Owners and Operators Clearly Understood the (Lack of) Need for Use Permits for Surface Mining Activities

The lack of any such use permits is indicative that all surface mining activities were conducted under vested mining rights. Based on the historical record, it is apparent that both Harlow and the mining operators who operated on her property and elsewhere in the County took the need for a use permit seriously. For example, Livingston obtained a use permit for at least one quarry, located in the Norco area, in 1954;²⁷⁸ but *did not* obtain a similar use permit to continue ongoing operations at the Harlow Quarry. In fact, in 1959, when Livingston obtained Permit No. 404, which related *only* to the operation of a rock crushing plant and compliance with air quality standards.²⁷⁹ And by 1959, there were significant, additional mining activities occurring elsewhere through the HH VRA, as described in detail in **Section V.F.3**, *infra*.

Perhaps more telling, Leilamae Harlow sought to obtain two use permits after 1949, but neither related to surface mining activities: one (which was issued) to undertake repairs and painting work on her ranch house, located along the south edge of Cajalco

²⁷⁷ Exh. C-1.2.

²⁷⁸ Exh. C-3.95 ("County Approves Quarry at Norco," CORONA DAILY INDEPENDENT (April 14, 1954)).

²⁷⁹ Exh. C-1.1.

Road within the HH VRA; and a second to attempt to utilize areas of the HH VRA that had been excavated as a cut-and-cover dump.²⁸⁰

This second permit application, requested in 1955, is telling as to *how* Harlow viewed the allowable uses of her property under Ordinance No. 348. Harlow's permit request did not ask permission to remove mined or excavated material – it only sought permission to *place* refuse in excavated spaces.²⁸¹ Put simply – Harlow understood the HH VRA had a valid existing right for mining – but not for garbage dumping.

The opposition to Harlow's permit request is equally telling. Opponents to the project included neighboring property users – including P.J. Weisel, owner of the sand mine immediately adjacent to the HH VRA. The opponents' concerns were not about the excavation of the property, but about the impact that *foreign material* and garbage would potentially have on water quality.²⁸² Opponents to Harlow's project, understood that there was no valid challenge to her vested mining rights to excavate and mine the property.

Both the City of Corona and Riverside County denied Harlow's application for a permit to use the HH VRA as a cut-and-cover dump for Los Angeles.²⁸³ Despite this denial, mining operations on the site continued unaffected, again demonstrating that the mining operations were conducted pursuant to vested mining rights.

2. Harlow Consolidates Her Ownership

Between 1949 and 1964, Leilamae Harlow took steps to consolidate her interests and ownership of the HH VRA. In 1952, four years after vesting, Leilamae Harlow took sole ownership of the Cajalco Property.²⁸⁴ As discussed in **Section V.C.2.e, supra**, Harlow commissioned the 1948 ROS, which she undertook for the purpose of clearly delineating the boundaries of her property *vis-à-vis* neighboring mining operations, particularly the Weisel/Owens-Illinois Glass Company. This effort to establish defined property boundaries demonstrates both Harlow's intent to understand the boundaries

²⁸⁰ Exh. C-3.93; *see also* Exh. C-3.99.

²⁸¹ Exh. C-3.99 (“Planners Deny permit for Garbage Dump Near Corona,” CORONA DAILY INDEPENDENT (Aug. 10, 1944)).

²⁸² Exh. C-3.98 (“Mail Bag,” CORONA DAILY INDEPENDENT (July 8, 1955)).

²⁸³ Exh. C-3.97 (“No Dump Ground in Temescal, Says Counsel,” CORONA DAILY INDEPENDENT (July 6, 1955)); Exh. C-3.101 (“Thumbs Down on Proposed Garbage Dump,” CORONA DAILY INDEPENDENT (Oct. 18, 1955)).

²⁸⁴ *See* Appendix A; *see also* Exh. A-16.

of her property that could be mined, as well as the interrelationship between the HH VRA and neighboring properties, especially because those neighboring mining operations would utilize portions of the HH VRA during the 1950s and 1960s.

3. Post-Vesting Mining Operations Expand Across the HH VRA

Under Harlow's ownership, multiple mining operators used the HH VRA, including Livingstone, Stringfellow, Corona Rock Quarries Inc., Paul J. Hubbs Construction Co., Owens-Illinois Glass Co., Gladding, and the Liston Brick Co.

a. Rock Quarrying Operations Within the HH VRA After January 1, 1949

During the 1950s, quarrying operations continued apace at the Hubbs Harlow (formerly Blarney Stone) Quarry. For example, in 1958 (a year before Permit 404 was issued), independent trucking contractors hauled porphyry from the Harlow Quarry to "a causeway project in the beach area" for at least six months.²⁸⁵

More importantly, during this period, the HH VRA provided significant amounts of porphyry to multiple flood control projects, including the Orange County Santa Ana River Levee (250,000 tons in 1958) and Long Beach Flood Control (at least 500,000 tons in 1958). Production during this period was approximately 6,000 tons a day (or just over 2 million tons a year).²⁸⁶

On January 8, 1959, Livingstone filed an Application for M-3 Permit, to allow the use of a "rock crusher" in conjunction with ongoing quarry operations.²⁸⁷ Permit No. 404 was approved the Board of Supervisors in February 1959. Nothing in the permit application or the permit itself expressed any intent or belief that the existing vested rights of the HH VRA would be affected by the permit.²⁸⁸ This understanding is consistent with law that such a use permit would not affect existing vested rights, but was "merely a recognition and protection of [the]...original right."²⁸⁹

In 1961, Livingstone and Stringfellow incorporated Corona Quarries, Inc. to operate mining operations on the HH VRA, primarily (although not exclusively) within the S-4 VRA. Corona Quarries, Inc. produced significant quantities of stone during the early

²⁸⁵ Exh. C-3.105 ("Rock Truck Complaints," CORONA DAILY INDEPENDENT (August 7, 1958)).

²⁸⁶ Exh. C-2.4 at 1031.

²⁸⁷ Exh. C-1.1.

²⁸⁸ Exh. C-1.1.

²⁸⁹ See *Ricciardi v. County of Los Angeles* (1953) 115 Cal.App.2d 569, 576.

1960s; however, the cooperative venture would not last. In April 1965, Stringfellow sued Corona Quarries over unpaid fees for trucking services rendered between May 1, 1962 and December 31, 1963.²⁹⁰ During this period, Stringfellow provided dump trucks to haul produced rock for \$1.80 a ton and hauled approximately 308,932.28 tons of rock, worth approximately \$555,899 under the contract terms. Stringfellow alleged that the firm was due \$123,572.91 in unpaid fees.²⁹¹

Shortly after the lawsuit, Paul J. Hubbs Construction took over day-to-day operations at the Cajalco Property. In 1968, Hubbs discontinued use of the Corona Quarries, Inc. name and operated the Cajalco Property under the “Paul Hubbs Construction” moniker.²⁹² The Corona Quarries, Inc. corporate entity was dissolved in 1986.²⁹³

Under management of the Hubbs Construction Co., production on the Cajalco Property continued to supply stone for multiple projects. A report on the Los Angeles Harbor Deepening Project notes that the Cajalco Property provided stone to ocean projects in 1965 and 1970, and was one of the few properties in Temescal Canyon still producing stone.

As part of continued operations at the Cajalco Property, in 1970 Hubbs obtained CU-1146, which authorized the construction and operation of a rock crushing and screening plant, as well as an asphalt manufacturing plant. As discussed in **Section III.D**, *supra*, the County’s findings regarding CU-1146 *explicitly* confirmed the existing of vested rights with the HH VRA.

Other small-scale rock quarrying operations occurred across the HH VRA, including the continued use and enlargement of borrow pits just north of Cajalco Road, the continued mining of the gravel pits along the south side of Cajalco Road; and the expansion of borrow pits and test pits along tin mine road, identified in **Table 6**, *infra*, and depicted in **Figures B-3.8**, **and B-4.15, 4.16, and 4.18**.

²⁹⁰ Exh. C-3.109 (“Trucker Sues Corona firm,” Corona Daily Independent (April 16, 1965)).

²⁹¹ Exh. C-3.109.

²⁹² Exh. C-3.113. (“Certificate of Discontinuance of Use and/or Abandonment of Fictitious Name #15788,” CORONA DAILY INDEPENDENT (September 19, 1968)).

²⁹³ See California Secretary of State, C0414498 (indicating Corona Quarries, Inc. Dissolved as of May 29, 1986)

b. Clay Mining Operations Within the HH VRA After January 1, 1949

In addition to rock quarrying operations discussed in the immediately preceding section, the HH VRA also hosted significant clay mining operations, located primarily north and northeast of the S-4 VRA, as well as some smaller operations north of the tin mine haul road. These post-vesting clay mining operations constituted an apparent continuation of the Cajalco Pit developed by Pacific Clay Products in the 1930s, as well as new clay mining in two areas of the HH VRA, as depicted in **Figure B-3.8 and B-4.15, 4.16, 4.18, and 4.19.**

In 1948, the Liston Brick Company (“**Liston**”) constructed a ceramics manufacturing plant on the west side of Temescal Wash, immediately to the west, and adjacent to the HH VRA, as depicted in **Figures Figure B-3.8 and B-4.15, 4.16, 4.18, and 4.19.** In their manufacturing process, Liston utilized multiple sources of raw clay, including several areas within the HH VRA. Beginning in 1954, Liston utilized a portion of the HH VRA for clay mining, as depicted in **Figure B-3.8 and B-4.15, 4.16, 4.18, and 4.19.** This mining area – the Harlow Clay Pit (as opposed to the Hubbs Harlow Quarry)– clay and residual claystone from the Silverado Formation.²⁹⁴ As of 1963, the quarry was a side-hill cut approximately 150 feet long and 100 feet wide.²⁹⁵ As demonstrated in aerial photography, clay mining exploration operations extended both east from the Cajalco Pit and north from the Harlow Pit, with multiple side-hill cuts.²⁹⁶ Liston also used other areas on the site for soil and gravel amendments to the ceramics manufacturing process, particularly the gravel feature south of Cajalco Road within the eastern portion of the HH VRA and the borrow pit north of Cajalco Road, within the central portion of the HH VRA, and depicted in **Figure B-3.8 and B-4.15, 4.16, 4.18, and 4.19.**

In addition to Liston, Gladding also undertook clay mining operations on the HH VRA. During the early 1950s, Gladding was “engaged in an intensive exploration program” to develop clay resources to supply the ceramics plant located on the west side of Temescal Wash.²⁹⁷ This exploration program included core drilling in clay formations in the north eastern quarter of Section 16 and the northwestern quarter of Section 15 and southwestern quarter of Section 10. This pit produced a large deposit of

²⁹⁴ Exh. C-2.4.

²⁹⁵ Exh. C-2.4

²⁹⁶ See **Figures B-6.6 and B-6.7.**

²⁹⁷ Exh. C-2.4 at p. 72.

red-burning clay from the Silverado formation, as well as residual and sedimentary clays.²⁹⁸

Evidence of these multiple clay mining operations is evident to this day, with multiple well-defined trench excavations, consistent with bulldozer excavations and clay mining, evident in aerial photography and LiDAR imaging, and confirmed by site visits and analysis and displayed below.²⁹⁹

Figure 2: Disturbed Clay Resource (see also Figure B-7.4.2)

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Photo 7 Panorama of clay resource area. The zone of highly-weathered metamorphic rock is probably at least 3 m thick over much of the disrupted area shown in this photograph. Total volume would therefore be about 130,000 m³ (176,000 yd³). Volume verification would require test borings or pits and additional surface measurements.

²⁹⁸ Exh. C-2.3 at p. 110

²⁹⁹ See Exh. D-1.1 (describing multiple surface scrapes and clay trenches); see also **Figure B-6.6 and B-6.7** (depicting LiDAR and aerial photograph comparisons of clay mining disturbances); **Figure B-7.4.2** (displaying known, heavily disturbed clay bed).

Figure 3: Aerial Photograph/LiDAR Comparison – Clay Disturbances East (see also Figure B-6.6)

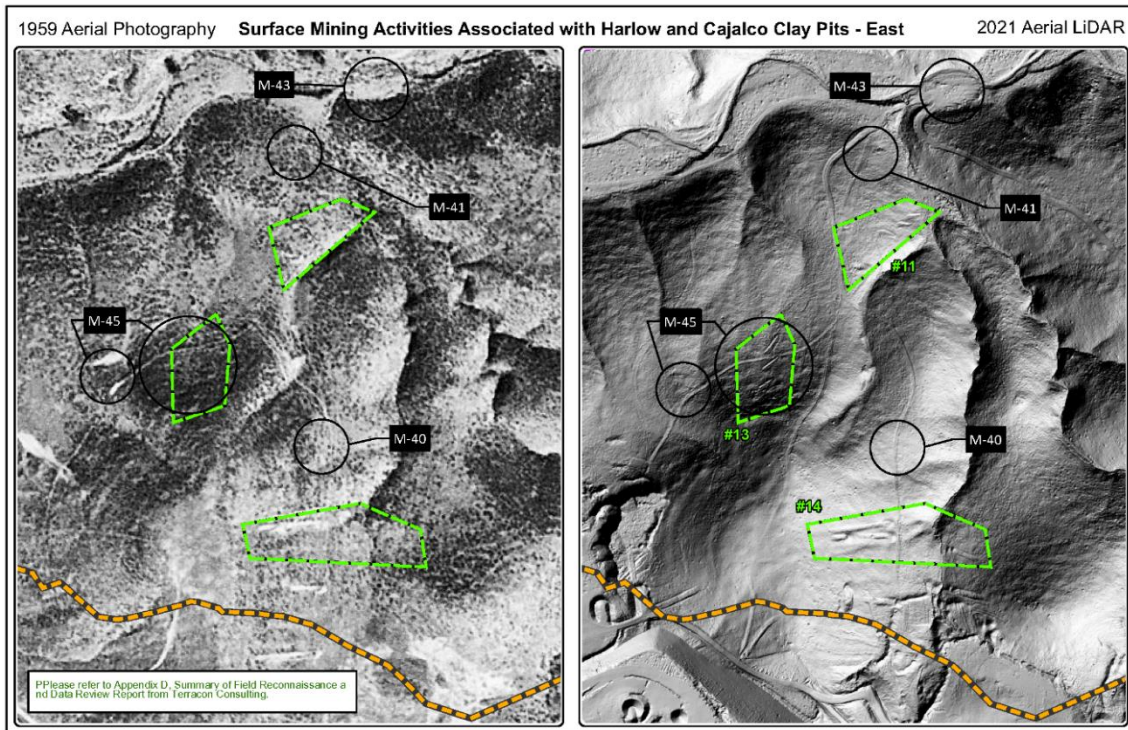
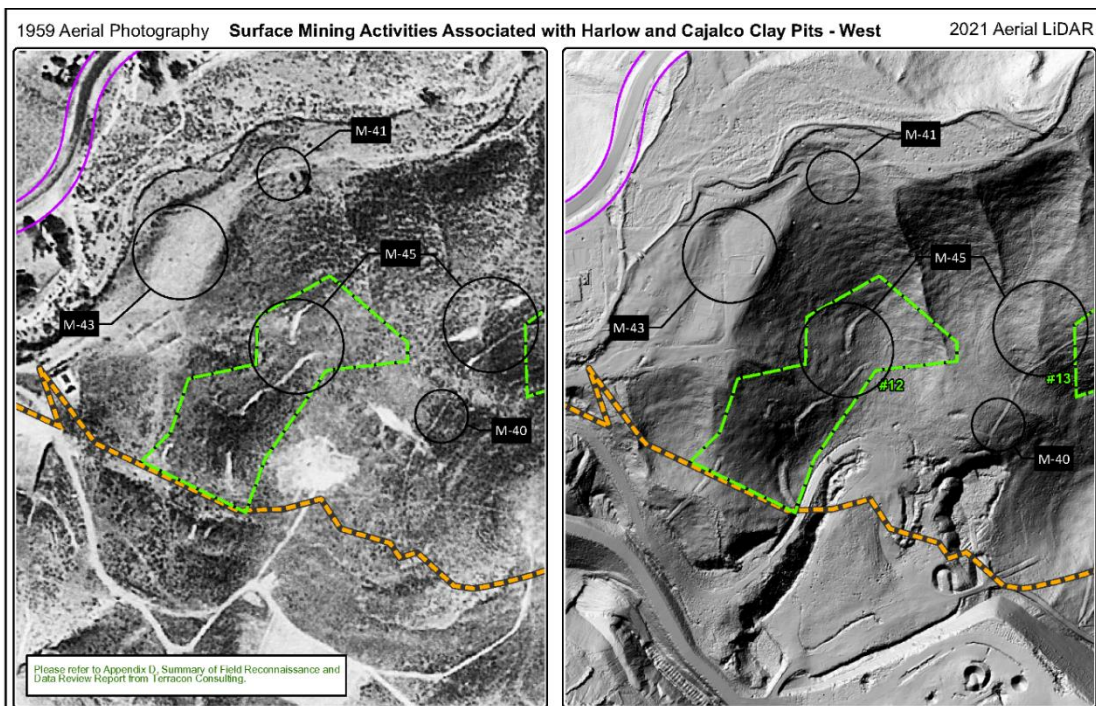


Figure 4: Aerial Photograph/LiDAR Comparison – Clay Disturbances West (see also Figure B-6.7)



4. Timeline of Surface Mining Activities Within The HH VRA 1949-1976

Table 6, below, provides a timeline of surface mining activities that occurred within the HH VRA *after* the Establishment Date, which demonstrate the exercise of vested mining rights across the entire HH VRA.

Table 6: Timeline of Surface Mining Activities Conducted Absent Any Surface Mining Permits Within the HH VRA From 1949 Until 1976

Note: Appendix B, Table B-1.1. provides a list of all surface mining activities referenced in the Tables and text throughout the RFD. Table B-1.1 identifies the surface mining activities by “Map I.D.” and provides cross-references to Appendix B (Maps and Graphics).

<i>Map I.D.</i>	<i>Date</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-43	1948-1960s	Liston Brick Co. mines multiple locations, including the Harlow Clay Pit and other unnamed pits, within HH VRA for (i) miocene diatomaceous shale; (ii) quaternary alluvium; (iii) local soil and sand sandstone; and (iv) metasedimentary rocks	Continued mining of clay resources, begun before 1949 and significantly expanded in the 1950s, all within HH VRA but without permits is consistent with the exercise of a vested right.
M-44	1954	Gladding McBean discovers significant red clay resource adjacent to and on HH VRA and begins excavations and production	Surface mining activities for clay resources within the HH VRA without permits is consistent with the exercise of a vested right.

<i>Map I.D.</i>	<i>Date</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-45	1953-1959	Rock from the HH VRA is provided for multiple flood control projects	<p>Mining within the HH VRA was conducted without permits is consistent with exercise of vested rights.</p> <p>Production is provided on a per-project basis, with 250,000 tons produced in 1958 for the Santa Ana River Levee, and 500,000 tons produced in 1958 for other flood control channels. Quarrying capacity is given at 6,000 tons per day (over 2 million tons per year).</p>
M-46	1959	Aerial photograph shows extent of surface mining activities of Hubbs Harlow Quarry	Continued mining within the HH VRA without permits is consistent with the exercise of vested rights.
M-47	1963	Aerial photograph shows continued expansion of Hubbs Harlow Quarry	Continued mining within the HH VRA without permits is consistent with the exercise of vested rights.
M-48	1967	Riverside County Board of Supervisors approve construction of "Eagle Valley Road" as a county road to replace the formerly private tin mine road	County action removes Tin Mine Haul Road from private ownership nearly two decades after vesting.
M-49	1972	Aerial photograph shows the extent of Owens-Illinois Glass Co. silica plant operations, including connectivity via conveyer and roads with HH VRA	Continued mining within the HH VRA (and adjacent properties) without permits is consistent with the exercise of vested rights

<i>Map I.D.</i>	<i>Date</i>	<i>Surface Mining Activities</i>	<i>Relevance</i>
M-50	pre-1976; 1985	Survey and analysis of known historic mining sites within the HH VRA	1984 investigation and analysis of known, historic mining features within the HH VRA, including multiple heavily disturbed clay pits, all outside the S-4 VRA boundary. Existence of heavy surface mining disturbances indicate existence of vested right.
M-51	1962	Surface disturbance consistent with clay scraping and exploration	Surface disturbance was visible in aerial imagery dated 1962, in area of property associated with clay mining during tenancy of Corona Quarries, Inc. and construction of MWD lower-feeder line. Site investigation and LiDAR analysis determined disturbance may be associated with either clay exploration or construction of MWD lower-feeder line. Surface mining activities in this portion of the HH VRA without a permit demonstrates exercise of vested right.
M-52	1962-1967	Surface disturbance consistent with clay scraping and exploration	Surface disturbance was visible in aerial imagery dated 1967 in area of property associated with clay mining during tenancy of Corona Quarries, Inc. Site investigation and LiDAR analysis determined ground disturbance and several roads consistent with clay mining/exploration, including a trench-like feature. Surface mining activities in this portion of the HH VRA without a permit demonstrates exercise of vested right.
M-53	1970s-1980s	Road cut or dozer scrap, consistent with efforts to expose shallow bedrock	Surface disturbance consistent with mining exploration work; clearly visible in LiDAR analysis.
M-54	2019	Aerial photograph shows extent of modern mining activity, as of 2019.	Surface mining activity is consistent with exercise of vested right, post-SMARA, within approved Reclamation Plan Boundaries

H. Post-1976 Developments at the HH VRA

Leilamae Harlow died in 1972, but her estate was not settled until 1976. Her death did not interrupt surface mining operations at the HH VRA, which were undertaken by Hubbs. Nor did the short ownership of the HH VRA by Occidental College from 1976 until 1979 (who had acquired the property in a trustee's foreclosure sale to collect on a debt secured by a deed of trust Harlow entered into in 1966) interrupt those operations. Rather, as described in **Appendix A**, by 1979, Hubbs had consolidated his leasehold interest in the HH VRA with title to the full HH VRA.³⁰⁰

1. **Rec Plan RP118 (Hubbs) – 1982**

In 1982, following the enactment of SMARA in 1976 and in compliance therewith, Hubbs submitted and obtained approval of Reclamation Plan 118 (“**RP 118**”), ensuring that quarrying operations at the Harlow Quarry were in compliance with the requirements of SMARA.³⁰¹

RCL-118 recognized that historic mining operations occurred on the Cajalco property “since at least the mid-1950s” and also expressly recognized that “[t]he whole region along Temescal Creek has been mined for nonmetallic mineral commodities since the turn of the century . . . include[ing] sand and gravel, clay, and rock.”³⁰²

As discussed in **Section III.E**, *supra*, RCL-118 acknowledged two ongoing mining operations: (1) the Harlow Quarry (formerly the Blarney Stone Quarry), an “open pit rock quarry” encompassing approximately 20 acres of benches and quarry walls and (2) an “open pit clay mining operation that was “operated intermittently in the past” with “current plans . . . for similar operations in the future.”³⁰³ RCL-118 also recognized that the anticipated operational life of the project could be extended if the operator decided to expand the footprint of the operation.³⁰⁴

2. **Continued Mineral Development of the HH VRA from 1983 to the Present**

In 2003, the County filed a lawsuit against Hubbs alleging violations of RP 118, SMARA, and County land use regulation. The parties reached a settlement in 2004 and

³⁰⁰ See Appendix A; see also Exh. A-21.

³⁰¹ Exh. C-1.3

³⁰² Exh. C-1.3

³⁰³ Exh. C-1.3.

³⁰⁴ Exh. C-1.3.

stipulated to resolve the County's allegations. The 2004 Settlement required certain actions to remediate the site, but also expressly reflected Hubbs' intent to continue surface mining operations at the site. Thereafter, the court entered an order accepting the settlement terms as the order of the court, to resolve the allegations in the Hubbs lawsuit and address then-current hazardous conditions at the site resulting from surface mining operations of that prior operator.

Prior to compliance with that settlement, Hubbs sold the Hubbs Harlow Quarry portion of the HH VRA to Temescal Cliffs LLC. Shortly after the sale, Temescal Cliffs LLC entered into bankruptcy.³⁰⁵ The property was thereafter acquired by RRM in October 2011.³⁰⁶ Following RRM acquisition of the Cajalco Property in 2011, RRM and the County began discussions regarding appropriate remediation of the mining areas within the S-4 VRA to eliminate significant threats to public health and safety, including unstable slopes and unstable sheer vertical faces.³⁰⁷ This discussions yielded an amendment to the 2004 settlement, later adopted by the court as the Amendment to Stipulated Settlement Agreement and Judgment Thereon ("**First Amended Judgment**"), which required RRM to submit a revised reclamation plan known as RCL 118S1 ("**S1**"), revised financial assurances, and conduct surface mining activities within the scope of the approved reclamation plan.³⁰⁸

The need for and purpose of S1 was to address the then-immediate and significant threats to health and safety, including unstable slopes and sheer vertical faces over 300 feet in height. In approving S1 in 2013, the County adopted findings regarding the scope of vested rights to conduct surface mining activities at the site, including that "surface mining activities within the Amendment RCL00181S1 are consistent with the existing vested right confirmed in multiple, historical documents."³⁰⁹

On July 14, 2016, the County and RRM entered into the Second Amendment to Stipulated Settlement Agreement and Judgment Thereon ("**Second Amended Judgment**") to further the intent and goals of the 2013 settlement and the First Amended Judgment.³¹⁰ The Second Amended Judgment was entered as an order of the court on July 26, 2016. To implement the intent and goals of the SEcond Amended

³⁰⁵ Exh. A-34, Declaration of Christine Goeyvaerts, ¶¶ 3-7.

³⁰⁶ Exh. A-32.

³⁰⁷ Exh. C-.1.9.at ¶¶ D-J.

³⁰⁸ Exh. C-1.9 at ¶ L.

³⁰⁹ Exh. C-1.4.

³¹⁰ Exh. C-1.9

Judgment, RRM submitted, and on February 9, 2017, the County approved RCL118S3 (“S2”), which included an adjustment of reclamation plan boundaries.³¹¹

The purposes of the Second Amended Judgment and S2 were to ensure compliance with S1 and provided for a re-aligned and upgraded access road and changes to mine operation for safety reasons (*e.g.*, reducing trespass, relocating explosive magazine bunkers, and providing appropriate site grading).³¹²

The Second Amended Judgment and S2 again included detailed findings confirming the existence of vested rights within the S-4 VRA, established in 1949.³¹³

Furthermore, the terms of the Second Amended Judgment stated that none of the upgraded or modernized equipment or facilities used by RRM changed the original vested mining use, and that many of the modernizations and upgrades increased efficiency and environmental conservation of the surface mining operation.³¹⁴ Importantly, the Second Amended Judgment further stated that all other non-mining activities would either be on areas within the footprint of historic vested operations, or were necessary to satisfy various public agency requirements or facility upgrades.³¹⁵

On November 16, 2020, the County approved RCL 118, Substantial Conformance No. 4 (RLC00118S4) (“S-4”), based on the application submitted by RRM in 2019, for a third amendment to RP 118.³¹⁶ The purposes of S4 included (1) adjusting final reclamation contours and apply existing reclamation standards to the full scope of the previously-confirmed vested mining areas, within the existing, already approved 132-acre S2 reclamation boundary; (2) incorporating beneficial reclamation of disturbed areas of the site not presently required to be reclaimed; (3) achieving full compliance with two prior settlement agreements and First and Second Amended Judgments.³¹⁷

VI. SUMMARIZING THE HISTORICAL DEVELOPMENT OF RRM’S VESTED RIGHT

Taken as a whole, the historical development of the mineral resources on and near the HH VRA in the many decades leading up to 1949 supports the establishment of a

³¹¹ Exh. C-1.9.

³¹² Exh. C-1.9 at ¶¶ R, 1-14.

³¹³ Exh. C-1.9.

³¹⁴ Exh. C-1.9.

³¹⁵ Exh. C-1.9.

³¹⁶ Exh. C-1.6.

³¹⁷ Exh. C-1.6.

vested right across the entire HH VRA. The owners and operators of the HH VRA understood this and, after the Establishment Date, continued mining operations on the HH VRA absent land use permits. Following the enactment of SMARA, which now required reclamation plans, including for vested sites, the County adopted a series of reclamation plan approvals for the site, each of which recognized vested rights on the HH VRA based on this development history. **Sections IV and V, *supra***, describe this history in detail, which is summarized below to provide a concise basis to support the vested rights determination requested in **Section VI, *infra***.

A. For Nearly A Century (1859-1948), Mineral Development Occurred On and Across the HH VRA Prior to the the Establishment Date

From the late 1880s through the Establishment Date of January 1, 1949 (effective date of Ordinance No. 348), the HH VRA was subject to numerous surface mining activities, as well as operations of varying scope and scale. Yet always the HH VRA was under one common ownership, with a singular purpose to realize the mineral development potential of the HH VRA. Starting with the Sobrante owners, then Peacock, Kuhry, Harlow, and Hubbs Construction; they all consistently dedicated the HH VRA to the development of the extensive mineral resources throughout the site. The activities of numerous lessees and operators, who continuously operated on the HH VRA, reflected that mining purpose.

1. Surface Mining Activities Operated in the Larger Context of the Temescal Mining District Prior to Divestment of the HH VRA by the Sobrante Owners in 1925

From the 1880s to 1925, the HH VRA was part of the large Sobrante, under the control of the Sobrante owners, and generally supported regional mining operations within the Temescal Mining District. Surface mining activities during this period, under the oversight of the Sobrante owners, included:

- Prospecting and excavation of tin-bearing tourmaline veins;
- Intermittent working of the Cajalco Tin Mine, beginning in about 1890, based on fluctuations in the demand and price for tin (*i.e.*, production would occur only when either price or demand for tin were high);
- Development and maintenance of an internal haul road leading through the HH VRA and connecting the Cajalco Tin Mine to areas west of the HH VRA and providing the surface mining operations at the Cajalco Tin Mine access to the Corona-Elsinore High and ATSF railroad, utilizing the HH VRA, as discussed in

detail in **Sections V.B and V.F, *supra***, and portrayed in **Figures B-3.6 and 3.7; B-4.1, 4.4, and 4.13, and Exhibit C-2.21.2;**

- Establishment of a clay pit south of the HH VRA, also connected to the Corona-Elsinore Highway by an internal haul road running south to north through the HH VRA, as discussed in detail in **Section V.B**, and portrayed in **Figures B-3.6 and 3.7 and B-4.2.**
- Establishment of multiple rock quarries along the western edge of the Sobrante, including at least one quarry within the HH VRA, as portrayed in **Figures B-3.3 and B-4.2**, as well as other quarries north of the HH VRA, as portrayed in **Figure B-3.6.**
- The legacy of the many surface mining operations in the Temescal Mining District continues to this day, with at least 6, ongoing vested mining operations, as depicted in **Figure B-5.6.** The operations in **Figure B-5.6** are only those that are still ongoing' other surface mining operations continued as vested sites, but have since ceased operation (such as Liston, Gladding McBean, and Owens-Illinois). Those

2. Surface Mining Activity Directly on the HH VRA Increased Following Peacock's Acquisition of the HH VRA in 1925

During the 1920s, the Sobrante owners began divesting themselves of their land holdings, and by 1925, the HH VRA in roughly its current form was acquired by Peacock. Although Peacock conveyed away a number of small, heavily-encumbered portions of the HH VRA surface estate, colloquially referred to as "encyclopedia lots," he reserved and maintained the mineral rights in all of these small lots (now owned by RRM), effectively ensuring that mining activities could continue across the whole of the HH VRA and dedicating the property entirely to mining. Under Peacock's ownership, surface mining activities increased within the HH VRA, primarily through the following:

- Increased development of the quarry along the western edge of the HH VRA to provide railroad ballast during construction of ATSF's spur line from Corona to Alberhill-Elsinore, as discussed in detail in **Section V.C**, and portrayed in **Figures B-3.2 and B-4.2 and 4.3.**

3. **Kuhry and Harlow Acquired the HH VRA in 1931 and Started to Realize and Develop the HH VRA’s Full Mineral Resource Potential**

As ownership progressed in 1932 from Peacock to Kuhry and Harlow (and from 1952, to just Harlow) significant effort was put not just into current developing and mining, but also into exploring/inventorying the overall mineral resource, with the idea to exploit its full mineral resource potential. Kuhry and Harlow oversaw significant surface mining activities within the HH VRA, and undertook actions that demonstrated an objective intent to appropriate and fully mine the entire HH VRA. These actions included:

- Leasing portions of the HH VRA to Pantages;
- Trying to expand their holdings by obtaining neighboring mineral properties (which ultimately failed and led to litigation);
- Undertaking the 1948 ROS of the entire HH VRA to understand where the HH VRA could be mined;
- Allowing establishment of multiple, small-scale quarries and borrow pits (often operated by Pantages in conjunction with mining at the Blarney Stone Quarry) to furnish the raw materials multiple large infrastructure projects, including construction of Cajalco Road, Cajalco Dam, and Prado Dam, as discussed in detail in **Section V.C.2, *supra***, and depicted in **Figures B-3.2 and B-4.5, 4.12, 4.14, and 4.15**;
- Authorizing clay mining that was used to supply the region’s renowned ceramics industry, as discussed in detail in **Section V.C.2, *supra***, and depicted in **Figures B-3.2 and B-4.10, 4.11 and 4.14**;
- Coordinating with experts to analyze the property for quality and quantity, which ultimately determined the reserves of high quality “blarney stone” (porphyry) within the HH VRA to be at least **200 million tons** and suitable for large-scale, water infrastructure projects;³¹⁸
- Concurrent with these efforts to maximize development of the building and industrial materials on the HH VRA, during the outbreak of World War II in the 1940s, there was renewed interest in operating the tin mine, resulting in large-scale exploration operations, encompassing approximately six square miles, centered in the area immediate around Cajalco Hill and the Cajalco Tin Mine,

³¹⁸ Exh. C-2.4; *see also* Exh. C-3.69.

including areas in the northeast of the HH VRA, as discussed in detail in **Section V.C**, *supra*, and portrayed in **Figures B-3.2** and **3.3**, as well as **B-4.6.1**, **4.6.2**, **4.6.3**, and **4.13**, and **B-5.8**.

In short, during the years leading up to the 1949 Establishment Date, not only was there significant surface mining activity on the HH VRA, but there also substantial undertakings to maximize the entire site as a mineral resource, including exploration, and surveying activities, as portrayed in **Figures B-5.6**, **5.10**, and **5.11**. These operations included multiple aggregate and gravel borrow pits, several clay pits and prospects, multiple prospecting and exploration activities, and the Blarney Stone Quarry, as detailed in **Table 3**, *infra*, and depicted in **Figure B-3.2**.

B. In 1949, When Riverside County Enacted Ordinance 348 Requiring a Permit to Mine, Vested Rights to Mine Were Established Across the Entire HH VRA

As discussed in **Section IV**, *supra*, the County has previously recognized the Establishment Date of 1949, and that vested rights were established within the S-4 VRA portion of the HH VRA. RRM asserts that vested rights were in fact established in 1949 for the entire HH VRA, not just the S-4 portion of it, based upon:

- Evidence of pervasive mining activity throughout the entire HH VRA, as described above; and
- Evidence that Harlow (and other predecessors) considered the entire HH VRA to be fully appropriate for mining uses and intended to mine the entirety of the HH VRA, consistent with the principles of the Diminishing Asset Doctrine, as discussed in the Legal Discussion in **Section III.E.2**, *supra*.

C. After January 1, 1949, Until Enactment of SMARA in 1976, RRM's Predecessors Continued Mineral Development Across the Entire HH VRA Without a Permit

Following the 1949 Establishment Date, RRM's predecessors continued mining operations within the already confirmed S-4 VRA, and also across the broader HH VRA. The continued, post-1949 surface mining activities within the HH VRA without a use permit (as discussed in **Section V.F** *supra*, and depicted in **Figure B-3.8**) would not have been legally possible absent the valid exercise of vested rights, which confirms the intent that the HH VRA was to be fully appropriated as a mining site, and that vested rights had been established across the entire 792.22 acres of the HH VRA.

- Harlow clearly understood that the HH VRA was vested and did not require mining permits, as she sought to obtain two use permits after 1949, but neither related to surface mining activities.³¹⁹ One of the requested permits, sought in 1955, was for permission to place refuse in excavated spaces. Harlow’s permit request did not ask permission to remove mined or excavated material. Put simply – Harlow understood the HH VRA had a valid existing right for mining, but not for garbage dumping. Both the City of Corona and Riverside County denied Harlow’s application for a permit to use the HH VRA as a cut-and-cover dump for Los Angeles. Despite this denial, mining operations on the HH VRA continued unaffected.

D. Riverside County has Recognized RRM's Vested Rights Within the S-4 Area Multiple Times When Approving Reclamation Plan Amendments

As discussed above in **Section IV**, *supra*, the County has confirmed that vested rights were established in 1949 within the S-4 VRA portion of the HH VRA. There have been multiple County actions confirming these vested rights, including:

- CU 1146 issued by the County in 1970 approving a permit for processing plants, but also including, without permitting, a site plan identifying a much larger mine site area within a larger portion of the S-4 VRA;³²⁰
- RP 118, approved by the County in 1982, approving a reclamation plan for a portion of the S-4 VRA, which expressly recognized vested rights within portions of the S-4 VRA;³²¹
- S-1, approved by the County in 2013, which amended RP 118 and adopted findings confirming vested rights within the S-1 area;³²²
- S-2, approved by the County in 2017, which revised the reclamation plan area, and in the process further confirmed the scope of vested rights for what is now identified as the S-4 VRA;³²³ and

³¹⁹ See Exh. C-3.93 (describing Harlow obtaining a plastering permit); Exh. C-3.96 (describing Harlow seeking a permit to operate a dump *but not* seeking a permit to continue surface mining operations).

³²⁰ Exh. C-1.2.

³²¹ Exh. C-1.3.

³²² Exh. C-1.4.

³²³ Exh. C-1.5.

- S-4, approved by the County in 2020, which again re-confirmed the S-4 vested right area as part of a further amendment to RP 118.³²⁴

The bases for each of these approvals and processes for approving them, are described above, in Section IV.

The County's findings for S-4, adopted in 2020, expressly set forth the bases for why and how the County was able to confirm the vested rights within the S-4 Area of the HH VRA, and also why the current process, including a public hearing, is required to confirm the full scope of the remaining vested areas within the HH VRA:

"6. Because surface mining activities within the RCL00118S4 area are consistent with the existing vested right confirmed in multiple, historical documents, the County need not make any further determination of the scope of such vested right prior to approval of Amended RCL00118S4.

7. The applicant has stated that is reserves the right to seek future confirmation of its vested right to mine outside the boundaries of RCL No. 118S4. Should the applicant, in the future, seek to mine outside the boundaries of RCL No. 118S4, it would need to demonstrate the scope of its vested right pursuant to the vested right determination process required by and consistent with the appropriate lead agency surface mining ordinance, such as the County's surface mining ordinance (Ordinance No. 555) , SMARA, and related cases (e.g., *Hansen Brothers v. Bd. of Supervisors* (1996) 12 Cal.4th 533, and *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613 ("*Calvert*"), or obtain a permit."³²⁵

Based on S-4 Finding #7, because RRM now seeks to confirm vested rights in areas outside of the S-4 VRA (*i.e.*, the full HH VRA), not subject to prior County determinations, the current RFD process is now required, consisted with the ruling in *Calvert*.

VII. REQUESTED COUNTY VESTED RIGHT DETERMINATIONS

Section V, *supra*, presented detailed historical evidence of how RRM's predecessors-in-interest conducted an overall mining business within the HH VRA and fully

³²⁴ Exh. C-1.6.

³²⁵ Exh. C-1.6.

appropriated the HH VRA for mining prior to the Establishment Date. The evidence was summarized in **Section VI**. This business took the form of either direct mining operations, or leasing and/or contracting others to conduct mining operations in response to changing market conditions. **Section VII** herein applies the facts and evidence presented in **Sections V** and **VI** to the relevant legal standards, discussed in **Section III**, *supra*, and describes how RRM's already-confirmed vested right encompasses the entire HH VRA.

A. The County Has Previously Confirmed That RRM Has Established Vested Rights

RRM's vested rights under Section 2776 (and County Ordinance 555.20) are based on a non-conforming use established at the time that the first legal requirement was enacted (Ordinance 348) that required a permit to conduct surface mining activities. This "non-conformity" was first established in 1949, while the HH VRA was under the ownership and control of Leilamae Harlow. As discussed above in **Section IV**, the County has already recognized several times that a portion of the HH VRA is vested. Under the well-established principle that vested rights are property rights that attach to and run with the land,³²⁶ RRM, as the successor-in-interest to Leilamae Harlow, has succeeded to the vested rights derived from the surface mining operations established under Harlow's ownership, or at times prior to her ownership.³²⁷ Given the County's multiple confirmations of vested rights in the S-4 Area portion of the HH VRA, the County's interpretation of Ordinance 348 is well-established, and its application of Ordinance No. 348 to the S-4 Area now settled.

1. Requested Determination on Establishment of Vested Rights

RRM requests that the County determine that the establishment of vested rights in connection with the HH VRA, subject to a determination of geographic scope (see discussion in **Section VI.B**, *infra*) is now settled based upon the prior County vesting determinations in CU-1146, RP 188, S-1, S-2, and S-4, as well as the First Amended Judgment, and the Second Amended Judgment.

B. The Geographic Scope of RRM's Vested Rights

Section VI.A, *supra*, discussed how the County's prior five formal actions between 1970 through 2020 have settled the issue that vested rights have been established on

³²⁶ *Hansen*, 12 Cal.4th at 573.

³²⁷ Transfer of title does not affect the right to continue a lawful nonconforming use which runs with the land. *Hansen Bros.*, 12 Cal. 4th at 540, n.1.

the S-4 VRA portion of the HH VRA. Having previously recognized the existence of the HH VRA vested rights, the primary issue to be resolved through this RFD is RRM's request that the County recognize that existing vested rights apply to the entire 792.22 acres of the HH VRA. RRM believes it has more than satisfied its evidentiary burden to demonstrate this scope, and that the entire HH VRA is subject to the existing vested rights, based upon the following:

1. **The Evidence Demonstrates Pervasive Surface Mining Activities Across the Entire HH VRA Prior to the Establishment Date**
 - a. **Virtually all reaches of the HH VRA had been subject to surface mining operations prior to the Establishment Date:**

RRM's vested rights attach to all land within the HH VRA that hosted surface mining operations prior to January 1949, based on the fact that most areas within the HH VRA were mined for a variety of minerals, including rock, sand, gravel, and clay and that such mining activity actually occurred across the HH VRA, as discussed in **Section V**, *supra*, and portrayed in **Figure B-3.3** (depicting all surface mining activities within the HH VRA prior to 1949).

The areas actually disturbed by surface mining directly confirm such areas should be vested.³²⁸ In addition, the pervasive scope of the activities, reaching virtually all areas of the HH VRA demonstrate the intent to appropriate the entire HH VRA for mineral use.³²⁹

- b. **Numerous portions of the HH VRA were also subject to ancillary mining activities prior to the Establishment Date:**

In addition to mining *operations* on the HH VRA, RRM's vested rights include all lands that were subject to surface mining *activities* on the HH VRA that were ancillary to, or otherwise supported surface mining operations on sites adjacent to or near the HH VRA, including lands traversed by haul roads connecting operations on either side of the HH VRA, lands explored for mineral exploitation, and lands used for stockpiling, processing, and other ancillary mining activities prior to January 1949.³³⁰

³²⁸ See, e.g., *Paramount*, 180 Cal.App.2d at 217.

³²⁹ See, e.g., *Hansen*, 12 Cal.4th at 554-558.

³³⁰ See *Hansen*, 12 Cal.4th at 565-566; see also Exh. D-1 (describing 61% of HH VRA subject to either surface mining disturbances or ancillary surface mining activities).

c. Numerous surface mining activities occurred within the HH VRA, but Outside of the S-4 VRA, absent any land use permits subsequent to the Establishment Date

The operations activities that occurred throughout the HH VRA prior to the Establishment Date, discussed in **subsections (a) and (b)**, *supra*, set the baseline of evidence for a determination of the scope of vested rights across the HH VRA. In addition, extensive surface mining activities within the HH VRA that continued after the Establishment Date but *without land use permits*, corroborates that both RRM's predecessors and the County were fully aware that mining activities within the HH VRA were not subject to the permitting requirements of the then-newly enacted Ordinance No. 348. Despite the extensive surface mining activities ongoing in the post-1949 years (see **Figure B-3.8**), there is no evidence in the County records of any notices of violation or other notifications by the County against or to Leilamae Harlow as owner, or other mining operator working within the HH VRA that mining activities ongoing at that time were subject to permit requirements or were otherwise unauthorized.³³¹

In contrast, the historical record further demonstrates that Harlow was acutely aware of the County permitting requirements post-1949 for certain activities other than mining on her property within the HH VRA. As discussed in **Section V.F.1**, there were two instances – while mining operations were ongoing – that Harlow sought County approvals. One, issued in 1951 was for the renovation – including plastering and painting – of her residence. The other, sought in 1955, was for the development of a cut-and-cover landfill, which would have allowed Harlow to use mined areas as a landfill for trash from throughout southern California.³³² In applying for the permit, Harlow sought conditional approval only for placement of trash, *not* for the authorization to mine or excavate the HH VRA.³³³ Despite seeking these two use authorizations, Harlow never sought authorization for the multiple mining operations conducted within the HH VRA during this period, demonstrating Harlow's own understanding that the HH VRA had vested rights.

Taken as a whole, this evidence demonstrates Harlow and the County understood the HH VRA, including areas outside of the S-4 VRA, was vested.

³³¹ Exh. B-8; *see also* Declaration of Sage Thurmond, ¶ 4.

³³² Exh. C-3.96 (describing proposed project).

³³³ *See* Exh. C-3.96, C-3.97, C-3.98, C-3.99, C-3.100, C-3.101 (all describing permitting process specific to placement of trash, and not excavation or mining prior to such placement).

2. **The Evidence Demonstrates Intent to “Appropriate” the Entire HH VRA As a Mine Site or for Mining Purposes Prior to the Establishment Date**

Beyond the physical mine operations, the HH VRA owners also undertook exploration and surveying activities that manifested their intent to mine or otherwise “appropriate” the entire HH VRA for mining purposes.³³⁴

For example, concurrent with the development of the Blarney Stone Quarry (starting in about 1938), Kuhry and Harlow authorized efforts to determine the extent of mineral resources suitable for dam and canal construction, (concurrent with analysis required to verify stone produced from the VRA met U.S. Army Corps of Engineers’ requirements for use in the Prado Dam and was suitable for sale to that project), and determined there were approximately **200 million tons** of such reserves for use in water infrastructure (*e.g.*, dams, canals, breakwaters, and shore protection rip rap, etc.).³³⁵

In 1947 (just prior to the Establishment Date), following a failed attempt to acquire mineral properties near to (and hopefully to compete with) the Owens-Illinois Silica Plant, just west of the HH VRA, Harlow then commissioned her ambitious, extensive, and expensive 1948 ROS to identify the complete boundaries of the HH VRA and surrounding mineral properties (primarily those under control of the Owens-Illinois Silica Plan) in order to clarify the extent of Harlow’s mineral assets.

These and other efforts to explore and inventory the full extent of mineral resources within the entire HH VRA, in combination with decades of mining activities through the HH VRA, leave little doubt the entire property was fully appropriated as a mining site.

3. **Requested County Determinations on Geographic Scope of the Vested Rights of the HH VRA**

Based upon the evidence presented above and herein, RRM request the County to make several determinations regarding the geographic scope of the vested rights applicable to the HH VRA.

³³⁴ See discussion in **Section III.E.2**, *supra*, regarding appropriation of a property for mining.

³³⁵ Exh. C-2.5; *see also* Exh. C-3.69.

a. Requested Determination: RRM’s Vested Right Includes All Lands Mined or Hosting Ancillary Surface Mining Activities in the HH VRA As of January 1949.

The record supports a determination that all lands within the HH VRA that had been subject to mining up through the Establishment Date fall within the scope of the vested right. As discussed in **Section III**, *Hansen* directs that the totality of a mining operation should be considered when assessing the scope of a vested right.³³⁶ This would include all 792.22 acres within the HH VRA. The record evidence supports the determination approximately 486 acres of the HH VRA was subject to mining operations or ancillary surface mining activities as of the establishment date.³³⁷

b. Requested Determination: RRM’s Vested Right Includes the Entire 792-Acre HH VRA Because Those Areas Where No Mining Had Occurred as of January 1, 1949, Were Fully Appropriated for Surface Mining at That Time by RRM’S Predecessors

In addition to all areas of the HH VRA that were subject to actual surface mining operations or ancillary surface mining activities, the record supports a determination that vested mining rights also apply to all other remaining areas of the HH VRA, based on principles in California law related to the Diminishing Asset Doctrine, including evidence of (i) objective manifestations of intent to mine the entire HH VRA, and/or (2) intent that the entire HH VRA was appropriated for mining purposes.³³⁸

As detailed in **Section III**, *supra*, all lands for which an operator can show a clear intent to mine, based on objective manifestations, are properly included within that operator’s vested right. Under the Diminishing Asset Doctrine, RRM’s vested rights extend to those areas not mined as of January 1, 1949, but which had been “clearly intended” to be mined.³³⁹

A vested right includes the right to expand into previously un-mined areas under the Diminishing Asset Doctrine where (1) “there is objective evidence of the owner’s intent to expand” and (2) “that intent existed at the time of the zoning change.”³⁴⁰ Under this

³³⁶ *Hansen*, 12 Cal.4th at 565-566.

³³⁷ Exh. D-1, ¶ 8.

³³⁸ See discussion in **Section III.E.2**, *supra*.

³³⁹ *Hansen*, 12 Cal.4th at 556, citing *Town of Wolfeboro (Planning Bd.) v. Smith* (1989) 131 N.H. 449.

³⁴⁰ *Hansen*, 12 Cal. 4th at 553.

test, clear evidence of an intent to expand – for example, documentation pre-dating or from the time the vested right is established – is sufficient to establish the right to mine such areas under the *Hansen* criteria.

As discussed above in **subsection (a)**, the pervasive surface mining operations and ancillary activities throughout the HH VRA are such that there are little, if any, distinct areas of the HH VRA lacking any historic evidence of mining activities, or ancillary support activities such as haul roads, etc.³⁴¹ As such, the evidence of “clear intent” to mine the remainder of the HH VRA is self-evident. Regardless, the history of the HH VRA clearly demonstrates that the entire property was intended to be appropriated for mining purposes. Several key facts support this:³⁴²

- (1) The presence of multiple, valuable mineral commodities within the bounds of the HH VRA was understood by a succession of HH VRA owners, from the Sobrante owners to Harlow, all of whom and preserved the right to access and mine such mineral commodities;³⁴³
- (2) Haul roads, referenced above, beyond just the acreage they occupied, evidence intent that the land was part of an integrated, regional mining operation and had clearly been “appropriated” for mining;³⁴⁴

³⁴¹ See Exh. D-1, at ¶ 8.

³⁴² These facts are consistent with California law, holding that a vested right is established when,

“[T]he nature of the initial nonconforming use, in light of the character and adaptability to such use of the entire parcel, manifestly implies that the entire [mine] property was **appropriated** to [mining and quarrying] use prior to the adoption of the restrictive zoning ordinance.” See *Hansen*, 12 Cal. 4th at 557, citing *Stephan & Sons v. Municipality of Anchorage* (Alaska 1984) 685 P.2d 98, citing 6 R. Powell, *The Law of Real Property*, ¶ 871[3][iii], at 79C-178 to – 179 (Rohan rev. ed. 1979) (emphasis added).

³⁴³ See Exh. A-1 (deeds reserving mineral rights); see also **Figures B-5.8 and B-5.9**.

³⁴⁴ *Hansen*, 12 Cal.4th 565-566; see also *County of DuPage v. Elmhurst-Chicago Stone Co.*, *supra*, 18 Ill.2d 470, 164 N.E.2d at 313 (plot of land found to be devoted to excavation based on numerous switch tracks, even though material had not yet been removed from entirety of land); *Syracuse Aggregate Corp. v. Weise* (App. Div. 1961) 51 N.Y.2d 278, 434 N.Y.S2d 150, 414 N.E.2d 651, 655 (service roads throughout the property, coupled with other features, “manifest[ed] an intent to appropriate the entire parcel to the particular business of quarrying”); *Gibbons & Reed Co. v. North Salt Lake City* (1967) 19 Utah 2d 329, 431 P.2d 559 (land was integral part of gravel operation based, in part, on existence of multiple haul roads connecting it with other mining property).

- (3) A significant portion of pre-1949 mining involved mining for materials in response to the demand at the time (*e.g.*, clay to produce ceramics or porphyry to provide rock for water infrastructure, etc.) and thus fully exploit the multiple valuable mineral materials within the HH VRA. The record is extensive in the scope of these operations, and the use of multiple clay, gravel, and other aggregate pits on an “as-demanded” basis by multiple, local mining operators; and
- (5) Between 1938 and 1949, Harlow (1) leased the property to mining operators and allowing mining both within and outside of the S-4 Area; (2) coordinated studies that determined there were approximately **200 million tons** of reserves on the HH VRA for use in water infrastructure (*e.g.*, dam, canals, breakwaters, and shore protection, etc; and (3) engaged in litigation with mine operator lessees based on the belief that the operators were interfering with Harlow’s interest in fully mining the HH VRA; and (4) undertook a costly and detailed survey of her property boundaries, in relation to potentially acquiring neighboring mineral properties.³⁴⁵

The HH VRA, including those areas that were not mined as of January 1, 1949, were thus appropriated for mining, because the areas either supported ancillary or auxiliary mining uses (*i.e.*, the haul roads) or were open space that had yet to be mined simply because it is impossible for a mining operation to excavate all of its land at the same time.³⁴⁶

c. Requested Determination: RRM’s Vested Right Includes the Entire 792.22 Acres of the HH VRA Based on the Scope of Actual Surface Mining Disturbances in Combination With the Intent to Fully Appropriate the Site for Surface Mining

The Requested Determinations "a." and "b" above, in combination, support a determination that the entire HH VRA is vested, because the entire HH VRA, including areas actually subject to surface mining disturbances, and areas explored, sampled and otherwise subject to various ancillary activities, is fully appropriated for mining.

³⁴⁵ See discussion in **Section VI.B.2**, *supra*; see also Exh. C-2.4 at pp. 1029, 1031 (describing report and production rates); Exh. C-3.69 (reporting 200 million ton estimate)

³⁴⁶ See *Hansen*, 12 Cal. 4th at 555, 565 (*citing in part County of Du Page v. Elmhurst-Chicago Stone Co.*(1960) 18 Ill.2d 379, 165 N.E. 2d 310, 313.

C. Requested County Determinations on the Scope and Type of Vested Mining Activities and Operations

Based upon the prior vested right determinations made by the County with respect to the scope of operations currently undertaken in the S-4 VRA, and in particular the findings previously adopted by the County in connection with S-1, S-2, and S-4, RRM requests the County to determine that RRM should be allowed to continue its surface mining operations in a manner and scale consistent with its current vested operations within the S-4 Area.

In particular, RRM requests the County re-confirm the applicability of S-2, Finding 13, as being applicable with respect to the operations within the scope of the current vesting determination:

"Finding 13. In approving RCL No. 118S1, the County specifically referenced or identified various surface mining activities to be undertaken during mining and reclamation, including crushing, screening, trucking, mining, and related activities historically ongoing at the site which further the existing quarry operations, including a processing plant, screens and conveyors. As determined in the 2013 findings supporting RCL No. 118S1, and as concluded by the Superior Court in the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment thereon, and confirmed herein, such surface mining activities are within the scope of the previously-determined vested right. Furthermore, an owner of vested surface mining operations is allowed to "modernize his operations; change, add to, or increase the size of his equipment (though determined to be structures), even though this increases his input and intensifies the use; provided that by such action, he does not change the original protected nonconforming use." [Citations] . . . Accordingly, none of the recently upgraded or modernized equipment or facilities change the original vested mining use, and in fact many of the modernizations and upgrades increase efficiency and environmental conservation of the applicant's surface mining operation."³⁴⁷

³⁴⁷ Exh. C-1.5; *see also* C-1.6.

1. The County Already Has Determined that the Scope of RRM's Current Operations Do Not Constitute a Substantial Change in Surface Mining Operations Relative to Pre-Establishment Date Operations.

As discussed in **Section III**, SMARA provides that a vested operation will not be required to obtain a permit unless “substantial changes” in the operation are made. The assessment of whether a vested operation has undergone a “substantial change” must be made on a case-by-case basis, given that each mining operation is unique. The *Hansen Bros.* Court stated, “in determining whether the nonconforming use [*i.e.*, vested right] was the same before and after the passage of a zoning ordinance, each case must stand on its own facts.”³⁴⁸

Based on ruling in *Hansen*, as discussed in **Section II**, there are two principle questions that are relevant to assessing whether RRM’s operation constitutes a substantial change from the existing, recognized vested right established in 1949:

- Does RRM’s mining operation involve a “substantially different” use relative to the pre-1949 mining operations?
- Has RRM’s mining operation “impermissibly intensified” relative to the pre-1949 mining operations?

The County already undertook such an evaluation in connection with the findings made in support of the S-1, S-2, and S-4 approvals, and in particular Finding 13 in support of S-2, referenced above.³⁴⁹ This RFD seeks only to have the County reconfirm its prior determination that the current operation is not a substantial change relative to operations prior to the Establishment Date.

D. Requested County Determinations on Non-Abandonment of the Vested Mining Rights Attached to the HH VRA

A vested right can be determined to be abandoned or waived based on discontinuance, non-use, or other similar concepts.³⁵⁰ However, once established, a vested right becomes a property right subject to Constitutional protections.³⁵¹ As such, the standard to abandon such a right is high, and requires both an intent to abandon, as well as an overt act or failure to act which demonstrates that the owner no longer wish to

³⁴⁸ *Hansen*, 12 Cal. 4th at 552, citing *Edmonds v. County of Los Angeles*, *supra*, 40 Cal.2d at 651.

³⁴⁹ Exh. C-1.5.

³⁵⁰ *Hansen*, 12 Cal.4th at 568-71

³⁵¹ See U.S. Constitution, 5th Amend.

continue the nonconforming use.³⁵² Moreover, although an applicant has the initial burden of proof to establish a vested right, once that burden is met, the burden then shifts to the party asserting abandonment to prove, by clear and convincing evidence (an extraordinarily high standard), that such an abandonment took place.³⁵³

Here, with respect to the HH VRA, the County has already determined as recently as 2020 that RRM's vested rights continue, and thus by implication, that no abandonment of the vested right has occurred. As such, RRM requests that the County reconfirm its prior determination that the vested rights continue and that there has been no abandonment of the vested right.

VIII. CONCLUSION

There is an exhaustive factual record that demonstrates a vested right was established in the Sobrante Area by RRM's predecessors-in-interest by 1949, because there were large-scale, interconnected mining operations conducted prior to that date that continued following the 1949 Ordinance, as well as up to and after the effective date of SMARA in 1976. These vested rights were never abandoned, and RRM acquired these vested rights when it took over the site in 2013. RRM has maintained the vested right for mining and is entitled to have it confirmed here before this Board.

³⁵² See *Hansen*, 12 Cal.4th at 568-71

³⁵³ See *Waller v. Truck Ins. Exchange, Inc.* (1990) 11 Cal.4th 1, 31; *Old Republic Ins. Co. v. Fsr Brokerage* (2000) 80 Cal.App.4th 666, 678.

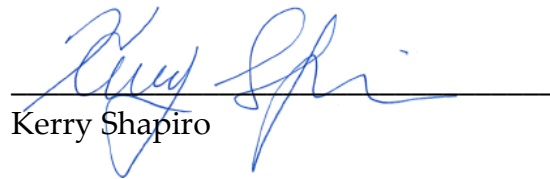
AFFIDAVIT OF AUTHENTICITY

I, Kerry Shapiro, hereby declare as follows:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California. I am a partner with the law firm of Jeffer, Mangels, Butler & Mitchell LLP, counsel of record for Robertson's Ready Mix in connection with preparation of the Request for Determination submitted herewith.

2. I hereby attest that to the best of my knowledge all of the information submitted in this Request for Determination is true and accurate, except as to those stated on information and belief and, as to those, I am informed and believe them to be true.

Executed this 15th day of December, 2021, at San Francisco, California


Kerry Shapiro



Charissa Leach, P.E.
Assistant TLMA Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

General Application Form

Submit this completed General Application Form, along with a signed [Applicant-Property Owner Signature Form](#), and an applicable Supplemental Information Form. The Forms are located on the Planning Dept. website's Development Application page (<https://planning.rctlma.org/Development-Process/Applications>) or by clicking on the applicable link above or below. Filing Instructions documents are also available on that webpage.

Select the applicable Application Type(s):

Legislative Actions	
<input type="checkbox"/> Change of Zone	<input type="checkbox"/> Development Agreement
<input type="checkbox"/> General Plan Amendment – Land Use	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> General Plan Amendment – Circulation Section	<input type="checkbox"/> Specific Plan Amendment
Subdivisions	
<input type="checkbox"/> Tentative Tract Map	<input type="checkbox"/> Minor Change
<input type="checkbox"/> Tentative Parcel Map	<input type="checkbox"/> Revised Map
<input type="checkbox"/> Vesting Map	<input type="checkbox"/> Land Division Phasing Map
<input type="checkbox"/> Amendment to Final Map	<input type="checkbox"/> Extension of Time (Ord. No. 460)
<input type="checkbox"/> Reversion to Acreage	
Use Permits	
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Revised Use Permit or Plot Plan
<input type="checkbox"/> Plot Plan	<input type="checkbox"/> Surface Mining Permit
<input type="checkbox"/> Plot Plan – Administrative (Minor Plot Plan)	<input type="checkbox"/> Reclamation Plan/Interim Management Plan
<input type="checkbox"/> Public Use Permit	<input type="checkbox"/> Revised Surface Mining Permit/Reclamation Plan
<input type="checkbox"/> Wind Energy Conversion System Permit	<input type="checkbox"/> Extension of Time (Ord. No. 348)
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Solar Power Plant
<input type="checkbox"/> Variance	<input type="checkbox"/> Commercial Cannabis
<input type="checkbox"/> Commercial Hog Ranch Permit/Amended Permit	
Ministerial Actions	
<input type="checkbox"/> Crowing Fowl Permit	<input type="checkbox"/> Extension of Non-Conforming Use Status
<input type="checkbox"/> FFA or 4-H Project	<input type="checkbox"/> Outdoor Advertising Display Permit (Billboard)
<input type="checkbox"/> Exception to Noise Ordinance (No. 847)	<input type="checkbox"/> Public Convenience and Necessity Determination
<input type="checkbox"/> Food Truck	<input type="checkbox"/> Setback Adjustment
<input type="checkbox"/> Grading Permit Initial Study	<input type="checkbox"/> Substantial Conformance to Minor Plot Plan
<input type="checkbox"/> Historic District Alteration Permit	<input type="checkbox"/> Substantial Conformance to Plot Plan or Use Permit
<input type="checkbox"/> Large Family Day Care Permit	<input type="checkbox"/> Substantial Conformance to Surface Mining Permit/Reclamation Plan
<input type="checkbox"/> Living Native Tree Removal Permit	<input type="checkbox"/> Substantial Conformance with a Specific Plan
<input type="checkbox"/> Minor Temporary Event Permit	<input type="checkbox"/> Special Multiple-Family Development Review
<input type="checkbox"/> Determination of Non-Conforming Use Status	
Miscellaneous Actions	
<input type="checkbox"/> Agricultural Preserve Disestablishment-Diminishment	<input type="checkbox"/> Request for Deposit for Planning Research
<input type="checkbox"/> Agricultural Preserve Establishment-Enlargement	<input type="checkbox"/> Geology Report Review
<input type="checkbox"/> Entry into Land Contract within Agricultural Preserve	<input type="checkbox"/> Request for Pre-Application Review
<input type="checkbox"/> Agricultural Preserve Notice of Non-Renewal	<input type="checkbox"/> MSHCP Habitat Acquisition and Negotiation Strategy (HANS)
<input type="checkbox"/> Request for Zoning Affidavit or Rebuild Letter	<input type="checkbox"/> MSHCP Habitat Acquisition and Negotiation Strategy (HANS Lite)
<input type="checkbox"/> MSHCP Expedited Review Process (ERP)	<input checked="" type="checkbox"/> Request for Determination of Vested Rights for Surface Mining

GENERAL APPLICATION FORM

Note: The Applicant represents that he/she has the express authority to submit this application on behalf of the Property Owner(s) and understands that the "Applicant" is not assignable without written consent by the County of Riverside, who will not consent to reassignment unless any outstanding costs have been paid by Applicant, and that all deposit statements, requests for deposits or refunds shall be directed to the Applicant.

Applicant Contact (BILLING CONTACT): <u>Robertson's Ready Mix, Ltd</u>		
Contact Person:	<i>First Name</i>	<i>Middle Name</i> <i>Last Name</i>
E-mail Address:		
Mailing Address:	<i>Street Number</i>	<i>Street Name</i> <i>Unit or Suite</i>
	<i>City</i>	<i>State</i> <i>Zip Code</i>
Daytime Phone No.:	Mobile Phone No.:	

Engineer/Representative Contact, if any: _____		
Contact Person:	<i>First Name</i>	<i>Middle Name</i> <i>Last Name</i>
E-mail Address:		
Mailing Address:	<i>Street Number</i>	<i>Street Name</i> <i>Unit or Suite</i>
	<i>City</i>	<i>State</i> <i>Zip Code</i>
Daytime Phone No.:	Mobile Phone No.:	

Property Owner Contact: _____		
Contact Person:	<i>First Name</i>	<i>Middle Name</i> <i>Last Name</i>
E-mail Address:		
Mailing Address:	<i>Street Number</i>	<i>Street Name</i> <i>Unit or Suite</i>
	<i>City</i>	<i>State</i> <i>Zip Code</i>
Daytime Phone No.:	Mobile Phone No.:	

Check this box if there are additional persons or entities who have an ownership interest in the subject property or properties that comprise this Application and complete one or more [Additional Property Owner Sheets](#).

GENERAL APPLICATION FORM

PROPERTY INFORMATION:

Assessor's Parcel Number(s):

Approximate Gross Acreage:

I/We, the applicant, certify that the following responses are true and correct. Yes No

Generally, Ministerial Actions and Miscellaneous Actions, will not require the completion of the following Sections: "Hazardous Site Review Statement," "Hazardous Materials Disclosure Statement," "Airport Influence Area/ Federal Aviation Regulation Part 77," "Military Land Use Compatibility," or "Water Quality Management Plan Information." as part of this Application Form.

HAZARDOUS SITE REVIEW STATEMENT

[Government Code Section 65962.5\(f\)](#) requires the applicant for any development project to consult specified state-prepared lists and submit a signed statement to the local agency indicating whether the project is located on an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated this development project with respect to the [Cal EPA's Cortese List Data Resources webpage](#) and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

- The project is NOT located on any of the lists compiled pursuant to Section 65962.(e) of the Government Code.
- The project IS located on one of the lists compiled pursuant to Section 65962.(e) of the Government Code. Please specify the list, the date of list, and the property's regulatory identification number:

HAZARDOUS MATERIALS DISCLOSURE STATEMENT

[Government Code Section 65850.2](#) requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County.
Yes No
2. The proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions.
Yes No

GENERAL APPLICATION FORM

AIRPORT INFLUENCE AREA/ FEDERAL AVIATION REGULATION PART 77

Is the project located within an Airport Influence Area?

Yes No

If yes, review of projects, excluding Ministerial and Miscellaneous Actions, by the [Riverside County Airport Land Use Commission](#) will be required.

Please refer to Riverside County's Map My County website to determine if the Plan is located within an Airport Influence Area (using the Planning Layer – Airport Layers) (https://gis.countyofriverside.us/Html5Viewer/?viewer=MMC_Public)

Generally, applications, excluding Ministerial and Miscellaneous Actions, within 8 miles of March Air Reserve Base or within 4 miles of other airports may require a Federal Aviation Administration (FAA) [Obstruction Evaluation/Airport Airspace Analysis](#).

MILITARY LAND USE COMPATIBILITY

Using the [California Military Land Use Compatibility Analyst website](#), the owner or authorized agent has determined whether the project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Government Code Section 65944.

Yes No

WATER QUALITY MANAGEMENT PLAN INFORMATION

Is the project located within any of the following Watersheds? Check the appropriate box if applicable.

- [Santa Ana/San Jacinto Valley Region](#)
- [Santa Margarita Region](#)
- [Santa Margarita Region-Other Development Project](#)
- [Whitewater Region](#)

Please refer to Riverside County's Map My County website to determine if the Plan is located within any of these watersheds (using the Geographic Layer – Watershed) (https://gis.countyofriverside.us/Html5Viewer/?viewer=MMC_Public)

If any of these checkboxes are checked, go to the Planning Department website's Development Application page's Miscellaneous Exhibits/Materials subsection (Project Specific Water Quality Management Plan (WQMP) Checklists to complete the applicable Checklist Form, or click on the adjacent link to open the applicable Checklist Form. Complete the form and attach a copy of the completed form as part of the Development Application package.

If the completed Checklist Form concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a Plan shall be prepared and included along with the completed Checklist as part of the submittal of the Development Application package.

STEP 2: This completes the required information on this General Application form. Open the following link to access and complete the [Applicant-Property Owner Signature Form](#). Completion of an applicable Supplemental Information Form for a particular application may also be required. Please refer to the

GENERAL APPLICATION FORM

Planning Department website's Development Application page's Filing Instruction subsection to review the specific filing instructions and documentation requirements for the application type selected.

FOR COUNTY OF RIVERSIDE USE ONLY	
Plan No:	
Set ID No., if applicable	Application Filing Date:
Print staff name and title:	

Y:\Planning Master Forms\Application Forms_General_Application_Form.docx
Revised: 08/14/2021



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

Applicant-Property Owner Signature Form

This Form is to be completed and signed (print name, signature and date signed) by the Applicant and the Property Owner(s) of the property(ies) underlying most Planning Department Applications. This signed Form is to be included as part of an Application package.

Note: The Planning Department will primarily direct communications regarding this application to the person identified as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AGREEMENT FOR PAYMENT OF PROCESSING FEES

The Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Form is signed and submitted as part of a complete application to the County of Riverside. The Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. The Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.

Within 15 days of the service by mail of the County of Riverside's written notice that the application permit deposit has been reduced to a balance of less than 20% of the initial deposit or that the deposit is otherwise insufficient to cover the expected costs to completion, the Applicant agrees to make an additional payment of an amount as determined by the County of Riverside to replenish the deposit. Please note that the processing of the application or permit may stop if the amount on deposit has been expended. The Applicant agrees to continue making such payments until the County of Riverside is reimbursed for all costs related to this application or permit. The County of Riverside is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts that would have been drawn on the deposit were it not depleted. The applicant authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary.

This application shall only be signed by an authorized representative of the Applicant and the Property Owner. The person(s) signing this Form represents that he/she has the express authority to submit this application on behalf of the Applicant and/or Property Owner. This application is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this application until all outstanding costs have been paid by Applicant. Deposit statements, requests for deposits or refunds shall be directed to Applicant.

To ensure quality service, the Applicant is responsible to provide one-week written notice to the County of Riverside Transportation and Land Management Agency (TLMA) Permit Assistance Centers if any of the Applicant or Property Owner information changes.

Robertson's Ready Mix
Printed Name of Applicant

[Handwritten Signature]
Signature of Applicant

12/16/21
Date Signed

Applicant-Property Owner Signature Form

Note: Property owner(s)'s signatures are <u>NOT</u> required for the following applications or requests:	
Geological Report Review	Request for Appeal
Request for Application Withdrawal or Rights Transfer	Request for Deposit for Planning Research
Request for Pre-Application Review	Request for Rough Grading Permit Planning Clearance
Request for Planning Condition Clearance	Request for Zoning Affidavit or Rebuild Letter

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, County personnel, or its agents, may enter the subject property and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

AGREEMENT FOR PAYMENT OF PROCESSING FEES

The Property Owner acknowledges that the Applicant is authorized to submit this application and related application(s) for land use review or permit on this property. The Property Owner also acknowledges that should the Applicant not reimburse the County of Riverside for all costs related to this application or permit, the Property Owner shall become immediately liable for these costs which shall be paid within 15 days of the service by mail of notice to said property owner by the County. This application shall only be submitted by an authorized representative of the Applicant and the Property Owner. The person(s) submitting this application represents that he/she has the express authority to submit this application on behalf of the Applicant and/or Property Owner. This application is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this application until all outstanding costs have been paid by Applicant. Deposit statements, requests for deposits or refunds shall be directed to Applicant at the address identified in Applicant Contact section above.

INDEMNIFICATION AGREEMENT

The owner(s) of the property, at their own expense, agree to defend, indemnify and hold harmless the County of Riverside and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "proceeding") brought against the County of Riverside, its agents, officers, attorneys and employees to attack, set aside, void, or annul the County's decision to approve any Tentative Tract Map, Tentative Parcel Map, Revised Map, Map Minor Change, Reversion to Acreage, Conditional Use Permit, Public Use Permit, Surface Mining Permit and/or Reclamation Plan, Wind Energy Conversion System Permit, Hazardous Waste Siting Permit, Minor Temporary Event Permit, Plot Plan, Substantial Conformance (to any Permit or Plot Plan), Revised Permit, (to any Permit or Plot Plan), Variance, Setback Adjustment; General Plan Amendment, Specific Plan, Specific Plan Amendment, Specific Plan Substantial Conformance, Zoning Amendment; and, any associated Environmental Documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, property owner, the County, and/or the parties initiating or bringing such proceeding.

Applicant-Property Owner Signature Form

Cajalco Road Quarry

Printed Name of Property Owner

Signature of Property Owner

Date Signed

Corona Cajalco Road Development

Printed Name of Property Owner

Signature of Property Owner

Date Signed

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach additional completed and signed **Additional Property Owner Signature Form(s)** for those persons or entities having an interest in the real property(ies) involved in this application and acknowledge the Authority Given, the Agreement for Payment, and Indemnification Agreement Sections above.

If the property owner is a corporate entity, Limited Liability Company, partnership or trust, the following documentation must also be submitted with this application:

- If the property owner is a limited partnership, provide a copy of the LP-1, LP-2 (if an amendment) filed with the California Secretary of State.
- If the property owner is a general partnership, provide a copy of the partnership agreement documenting who has authority to bind the general partnership and to sign on its behalf.
- If the property owner is a corporation, provide a copy of the Articles of Incorporation and/or a corporate resolution documenting which officers have authority to bind the corporation and to sign on its behalf. The corporation must also be in good standing with the California Secretary of State.
- If the property owner is a trust, provide a copy of the trust certificate.
- If the property owner is a Limited Liability Corporation, provide a copy of the operating agreement for the LLC documenting who has authority to bind the LLC and to sign on its behalf.

If the signing entity is also a corporate entity, Limited Liability Company, partnership or trust, the above documentation must also be submitted with this application. For any out of State legal entities, provide documentation showing registration with the California Secretary of State.

If the application is for a Plot Plan for a Wireless Communication Facility, the property owner(s) and the cellular service provider must sign the indemnification paragraph above. If the application is for a Plot Plan for a wireless communication facility co-location, only the co-locating service provider needs to sign the indemnification paragraph above.

PROPERTY INFORMATION:

Assessor's Parcel Number(s):

See attached Request for Determination of Vested Vested Rights for Surface Mining

Approximate Gross Acreage: **+/- 792 acres**

Applicant-Property Owner Signature Form

FOR COUNTY OF RIVERSIDE USE ONLY	
Plan No:	
Set ID No., if applicable	Application Filing Date:
Print staff name and title:	

Y:\Planning Master Forms\Application Forms\Applicant_Property_Owner_Signature_Form.docx
Revised: 04/08/2020



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

REQUEST FOR PRE-APPLICATION REVIEW (PAR)

Pre-Application Review (PAR) is an optional procedure for development proposals identified as falling into Category I, II, or III, as described below. The purpose of PAR is to:

1. Advise a prospective applicant of the current County standards and requirements.
2. Assess whether a prospective applicant's development proposal is consistent with the current County standards and requirements before an application is actually files and fees are paid.
3. Shorten the length of time required to process a development proposal once it has been accepted for processing.
4. Encourage development proposal designs that are sensitive to environmental and developmental constraints and that less the need for subsequent costly and time consuming redesigns.
5. Limit requests for special studies to those identified in the PAR letter.

Development proposals that are subject to PAR are divided into three categories on the basis of their relative complexity. The simplest proposals are classified as Category I proposals. The most complex proposals are classified as Category III proposals. For multiple applications, (i.e. GPA, CZ, & Plot Plan) the category will be determined by the most complex application.

CATEGORY I	CATEGORY II	CATEGORY III
Temporary Outdoor Event (with EA only)	General Plan Amendment	Specific Plan
Temporary Use Permit <6 months (with EA only)	Specific Plan, or Amendment	Surface Mining Permit
Variances Filed Alone (with EA only)	Hazardous Waste Facilities Siting Permit	Tentative Parcel Map; Commercial/Industrial
Kennels & Catteries (with EA only)	Conditional Use Permit	Tract Map; Multi-Family
Accessory WECS (with EA only)	Public Use Permit	Tentative Tract Map; Single Family Residential
	Plot Plan	Vesting Tentative Parcel Map; Commercial/ Industrial
	Revised Permit	Vesting Tentative Tract Map; Statutory Condo.
	Tentative Parcel Map; Residential	Vesting Tract Map; Single Family Residential
	Tentative Parcel Map; Revised	Commercial WECS
	Tentative Parcel Map; Multi-Family	<i>Request for Determination of Vested Rights for Surface Mining</i>
	Tentative Tract Map; Revised Single Family Res.	
	Tentative Tract Map; Revised Multi- Family	

REQUEST FOR PRE-APPLICATION REVIEW (PAR)

CATEGORY I	CATEGORY II	CATEGORY III
	Vesting Map; Residential Parcel Map	

PROPERTY INFORMATION:
Assessor's Parcel Number(s):
Approximate Gross Acreage:

PRE-APPLICATION REVIEW DESCRIPTION:
<i>Please provide a brief, but concise, description of the PAR request</i>

Check this box and attach additional pages, if necessary, to thoroughly explain the request.

STEP 2: This completed form, together with all of the listed requirements provided on the Filing Instructions for Pre-Application Review, are required in order to file an application with the County of Riverside Planning Department.

[Filing Instructions for Request for Pre-Application Review \(PAR\)](#)

FOR COUNTY OF RIVERSIDE USE ONLY	
Plan No:	
Set ID No., if applicable	Application Filing Date:
Print staff name and title:	

Kerry Shapiro
kshapiro@jmbm.com
PH: 415-984-9612

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com

Ref: 72125-0002

December 16, 2021

BY FEDERAL EXPRESS - PRIORITY OVERNIGHT

Charissa Leach
Assistant CEO/TLMA Director
Riverside County Transportation and Land
Management Agency
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1409

**Re: Robertson's Ready Mix Request for Determination of Vested Rights Application
(Hubbs/Harlow Quarry Area)**

Dear Ms. Leach:

On behalf of our client, Robertson's Ready Mix, enclosed is a Request for Determination of Vested Rights in connection with the proposed Hubbs-Harlow Quarry Area. The Request consists of the following:

1. Request for Determination of Vested Rights (1 binder)
2. Appendices A through D (6 binders)
3. County Forms
 - a. General Application Form;
 - b. Pre-Application Review
 - c. Property Owner Signature Form

We are also submitting to you a complete electronic version of the Request for Determination via Dropbox.

On behalf of Robertson's, we look forward to working with the County you on this application.

Charissa Leach
Assistant CEO/TLMA Director
December 16, 2021
Page 2

Thank you.

Very truly yours,



KERRY SHAPIRO of
Jeffer Mangels Butler & Mitchell LLP

KS:nu

Enclosures

cc: Christine Goeyvaerts, Robertson's Ready Mix
Sam Alhadeff, Esq.
Daniel Quinley, Esq.

RRM’S Request for Determination of Vested Rights Appendix B: Maps and Graphics

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Appendix B – Maps and Graphics
 RRM Request for Determination of Vested Rights
 December 16, 2021

<i>Document</i>	<i>Title</i>
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Figure B-7.2.1	Clay Operations Using Clay Haul Road as of 1929
Figure B-7.2.2	Clay Operations Using Clay Haul Road as of 1929
Figure B-7.3.1	Mining Operations at Cajalco Canyon as of 1959
Figure B-7.3.2	Mining Operations at Cajalco Canyon as of 1959
Figure B-7.4.1	Quarry Disturbances within HH VRA as of 1983
Figure B-7.4.2	Clay Mining Disturbances within HH VRA as of 1983

Table B-1: Ground Disturbances and Surface Mining Activity

Legend

M - Surface Mining Disturbance
R - Other Surface mining activity (Haul Roads, Stockpiles, etc.)
E - Exploration Activities (Drilling, Sampling, etc.)

Reference Type

Text: RFD Text
APP. B: Maps and Exhibits

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-1	1853-1888	Tin-bearing tourmaline veins discovered in Temescal Mining District, leading to a "tin rush," including exploration, prospecting, and mining of surface-level tourmaline outcrops and veins	In 1853, tin was "discovered" by Daniel Sexton, initiating a rush of individual miners and prospectors to the Temescal Mining District. In 1888, agents of the Sobrante owners describe to members of State Mineralogist survey hand excavation of tin bearing tourmaline veins dating from the time of tin discovery in 1853. The Sobrante property contains over fifty such veins, running northeasterly/southwesterly, through "granite" in a region approximately 7 miles long and 4 miles wide. As of 1890, the Sobrante owners had mapped the tin property, as depicted in Figure B-5.5.1	Sections II.D.1, II.D.4, V.A.2, V.B.1	Figures 3.4, 3.6, 3.9, 4.1.
R-2	Pre-1891	Construction and use of "Tin Mine Haul Road," running northeast to southwest through HH VRA	Sobrante owners construct haul road to move produced tin to market, which ran through the HH VRA to move produced tin east of the HH VRA to market west of the HH VRA. The HH VRA provided access points to ATSF railroad and Corona-Elsinore Highway.	Sections II.D.1, II.D.4, V.A.2, V.B.1	Figures 3.1, 3.3, 3.4, 3.6, 3.9, 4.1, 4.3, 4.4, 4.5, 4.6, 4.11, 4.13, 4.15, 4.17
M-3	1888	Porphyry quarrying begins at Temescal Rock Quarry	Quarry established by Sobrante owners north of HH VRA, along same porphyry occurrence as the HH VRA, demonstrates intent to develop all mineral resources in Temescal Mining District. This occurrence of suitable porphyry rock is "a mile or two in width stretch[ing] a considerable distance in a northwest and southeast direction along the western side of the Rancho El Sobrante de San Jacinto, and extends east to within about one mile of the tin mines" with crushing works ¼ mile below the quarry along Temescal Creek.	Sections II.D.1, II.D.4, V.A.2, V.B.2	Figures 3.4, 3.9
M-4	1891	Tourmaline surface excavation and production of tin	First year of commercial excavation and production from Cajalco Tin Mine, resulting in 125,289 pounds of tin. Work in 1891 was limited to surface excavations.	Sections II.D.1, II.D.4, V.A.2, V.B.1	Figures 3.4, 3.6, 3.9, 4.6, 4.13

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-5	1892	Tourmaline surface excavation; construction of ancillary facilities in support of tin mining operations; and production of tin	Second year of commercial excavation and production from Cajalco Tin Mine, resulting in 126,000 pounds of tin. Work in 1892 included both surface tourmaline vein excavation, as well as underground workings consisting of 2 shafts, 180 feet deep, 300 feet long.	Sections II.D.1, II.D.4, V.A.2, V.B.1	Figures 3.4, 3.6, 3.9, 4.6, 4.13
M-6	1911	Small porphyry quarries (rip-rap and aggregate) established along eastern bank of Temescal Wash by Sobrante owners, including one within HH VRA	Corona "Rock Boom" leads to multiple quarrying operations along the known porphyry body on east and west sides of Temescal Canyon. Multiple quarries, including one on the HH VRA were established to meet demand of Los Angeles construction needs. These early quarries, known for high-quality building material and demonstrated the intent of Sobrante owners to utilize HH VRA in conjunction with neighboring quarry operations to produce mineral materials as needed.	Sections II.D.1, II.D.4, V.A.2, V.B.2	Figures 3.1, 3.3, 3.4, 3.6, 3.9, 4.2, 4.8, 4.9, 4.10, 4.12, 4.14
M-7	1911	Clay prospecting and quarrying throughout the Temescal Mining District, including within the northern portion of the HH VRA	Clay mineral resources evaluated for development throughout the Temescal Mining District, including within the HH VRA. This evaluation was focused on determining viable deposits of high aluminum clay and resulted in surface scrapings. Demonstrates the intent of Sobrante owners to fully develop all mineral resources with Temescal Mining District	Sections II.D.1, II.D.4, V.A.2, V.B.2	Figure 4.3, 4.11
R-8	1911	Road construction in Temescal (Hoag's) Canyon connecting Temescal Mining District with broader regional markets and other regional surface mining operations	Sobrante owners construct a road through Hoag's (Temescal) Canyon to provide connectivity with multiple mining operations within the Temescal Mining District. This road allowed multiple mineral developments to access the Corona market, thus facilitating development throughout the Temescal Mining District. The location of the road next to the HH VRA also established the property as a central location for hauling mineral materials	Section V.A.2, V.B.2	Figure 4.8, 4.16
R-9	1911	Railroad construction, connecting the Temescal Mining District with primary rail lines and broader regional market.	ATSF constructs a spur line from the ATSF mainline at Corona, south to the mouth of Cajalco Canyon, terminating at the northwest corner of the HH VRA. This spur line becomes the main loading and export point for multiple minerals (tin and porphyry) produced in the Temescal Mining District. The location of the railroad siding to the northwest of the HH VRA also established the property as a central location for hauling mineral materials.	Sections V.A.2, V.B.2	
R-10	1911-1926	Construction and use of clay haul road running south to northwest through the HH VRA	Sobrante owners construct and use clay haul road, running from clay pits on the border of the Temescal Mining District and Alberhill Clay District (including Harrington Clay Pit), to the ATSF railroad and Corona-Elsinore Highway, through the HH VRA.	Sections II.D.1, V.A.2	Figure 4.10
M-11	1917	Increased quarrying activities and improvements within Temescal Mining District.	Sobrante owners undertake activities at the Temescal Rock Quarry activities, including construction of private railway line and crushing plant at the Temescal Rock Quarry. The Sobrante owners' continued investment in regional mining operations demonstrates intent to fully develop the Temescal Mining District as a regional mining hub.	Sections II.D.1, V.B.2	
R-12	1917	Establishment of borrow pits to restore and maintain tin Mine haul road; use of tin mine haul road.	Sobrante owners open rock, sand, and gravel borrow pits, including at least one within the HH VRA, to provide material for repairs and improvements to "tin mine haul road," in preparation for resumption of operations at Cajalco Tin Mine.	Sections II.D.1, V.B.1	Figure 4.4, 4.5, 4.6, 4.11, 4.13, 4.15, 4.17

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-13	1918-1923	Refurbishment of Cajalco Tin Mine, including surface facilities.	The Sobrante owners begin restoring surface facilities at the Cajalco Tin Mine, including restoration of surface buildings and historic (1890-1892) tin mine workings.	Sections II.D.1, V.B.1	Figure 4.6, 4.13
M-14	1918-1923	Tourmaline vein excavation	The Sobrante owners begin increased excavation (surface and tunnel) of Vein No. 1 in Cajalco Hill. Vein is excavated to 650 feet and ore removed for smelting and assaying.	Sections II.D.1, V.B.1	Figure 4.6, 4.13
M-15	1918-1923	Tourmaline vein excavation and exploration	The Sobrante owners undertake exploration and excavation of at least ten (10) surface tourmaline veins in the vicinity of Cajalco Tin Mine.	Sections II.D.1, V.B.1	Figures 3.1, 3.3, 3.4, 3.6, 3.9, 4.6, 4.7, 4.13
E-16	1920-1923	Surveying and exploration for developable silica sand deposits	Corona Sand & Silica Co. undertakes exploration, sampling, and testing of silica sand resources within the Temescal mining district, generally located within and just to the west of the HH VRA (and specifically areas along east and west banks of Temescal Wash) to determine viability of establishing silica sand mining and processing operation. This exploration demonstrates the continued intent to fully develop all mineral resources in the Temescal Mining District.	Section V.B.2	Figures 3.1, 3.3, 3.4, 3.6, 3.9, 6.
M-17	1923	Continued quarrying activities and investment within the Temescal Mining District.	Activities to modernize equipment at Temescal Rock (“Blue Diamond”) Quarry and expanded surface mining activities. The Sobrante owners’ continued investment in regional mining operations demonstrates intent to fully develop the Temescal Mining District as a regional mining hub.	Section V.B.2	Figures 3.4, 3.6, 3.9
M-18	1923	Corona Sand and Silica Co. constructs a production plant and begins pit excavations along the east and west sides Temescal Wash	The Sobrante owners began initial silica sand mining operation, along with the western edge of the HH VRA, which would later significantly expand, first under P.J. Weisel, and later under the Owens-Illinois Glass Co. The initial development of the site demonstrates the Sobrante owners’ continued intent to fully develop all mineral resources in the Temescal Mining District.	Section V.B.2	Figures 3.1., 3.3, 3.4, 3.6, 3.9, 4.8, 4.14
M-19	1927	Expansion of porphyry quarrying within the HH VRA to provide material for railroad expansion	Rock quarrying operations resume at porphyry quarry originally established c. 1911, within S-4 VRA, along western edge of HH VRA to provide materials (<i>i.e.</i> railroad track ballast, rip rap) for 5,000 yards of track for the ATSF Railroad. This demonstrates the intent of the HH VRA owners to continue utilizing the property for surface mining.	Section V.C.2	Figures 3.1, 3.3, 3.4, 3.6, 3.9, 4.8, 4.14.
M-20	1927-1928	Third wave of surface improvements, excavation, and exploration at Cajalco Tin Mine and associated surface tourmaline veins and tourmaline blowouts	Restoration and mining at the Cajalco Tine Mine resume, including restoration of underground mines and exploration and excavation of tin-bearing, surface level tourmaline veins, including veins located in the northeast of the HH VRA. The tin mine rejuvenation continued to utilize the tin mine haul road through the HH VRA.	Section V.C.2	Figures 3.4, 3.6, 3.9, 4.6, 4.13
M-21	1927-1928	Expansion of P.J. Weisel silica sand excavation and production facilities	P.J. Weisel takes over operations of Corona Sand & Silica, Co., and expands processing facility and undertakes new plant construction. Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad	Section V.D.2	Figure 3.2, 3.3, 3.5, 3.6, 3.9, 4.7, 4.8, 4.14

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-22	1928	Continued clay excavation and transfer of material through HH VRA	Sobrante owners and other clay mining entities continue clay mining operations (<i>i.e.</i> , El Sobrante Pit) to the south of the HH VRA, and utilize the clay haul road to access ATSF railroad.	Section V.C.D	Figure 3.5, 3.6.
E-23	1930	Exploration related to economic and strategic mineral development describes occurrences of dumortierite	Geology survey describes rock formations in Section 10 and potential economic uses, including surveys of dumortierite occurrences. This demonstrates continued intent to fully develop all possible mineral resources within the HH VRA.	Section V.E	Figure 6
E-24	1931-1938	Exploration and sampling for high aluminum clays and bauxite, primarily north of Cajalco Road as part of strategic mineral evaluation.	Exploration within the HH VRA (and adjacent areas) related to occurrence of bauxite and other high-aluminum clays, including sampling and analysis by state laboratory to determine future development feasibility. This demonstrates continued intent to fully develop all possible mineral resources within the HH VRA.	Section V.E	Figure 3.2, 3.3, 3.5, 3.6, 3.9, 4.3, 4.10.
M-25	1931-1938	Initial excavation and mining at Cajalco Clay Pit	Pacific Clay Products begins operations at Cajalco Clay Pit, located primarily, but not entirely, within S-4 VRA. This initial clay mining would later expand east across the HH VRA and demonstrates continued intent to fully develop all mineral materials within the HH VRA.E	Sections II.D.1, V.C.2	Figures 3.2, 3.3, 3.5, 3.6, 3.9, 4.8, 4.9
R-26	1931	Rock, sand, and gravel borrow pits opened to supply materials to improvements to tin mine haul road and Cajalco Canyon trails	Multiple rock, sand, and gravel borrow pits opened to supply materials related to improvements made along the tin mine haul road (1927-1929) and Cajalco Canyon Trails (and in preparation for construction of Cajalco Road), demonstrating an intent to utilize all mineral resources within the HH VRA.	Sections II.D.1, V.C.2	Figures 3.2, 3.3, 3.5, 3.6, 3.9, 4.5
M-27	1931	Mining disturbances consistent with clay prospecting and sampling.	Surface mining disturbance along hillside consistent with clay prospecting and sampling, demonstrating a continued intent to mine the entirety of the property.	Sections V.C.2	Figures 3.2, 3.3, 3.5, 3.6, 3.9.
M-28	1931	Aerial photographs show extent of tin mine exploration and excavation	As of 1931, the area of influence of the Cajalco Tin Mine included the northeastern corner of the HH VRA, and utilized the Tin Mine Haul Road through the HH VRA	Sections VB.1, V.C.2	Figures 3.5, 3.6, 3.9. 4.6.1, 4.6.2, 4.6.3
M-29	1931	Aerial photographs show extent of silica sand plant excavations	Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad	Sections V.B.2, V.D.2	Figures 3.2, 3.3, 3.5, 3.6, 3.9, 4.8, 4.14
E-30	1935	Multiple geologic survey and studies and economic analyses completed and published	Geologic surveys and studies of the Temescal Mining District, including the HH VRA, are conduct to determine presence of strategic minerals and economic feasibility of development. These studies determined presence of multiple economically feasible strategic minerals, including porphyry, multiple clay varieties (including fire clays), tourmaline, and dumortierite.	Section V.E	Figure B-

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
R-31	1935	Silica sand rail siding expansions constructed both along P.J. Weisel spur line and Temescal Wash Siding to accommodate increased production	Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad	Section V.D.2	Figures 3.2, 3.3, 3.6, 3.9, 4.9, 4.14
R-32	1935	Multiple borrow pits opened up to construct and surface Cajalco Road	Use of rock, sand and gravel borrow pits to assist with construction of Cajalco Road utilized rock, sand, and gravel	Sections II.D.1, V.C.2	Figures 3.2, 3.3, 3.5, 3.6, 3.9, 4.15
M-33	1938	Expansion of known clay resource within HH VRA.	Red clay worked in irregular quarry of approximately 100 feet, east of Temescal Wash and ATSF Railroad	Sections II.D.1, V.C.2	Figure 4.10, 4.14
E-34	Pre-1931	Clay prospecting and sampling in Section 10 to determine presence of bauxite and or other high-aluminum clays	Aerial photo has small spur road and excavation in canyon north of HH VRA, likely consistent with clay prospecting and sampling in Section 10 to determine presence of bauxite and or other high-aluminum clays	N/A	Figure 3.2, 3.3, 3.5, 3.6, 3.9.
M-35	1938-1945	Expansion of silica sand production and surface mining adjacent to HH VRA	P.J. Weisel uses a rail siding on the ATSF railroad to export materials. Silica sand mining occurred along the western edge of the HH VRA and the Weisel operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad	Section V.D.2	Figure 3.2, 3.3, 3.5, 3.6, 3.9.
M-36	1938-1939	Expansion of porphyry quarry located within HH VRA and establishment of the "Blarney Stone Quarry"	Increased production of porphyry from HH VRA and establishment of the Blarney Stone Quarry, primarily associated with contract to supply 450,000 tons of materials to Prado Dam construction. Production was increased to meet regional demand.	Sections II.D.1, V.C.2.	Figure 3.2, 3.3, 3.5, 3.6, 3.9., 4.12, 4.14, 4.15,
M-37	1943	Expansion of sand and silica mining, including surface mining within HH VRA.	P.J. Weisel Sand and Silica excavation includes excavation of sandstone cliffs along east side of Temescal Wash. Surface mining activities within the HH VRA, in conjunction with regional mining operations, and outside the S-4 VRA demonstrate an intent to mine the HH VRA to meet demand for multiple mineral materials.	Sections V.D.2	Figure 3.2, 3.3, 3.5, 3.6, 3.9., 4.14
E-38	1942-1945	Surveying and sampling of tourmaline veins and tin resources.	USGS conducts survey of six square miles around Cajalco Hill (site of Cajalco Tin Mine, located northeast of HH VRA), to map, sample, and evaluate suitability of tin resources to supply U.S. war effort. This evaluation of mineral materials useful to the U.S. war effort, including evaluation of mineral resources in the northeast corner of HH VRA, outside the S-4 VRA	Section V.C.2	Figure 3.5, 3.6, 3.9.

<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-39	1947	Expand silica sand mining and processing operations adjacent to and within the HH VRA	<p>Owens-Illinois Glass Co. leases the P.J. Weisel silica sand operation, expands silica tailings, and constructs a new production plant</p> <p>Silica sand mining occurred along the western edge of the HH VRA and the silica sand operation utilized access roads in the HH VRA to transport produced materials to the ATSF railroad. Additionally, the operation mined certain portions of the HH VRA. Finally, Harlow sought to compete with the silica sand and attempt to purchase neighboring silica sand resources, demonstrating intent to fully exploit known mineral resources.</p>	Section V.D.2	Figure 3.2, 3.3, 3.5, 3.6, 3.9., 4.14
M-40	1948	Clay side-cut exploration and mining operations north of the Blarney Stone Quarry	Liston Brick Co. begins small side-cut clay exploration and mining operations north of the Blarney Stone quarry. Surface mining activities within the HH VRA and outside the S-4 VRA demonstrate an intent to mine the entirety of the property based on mineral demand.	Sections II.D.1 V.C.2	Figure 3.2, 3.3, 3.5, 3.6, 3.9., 4.15
M-41	1938-1948	Surface mining of alluvial gravel, including aerial photograph showing extent of access to and excavation from gravel resource	Carl Bliss mines alluvial gravel resource south of Cajalco Road to supply aggregate for Prado Dam, including for use in concrete. The 1948 aerial photograph shows extent of access and excavation of these alluvial gravel resources, south of Cajalco Road. Surface mining activities within the HH VRA and outside the S-4 VRA demonstrate an intent to mine the entirety of the property based on mineral demand.	Section II.D.1, V.C.2	Figure, 3.2, 3.3, 3.5, 3.6, 3.9. 4.15, 4.17
M-42	1949	Aerial photograph shows extent of 3M (“Temescal Rock”) quarry operations	Continued expansion of quarry along porphyry ore body indicates continued intent to fully exploit known mineral resources within Temescal Mining District, including mining of same ore body found within HH VRA	Section V.D.1	Figure 3.5, 3.6, 3.9
M-43	1948-1960s	Clay, rock, sand, and gravel mining to supply Liston Brick Co. manufacturing plant.	<p>Liston Brick Co. begins operations, mining (i) miocene diatomaceous shale; (ii) quaternary alluvium; and (iii) local soil and sandstone.</p> <p>Liston uses unnamed plots on the east side of Temescal Canyon, along Cajalco Road within the HH VRA, for metasedimentary rocks used in brick production.</p>	Section V.C.2, V.F.3	Figures 3.8, 3.9 4.16, 4.17, 4.18
M-44	1954	Clay discovery and mining	Gladding discoveries viable source of red clay adjacent to and within the HH VRA in 1954.	Sections II.D.2, V.F.3.	Figures 3.8, 3.9, 4.17
M-45	1953-1959	Continued porphyry mining	<p>Mining within the HH VRA provided multiple water infrastructure projects with porphyry, including: Orange County Santa Ana River Levee and Long Beach flood control channels.</p> <p>Production is noted on a per-project basis, with 250,000 tons produced in 1958 for the Santa Ana River Levee, and 500,000 tons produced in 1958 for other flood control channels. Quarrying capacity is given at 6,000 tons per day (over 2 million tons per year).</p>	Sections II.D.2, V.F.3	Figures 3.8, 3.9 4.16, 4.18, 4.19, 4.20, 4.22




<i>Map I.D.</i>	<i>Date</i>	<i>Disturbance</i>	<i>Description</i>	<i>Text</i>	<i>App. B</i>
M-46	1959	Aerial photograph shows extent of surface mining activities within the HH VRA as of 1959.	Aerial photograph shows continued mining of multiple resources, including porphyry and clay, within the HH VRA, as of 1963. This mining, without permits, is consistent with the exercise of vested rights.	Sectrions II.D.2, V.F.3	Figures 3.8, 3.9, 4.18, 4.19
M-47	1963	Aerial photograph shows extent of surface mining activities within the HH VRA as of 1963	Aerial photograph shows continued mining of multiple resources, including porphyry and clay, within the HH VRA, as of 1963. This mining, without permits, is consistent with the exercise of vested rights.	Sections II.D.2, V.F.3	Figures 3.8, 3.9, 4.20
M-48	1967	Change in road status – private to public	Riverside County Board of Supervisors approves construction of “Eagle Valley Road” as a County road to replace the formally private tin mine road. This County action removed the Tin Mine Haul Road	Section V.F.3	Figure 3.9
M-49	1972	Extent of surface mining activities related to silica sand and rock, sand, and gravel.	Aerial photograph shows the extent of Owens-Illinois Glass Co. silica sand plant mining and operations, including connectivity with HH VRA via conveyer and roads.	Section V.F.3	Figures 3.8, 3.9
M-50	1984	Analysis of historic rock, sand, gravel, and clay disturbances.	1984 investigation and analysis of known, historic mining features within the HH VRA, including multiple heavily disturbed clay pits, all outside the S-4 VRA boundary.	Section V.G	Figures 3.8, 3.9
M-51	1962	Surface mining activity consistent with clay scraping and exploration	Surface disturbance was visible in aerial imagery dated 1962, in area of property associated with clay mining during tenancy of Corona Quarries, Inc. and construction of MWD lower-feeder line. Site investigation and LiDAR analysis determined disturbance may be associated with either clay exploration or construction of MWD lower-feeder line.	Sections II.D.2, V.F.3	Figures 3.8, 3.9, 4.21
M-52	1962-1967	Surface mining activity consistent with clay scraping and exploration	Surface disturbance was visible in aerial imagery dated 1967 in area of property associated with clay mining during tenancy of Corona Quarries, Inc. Site investigation and LiDAR analysis determined ground disturbance and several roads consistent with clay mining/exploration, including a trench-like feature.	Sections II.D.2, V.F.3	Figures 3.8, 3.9, 4.21
M-53	1980’s	Surface mining activity consistent with exploration and bedrock exposure/evaluation.	A road cut/dozer scrape path trending along a bedrock ridgeline. Visible in aerial imagery dated 2020 and LiDAR. This feature is consistent with surface explorations for mining using a bulldozer to create shallow bedrock exposure along a transect and could be associated with a reported prior attempt to develop a quarry (Harlow Hill Development report (1984).	Section V.F.3, V.G	Figures 3.8, 3.9, 4.19
M-54	2012	Mining activity as of 2019 in accordance		Section II.D.3, V.G	Figures 3.8, 3.9, 4.22

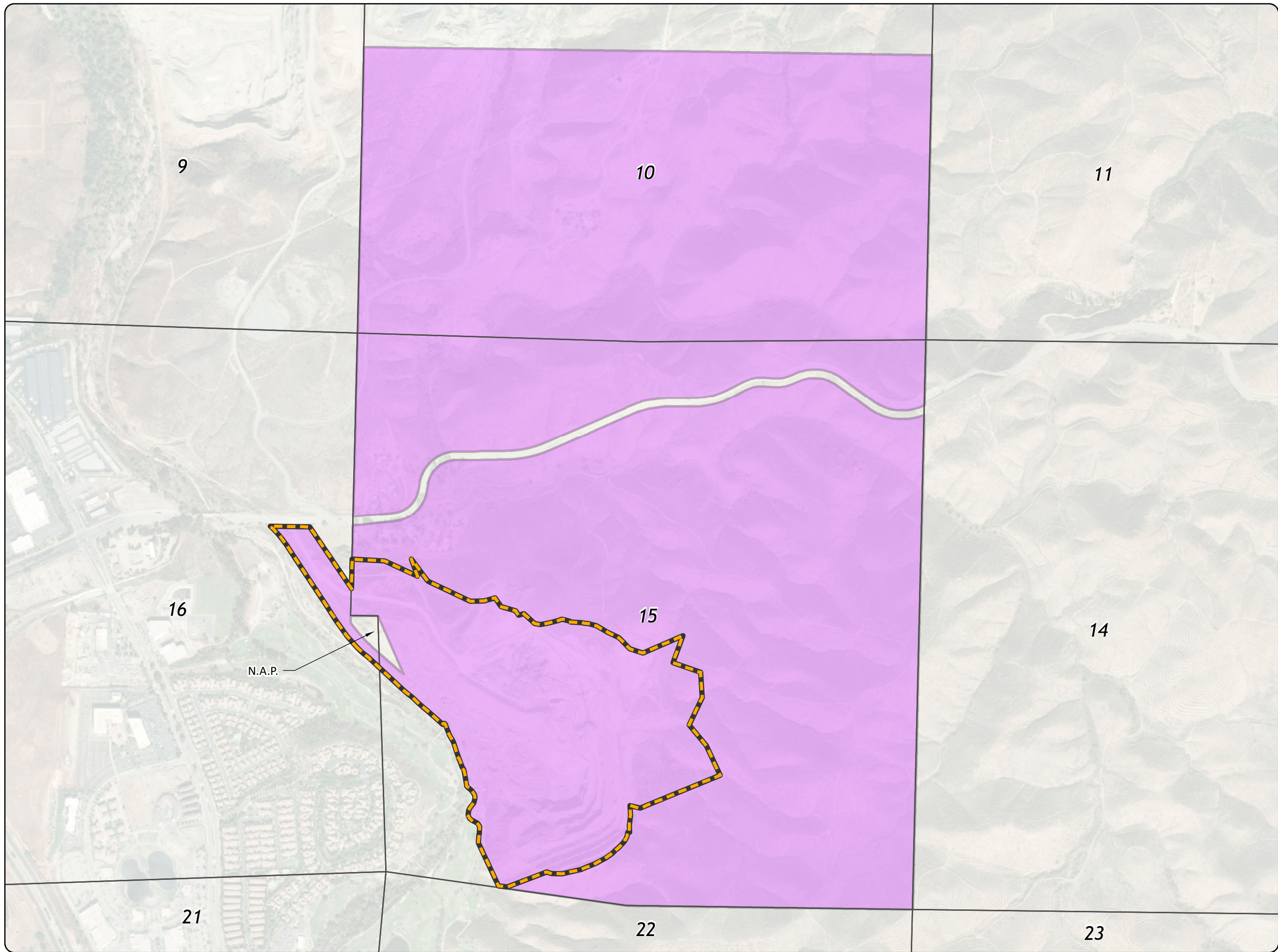
Appendix B-1: Vested Rights Area

Figure B-1.1: 1949 HH VRA

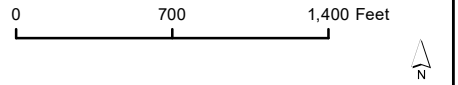
Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  1949 Vested Rights Area
-  Not a Part (of Robertson's
Ownership Interest, 1949)



Basemap: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community



*Disclaimer: The data was mapped for planning purposes
only. No liability is assumed for accuracy of the data shown.*

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


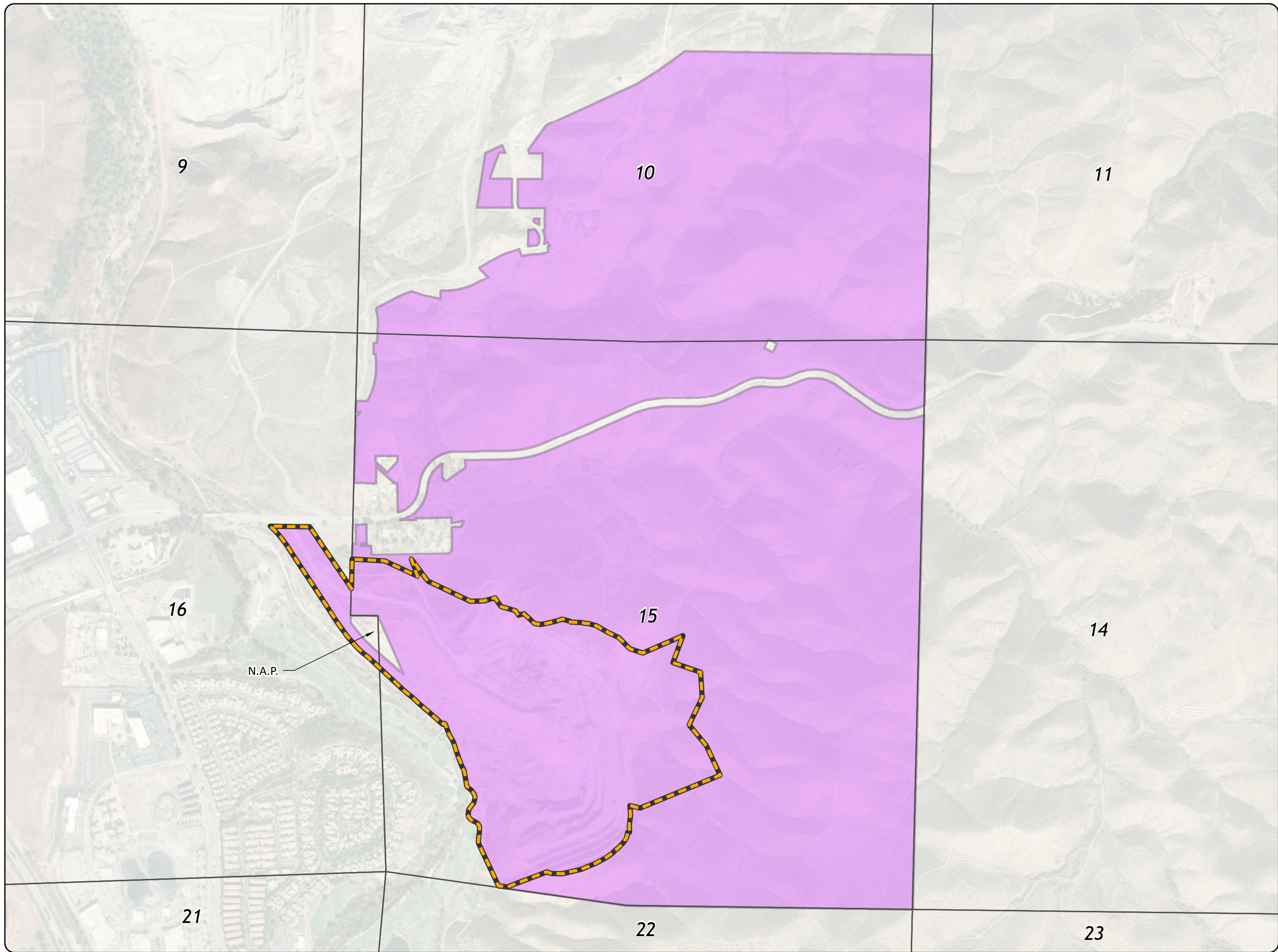
Appendix B-1: Vested Rights Area

Figure B-1.2: 2021 HH VRA

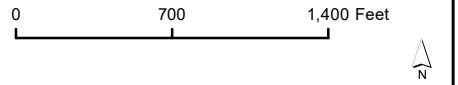
Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  Vested Rights Area (HH VRA)
-  Not a Part (of Robertson's
Ownership Interest, 1949)



Basemap: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community



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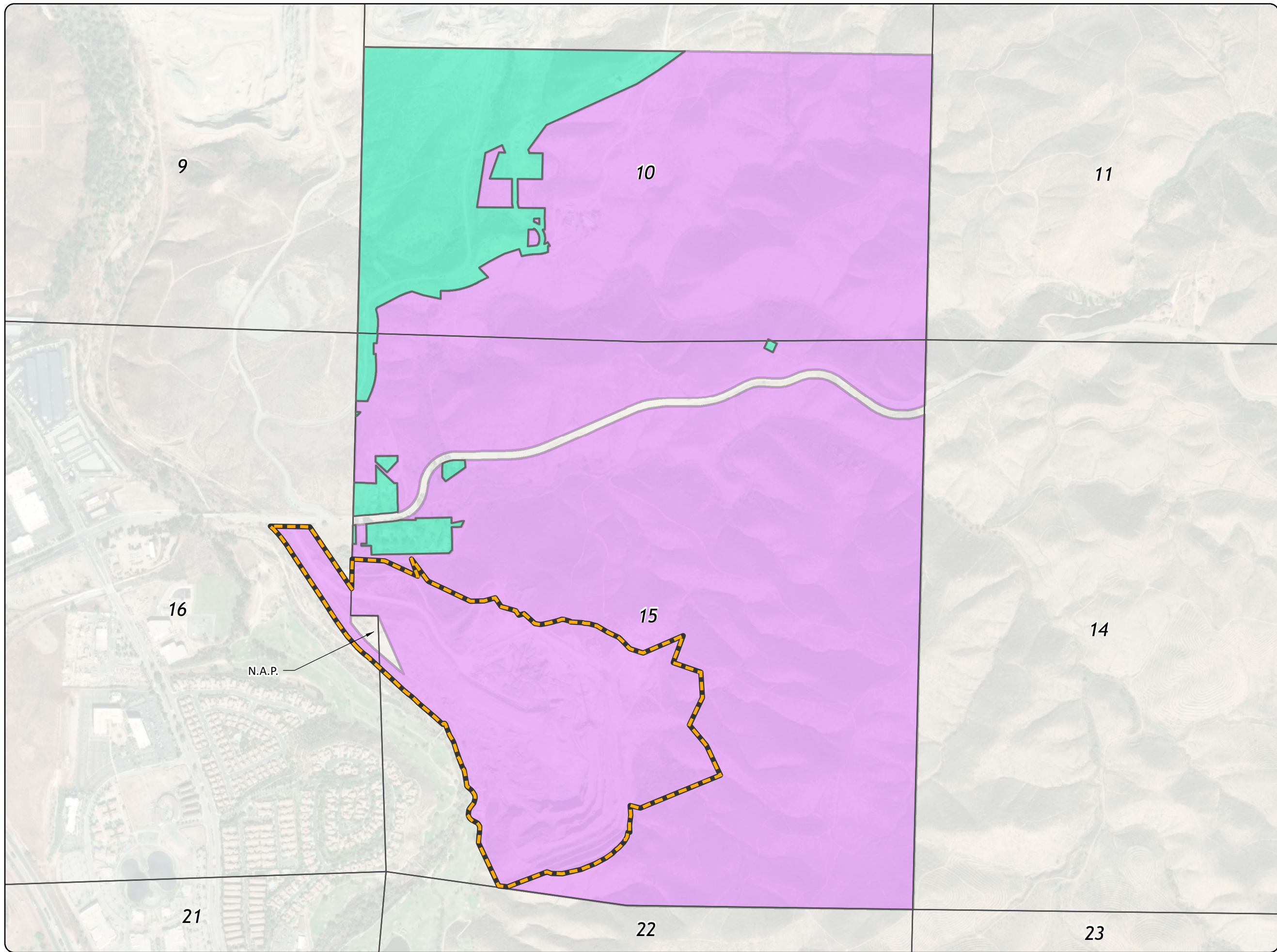
Appendix B-1: Vested Rights Area
**Figure B-1.3: Comparison of 1949
 and 2021 HH VRA Boundaries**

Confirmation of Geographic
 Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

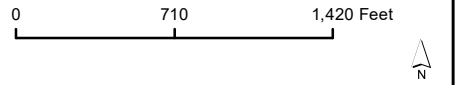
Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  2021 HH VRA
-  Ownership interests modified
since original vesting in 1949*
-  Not a Part (of Robertson's
Ownership Interest, 1949)

Note:
 *RRM is not seeking at this time to confirm vested
 rights in the areas for which ownership interests
 have been modified. RRM reserves the right to seek
 confirmation of vested rights in those areas in the
 future.



Basemap: Source: Esri, Maxar, GeoEye, Earthstar
 Geographics, CNES/Airbus DS, USDA, USGS,
 AeroGRID, IGN, and the GIS User Community



Disclaimer: The data was mapped for planning purposes
 only. No liability is assumed for accuracy of the data shown.

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 3140 Peacekeeper Way #102, McClellan Park, CA 95652







Appendix B-2: Ownership

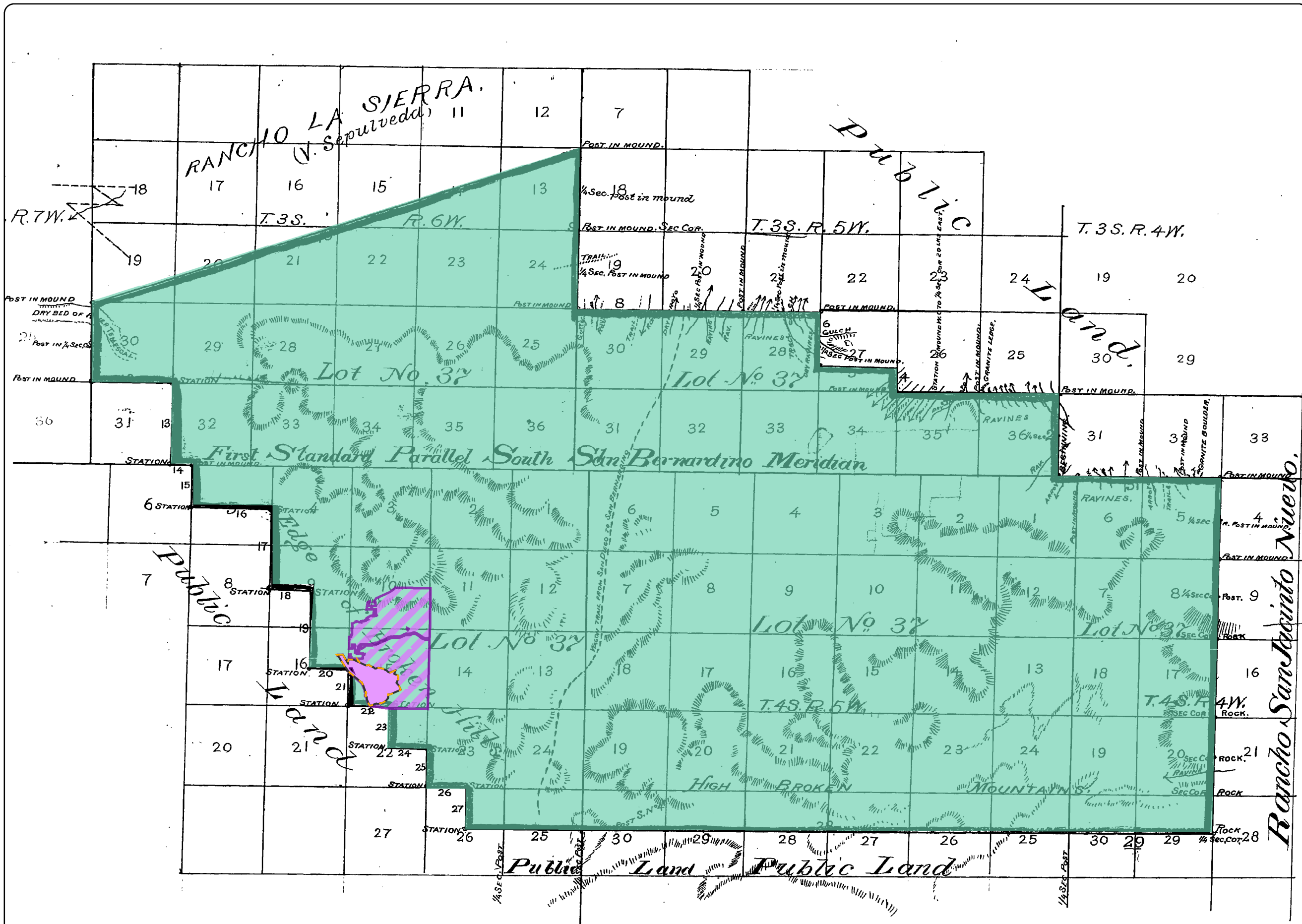
Figure B-2.1: 1867

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

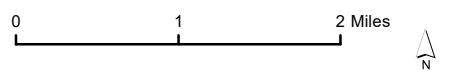
Legend:

-  RCL118S4 Boundary
-  Area subject to Prior Vesting Confirmation (S-4 VRA)
-  HH VRA
-  Rancho El Sobrante de Jacinto Land Grant Ownership*

*Note: The Rancho el Sobrante de San Jacinto was a Mexican Land Grant, confirmed and conveyed into private ownership by U.S. Patent in 1867. The Rancho El Sobrante de Jacinto Land Grant is a RRM predecessor.



Basemap: Plat of the Rancho el Sobrante de San Jacinto. Geo H. Thompson, Dep. Surv. May and November 1866.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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3140 Peacekeeper Way #102, McClellan Park, CA 95652







Appendix B-2: Ownership

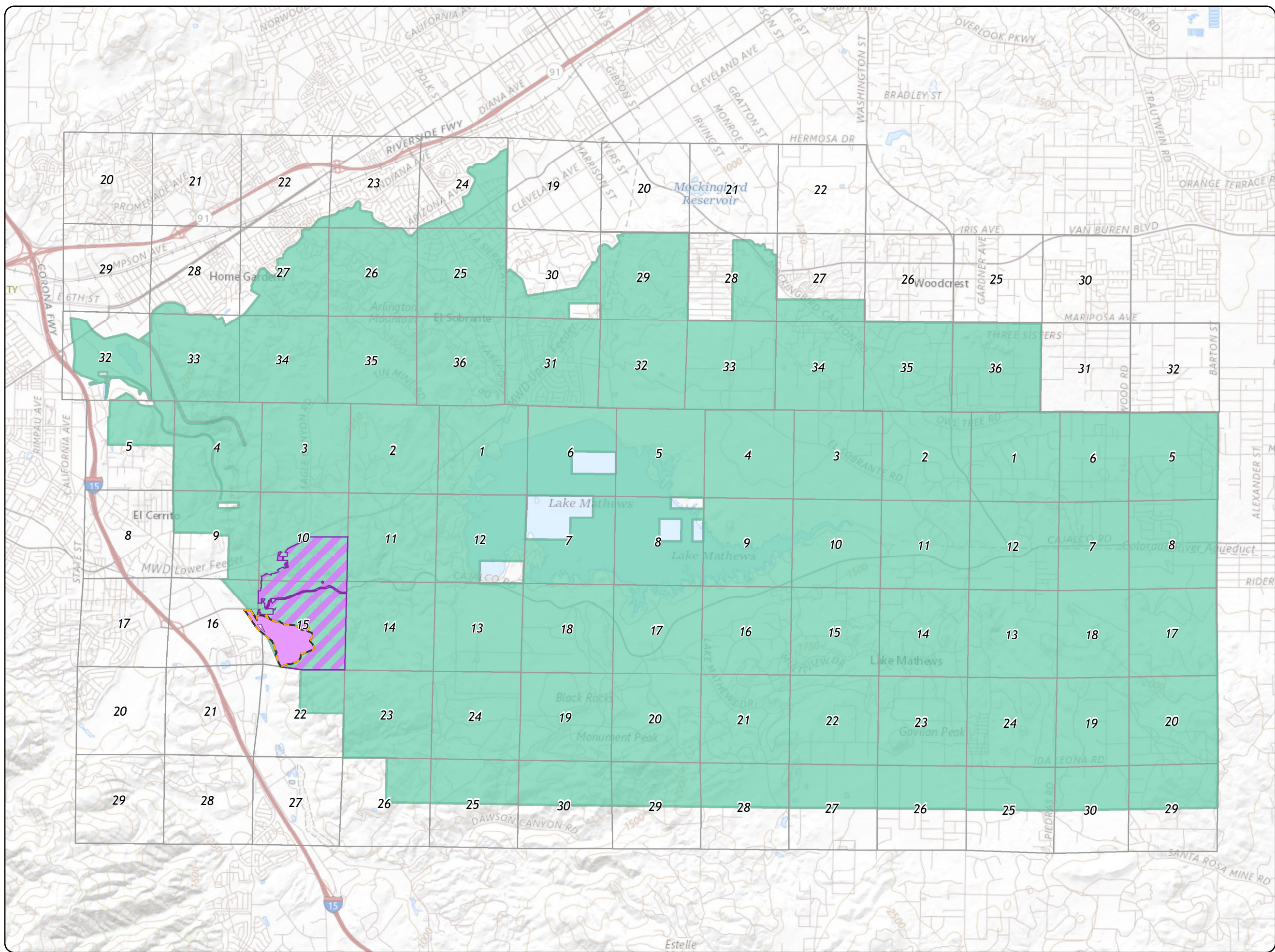
Figure B-2.2: 1924

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary
-  Area subject to Prior Vesting Confirmation (S-4 VRA)
-  HH VRA
-  1924 Sobrante Ownership*

*Note: The 1924 ownership depicts the remainder of the Rancho el Sobrante de San Jacinto, following the sale of portions of the original land holding from 1867-1924. The Sobrante Ownership is a RRM predecessor.



Basemap: USGS The National Map.

0 0.5 1 1.5 Miles



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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


Appendix B-2: Ownership

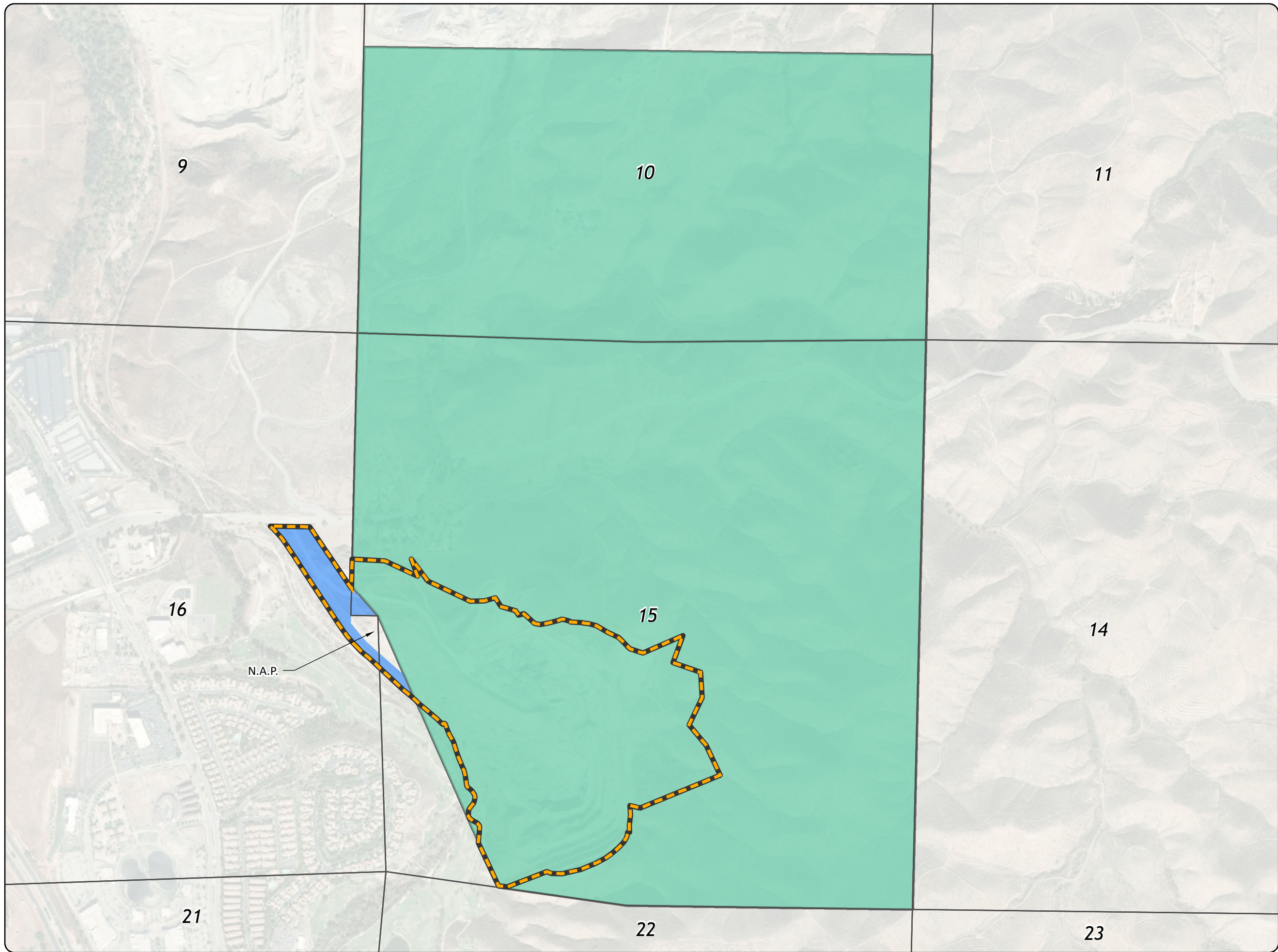
Figure B-2.3: 1925

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

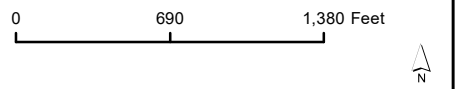
Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1925 E.E. Peacock Ownership (1*)
-  Easement Area (2*)

*Note:
(1) The Peacock Ownership is a RRM predecessor.
(2) Easement Area acquired by RRM predecessor by 1932, including in area condemned by ATSF Railroad. Underlying fee simple land reacquired by RRM by 1986.



Basemap: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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



Appendix B-2: Ownership

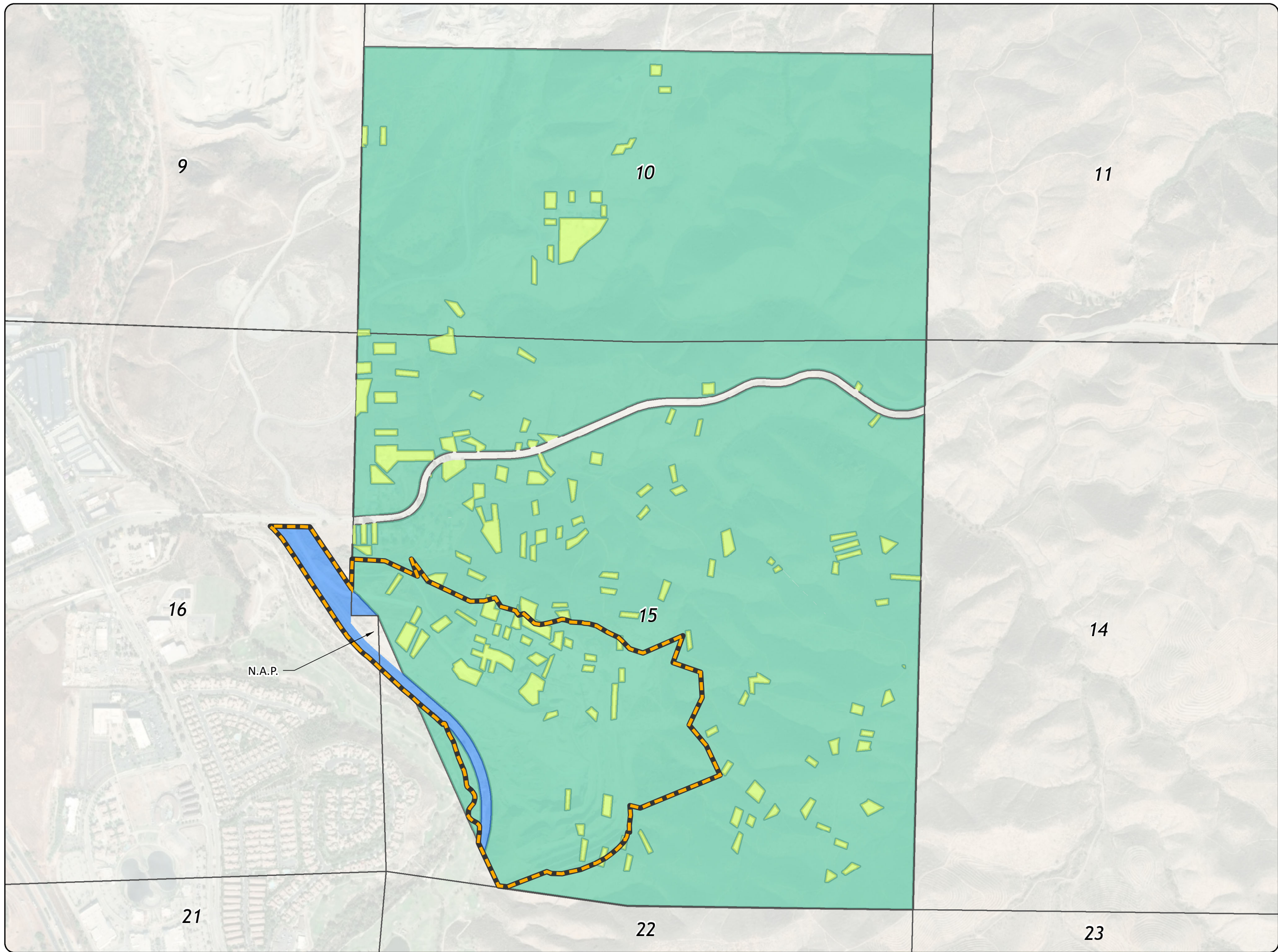
Figure B-2.4: 1948

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

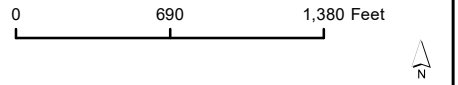
Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1948 Kuhry / Harlow Ownership (1*)
-  Easement Area (2*)
-  Reserved Rights (3*)

**Note:*
(1) The Kuhry / Harlow Ownership is a RRM predecessor.
(2) Easement Area acquired by RRM predecessor by 1932, including in area condemned by ATSF Railroad. Underlying fee simple land reacquired by RRM by 1986.
(3) Area of ownership conveyance by Peacock, RRM predecessor, subject to reserved rights, including all mineral rights.



Basemap: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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Appendix B-2: Ownership

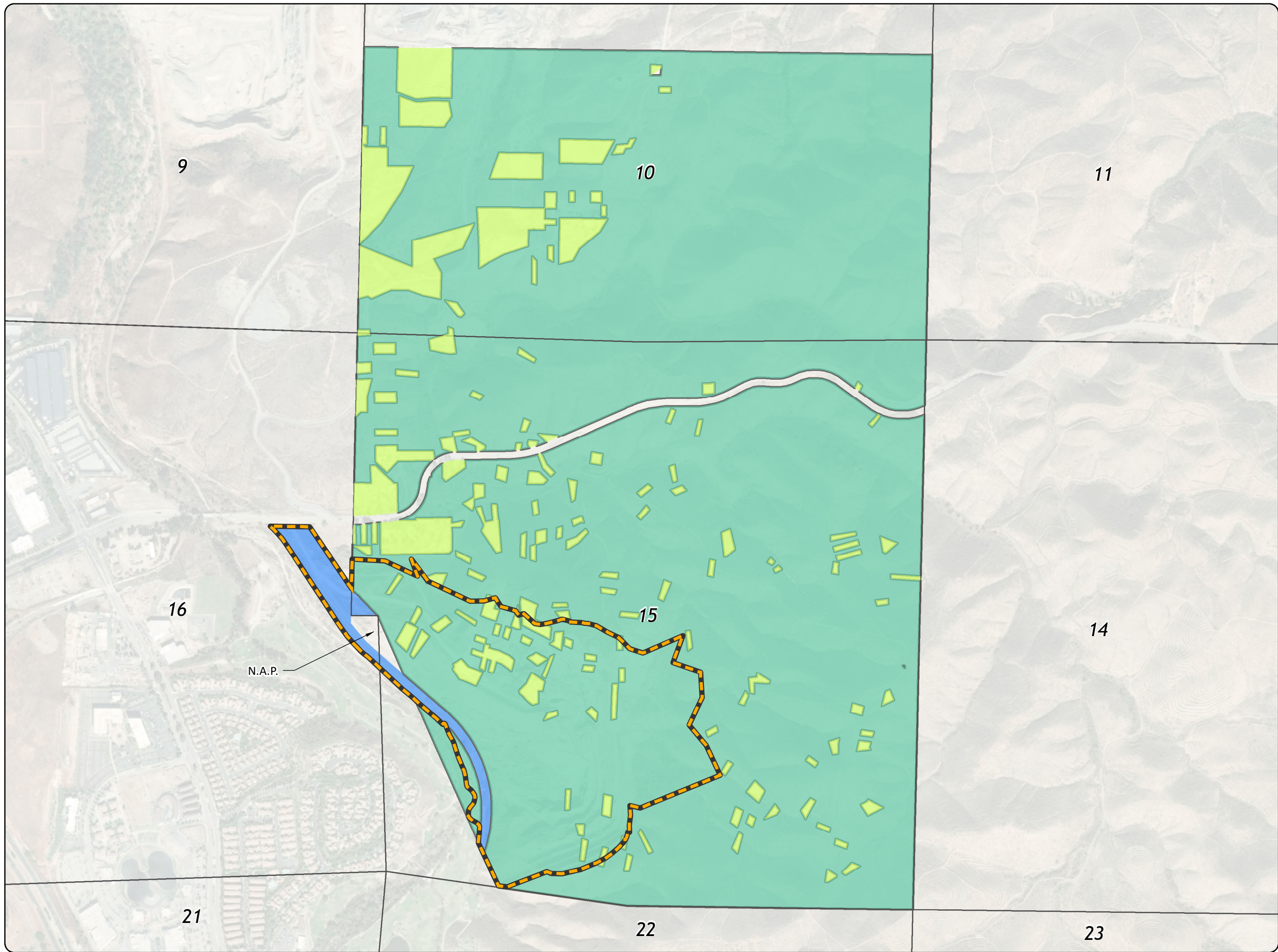
Figure B-2.5: 1966

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

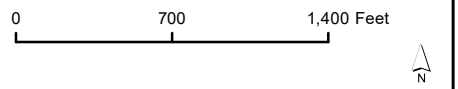
Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  1966 Harlow Ownership (1*)
-  Easement Areas (2*)
-  Reserved Rights (3*)

**Note:*
(1) The Harlow Ownership is a RRM predecessor.
(2) Easement Area acquired by RRM predecessor
by 1932, including in area condemned by ATSF
Railroad. Underlying fee simple land reacquired by
RRM by 1986.
(3) Area of ownership conveyance by Peacock,
RRM predecessor, subject to reserved rights,
including all mineral rights.



Basemap: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community



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only. No liability is assumed for accuracy of the data shown.*

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





Appendix B-2: Ownership

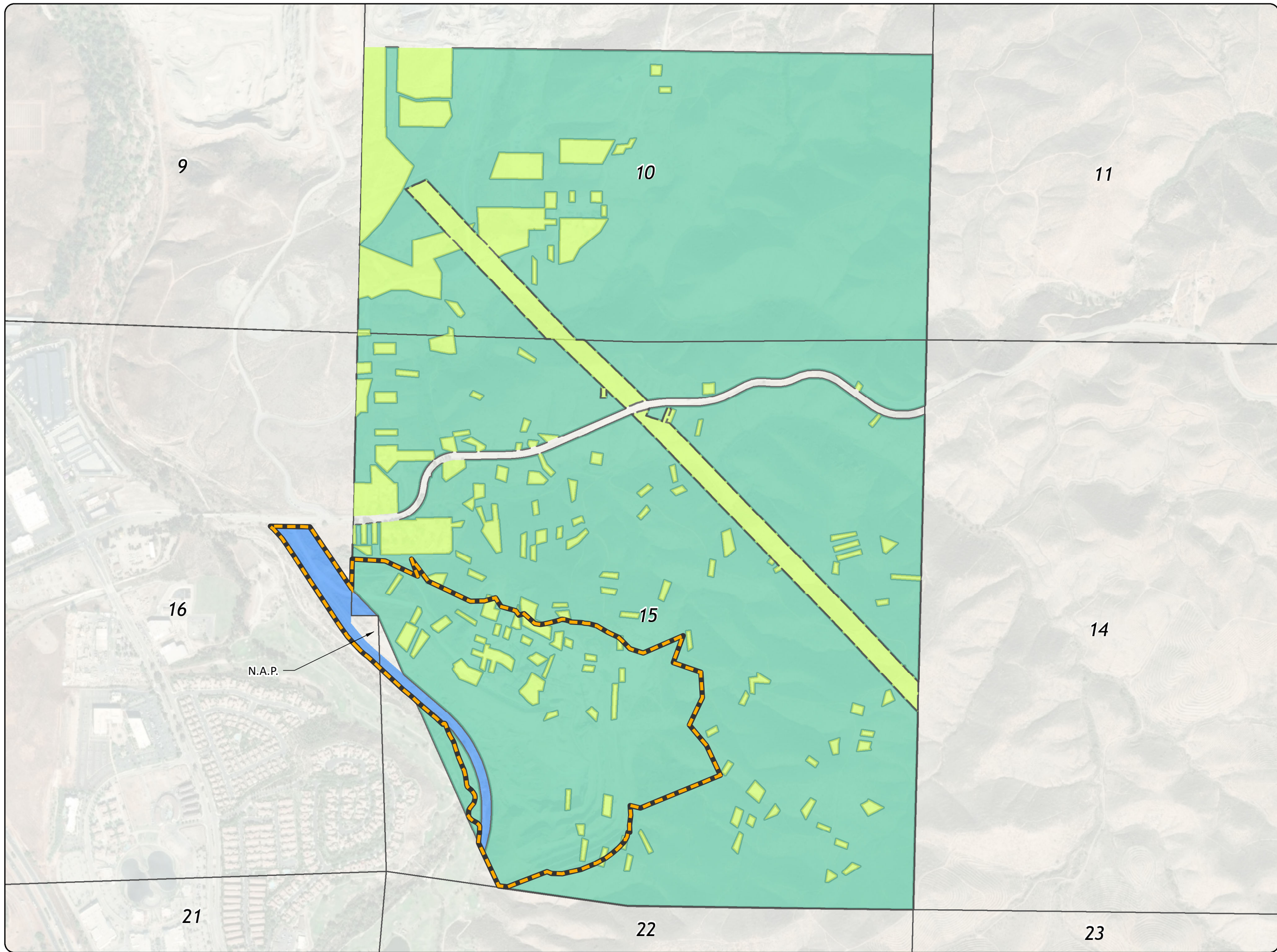
Figure B-2.6: 1976

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

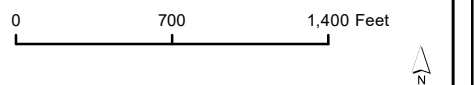
Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1976 Occidental Ownership (1*)
-  Easement Areas (2*)
-  Reserved Rights (3*)
-  Reserved Rights subject to Public Utility (4*)

**Note:*
(1) The Occidental Ownership is a RRM predecessor.
(2) Easement Area acquired by RRM predecessor by 1932, including in area condemned by ATSF Railroad. Underlying fee simple land reacquired by RRM by 1986.
(3) Area of ownership conveyance by Peacock, RMM predecessor, subject to reserved rights, including all mineral rights.
(4) Reserved Rights subject to public utility use by Southern California Edison.



Basemap: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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


Appendix B-2: Ownership

Figure B-2.7 : 2021

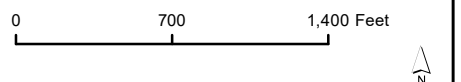
Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  2021 RRM Ownership
-  Reserved Rights (1*)
-  Reserved Rights subject to Public Utility (2*)
-  Ownership interests modified since original vesting in 1949(3*)

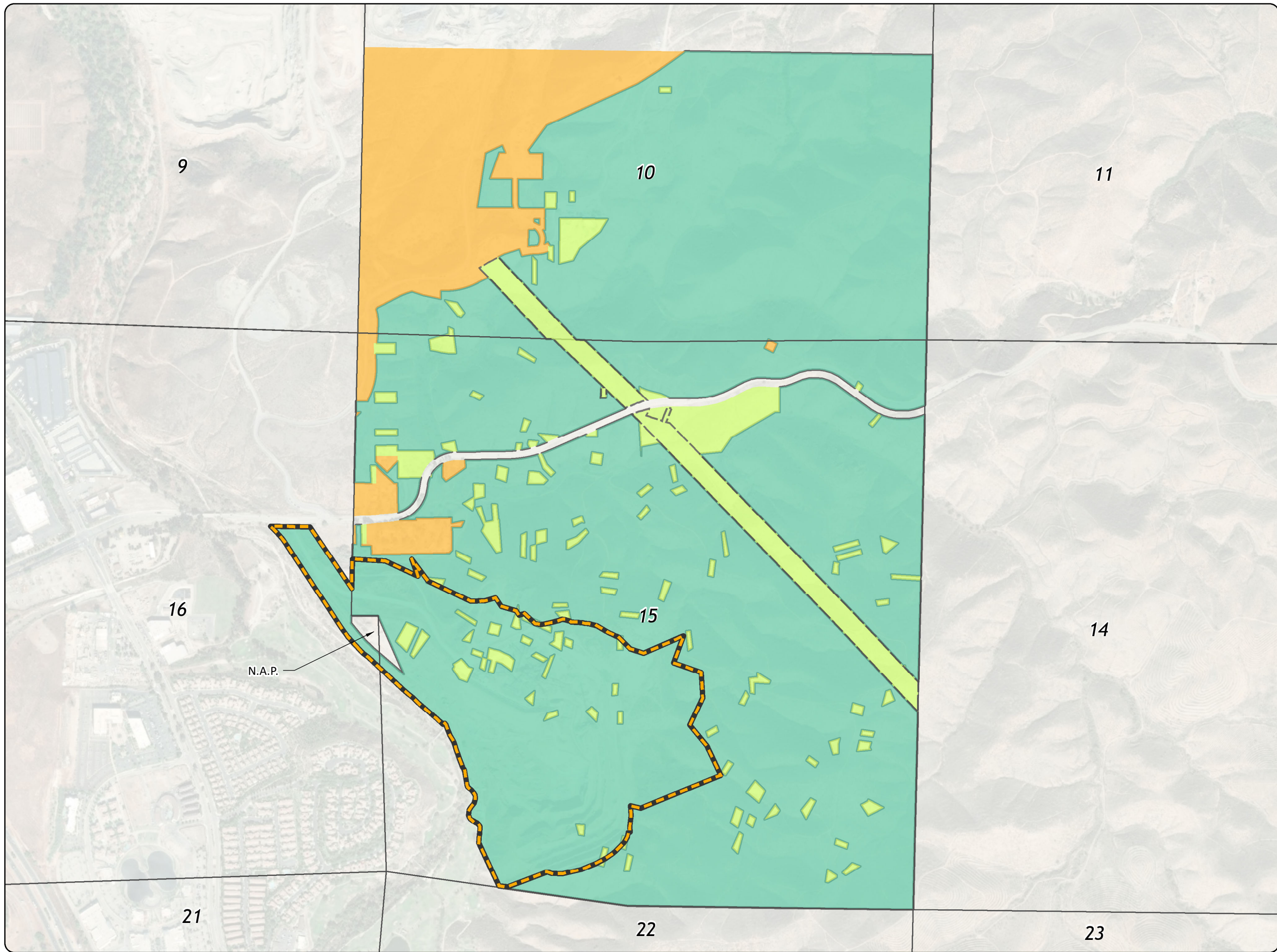
**Note:*
(1) Area of ownership conveyance by Peacock, RMM predecessor, subject to reserved rights, including all mineral rights.
(2) Reserved Rights subject to public utility use by Southern California Edison.
(3) RRM is not seeking at this time to confirm vested rights in the areas for which ownership interests have been modified. RRM reserves the right to seek confirmation of vested rights in those areas in the future.

Basemap: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



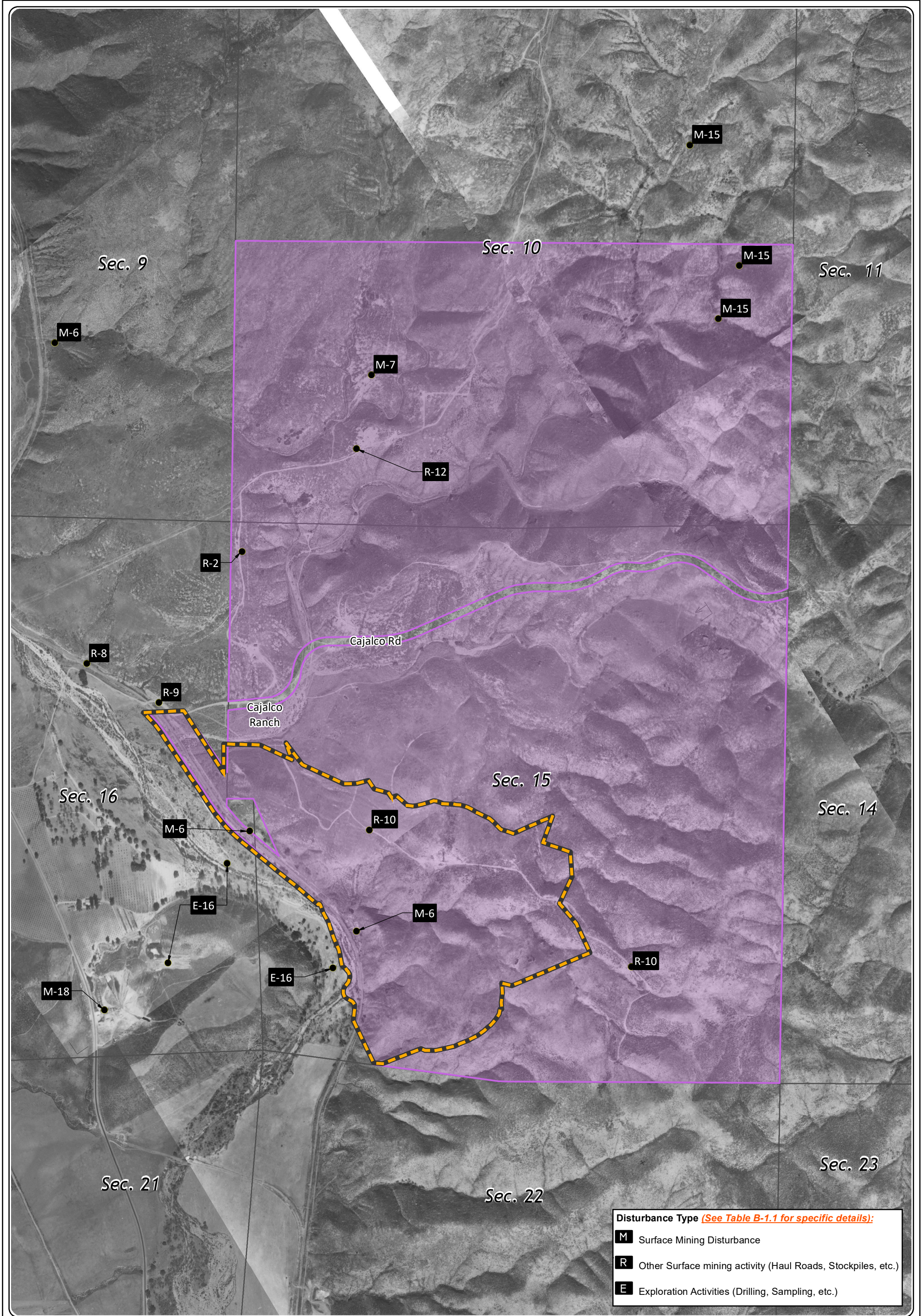
Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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N.A.P.

Projects\038 - Robertsons Ready Mix\Reserved Rights\Parcel Mapping\1048 Ownership Draft.mxd 12/13/2021



Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Aerial photograph dated 1931. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- RCL118S4 Boundary (Vested Rights Confirmed)
- 1949 HH VRA
- Pre-1949 Surface Mining Activity

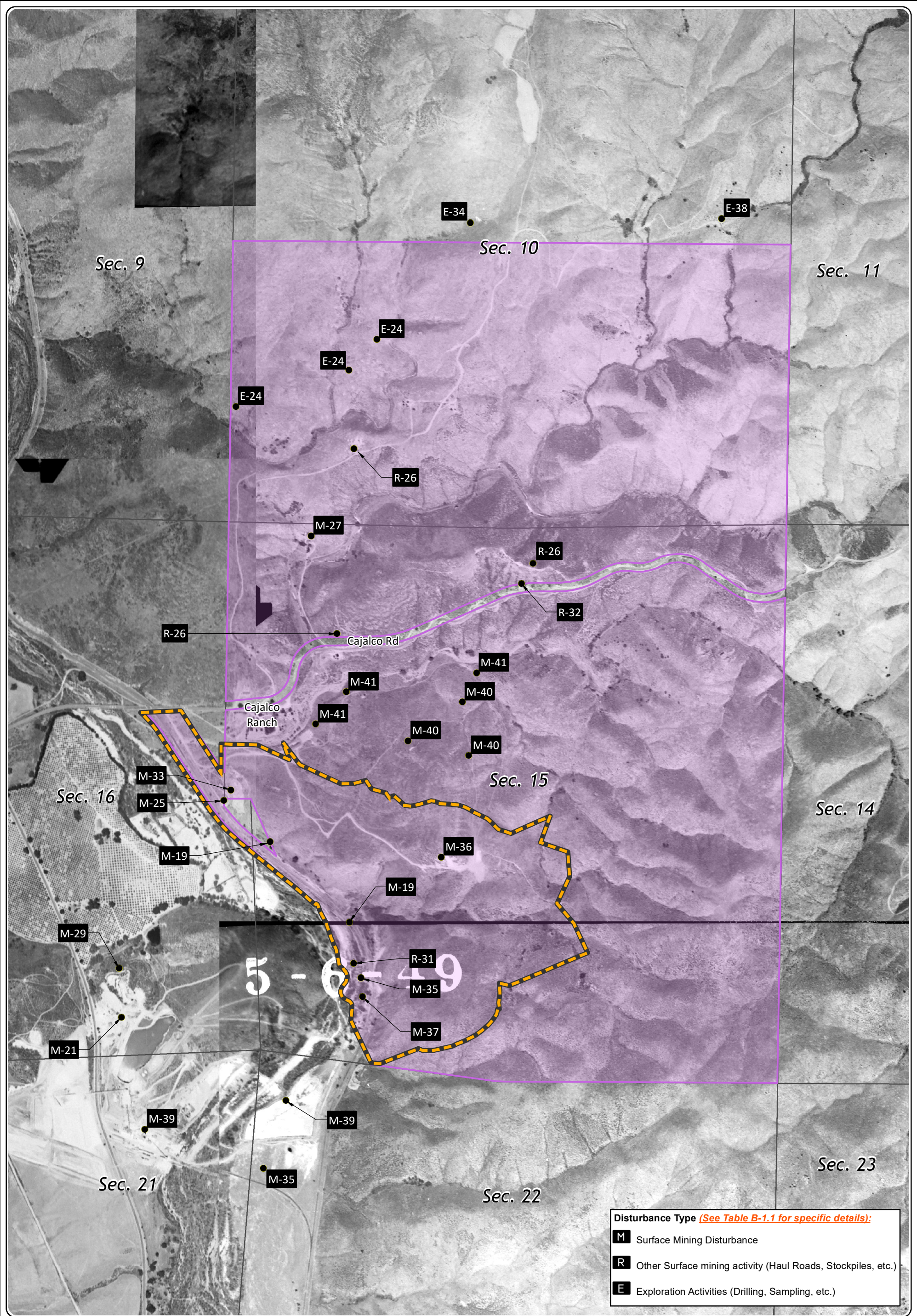
0 1,000 2,000 Feet

HH VRA 1867-1925
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-3: Surface Mining Activity
 Figure B-3.1: HH VRA 1867-1925

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

12/15/2021 **COMPASS LAND GROUP**



Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- RCL118S4 Boundary (Vested Rights Confirmed)
- 1949 HH VRA
- Pre-1949 Surface Mining Activity

0 1,000 2,000 Feet

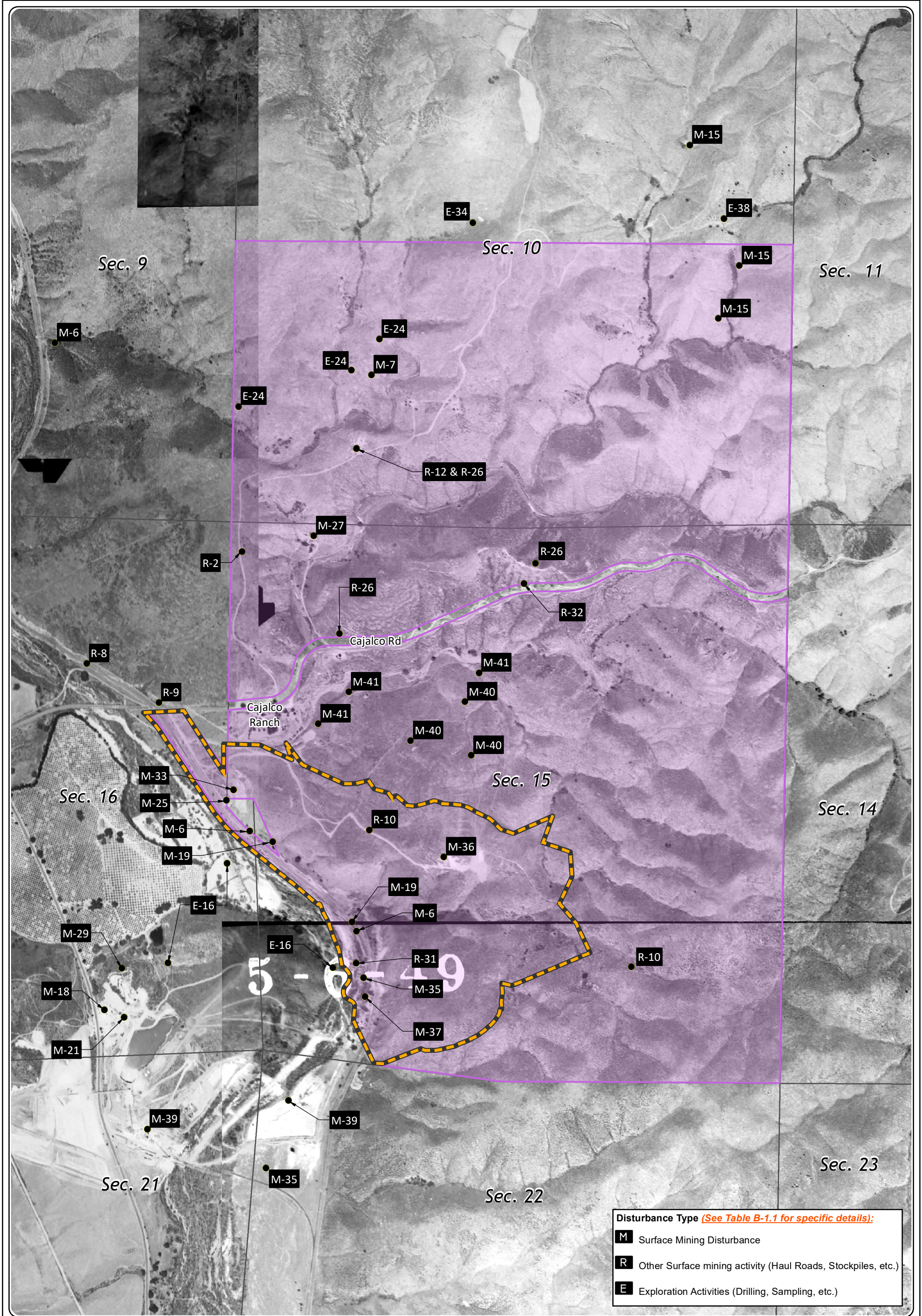
HH VRA 1925-1949
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-3: Surface Mining Activity
 Figure B-3.2: HH VRA 1925-1949

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

12/15/2021

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Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- RCL118S4 Boundary (Vested Rights Confirmed)
- 1949 HH VRA
- Pre-1949 Surface Mining Activity

0 1,000 2,000 Feet

HH VRA 1867-1949
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-3: Surface Mining Activity
 Figure B-3.3: HH VRA 1867-1949












Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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**Figure B-3.4:
Regional Disturbances 1867-1925**

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

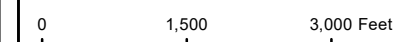
Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1949 HH VRA
-  Proximate Area of Tin Mine Activity
-  Proximate Area of Silica-Sand Mine Activity
-  Proximate Area of Aggregate Mine Activity
-  Tin Mine Haul Road
-  Clay Mine Haul Road
-  Rail Road
-  Haul Road
-  Public Roads
-  Pre-1949 Surface Mining

USGS Plate-3 Tin Mine Features

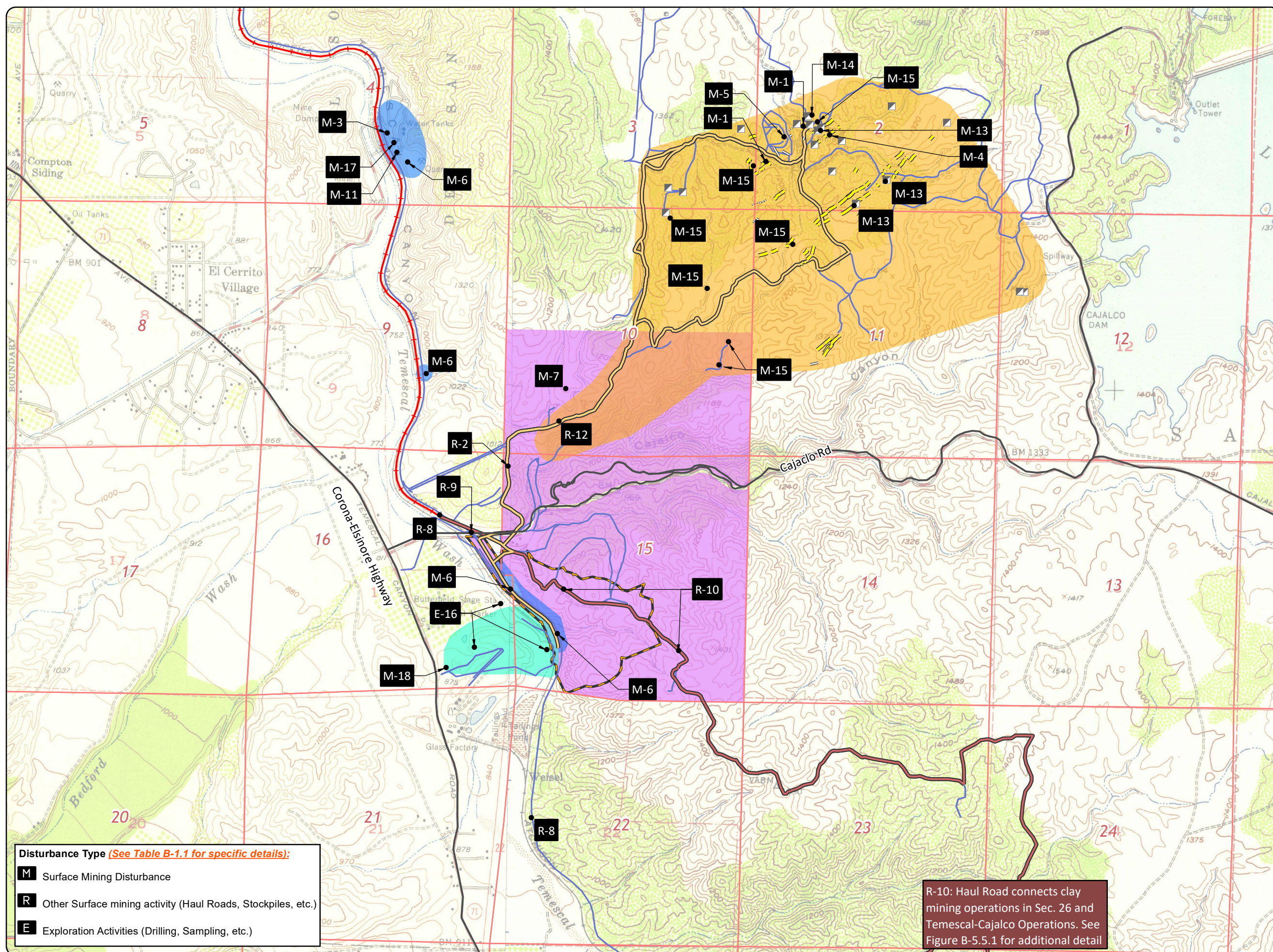
-  Stripped Tourmaline vein
-  Trench, Pit or Adit
-  Mine Shaft

This base map was compiled from historical USGS topo quadrangles maps and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652



Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)












R-10: Haul Road connects clay mining operations in Sec. 26 and Temescal-Cajalco Operations. See Figure B-5.5.1 for additional detail

Appendix B-3: Surface Mining Activity



**Figure B-3.5:
Regional Disturbances 1925-1949**

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1949 HH VRA
-  Proximate Area of Tin Mine Activity
-  Proximate Area of Silica-Sand Mine Activity
-  Proximate Area of Aggregate Mine Activity
-  Tin Mine Haul Road
-  Clay Mine Haul Road
-  Haul Road
-  Rail Road
-  Public Roads
-  Pre-1949 Surface Mining

USGS Plate-3 Tin Mine Features

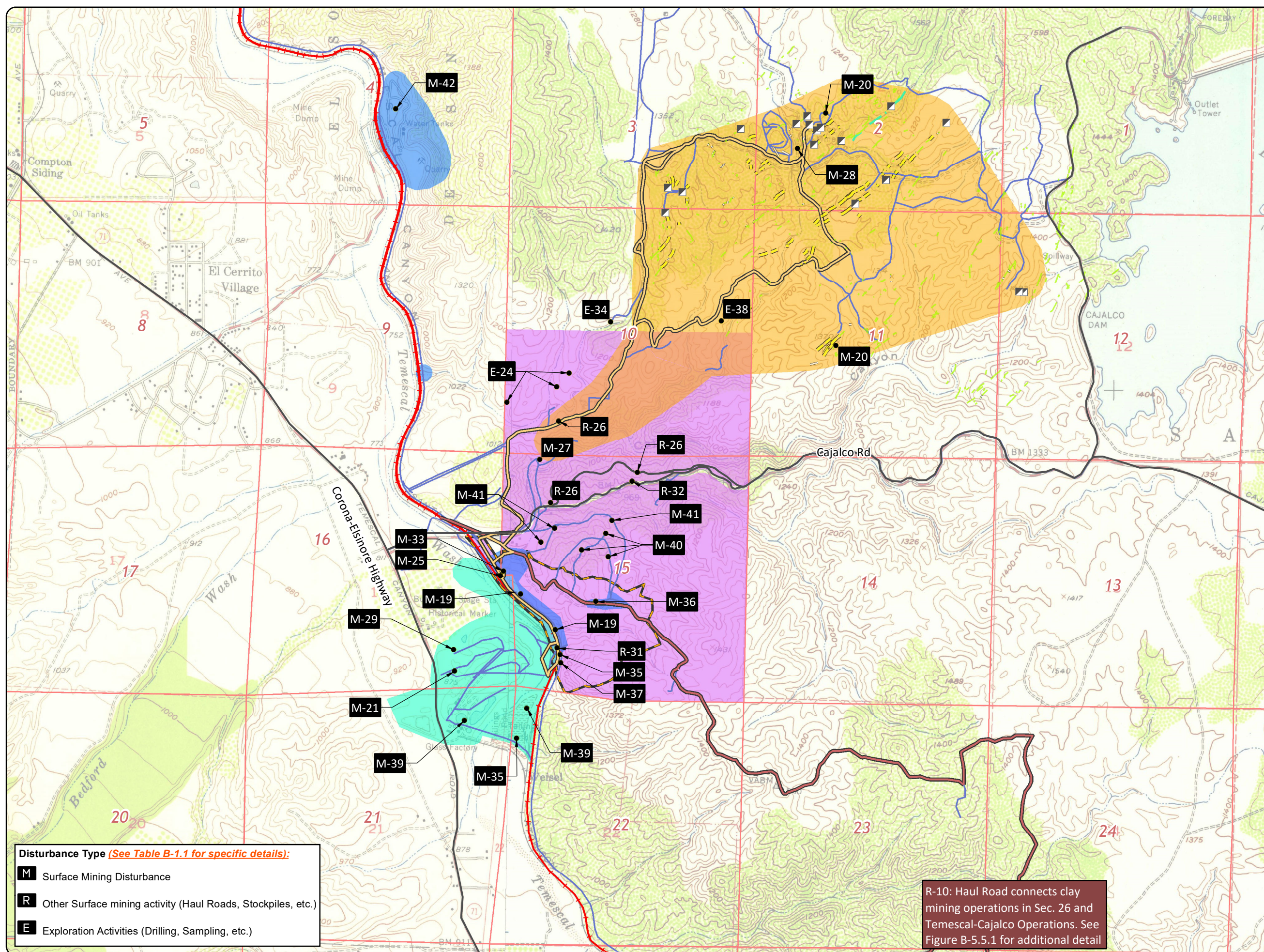
-  Stripped Tourmaline vein
-  Tourmaline vein
-  Trachyte porphyry vein
-  Trench, Pit or Adit
-  Mine Shaft

This base map was compiled from historical USGS topo quadrangles maps and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

0 1,500 3,000 Feet

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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3140 Peacekeeper Way #102, McClellan Park, CA 95652



Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

R-10: Haul Road connects clay mining operations in Sec. 26 and Temescal-Cajalco Operations. See Figure B-5.5.1 for additional detail

**Figure B-3.6:
Regional Disturbances 1867-1949**

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

- RCL118S4 Boundary (Vested Rights Confirmed)
- 1949 HH VRA
- Proximate Area of Tin Mine Activity
- Proximate Area of Silica-Sand Mine Activity
- Proximate Area of Aggregate Mine Activity
- Tin Mine Haul Road
- Clay Mine Haul Road
- Rail Road
- Haul Road
- Public Roads
- Pre-1949 Surface Mining

USGS Plate-3 Tin Mine Features

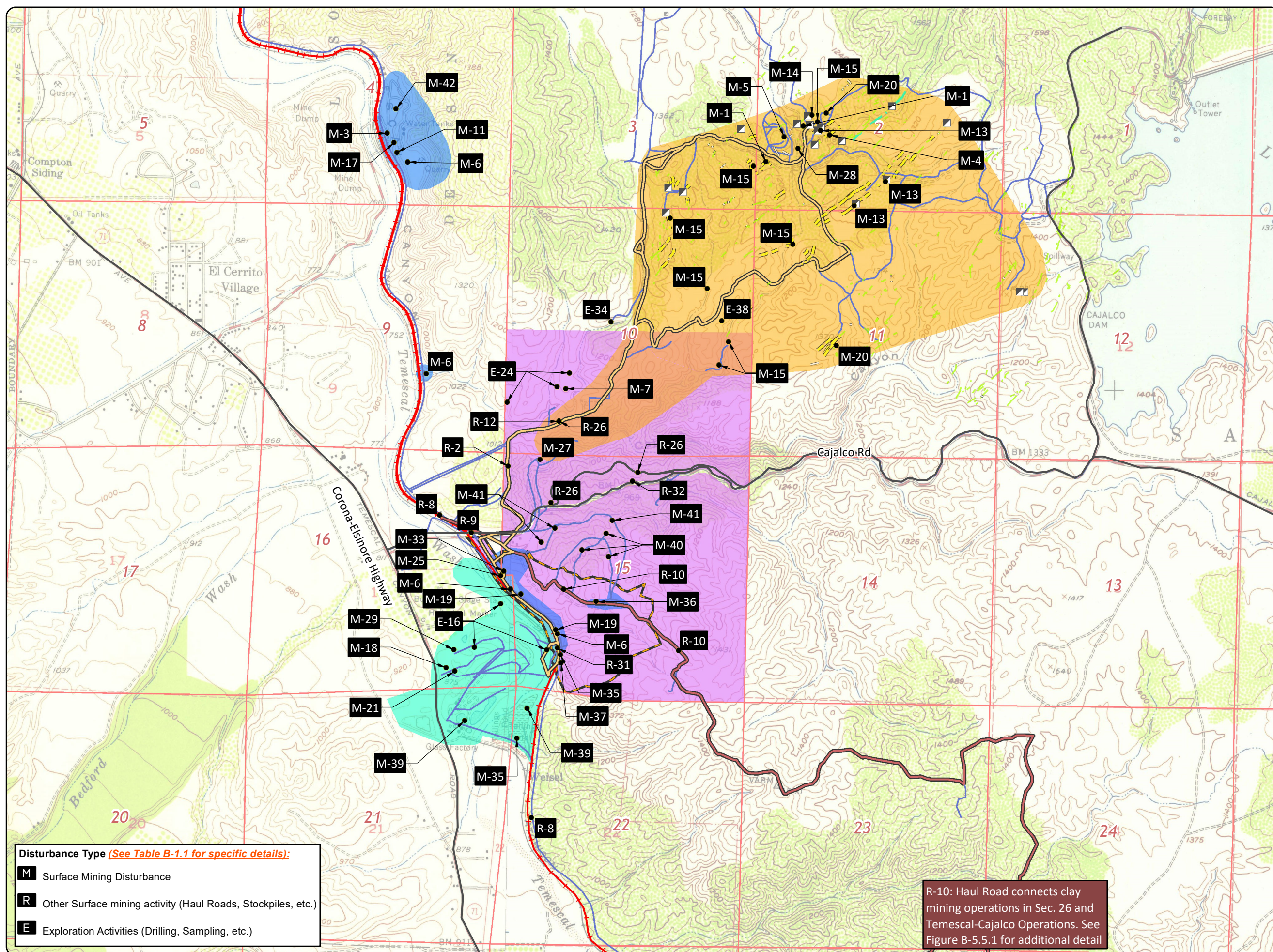
- Stripped Tourmaline vein
- Tourmaline vein
- Trachyte porphyry vein
- Trench, Pit or Adit
- Mine Shaft

This base map was compiled from historical USGS topo quadrangles maps and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

0 1,500 3,000 Feet

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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3140 Peacekeeper Way #102, McClellan Park, CA 95652



Disturbance Type (See Table B-1.1 for specific details):








- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

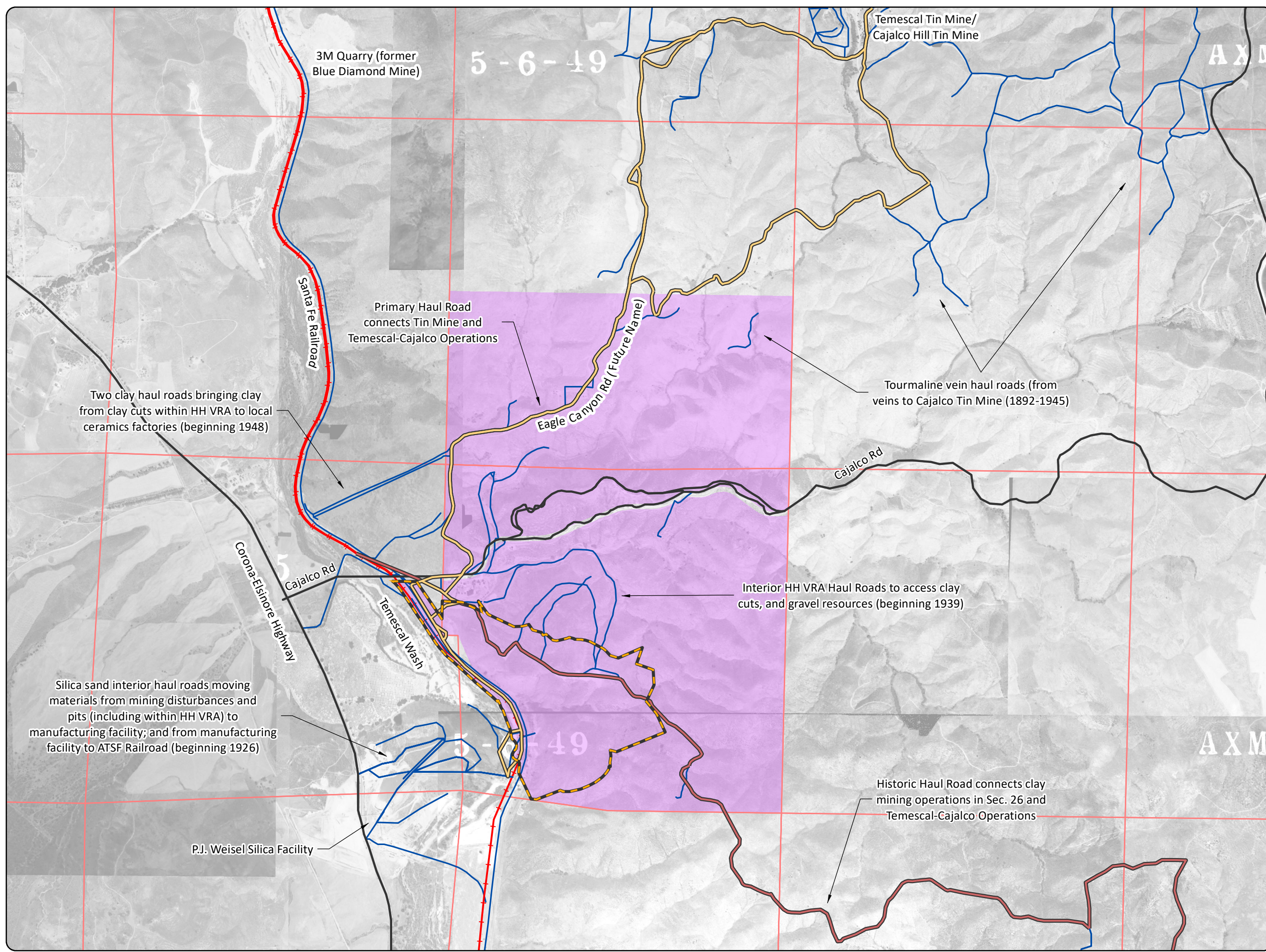
R-10: Haul Road connects clay mining operations in Sec. 26 and Temescal-Cajalco Operations. See Figure B-5.5.1 for additional detail

**Figure B-3.7:
Haul Roads 1867-1949**

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

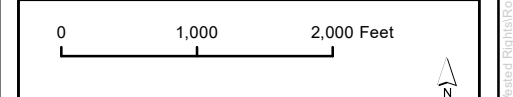
Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  1949 HH VRA
-  Tin Mine Haul Road
-  Clay Mine Haul Road
-  Internal Haul Roads
-  Rail Road
-  Public Roads



Note:
Haul Road use by surface ownership and/or
easement rights.

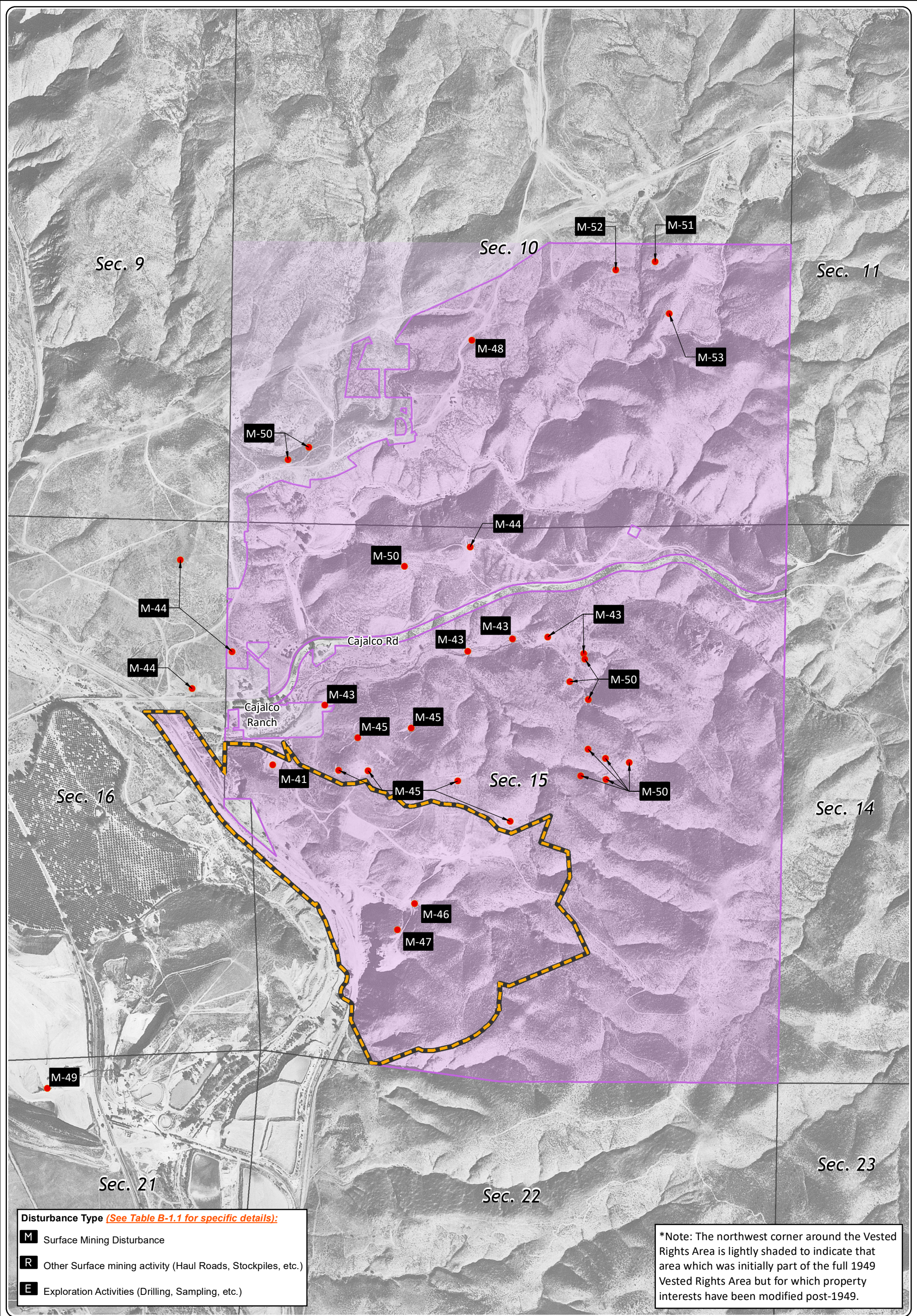
This base map was compiled from multiple historical
May 1949 aerial photographs. The accuracy of the
base map is limited as it is not a part of any field
survey on the ground.



*Disclaimer: The data was mapped for planning purposes
only. No liability is assumed for accuracy of the data shown.*

Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652





Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

*Note: The northwest corner around the Vested Rights Area is lightly shaded to indicate that area which was initially part of the full 1949 Vested Rights Area but for which property interests have been modified post-1949.

Aerial photograph dated 1959. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- RCL118S4 Boundary (Vested Rights Confirmed)
- HH VRA*
- Post-1949 Surface Mining Activity

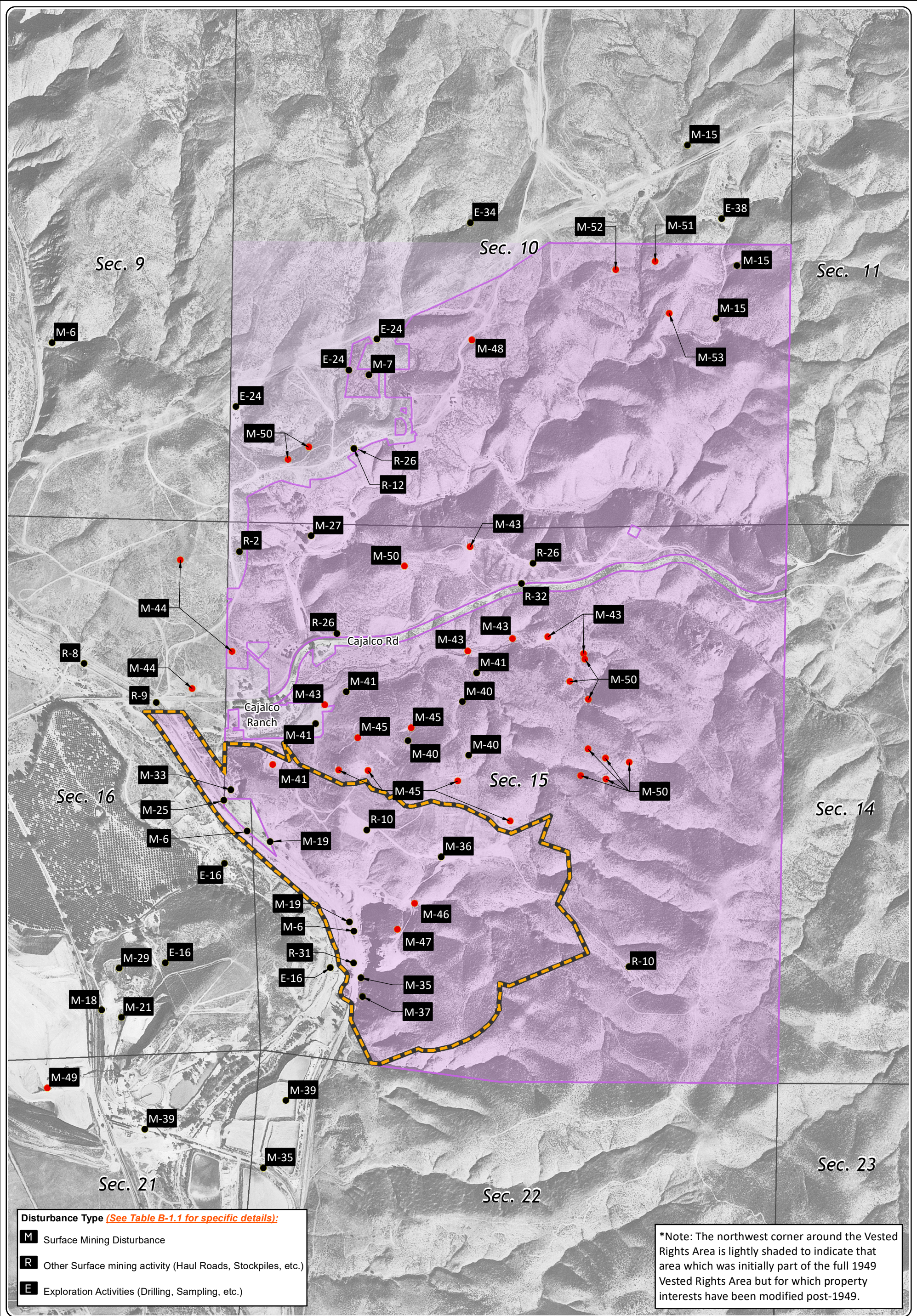
0 1,000 2,000 Feet

HH VRA 1949-1976
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-3: Surface Mining Activity
 Figure B-3.8: HH VRA 1949-1976

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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Disturbance Type (See Table B-1.1 for specific details):

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

*Note: The northwest corner around the Vested Rights Area is lightly shaded to indicate that area which was initially part of the full 1949 Vested Rights Area but for which property interests have been modified post-1949.

Aerial photograph dated 1959. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

<p>Legend:</p> <ul style="list-style-type: none"> RCL118S4 Boundary (Vested Rights Confirmed) HH VRA* 	<ul style="list-style-type: none"> Pre-1949 Surface Mining Activity Post-1949 Surface Mining Activity
<p>0 1,000 2,000 Feet</p>	

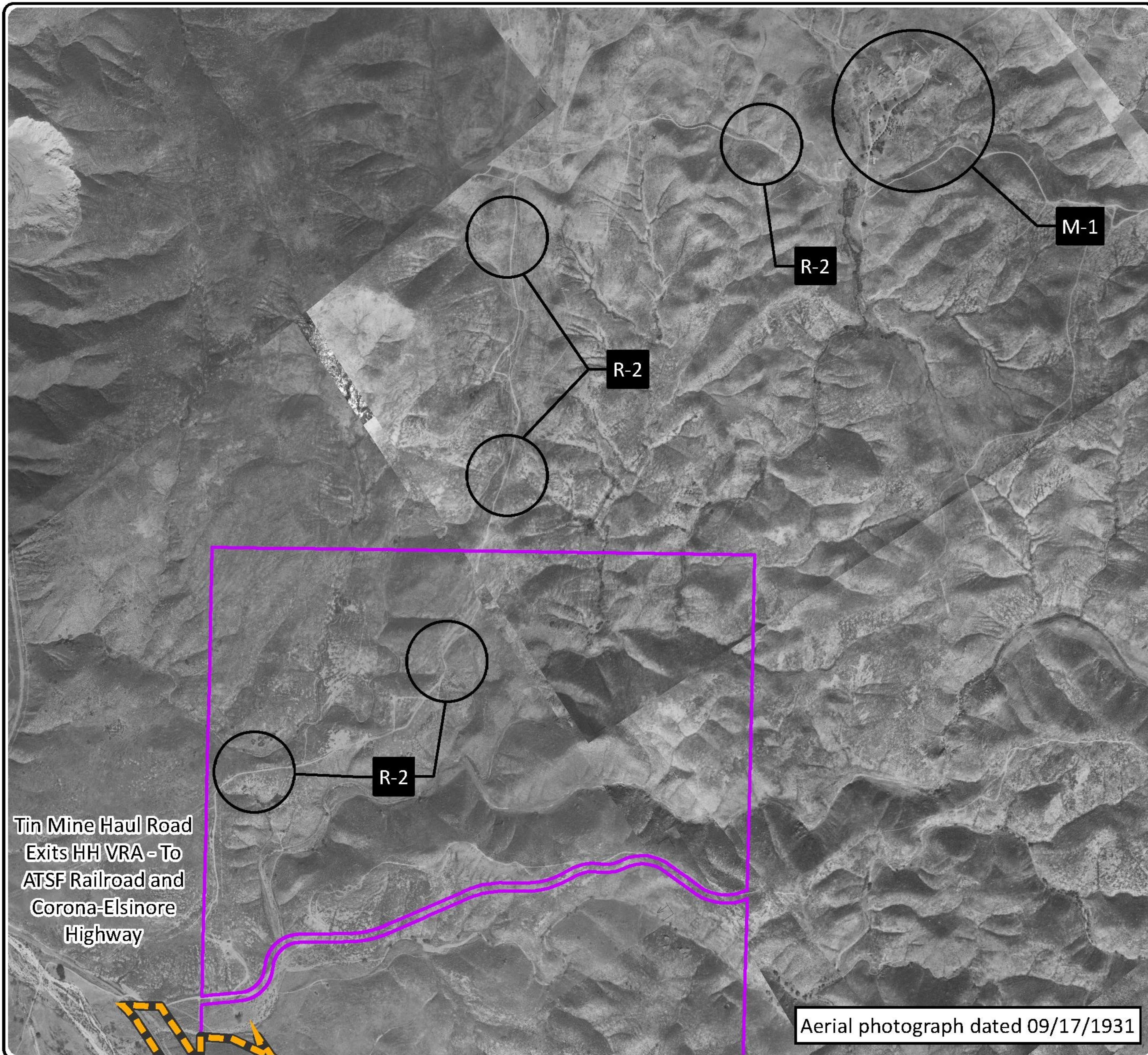
HH VRA 1867-1976
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-3: Surface Mining Activity
 Figure B-3.9: HH VRA 1867-1976

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

12/15/2021

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Disturbance Description:

Tin Mine Haul Road running northeast to southwest through HH VRA.


Vested Rights

Relevancy/Commentary:

Sobrante owners construct interior haul road, running from Cajalco Tin Mine to ATSF Railroad/Corona-Elsinore Highway, through the HH VRA. The haul road is used to transport tin ore and produced tin from active mine to market.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

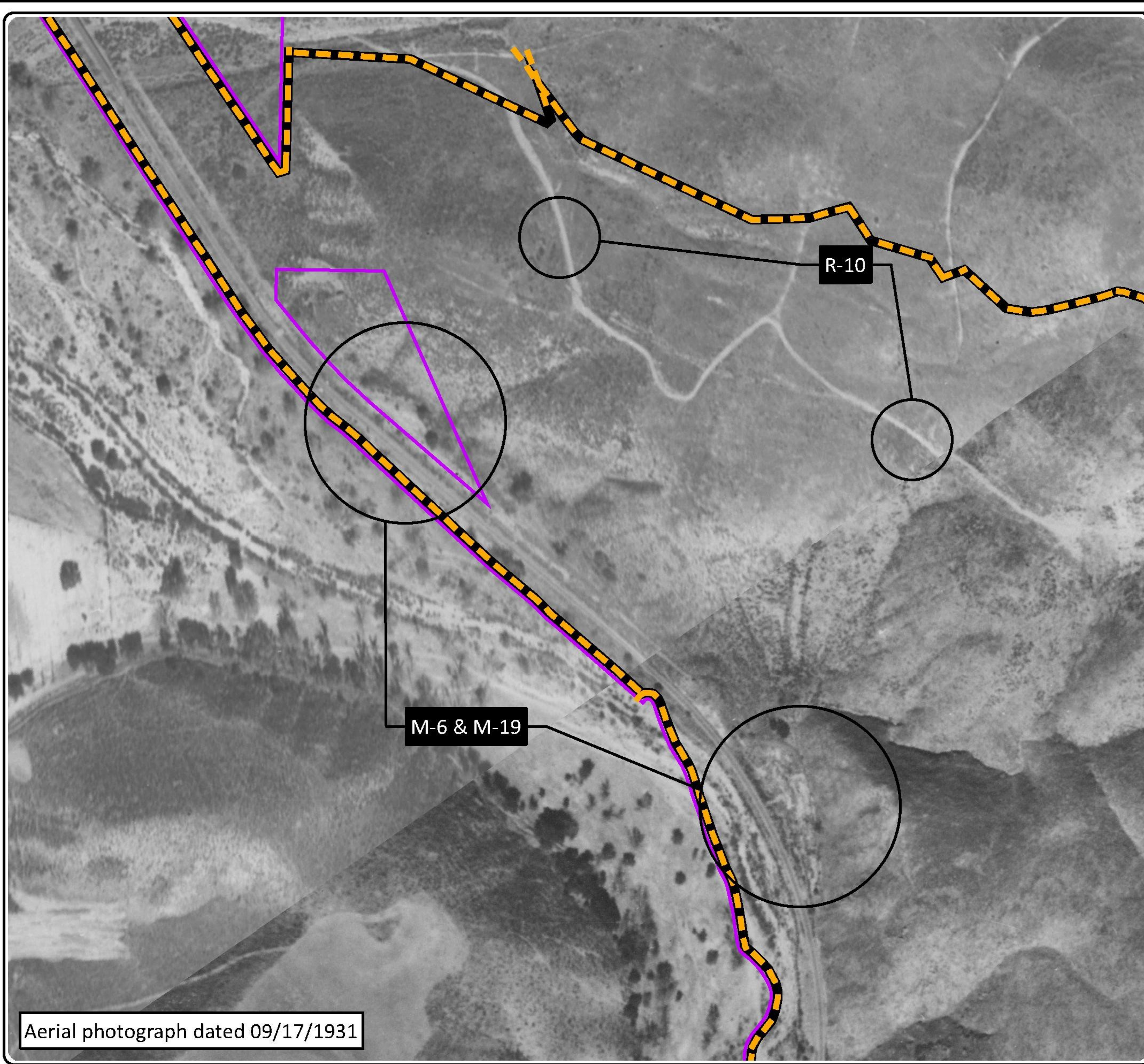
Tin Mine Haul Road Through HH VRA (Pre-1917)

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-6 & M-19: Small porphyry quarries (rip-rap/aggregate) established along eastern edge of Temescal Wash by Sobrante owners (c. 1911).

R-10: Clay Haul road running south to north through HH VRA.


Vested Rights Relevancy/Commentary:

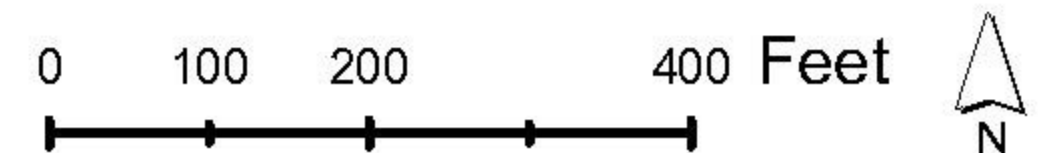
Early quarries for known, high-quality building materials within the HH VRA, and haul roads that transported clay from multiple active mine sites (south of the HH VRA) to market (north of the HH VRA), via ATSF railroad and Corona-Elsinore highway.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Aerial photograph dated 09/17/1931

Legend:
 RCL 118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



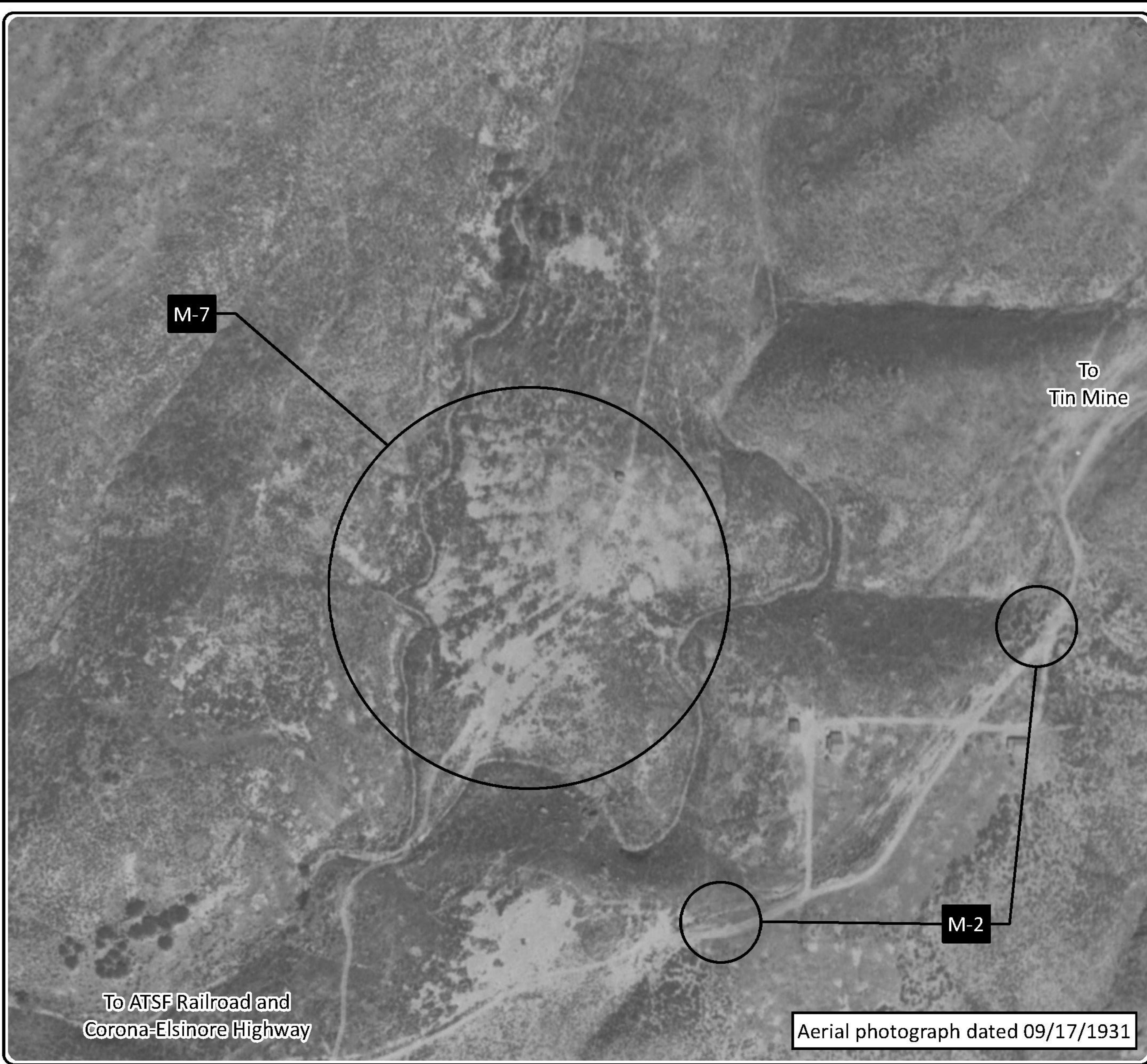
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Early (Pre-1925) Quarry Activity
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-7: Clay prospecting and mining (1911), made in conjunction with exploration of Sobrante clay resources, including evaluation of high-aluminum content clay in northwest quarter of HH VRA.

Vested Rights Relevancy/Commentary:

Surface mining operation on the HH VRA, but outside S-4 VRA prior to 1949 Establishment Date.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 75 150 300 Feet

N

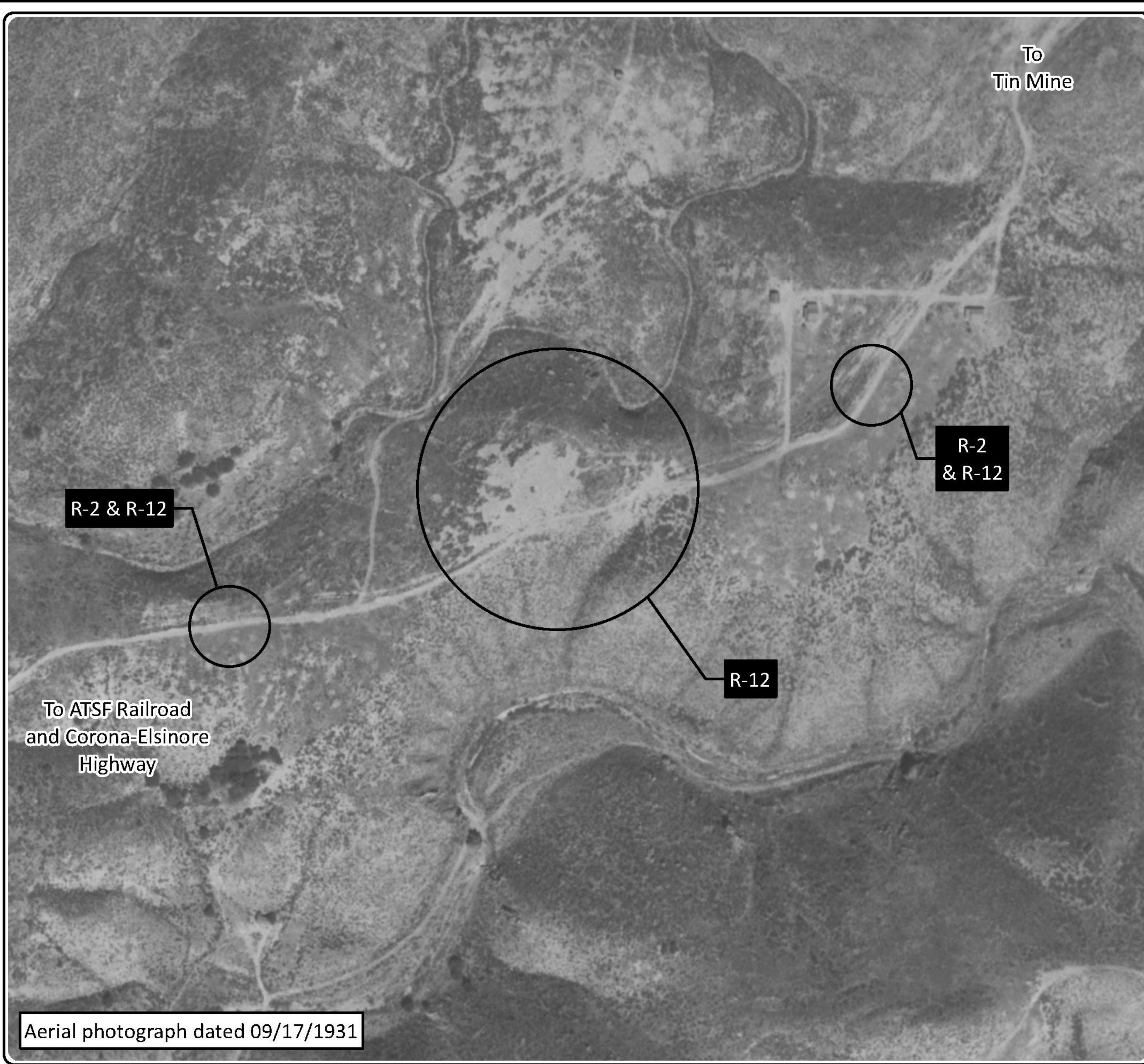
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Clay Prospecting (1911-1931)
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.3

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

R-12: Sobrante owners open borrow pits which are used to repair and maintain tin mine haul road, in Section 10, within the HH VRA, further facilitating movement of tin resources from northeast of the HH VRA, to market southwest of the HH VRA.

Vested Rights Relevancy/Commentary:

Established surface mining operations within HH VRA, but outside S-4 VRA, in support of adjoining operations in common ownership.

Aerial photograph dated 09/17/1931

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 75 150 300 Feet

N

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

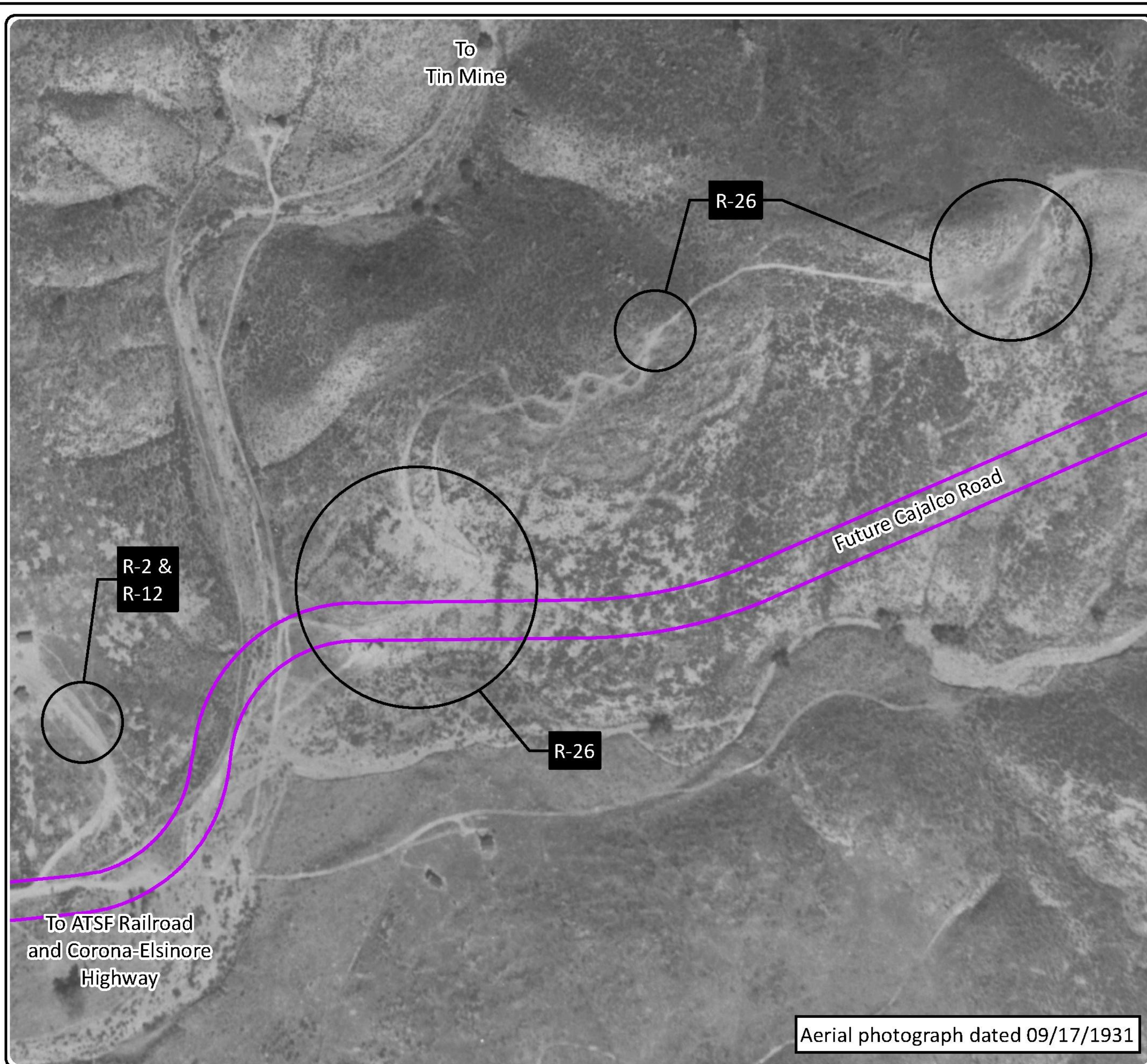
Tin Mine Haul Road Improvements (1917-1924)

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.4

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

R-26: Opening of multiple rock, sand, and gravel borrows used to facilitate construction of the Cajalco Road (1931-1935). Borrow pits were also used to supply materials for the continued repair and maintenance of tin mine haul road.

Vested Rights

Relevancy/Commentary:

Use of rock, sand and gravel borrow pits and internal haul roads within HH VRA; but outside S-4 VRA.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 100 200 400 Feet

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Continued Road Improvements and Borrow Pit Use (Pre-1931)

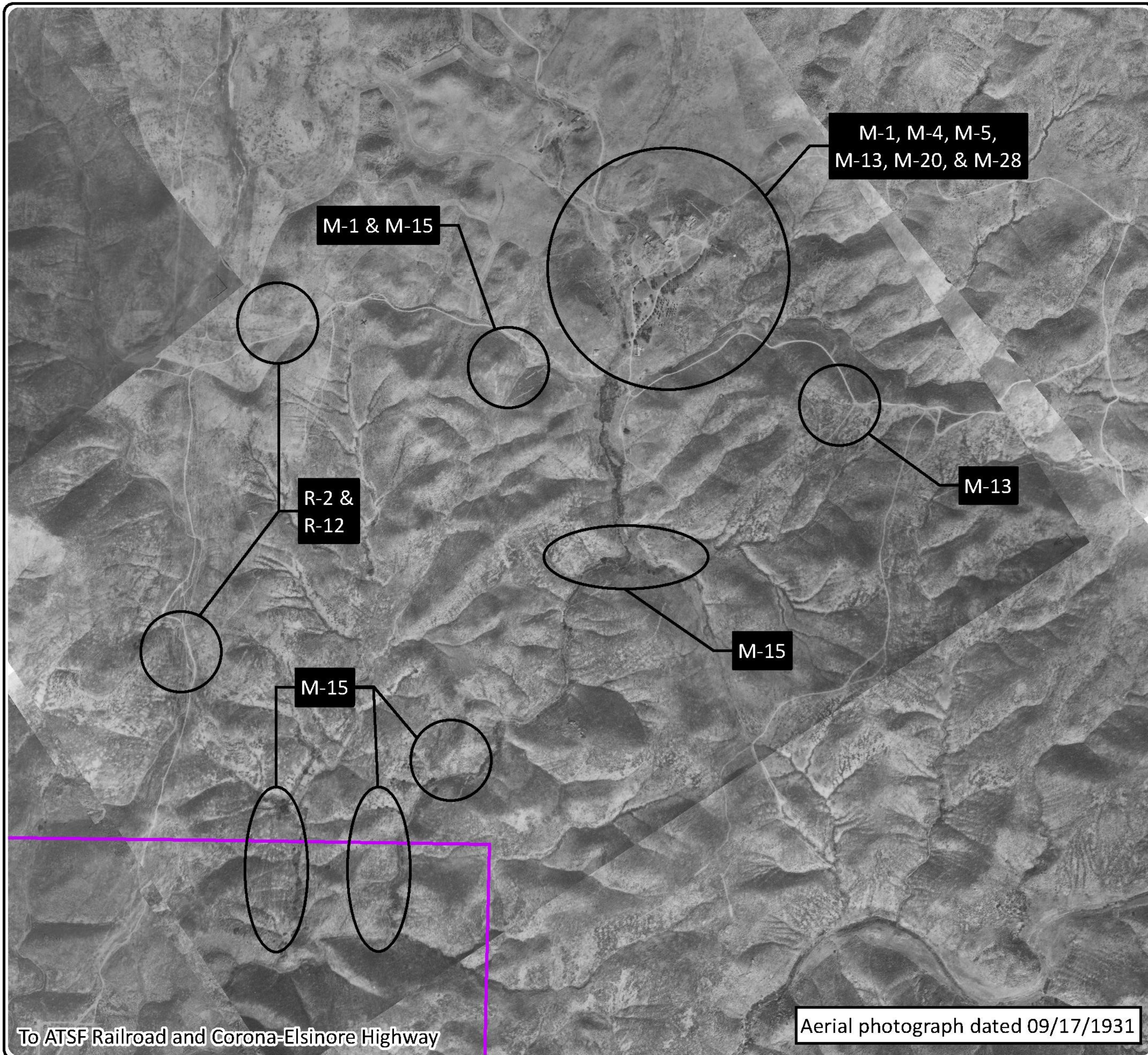
Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps
Figure B-4.5

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-15: Excavations of surface tourmaline (tin-bearing igneous rock) veins associated with the Cajalco Tin Mine.

Vested Rights


Relevancy/Commentary:


Surface mining activities within HH VRA, but outside of S-4 VRA, in support of adjoining operations in common ownership.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

 1949 HH VRA

0 350 700 1,400 Feet 

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Tin Mine Area Development as of 1931

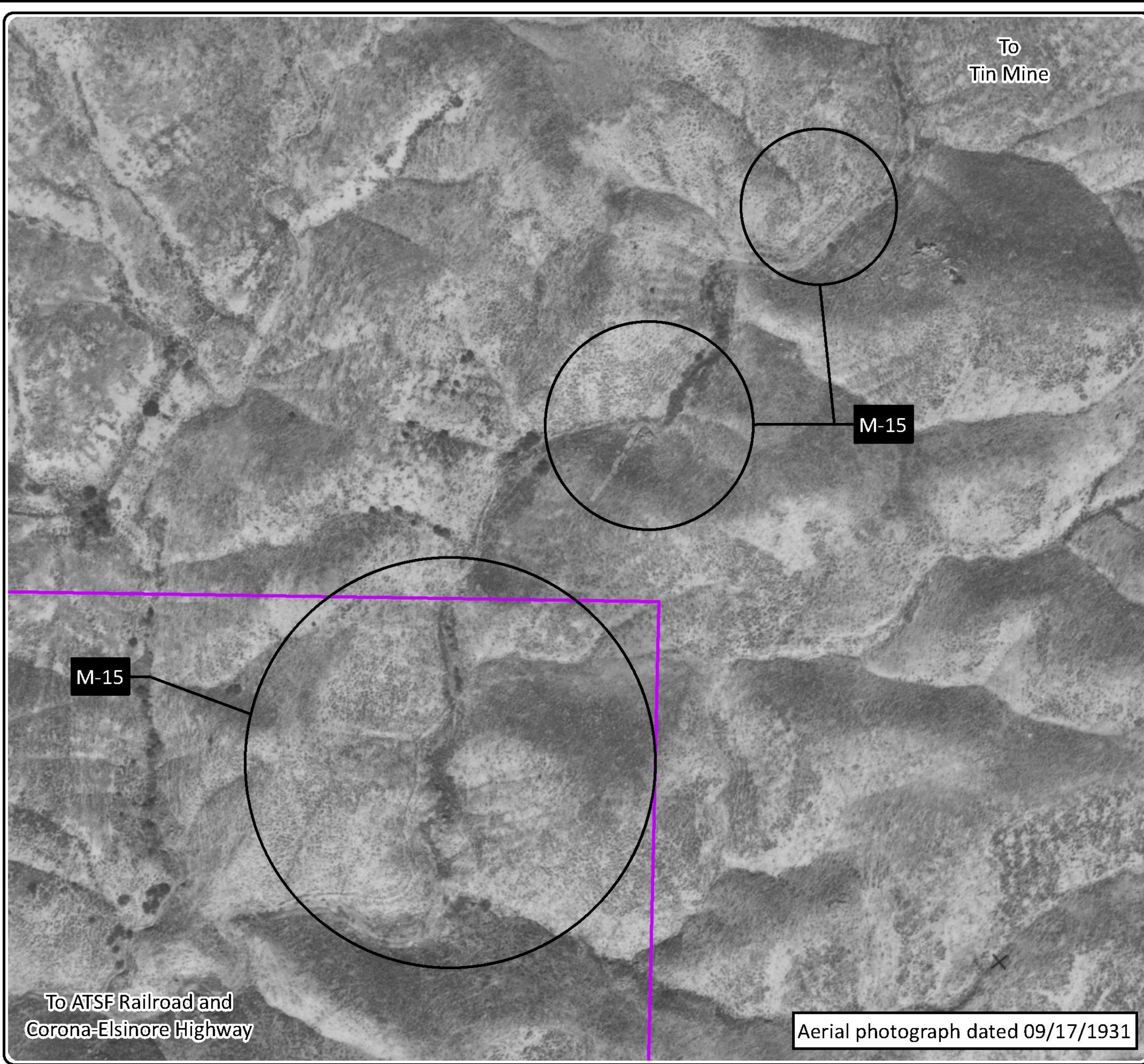
Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps Figure B-4.6.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-15: Excavations of surface tourmaline (tin-bearing igneous rock) veins associated with the Cajalco Tin Mine.

Vested Rights

Relevancy/Commentary:

Surface mining activities within HH VRA, but outside of S-4 VRA, in support of adjoining operations in common ownership.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 100 200 400 Feet

N

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Tin Mine Activity within HH VRA as of 1931

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

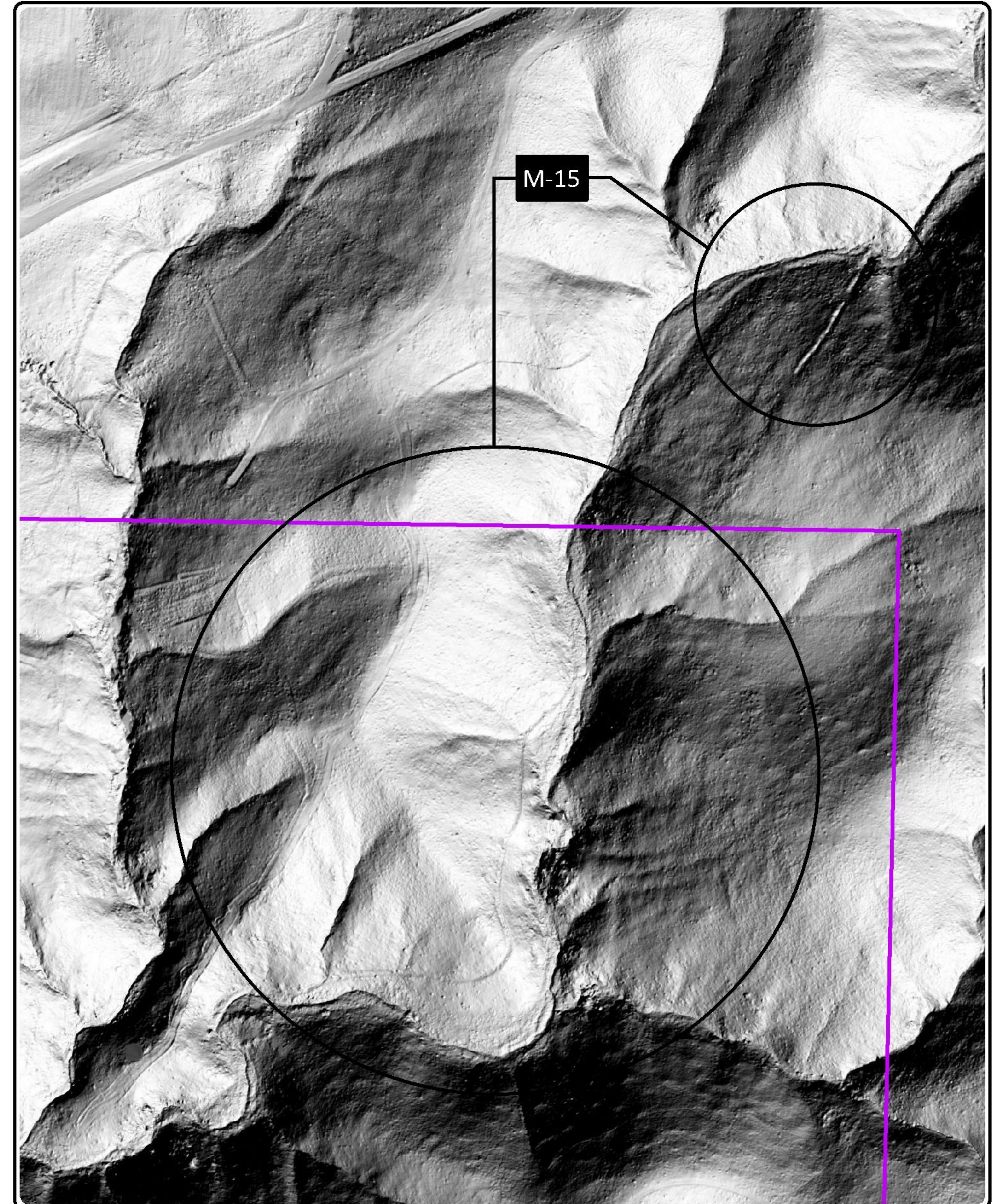
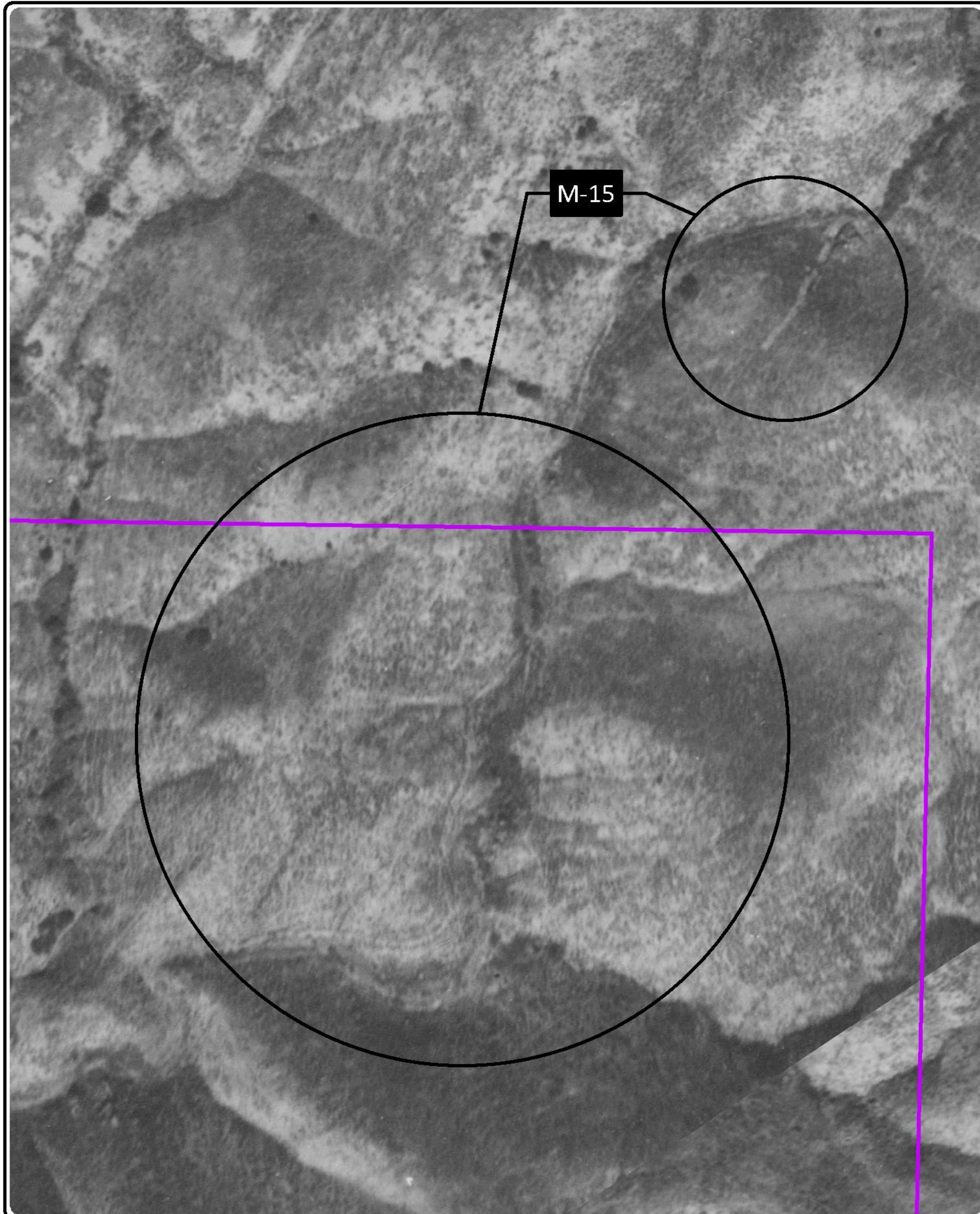
Appendix B-4: Detailed Disturbance Maps
Figure B-4.6.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.


COMPASS LAND
GROUP


1931 Aerial Photography



2021 Aerial LiDAR



Legend:

 1949 HH VRA

0 100 200 400 Feet 

5	4	3	2	1
8	9	10 	11	12
17	16	15 	14	13
20	21	22	23	24
Vicinity Map				

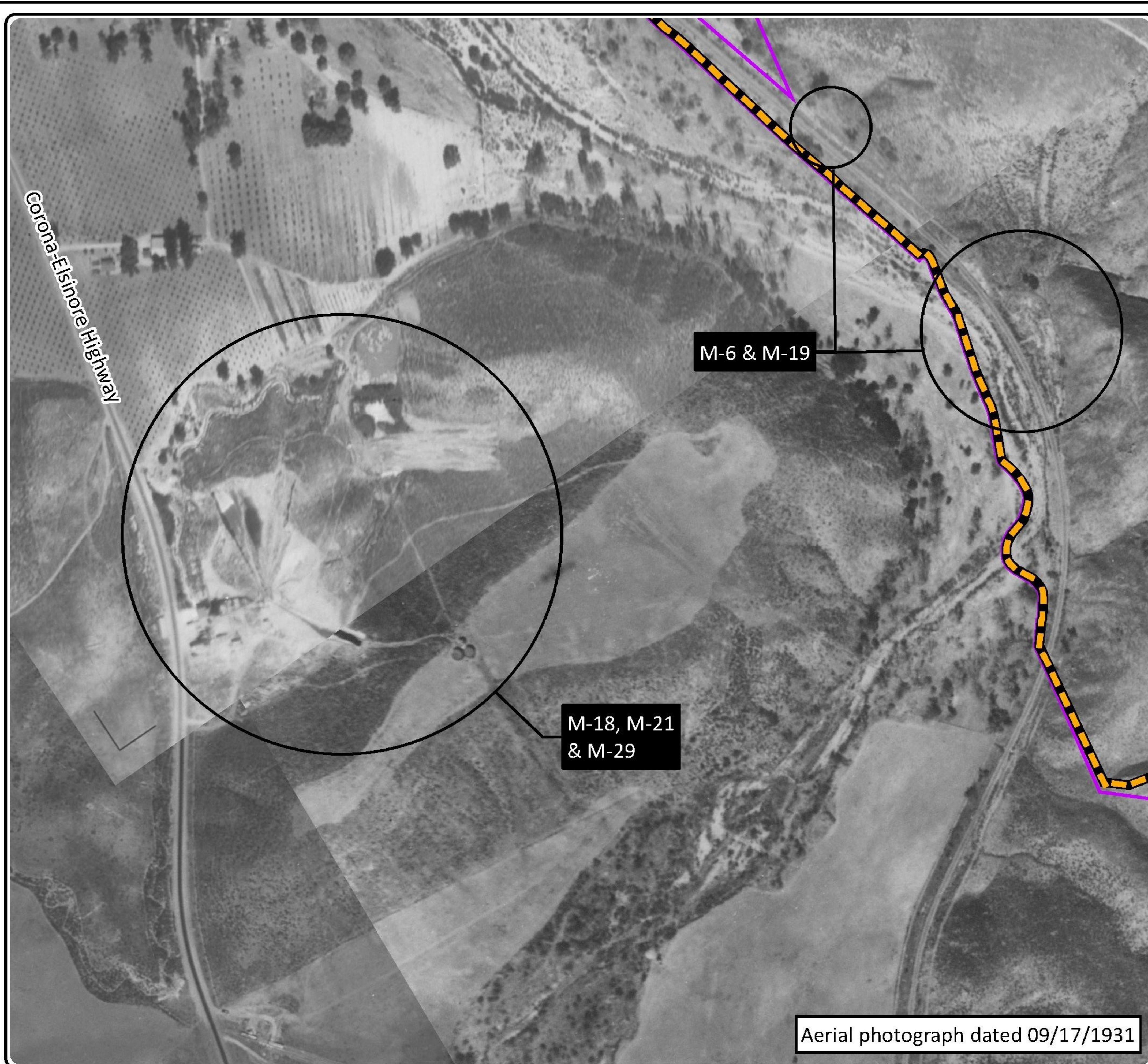
Tin Mine Activity Within HH VRA as of 1931: LiDAR Comparison

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps
Figure B-4.6.3

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

COMPASS LAND
GROUP



Disturbance Description:

Extent of silica sand disturbances associated with the Corona Sand and Silica Plant (P.J. Weisel), adjacent to and directly on the HH VRA, as of 1931.

Vested Rights Relevancy/Commentary:

Ongoing regional, interrelated mining operations encompassing the silica sand operation, the HH VRA, and the tin mine. This operation would receive decomposed materials from both the HH VRA and the tin mine area for use in the silica sand/glass manufacturing process. Finished products would then be transported back through the HH VRA to the market north of the HH VRA, via the ATSF Railroad.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

- Legend:
- RCL 118S4 Boundary (Vested Rights Confirmed)
 - 1949 HH VRA

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

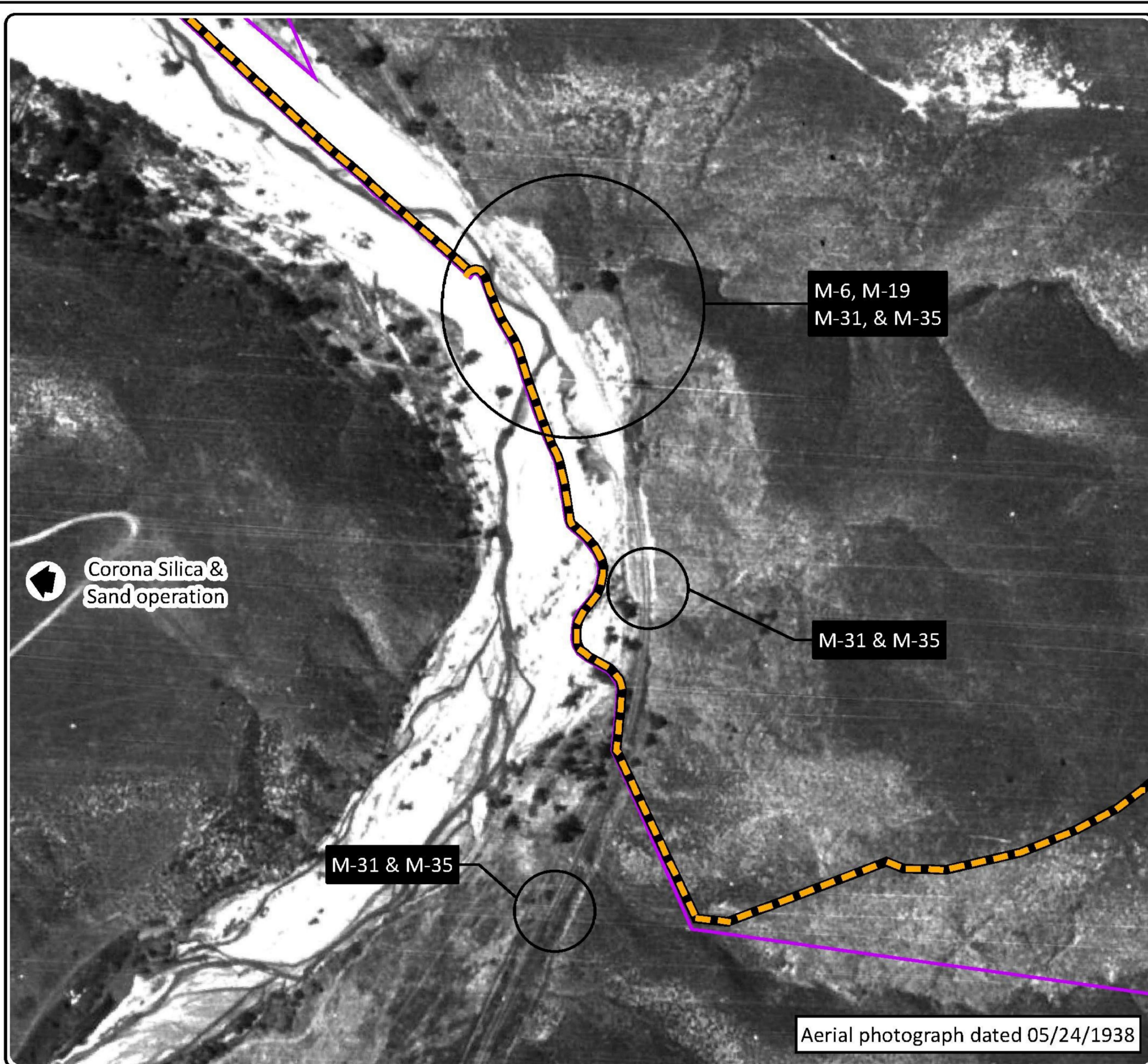
Silica Sand Operations Proximate to HH VRA as of 1931

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps Figure B-4.7

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

Increased surface mining activity located within the HH VRA along ATSF, concurrent with start of Blarney Stone Quarry. Increased quarrying activity also consistent with noted increase in use of rail siding to move mined product from both HH VRA and Corona Sand & Silica (P.J. Weisel).

Vested Rights

Relevancy/Commentary:


Surface mining activity within the HH VRA, as well as interaction of adjacent mining operations and the HH VRA.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL 118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA

0 100 200 400 Feet



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

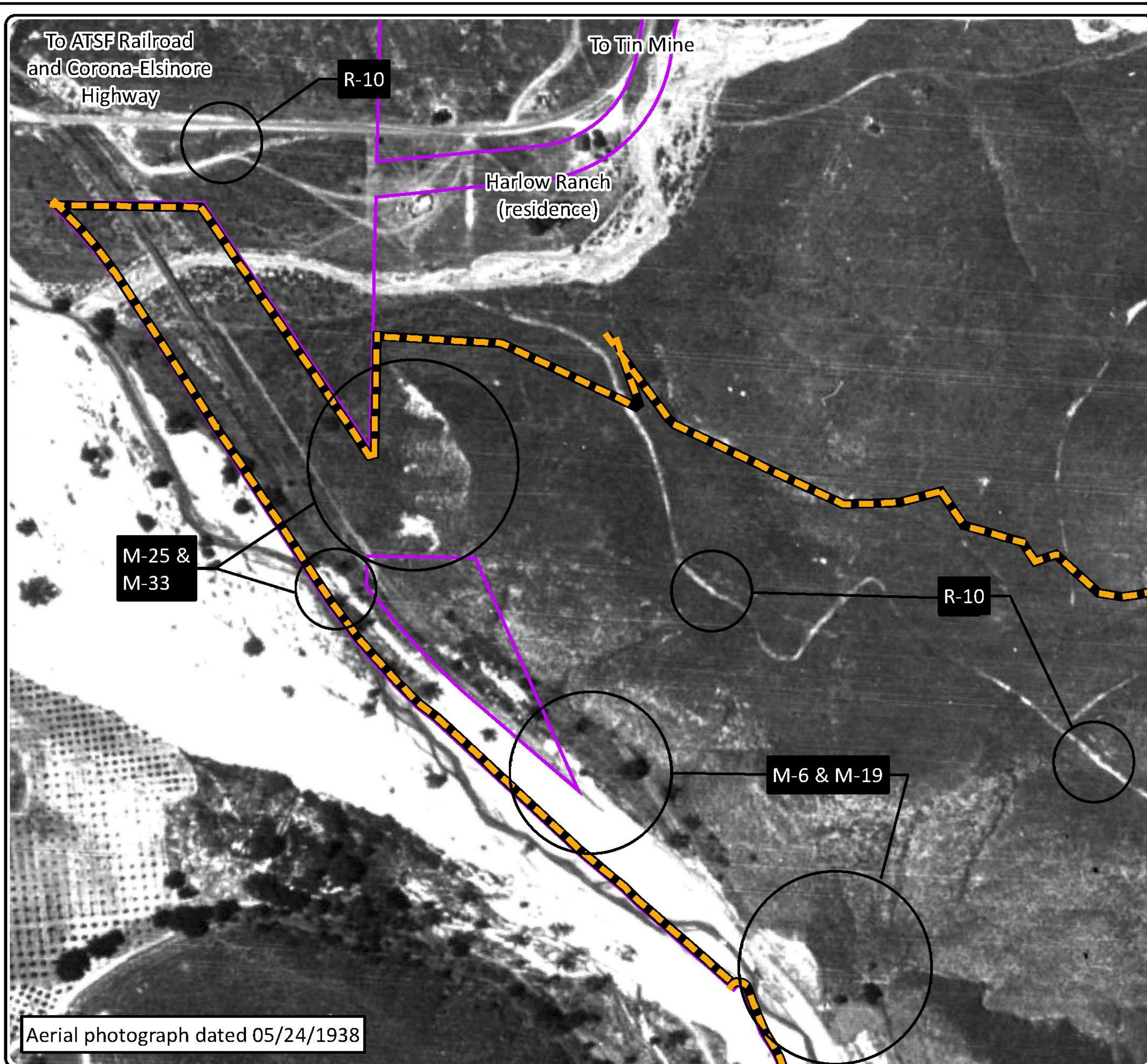
Increase in Surface Mining Activities as of 1938

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.8

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-25: Pacific Clay Products begins operations at Cajalco Clay Pit, located primarily within S-4 VRA.

M-33: Red clay worked in irregular quarry, east of Temescal Wash and Santa Fe Tracks.

M-6 & M-19: Small porphyry quarries (rip-rap/aggregate) established along eastern edge of Temescal Wash by Sobrante owners (c. 1911). ATSF railroad operated porphyry quarry in 1927.

R-10: Haul road that transported clay from multiple active mine sites (south of the HH VRA) to market (north of the HH VRA), via ATSF railroad and Corona-Elsinore highway.

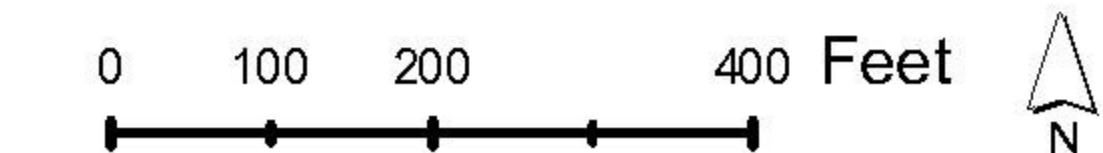
Vested Rights Relevancy/Commentary:

Development of HH VRA as an expanding source of multiple building materials before Establishment Date.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL 118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Disturbances Associated with Clay Surface Mining (1931-1938)

Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps
Figure B-4.9

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-7: Exploration of regional clay resources (See Figure 4.3 for detailed description).

E-24: Continued surface mining activity in conjunction with previous clay prospecting and sampling, related to development of a potential commercial bauxite deposit and evaluation of strategic mineral reserves (i.e. domestic aluminum source)

R-12: Tin Mine Haul Roads (See Figure 4.2 for detailed description).

Vested Rights

Relevancy/Commentary:

Increase of surface mining activity within HH VRA outside of S-4 VRA, following acquisition of HH VRA by Kuhry/Harlow.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 100 200 400 Feet

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Surface Mining Activity: Strategic Minerals Evaluation as of 1938

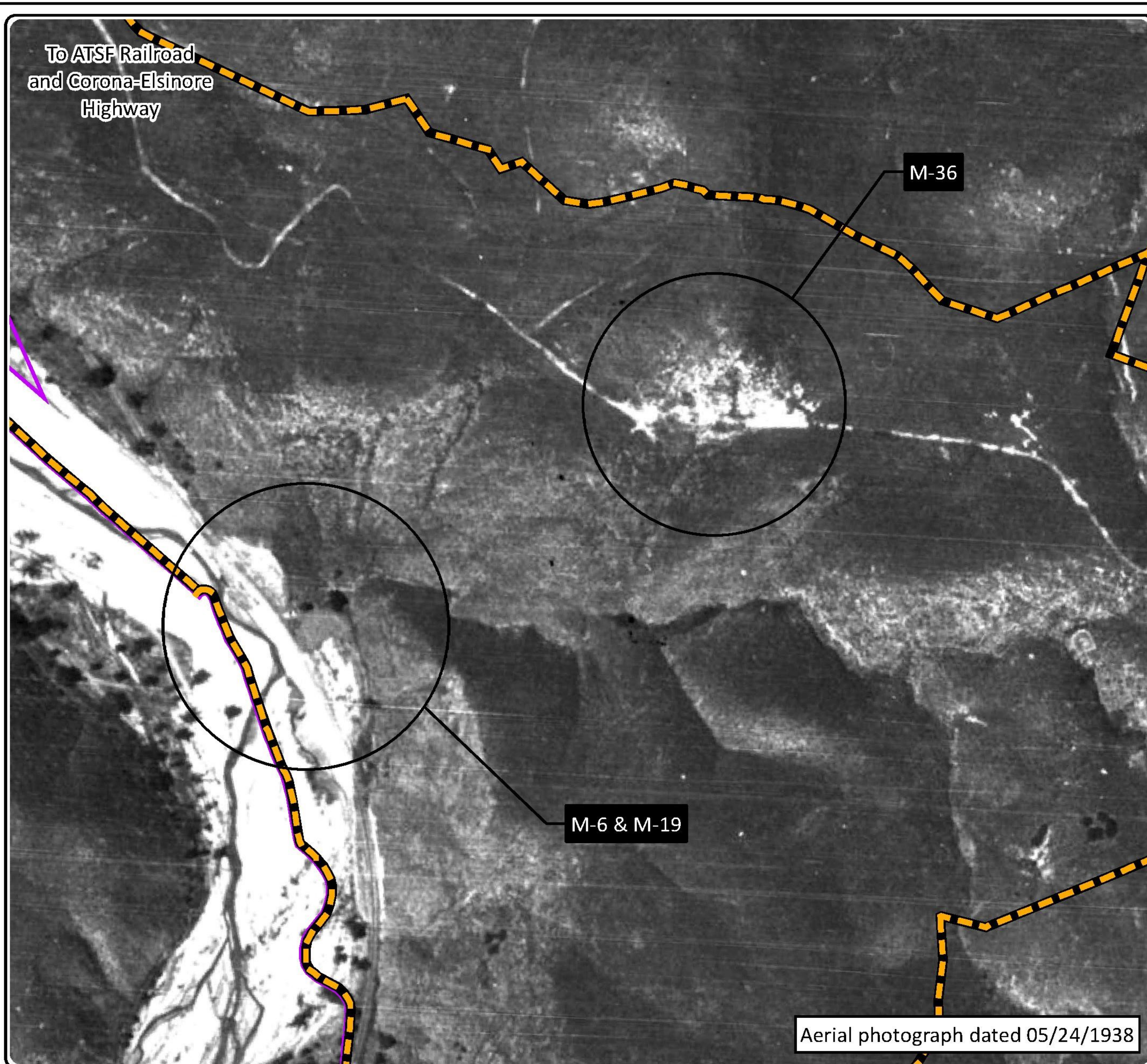
Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps
Figure B-4.10

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-36: Early stages (1938) of Blarney Stone operation prior to increased production for construction of Prado Dam.

M-6 & M-19: Early ATSF rip-rap quarries (See Figure 4.3 for detailed description).

Vested Rights Relevancy/Commentary:

Surface mining activity within HH VRA.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA

5	4	3	2	1
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

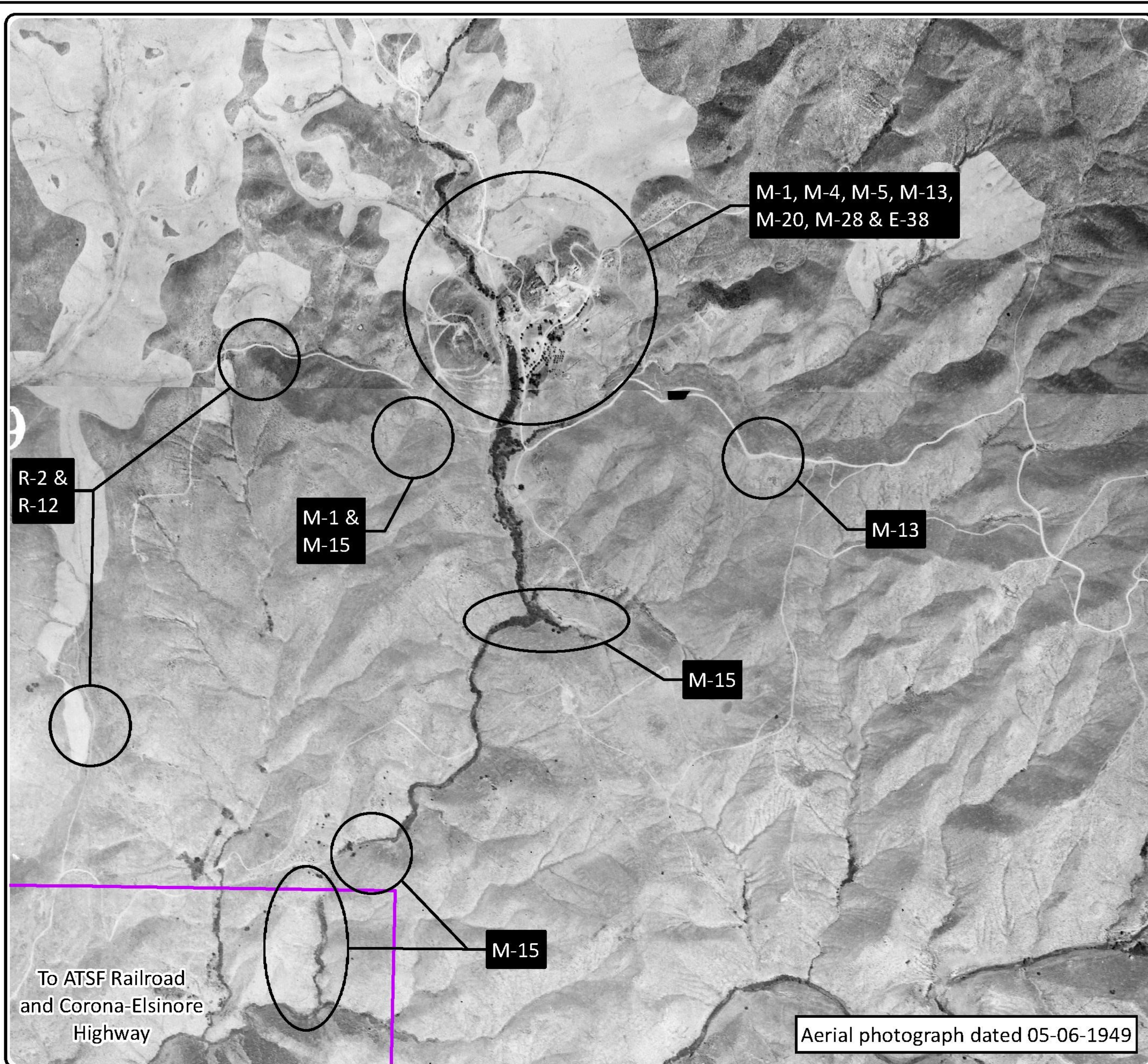
Initial Blarney Stone Quarry Operations: 1938

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.11

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

Extent of tin mining activity at time of vesting (post World War II development), including tin mine haul road through HH VRA and exploration and excavation of tin-bearing tourmaline veins within HH VRA outside of S-4 VRA.

M-15: Excavations of surface tourmaline (tinbearing igneous rock) veins associated with the Cajalco Tin Mine.

See Figures B-4.6.1, 4.6.2, 4.6.3 for additional detail.

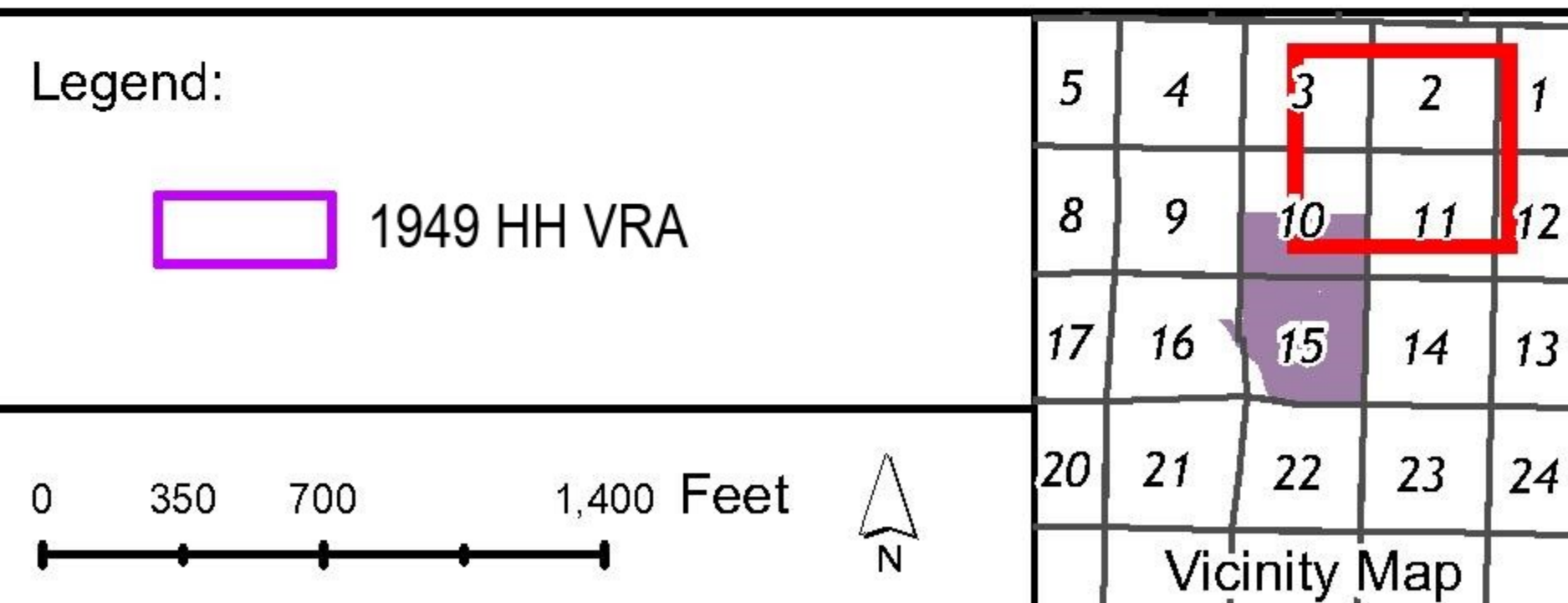
Vested Rights

Relevancy/Commentary:

Surface mining activity within HH VRA as part of interrelated, regional tin mining operation.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)



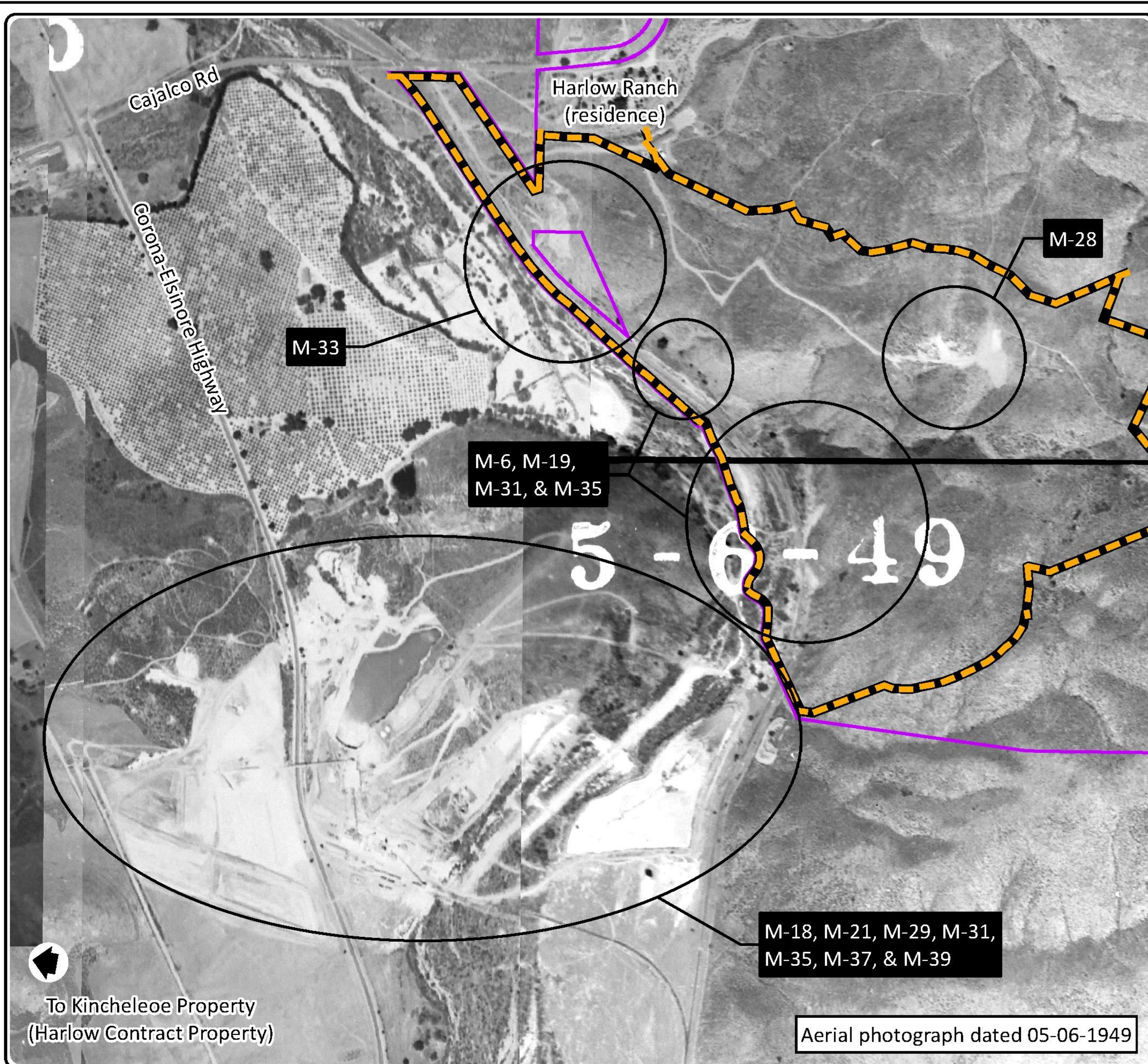
Extent of Tin Mining Surface Activities as of 1949

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.12

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

Extent of Sand Silica (Owens-Illinois) operations on or about the Establishment Date, including connectivity to HH VRA and ATSF railroad siding via haul road. Connectivity includes link with Cajalco Tin Mine via HH VRA tin mine haul road.

Vested Rights

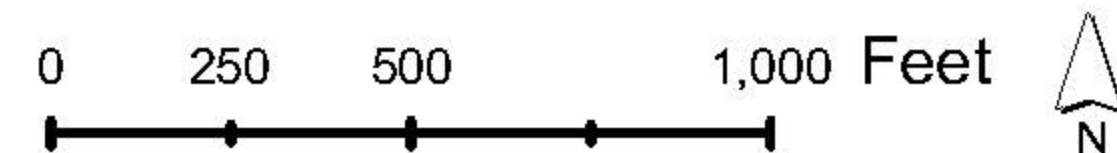
Relevancy/Commentary:

Expanded surface mining operations at both Blarney Stone Quarry, clay resource, and silica sand operations, demonstrating continued surface mining activity within HH VRA and integration of the HH VRA with regional mineral resources.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL 118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

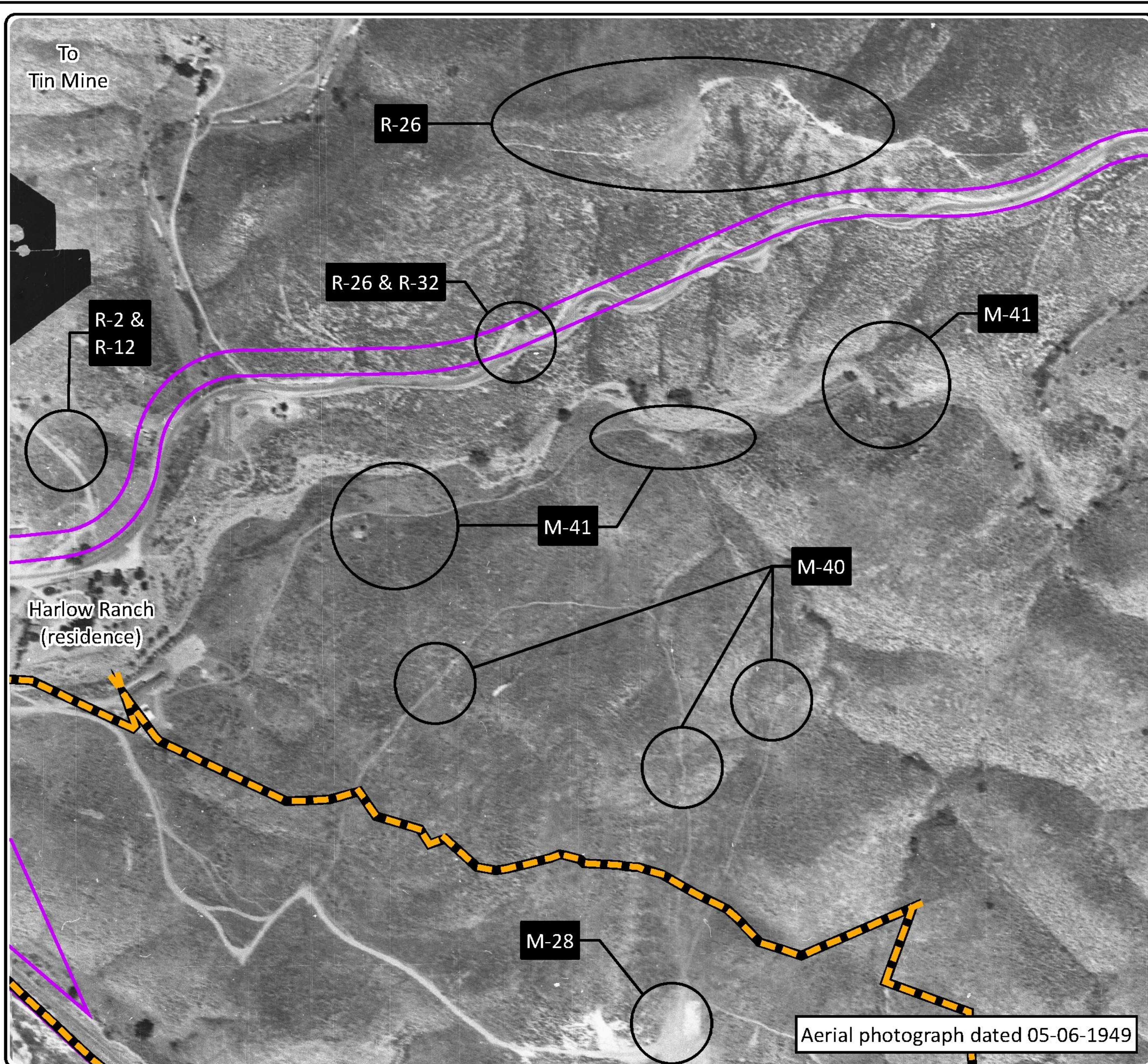
Extent of Surface Mining Activities as of 1949

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.13

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

R-32: Construction of Cajalco Road, which utilized multiple borrow pits within HH VRA for rock, sand, and gravel resources (1931-1935)

M:40 Expansion of clay trenching and excavation related to the Harlow Clay Pit, primarily by Pacific Clay (1931-1938) and Liston Brick Co. (from 1948).

M:41: Multiple small-scale borrow pits and haul roads for rock, sand and gravel resources related to construction of public works project, including Cajalco Road and Cajalco Dam (1931-1938); and Prado Dam (1938-1942).

Vested Rights

Relevancy/Commentary:

Significantly expanded scope of surface mining operations progressing towards Establishment Date, under ownership of Kuhry and Harlow as they continued to dedicate and fully appropriate the HH VRA to mining.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



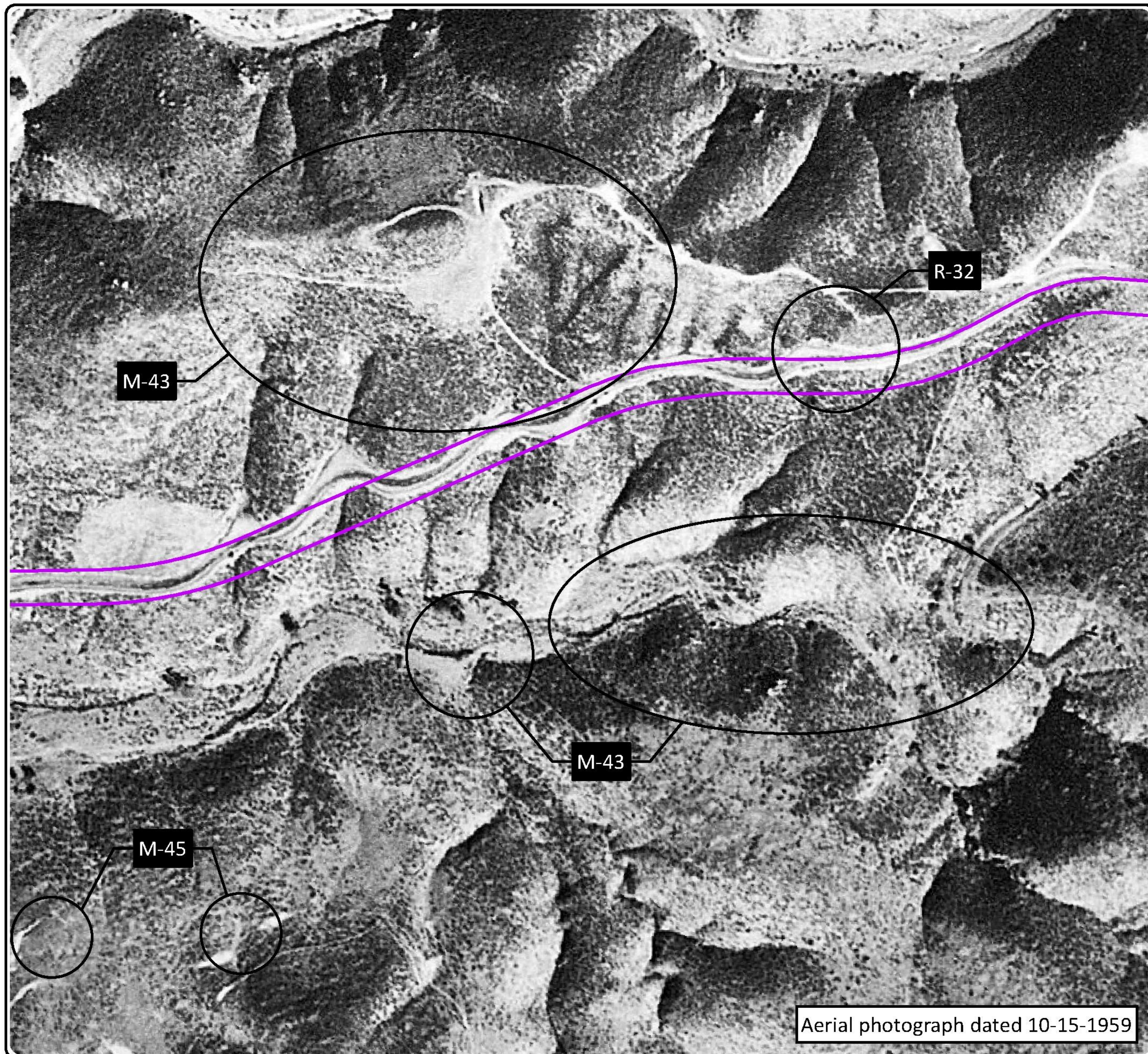
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

**Extent of Rock, Sand, Gravel,
and Clay Borrow Pits as of 1949**
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.14

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-43 (1948-1959): Expansion of rock, sand and gravel clay pits, primarily associated with Liston Brick Co. (and other, local ceramics manufacturers) after Establishment Date.

M-45 (1948-1959): Continued expansion of clay trenching and excavation as part of the mining activities at the Harlow Clay Pit.

Vested Rights

Relevancy/Commentary:

Expansion of surface mining activities within HH VRA, outside S-4 VRA, consistent with exercise of vested rights.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 100 200 400 Feet

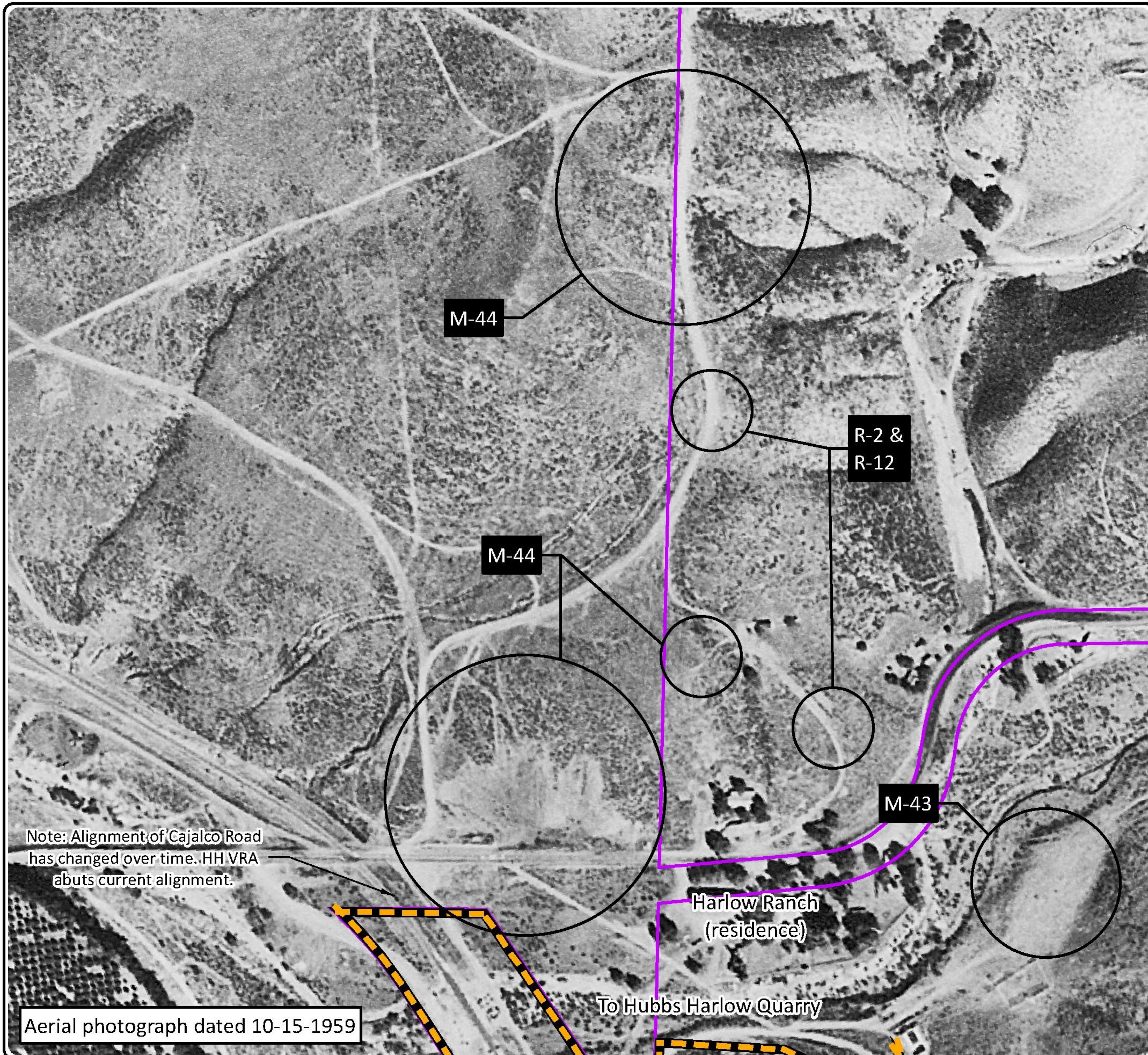
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Post-1949 Surface Mining Activities for Rock, Sand, Gravel, and Clay Confirmation of Geographic Scope of HH VRA Hubbs/Harlow Quarry Riverside County, California

Appendix B-4: Detailed Disturbance Maps Figure B-4.15

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-43: Expansion of rock, sand and gravel clay pits, primarily associated with Liston Brick Co. (and other, local ceramics manufacturers) beginning in 1948.

M-44: Discovery and excavation of red clay resources associated with Gladding McBean Co. and other ceramics manufacturers beginning in 1954.

Vested Rights

Relevancy/Commentary:

Surface mining activity within HH VRA, outside of S-4 area without permit demonstrates exercise of vested right. Interaction between HH VRA activities and proximate surface mining activities.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

- Legend:
- RCL118S4 Boundary (Vested Rights Confirmed)
 - 1949 HH VRA

0 100 200 400 Feet



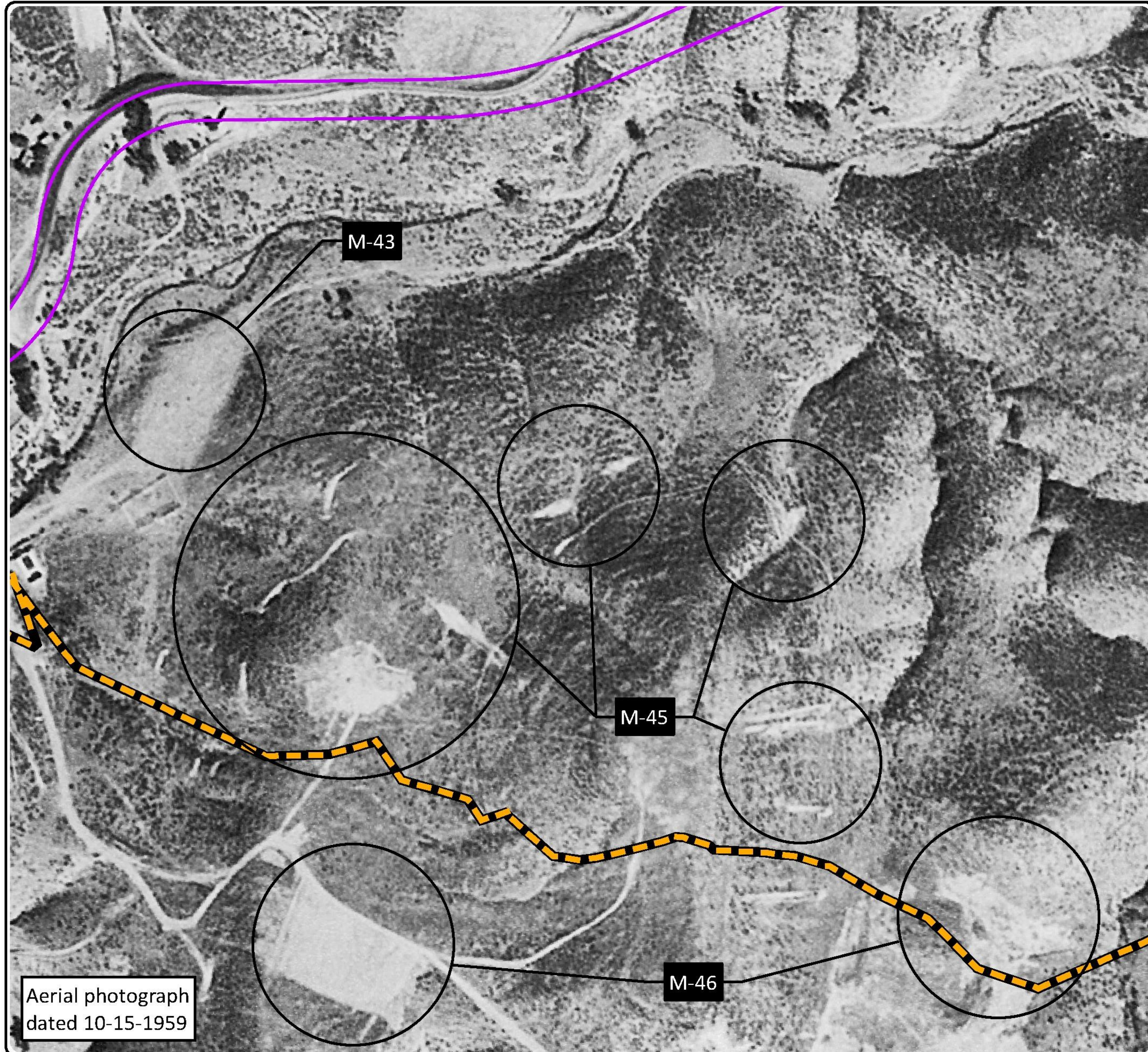
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Post-1949 Clay Mining Activity on and Proximate to HH VRA Confirmation of Geographic Scope of HH VRA Hubbs/Harlow Quarry Riverside County, California

Appendix B-4: Detailed Disturbance Maps Figure B-4.16

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-45: Dramatic expansion of clay trenching and excavation as part of the mining activities at the Harlow Clay Pit as of 1959.

M-46: Continued expansion of Hubbs Harlow Quarry Operations (primarily by Stringfellow, Livingston, and Corona Quarries).

Vested Rights

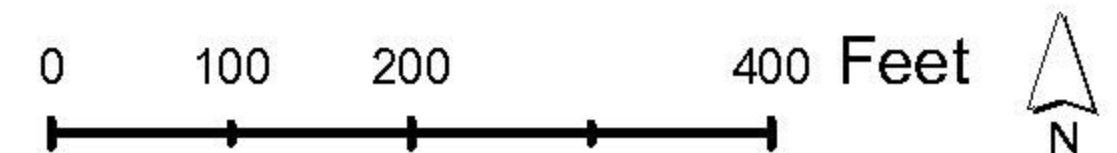
Relevancy/Commentary:

Post vesting clay and aggregate surface mining activity without a permit, located within HH VRA, outside S-4 demonstrates exercise of vested right. Interaction between surface mining activities both within and outside the S-4 VRA demonstrate intent to utilize entire HH VRA as an appropriated mining site.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

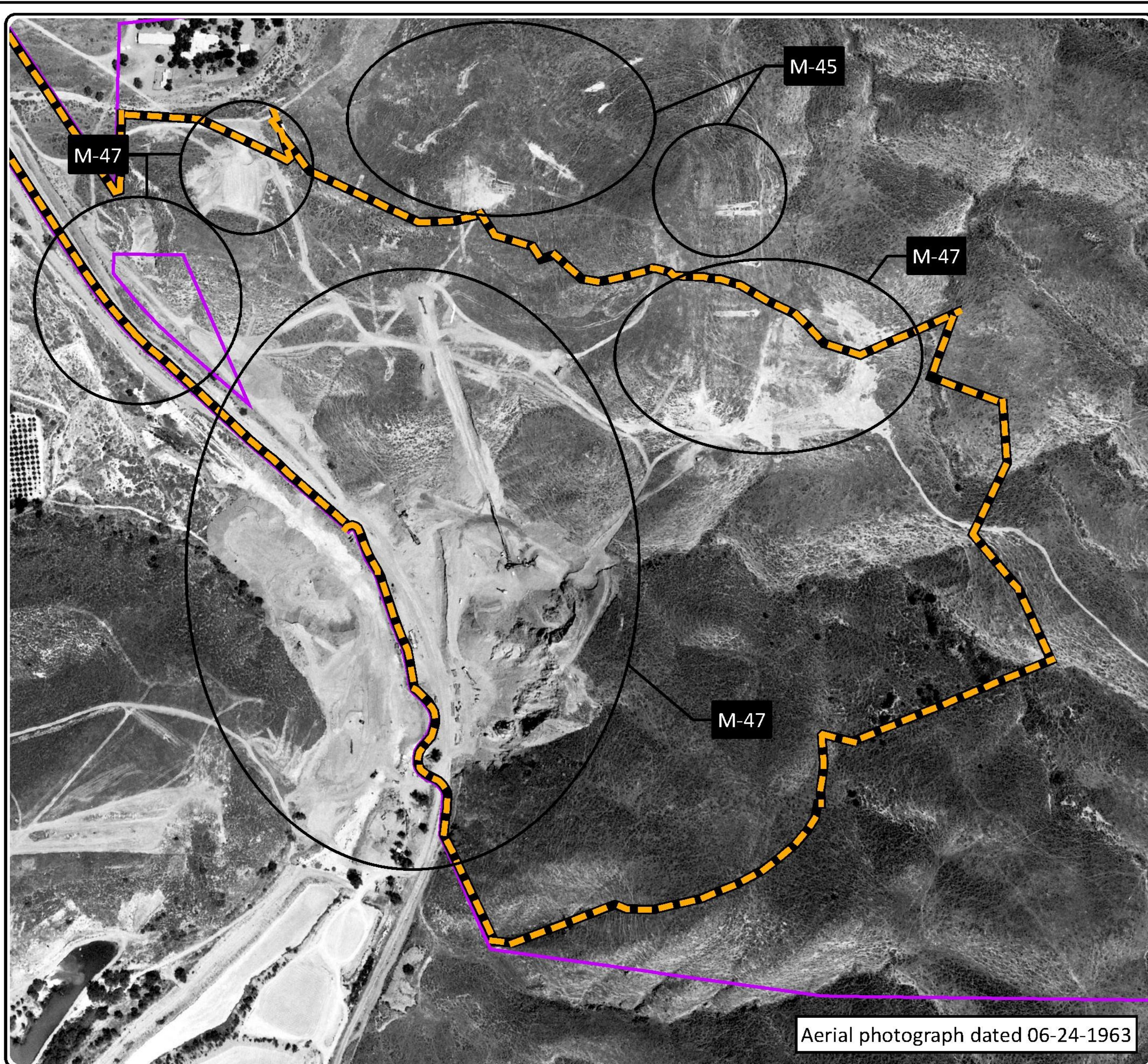
Extent of Surface Mining Activities as of 1959

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.17

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-45: Continued expansion of clay trenching and excavation as part of the mining activities at the Harlow Clay Pit as of 1959.

M-47: Continued expansion of Hubbs Harlow Quarry Operations (primarily by Stringfellow, Livingston, and Corona Quarries).

Vested Rights Relevancy/Commentary:

Post vesting clay and aggregate surface mining activity without a permit, located within HH VRA, outside S-4 demonstrates exercise of vested right. Interaction between surface mining activities both within and outside the S-4 VRA demonstrate intent to utilize entire HH VRA as an appropriated mining site.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

- Legend:
- RCL 118S4 Boundary (Vested Rights Confirmed)
 - 1949 HH VRA



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Limit of Hubbs Harlow Site Development as of 1963

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-4: Detailed Disturbance Maps
 Figure B-4.18

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Disturbance Description:

M-51 & M-52: Post vesting clay and aggregate surface mining activity(1962), including shallow bedrock exposure using bulldozer (1967), within the upper northeast corner of the HH VRA.

Vested Rights

Relevancy/Commentary:

Post-vesting surface mining activity occurring without a permit within the northeastern corner of the HH VRA demonstrates exercise of a vested right and the intent to appropriate the entire HH VRA as a mining site.

Disturbance Type [\(See Table B-1.1 for specific details\):](#)

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:

1949 HH VRA

0 100 200 400 Feet

N

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Continued Clay Exploration and Development: 1962-1967

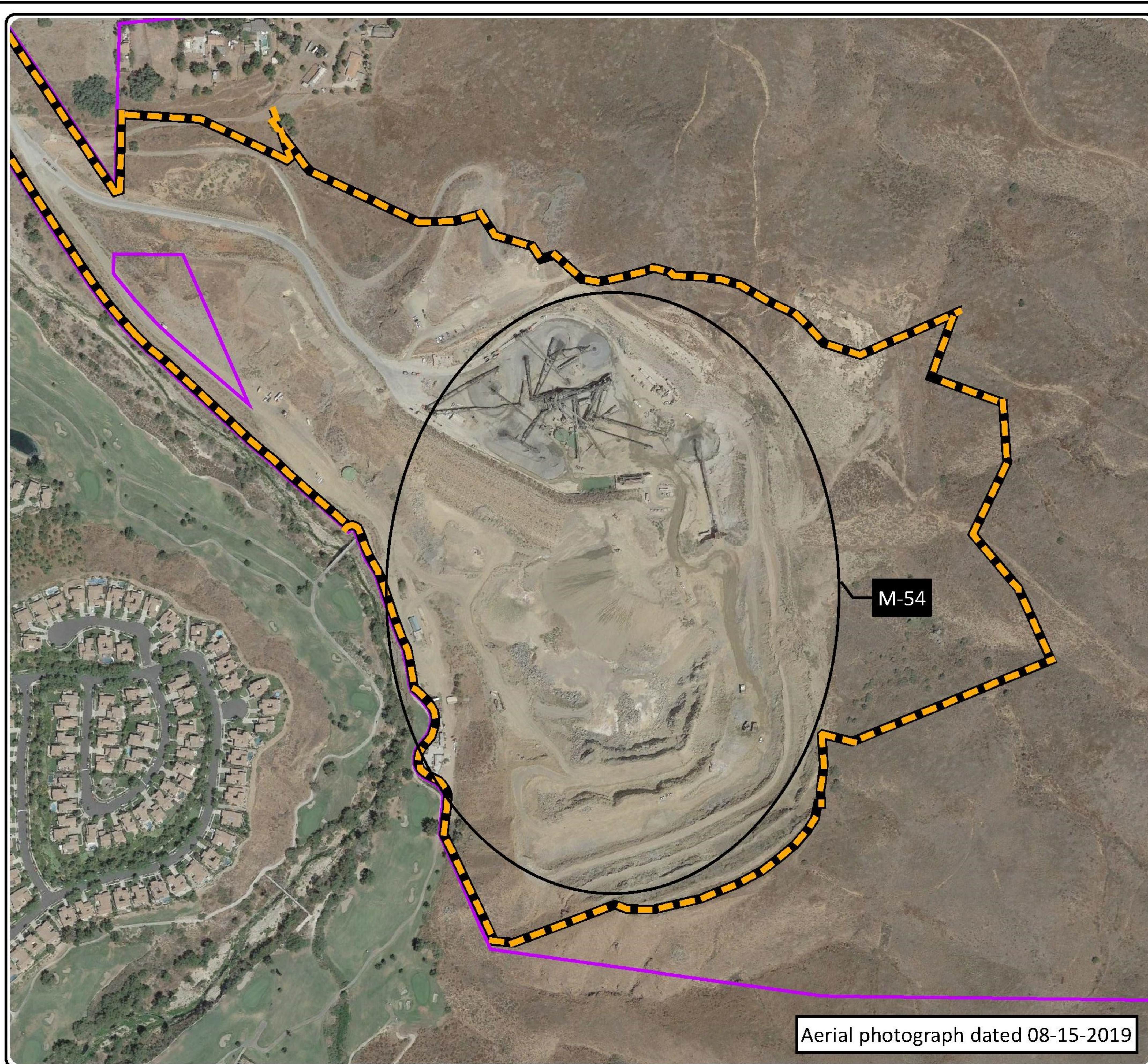
Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps Figure B-4.19

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 08-15-2019

Disturbance Description:

M-54 Current surface mining activity, within the HH VRA, subject to Reclamation Plan 118 and revisions thereto.

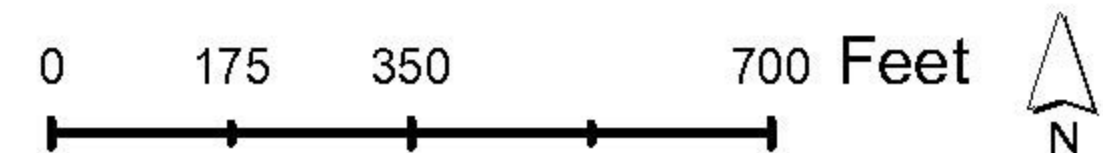
Vested Rights Relevancy/Commentary:

Current surface mining activity occurring without a permit, demonstrating continued exercise of vested rights within current reclamation boundary.

Disturbance Type *(See Table B-1.1 for specific details):*

- M** Surface Mining Disturbance
- R** Other Surface mining activity (Haul Roads, Stockpiles, etc.)
- E** Exploration Activities (Drilling, Sampling, etc.)

Legend:
 RCL 118S4 Boundary (Vested Rights Confirmed)
 1949 HH VRA



5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Surface Mining Activity within Reclamation Boundary as of 2019

Confirmation of Geographic Scope of HH VRA

Hubbs/Harlow Quarry
Riverside County, California

Appendix B-4: Detailed Disturbance Maps
Figure B-4.20

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

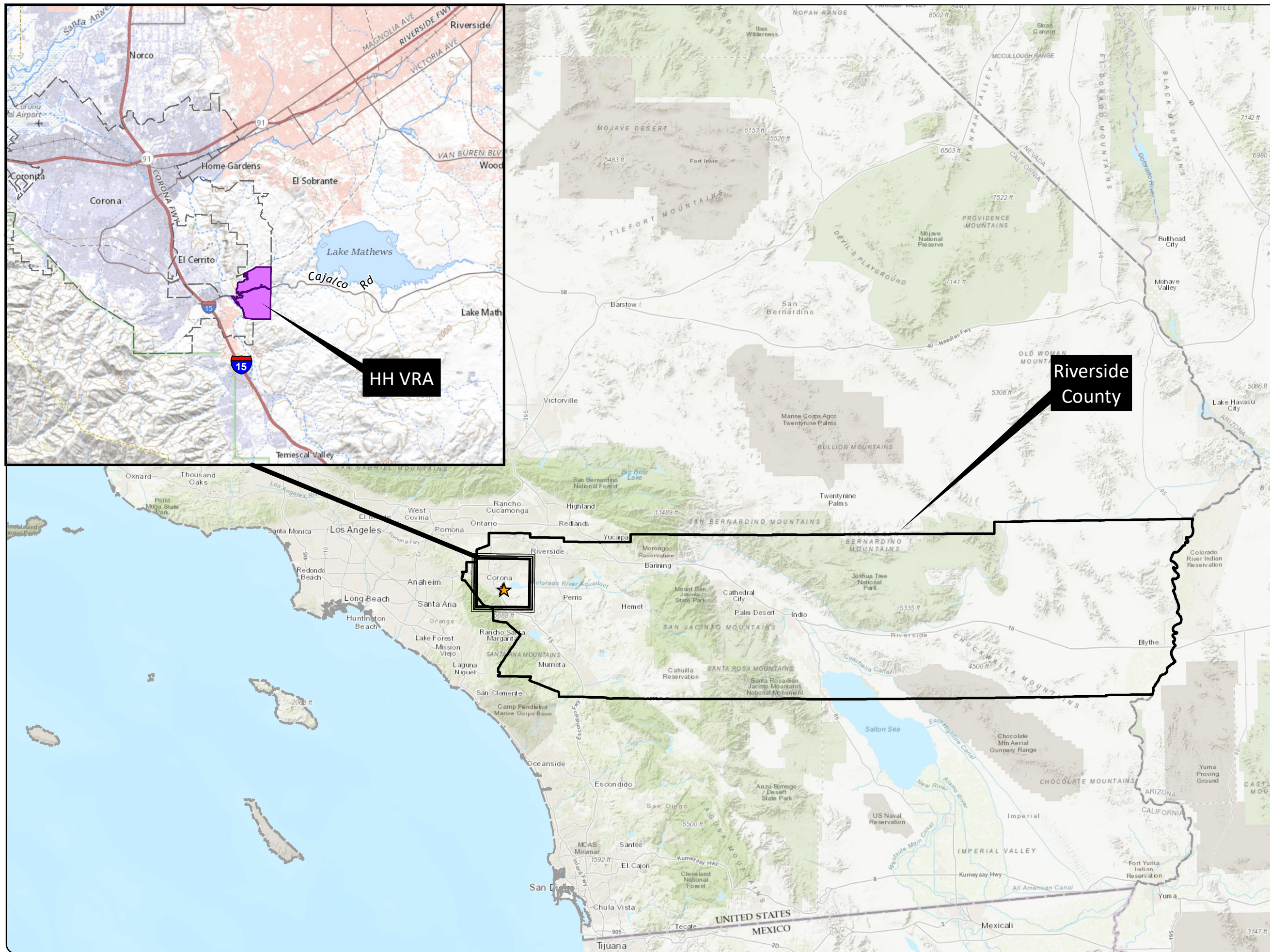


**Figure B-5.1:
Regional Location Map**

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

- ★ HH VRA Site Location
- HH VRA



12/10/2023

0 20 40 Miles

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.




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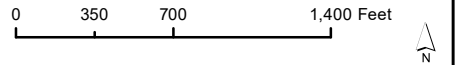
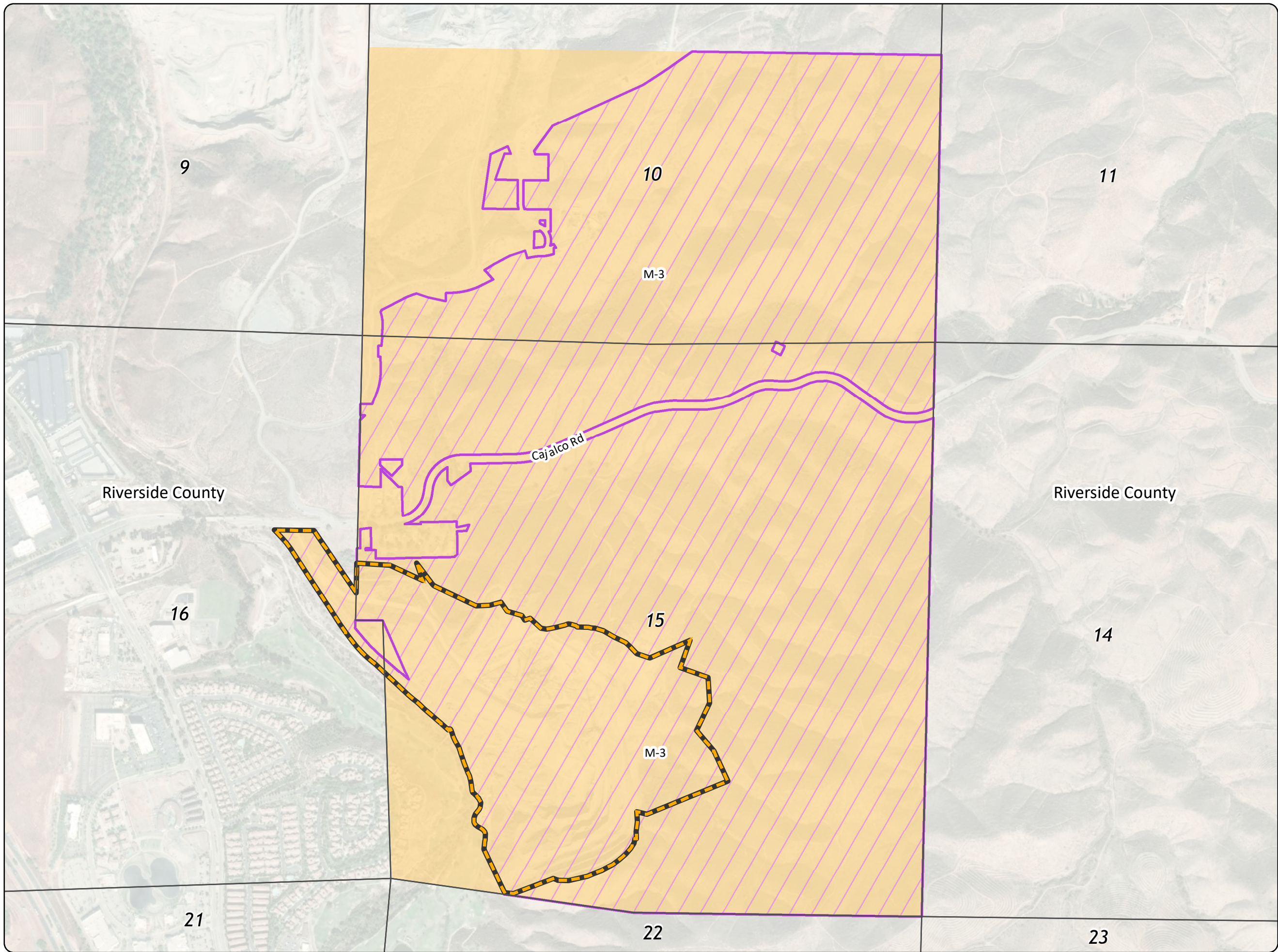


Appendix B-5: Additional Maps
Figure B-5.2: 1949 Zoning Map

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary
-  HH VRA
- Riverside County Zoning
-  Regulated Industrial (M-3)



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.


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3140 Peacekeeper Way #102, McClellan Park, CA 95652





Appendix B-5: Additional Maps
Figure B-5.3: 1976 Zoning Map

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California


Legend:

 RCL118S4 Boundary

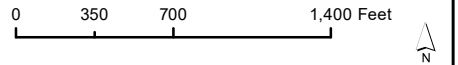
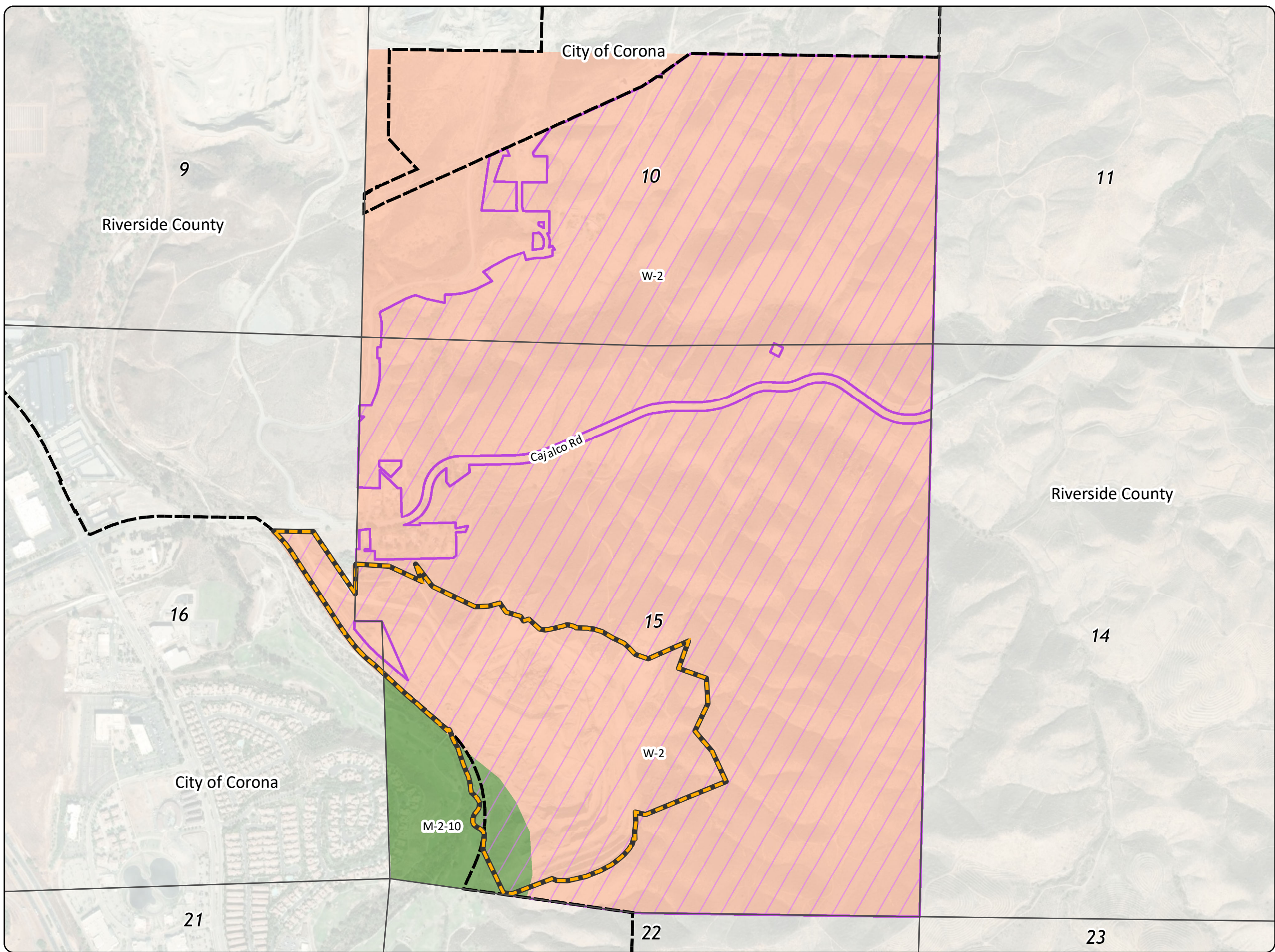
 HH VRA

 City of Corona / Riverside County Boundary

Riverside County Zoning

 Heavy Industrial (M-2-10)

 Controlled Development Areas (W-2)



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.










Prepared by: Sage Thurmond, Compass Land Group
 3140 Peacekeeper Way #102, McClellan Park, CA 95652

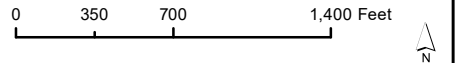
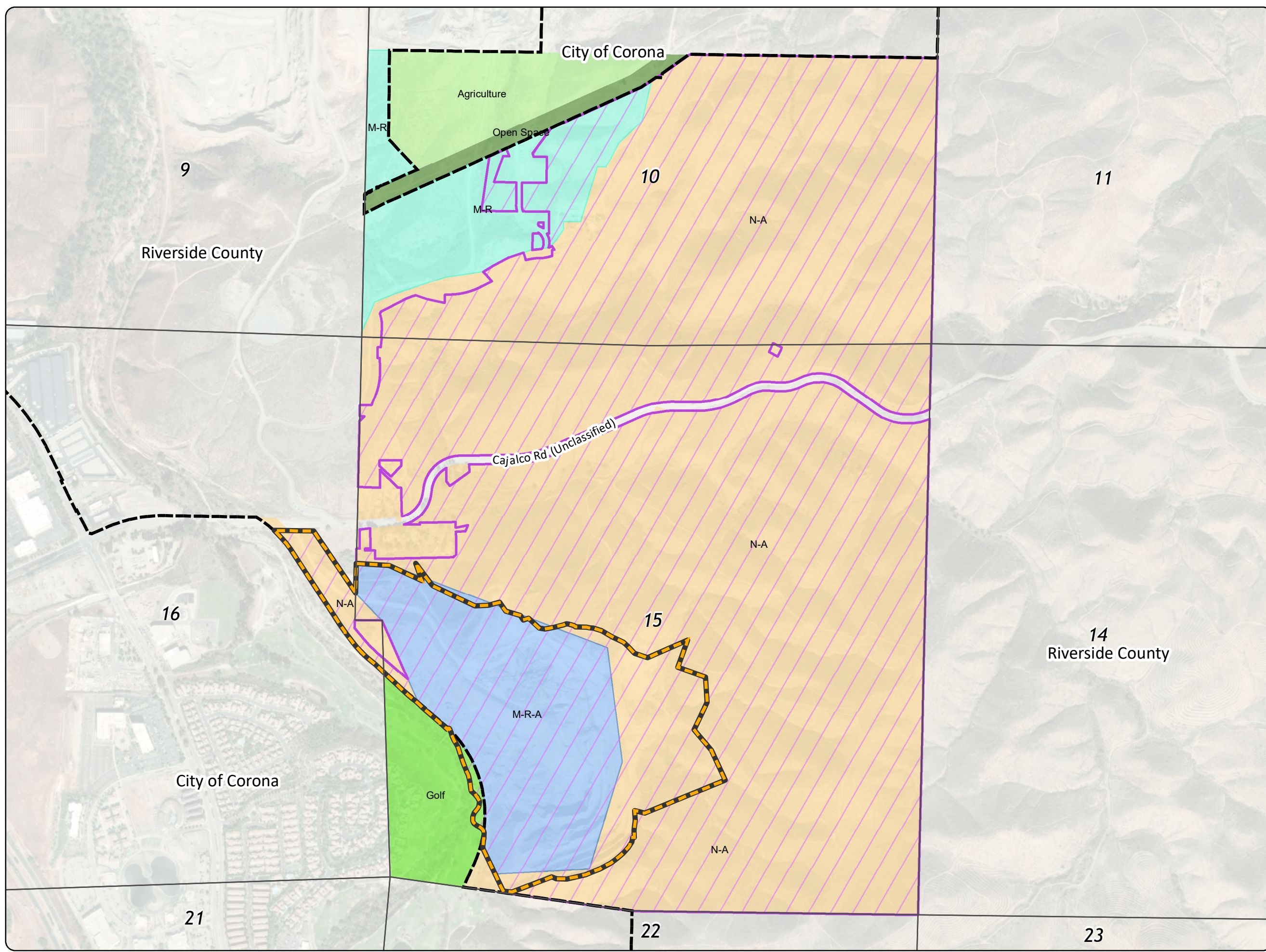


Appendix B-5: Additional Maps
Figure B-5.4: 2021 Zoning Map

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Legend:

-  RCL118S4 Boundary
-  HH VRA
-  City of Corona / Riverside County Boundary
- Riverside County Zoning**
-  Natural Asset (N-A)
-  Mineral Resources (M-R)
-  Mineral Resources & Related Manufacturing (M-R-A)
- City of Corona Zoning**
-  Open Space (OS)
-  Golf
-  Agriculture (A)



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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 3140 Peacekeeper Way #102, McClellan Park, CA 95652



Appendix B-5: Additional Maps
Figure B-5.1: Temescal Mining District Activity, Pre-1925

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Legend:

- HH VRA*
- Proximate Area of Aggregate Mine Activity
- Proximate Area of Tin Mine Activity
- Proximate Area of Silica-Sand Mine Activity
- Proximate Area of Clay Pit Mine Activity
- Tin Mine Haul Road
- Clay Mine Haul Road
- Rail Road
- Haul Road
- Temescal Tin District Map (1890 Temescal Tin District Report)*

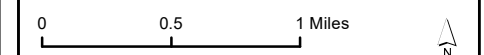
**Note: Exh. C2.21 "Temescal Tin District (San Jacinto Estate) Reports of E.N. Robinson, M.E.; Henry Mathey, M.E.; Captain Charles Craze, M.E.; and Geogre Grant Francis, M.E. (1888, 1889, 1890)*

USGS Plate-3 Tin Mine Features

- Stripped Tourmaline vein
- Trench, Pit or Adit
- Mine Shaft

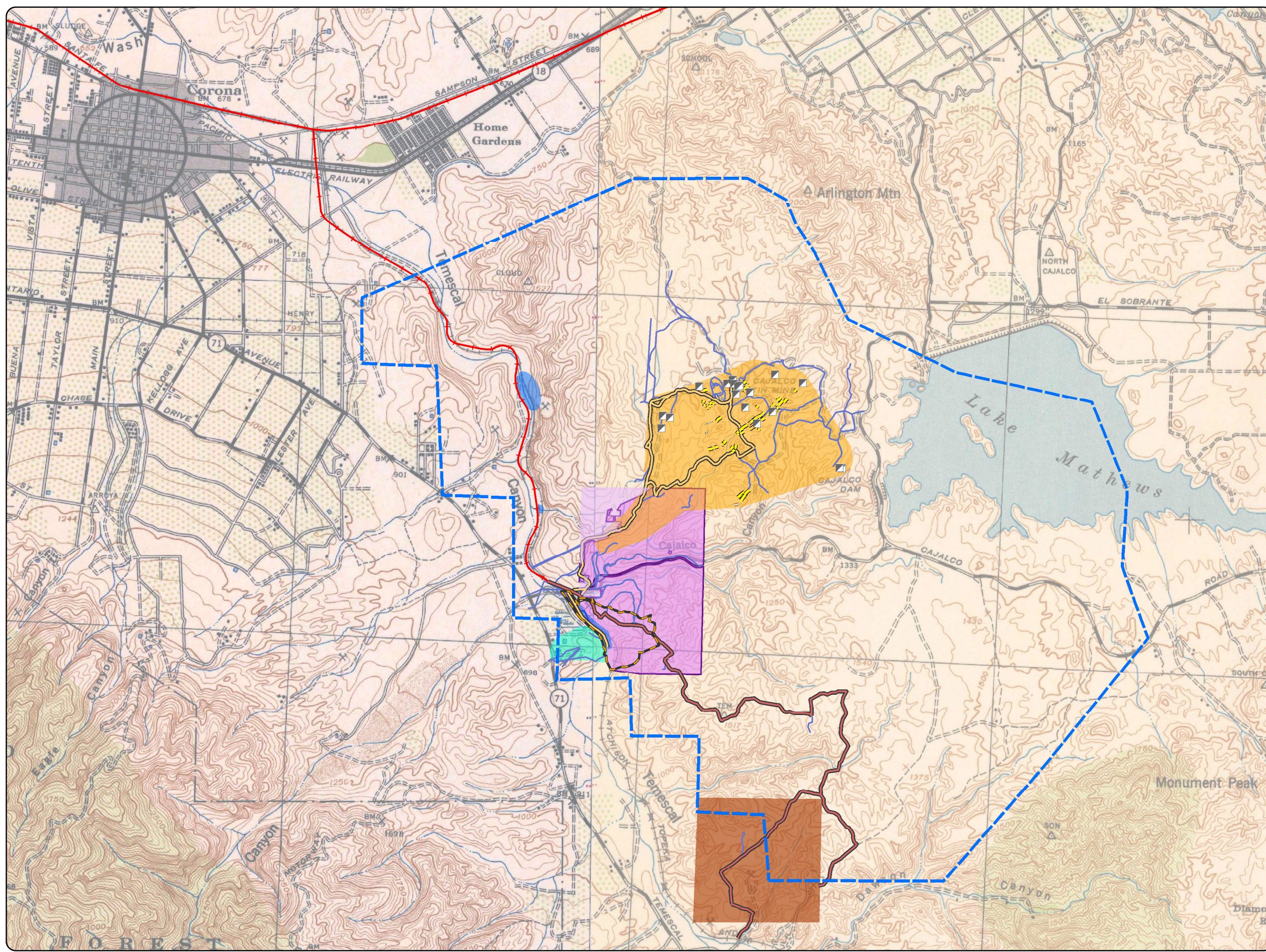
**Note: The northwest corner around the Vested Rights Area is lightly shaded to indicate that area which was initially part of the full 1949 Vested Rights Area but for which property interests have been modified post-1949.*

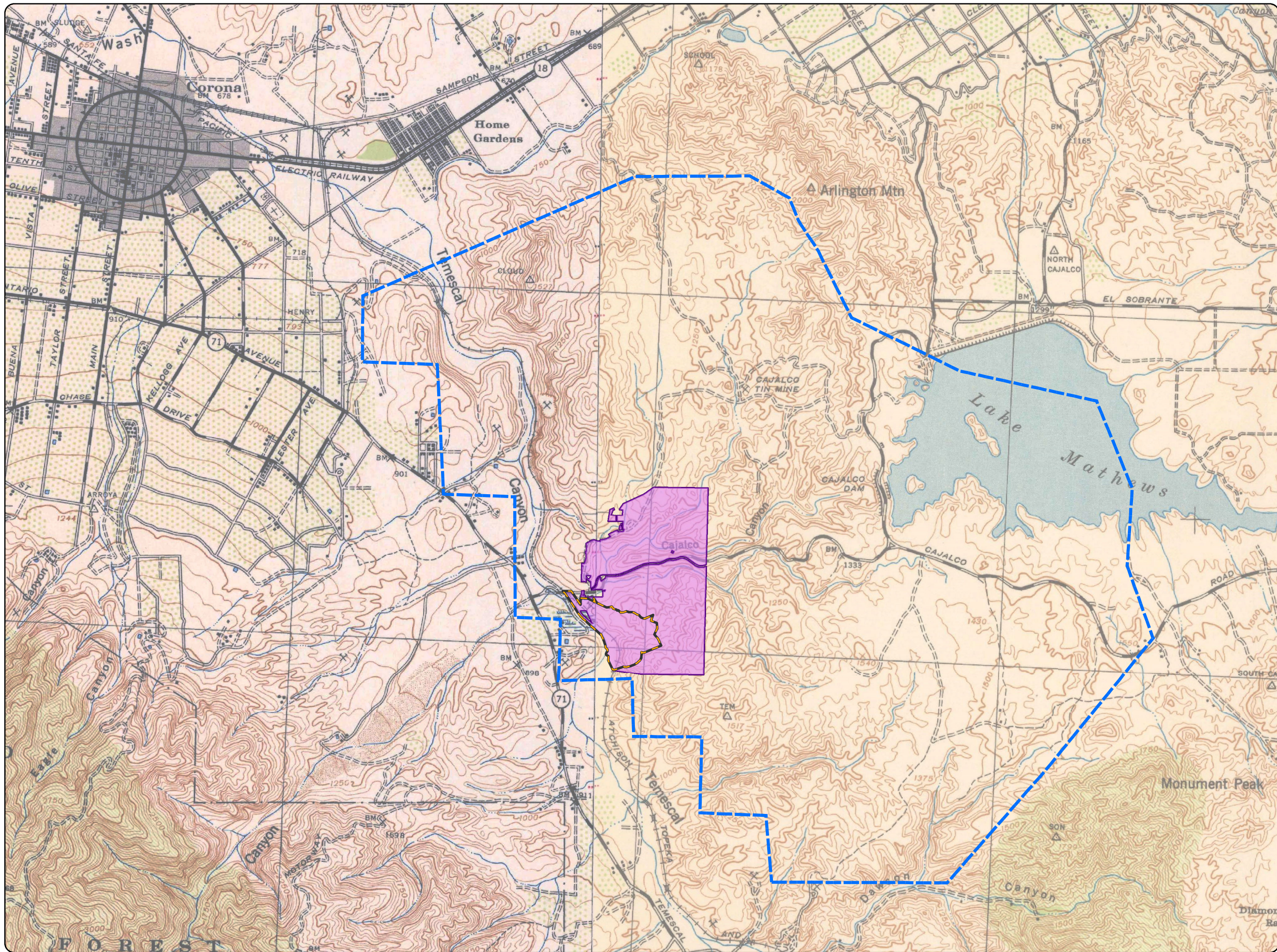
This base map was compiled from historical USGS topo quadrangles maps. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

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Appendix B-5: Additional Maps

**Figure B-5.2:
Temescal Mining District**

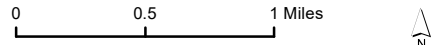
Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  RCL118S4 Boundary
(Vested Rights Confirmed)
-  HH VRA
-  Temescal Tin District Map (1890
Temescal Tin District Report)*

**Note: Exh. C2.21 "Temescal Tin District (San Jacinto Estate) Reports of E.N. Robinson, M.E.; Henry Mathey, M.E.; Captain Charles Craze, M.E.; and Geogre Grant Francis, M.E. (1888, 1889, 1890)*

This base map was compiled from historical USGS topo quadrangles maps. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.


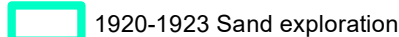

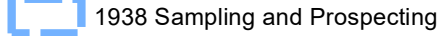

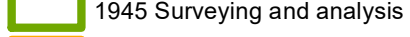
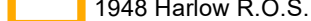
Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652

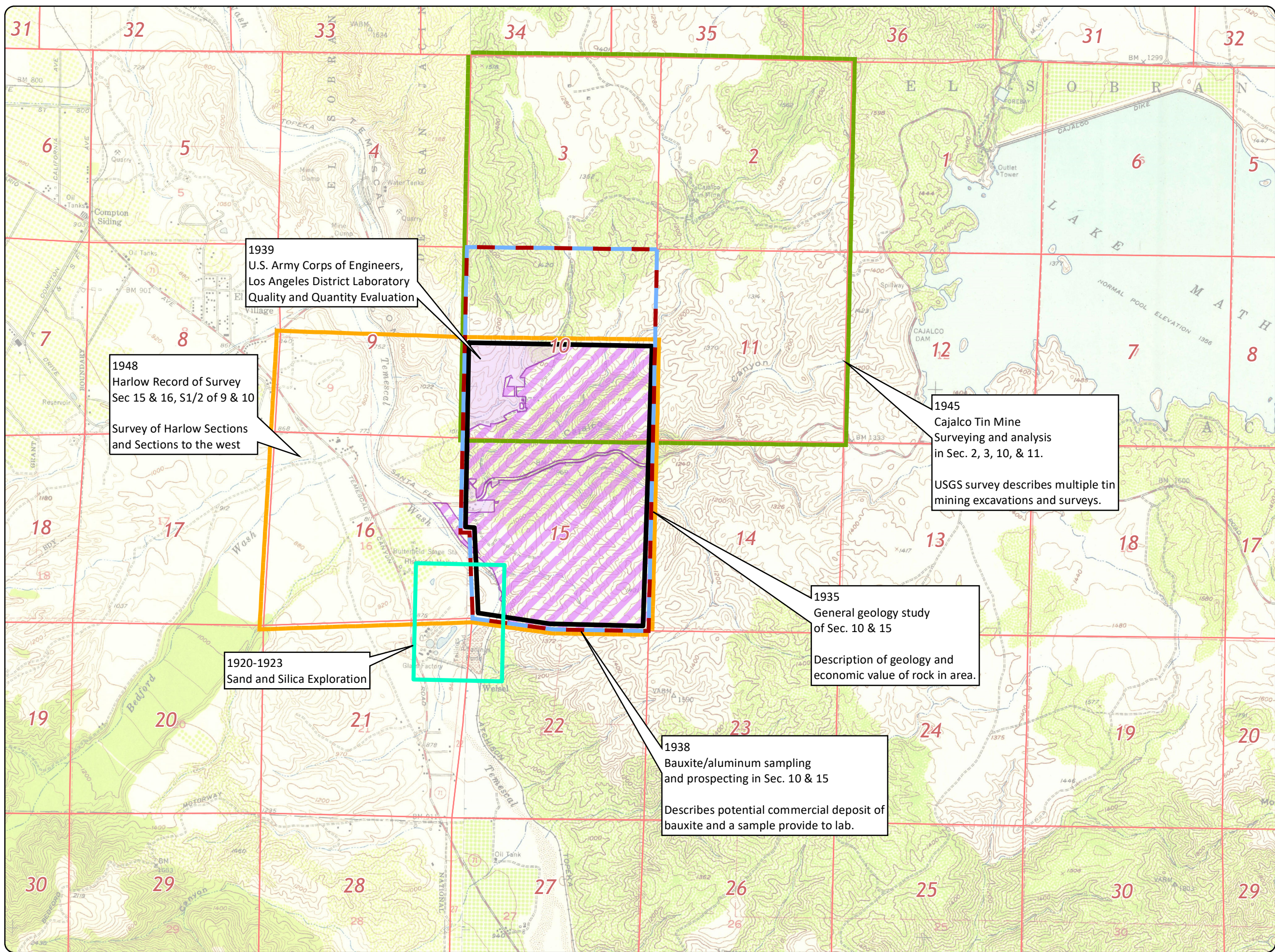


**Figure B-5.6:
Exploration Activities Map**

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

-  HH VRA
- Exploration Areas**
-  1920-1923 Sand exploration
-  1935 Geology Study
-  1938 Sampling and Prospecting
-  1939 US Army Corps Study
-  1945 Surveying and analysis
-  1948 Harlow R.O.S.



1939
U.S. Army Corps of Engineers,
Los Angeles District Laboratory
Quality and Quantity Evaluation

1948
Harlow Record of Survey
Sec 15 & 16, S1/2 of 9 & 10
Survey of Harlow Sections
and Sections to the west

1920-1923
Sand and Silica Exploration

1945
Cajalco Tin Mine
Surveying and analysis
in Sec. 2, 3, 10, & 11.

USGS survey describes multiple tin
mining excavations and surveys.

1935
General geology study
of Sec. 10 & 15

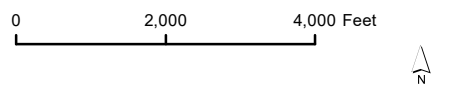
Description of geology and
economic value of rock in area.

1938
Bauxite/aluminum sampling
and prospecting in Sec. 10 & 15

Describes potential commercial deposit of
bauxite and a sample provide to lab.

*Note: The northwest corner around the Vested Rights Area is lightly shaded to indicate the area which would have part of the full 1949 Vested Rights Area had the property not fragragmented post 1949.

This base map was compiled from historical USGS topo quadrangles maps and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Prepared by: Sage Thurmond, Compass Land Group
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Appendix B-5: Additional Maps

Figure B-5.7: Regional Vested Right Operations

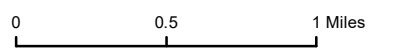
Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Legend:

-  RCL118S4 Boundary
-  HH VRA
-  Previously Vested Mining Areas (1*)
-  Public Lands (2*)

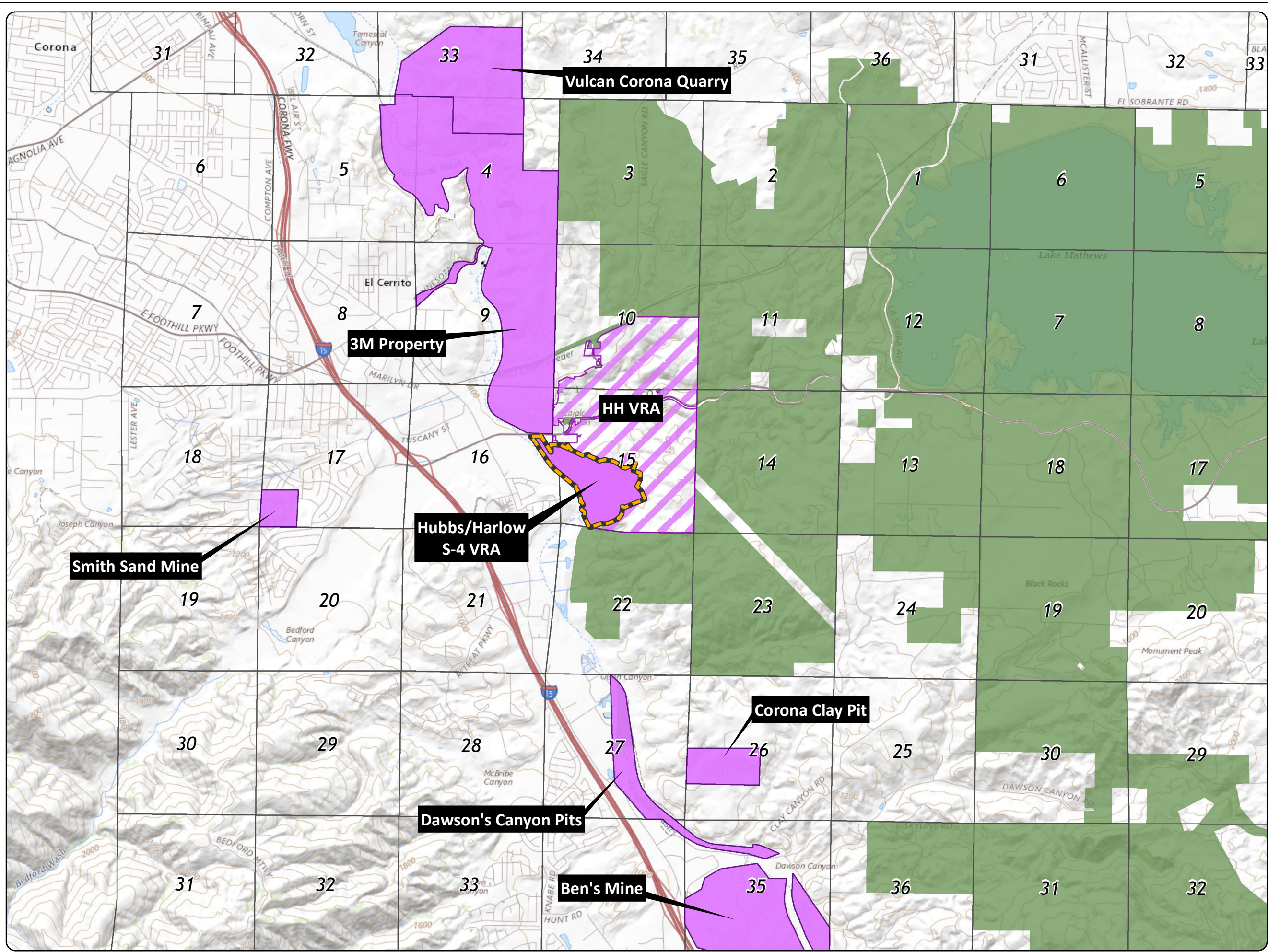
**Note:*
 (1) These vested rights boundaries are based upon reclamation plans, use permit and other documentation which indicate the operation as vested.
 (2) The public lands consists of properties controlled by Metropolitan Water District, Riverside County Habitat Conservation Agency, and USA Bureau of Land Management.

Basemap: USGS The National Map and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

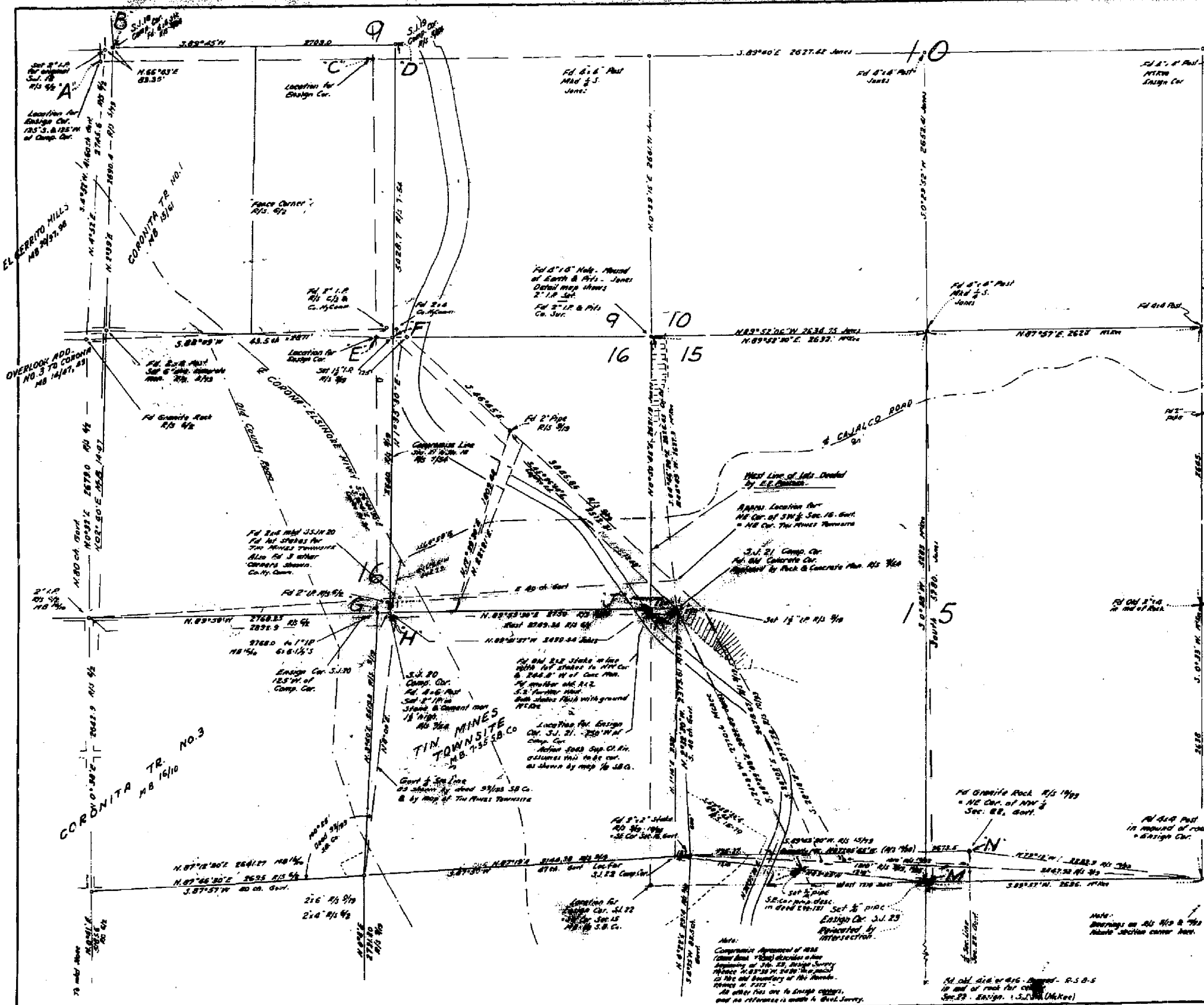
Prepared by: Sage Thurmond, Compass Land Group
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Projects\036 - Robertsons - Ready\AuxVested Rights\Vested Operations Map\Regional Vested Operations.mxd

Figure B-5.8:
1948 Record of Survey

Confirmation of Geographic
Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California



RECORD OF SURVEY

of Sec. 15 and 16 and portion of Sec. 9 and 10
T.4 S. R.6 W. S.B. 17, and in Ranch El Sabronite
De San Jacinto M.B. 1-8 S.B. Co. Calif.

May 1948 Scale 1 in. = 600 ft.
Donald J. McKee - Licensed Surveyor

This was made to show the relative locations of corners used by previous surveys; the theoretical location of corners shown on original Gov't and Rancho Maps; and the corners and property lines established by the Compromise Agreement of 1895 and other deeds of record. Compiled from Recorded Maps, Records of Surveys, Highway and Railroad Surveys; unrecorded Maps and Surveys, by John C. Lewis, and original Surveys by Donald J. McKee to locate corners of Section 15, to determine a location for S. 1/2 S. and the SE corner of the property described in Deed No. 292-131. Courses and distances are those shown on the original maps as noted without adjustments.

Note: "Easgn" refers to survey of the Rancho El Sabronite by Caleb Erasing, unrecorded map filed in County Surveyors Office. "Gov't" refers to U.S. Gov't. surveys of sections adjoining the Rancho. "Comp. Cor." refers to corners established by the Compromise Agreement of 1895 - Deed No. 318 R.V.C. "Co. Hwy. Com." refers to Survey of Corona Elsinore Highway Riverside Co. Highway Commission F.B. 22 and 26. "Jones" refers to survey by Franklin D. Jones, C.E. for E.R. Peacock in 1925. Unrecorded map filed in County Surveyors Office.

I hereby certify that I am a Licensed Land Surveyor in the State of California, and that this map consisting of one sheet, correctly represents a survey made by me in 1947 and that all the monuments shown hereon for Section 15 actually exist and their positions are as hereon shown.
Donald J. McKee
Licensed Land Surveyor

Note: Bearings are based on the center-line of Corona Elsinore Highway and are true courses.

M.B. 1 pp. 8 S.B. Co	June 1868
M.B. 7 pp. 35 S.B. Co	1888
Caleb A. Erasing Survey	1891
John Goldsworthy - Gov't Survey	1874
Comp. Agreement	1906

This map prepared at the request of Leila Mae Horlow

FILED

DEC - 3 1948

JACK A. ROSS
County Recorder

Examined December 3, 1948
10:30 AM

AC Keith by C.T. Womack Deputy
County Surveyor Riverside County Calif
and filed to make valuable information a public record.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652



RS 16/26

Figure B-5.9: 1948 Record of Survey with HH VRA

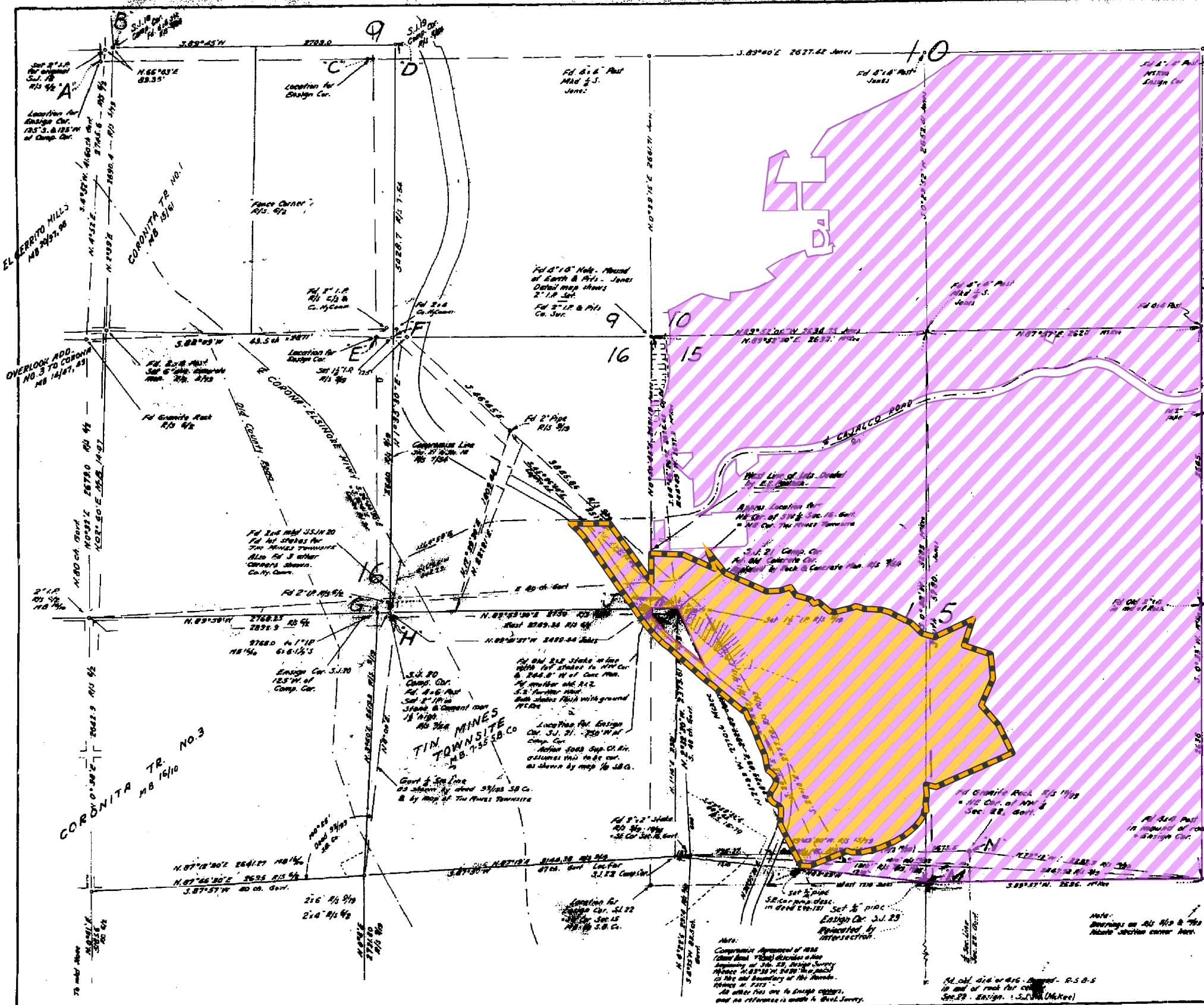
Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Legend:

- RCL118S4 Boundary
- Area subject to Prior Confirmation (S-4 VRA)
- HH VRA

Vested Rights Relevancy/Commentary:

Harlow commission an ambitious Record of Survey of the entire HH VRA site and adjoining mineral property to define and fully exploit the mineral resources, spurred on by failed effort to acquire nearby mineral lands, coupled with rapidly expanding mineral operations, demonstrating an intent to appropriate the entire HH VRA as a mine site.



RECORD OF SURVEY

of Sec. 15 and 16 and portion of Sec. 9 and 10
T.4 S. R.6 W. S.B. 17, and in Ranch El Sabranite
De San Jacinto M.B. 1-8 S.B. Co. Calif.

May 1948 Scale 1 in. = 600 ft.
Donald J. McKee - Licensed Surveyor

This was made to show the relative locations of corners used by previous surveys; the theoretical location of corners shown on original Gov't and Rancho Maps; and the corners and property lines established by the Compromise Agreement of 1895 and other deeds of record. Compiled from Recorded Maps, Records of Surveys, Highway and Railroad Surveys; unrecorded Maps and Surveys, by John C. Lewis, and original Surveys by Donald J. McKee to locate corners of Section 15; to determine a location for S.1.23 and the SE corner of the property described in Deed No. 297-13. Courses and distances are those shown on the original maps as noted without adjustments.

Notes:
 "Eason" refers to survey of the Rancho El Sabranite by Caleb Eason, unrecorded map filed in County Surveyors Office.
 "Gov't" refers to U.S. Gov't. surveys of sections adjoining the Rancho.
 "Comp. Agr." refers to corners established by the Compromise Agreement of 1895 - Deed No. 318 R.C.C.
 "Co. Hwy. Com." refers to Survey of Corona Elsinore Highway Riverside Co. Highway Commissioners F.B. 22 and 26.
 "Jones" refers to survey by Franklin D. Jones, C.E. for E.R. Porech in 1925 - unrecorded map filed in County Surveyors Office.

I hereby certify that I am a Licensed Land Surveyor in the State of California, and that this map consisting of one sheet, correctly represents a survey made by me in 1947 and that all the monuments shown hereon for Section 15 actually exist and their positions are as hereon shown.
Donald J. McKee
Licensed Land Surveyor

Note: Bearings are based on the center-line of Corona Elsinore Highway and are true courses.

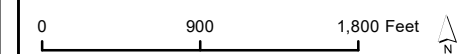
M.B. 1 pp. 8 S.B. Co	June 1868
M.B. 7 pp. 35 S.B. Co	1888
Caleb A. Eason Survey	1891
John Goldsworthy - Gov't Survey	1874
Comp. Agreement	1904

This map prepared at the request of Leila Mae Harlow

FILED
 DEC - 3 1948
 JACKA ROSS
 County Recorder
 #100 - *Agnes Church*
 10:30 AM
 Examined December 3, 1948

AC Keith by *CT Worley* Deputy
County Surveyor Riverside County Calif
and filed to make valuable information a public record.

RS 16/26



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.







Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652



Appendix B-5: Additional Maps
Figure B-5.10: Harlow Mineral Properties Subject to Ownership or Contract, as of 1947

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Legend:

-  RCL118S4 Boundary (Vested Rights Confirmed)
-  1949 Vested Rights
-  Kincheloe Property (~617)
-  Owens-Illinois Silica Sand
-  Known Resource Deposit
-  Active Resource Activity

Vested Rights Relevancy/Commentary:

See RFD, Section V.E for details.

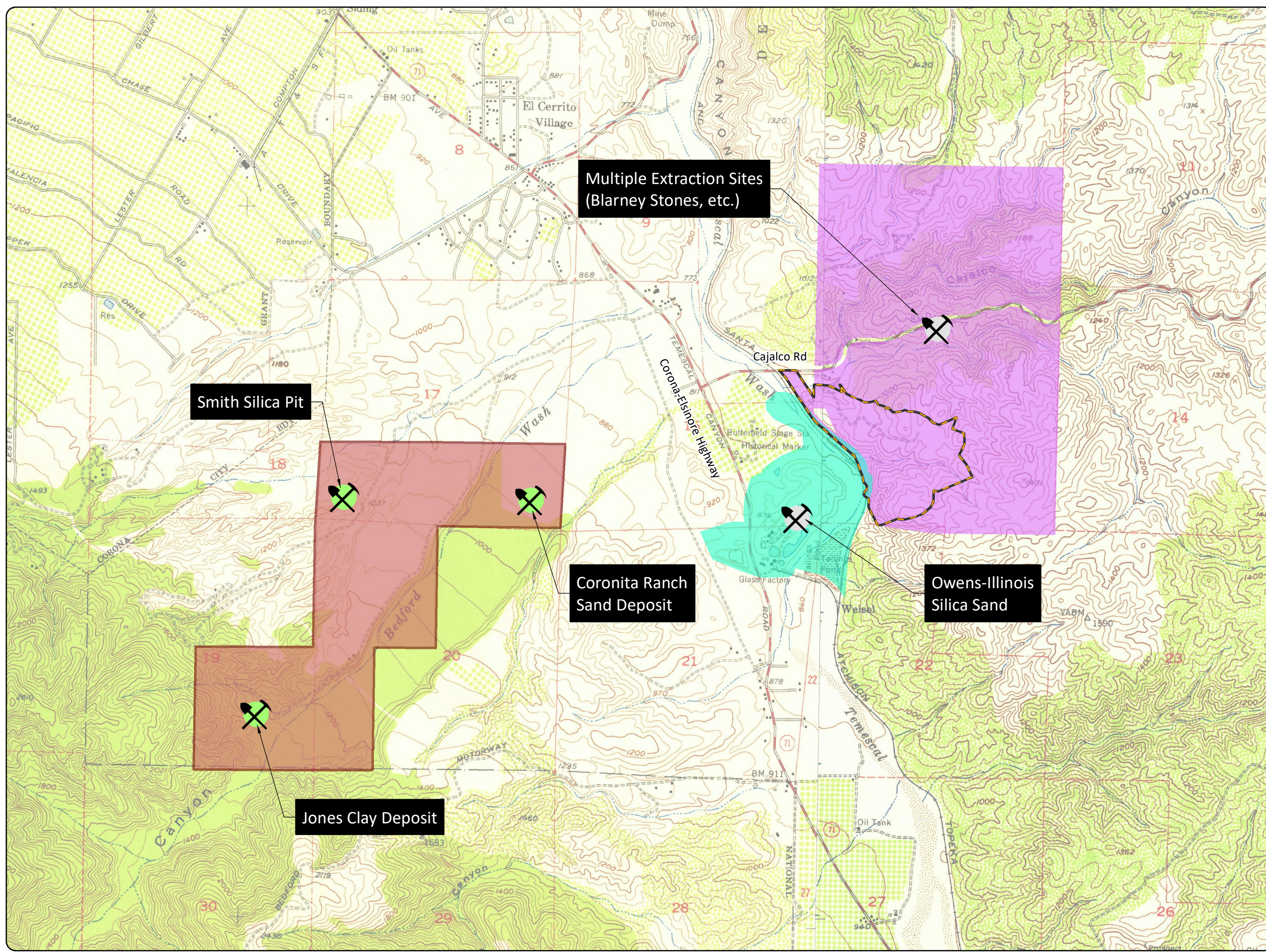
This base map was compiled from historical USGS topo quadrangles maps and county GIS parcel dataset. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

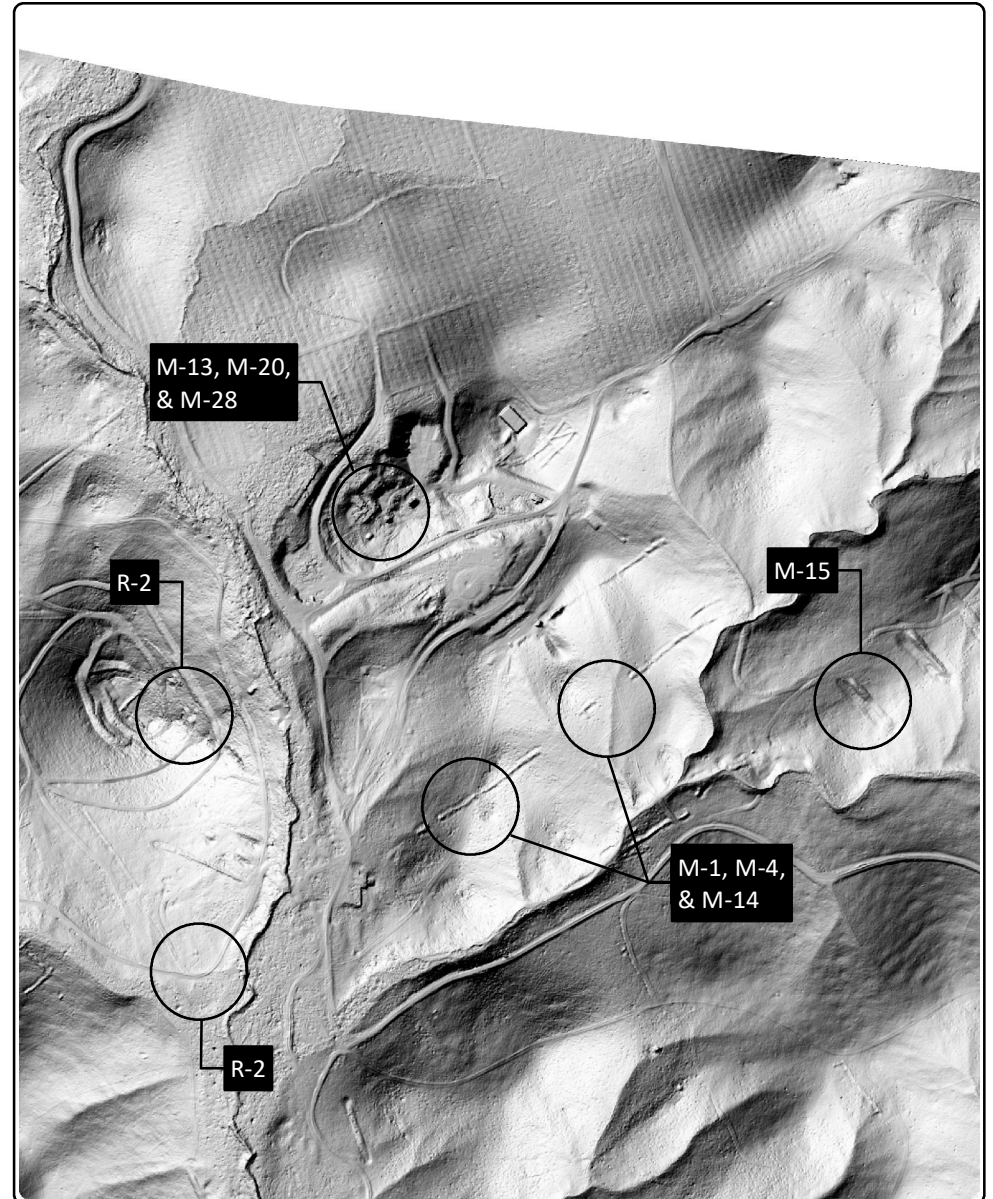
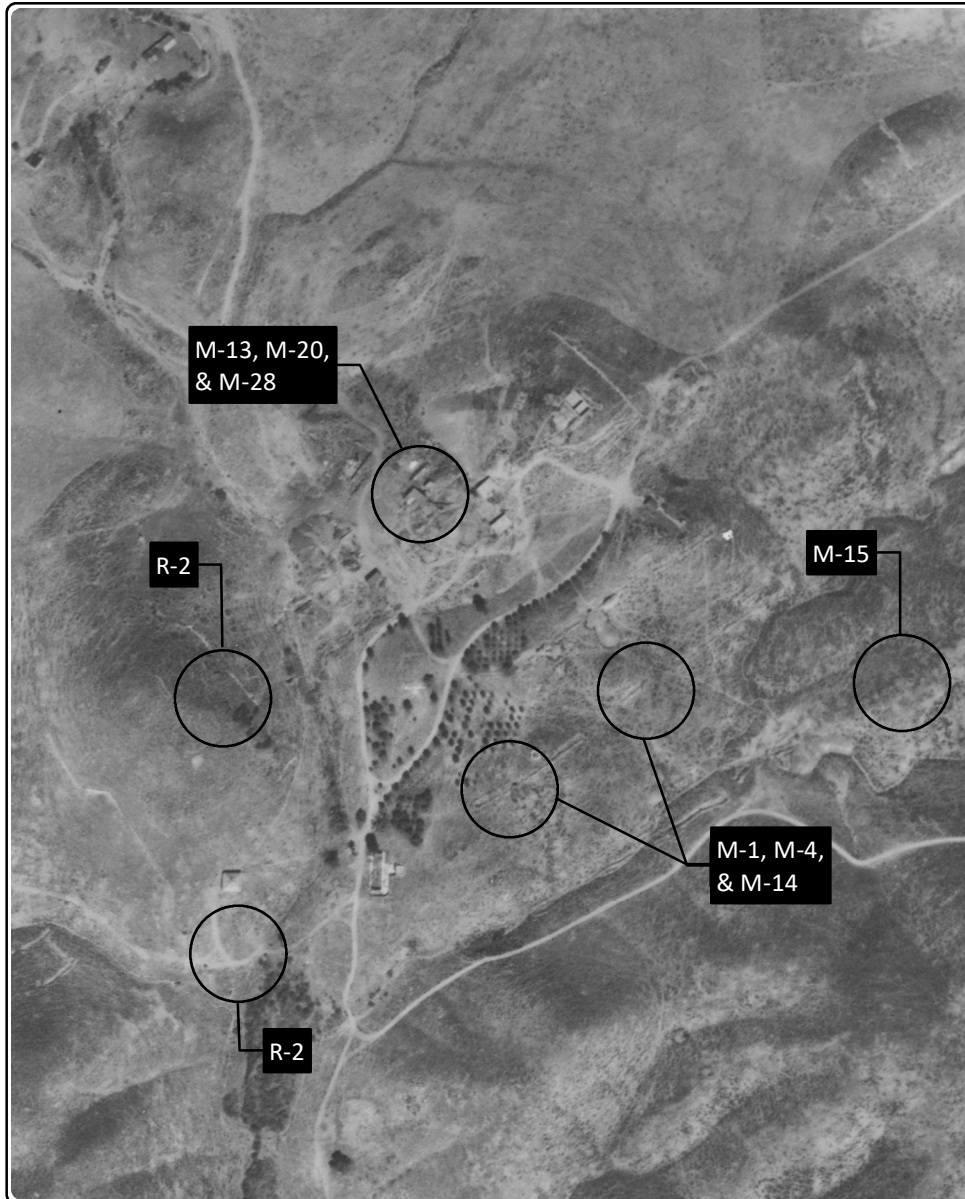
0 1,500 3,000 Feet



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Prepared by: Sage Thurmond, Compass Land Group
 3140 Peacekeeper Way #102, McClellan Park, CA 95652





Legend:

1948 Vested Rights Area

0 125 250 500 Feet

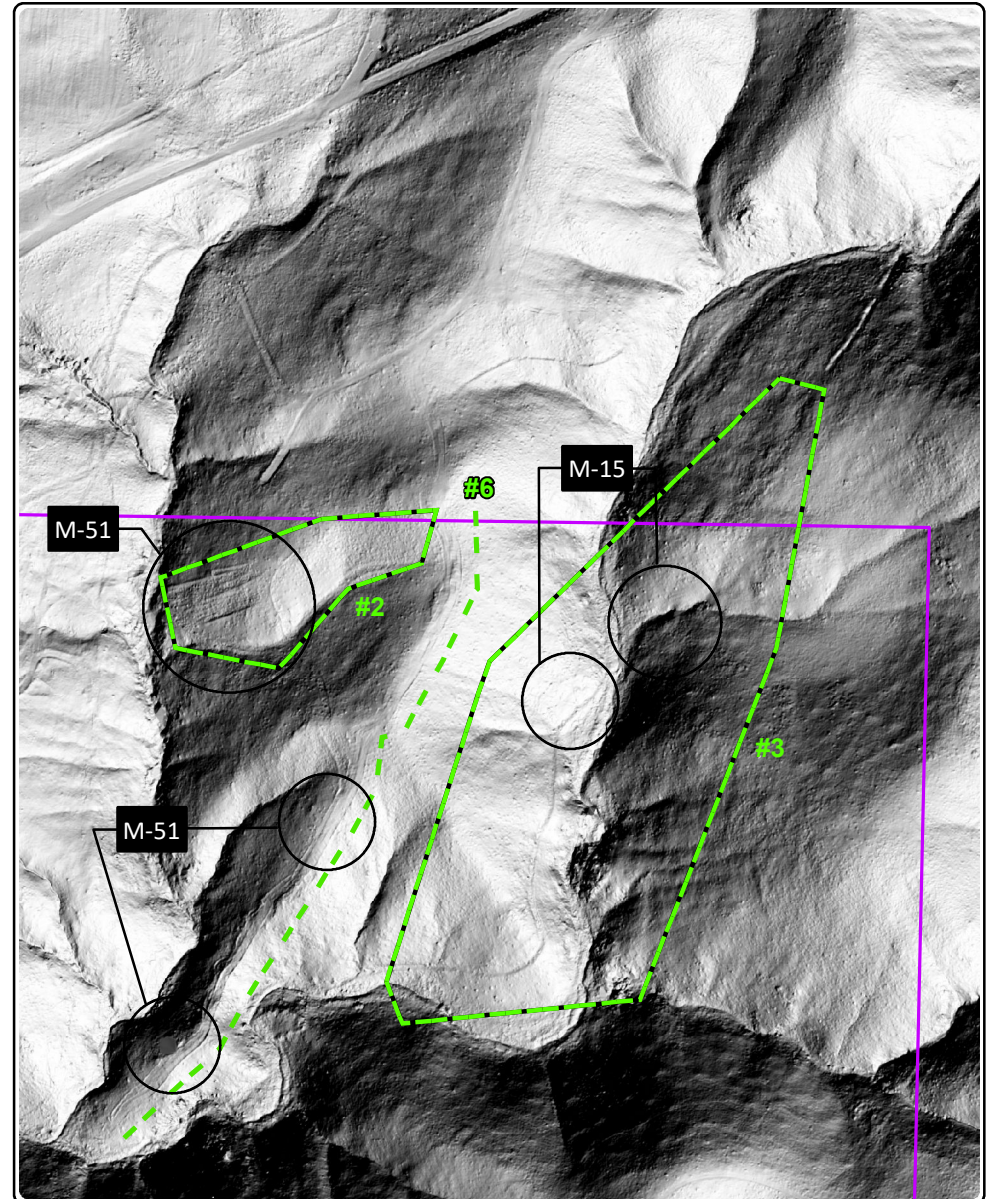
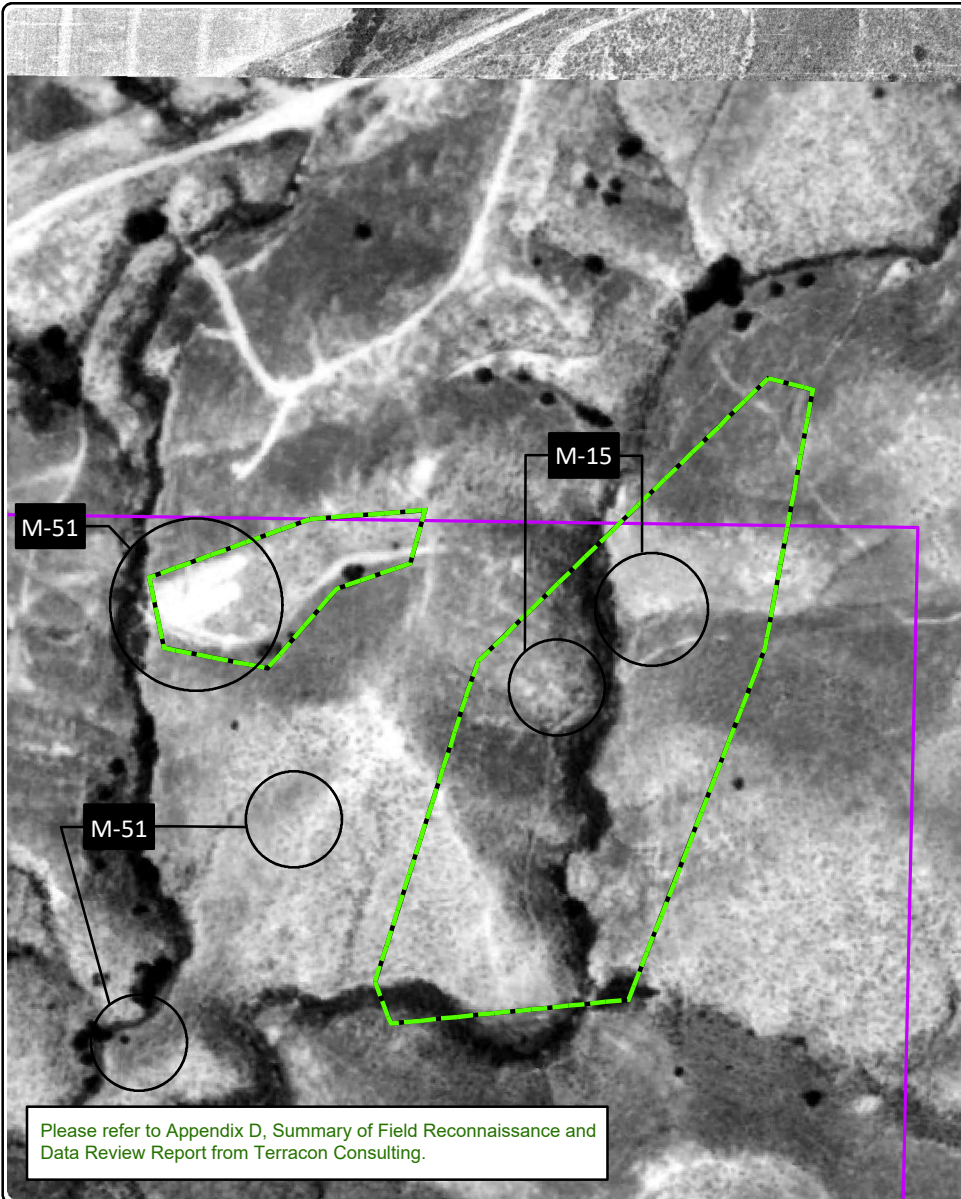
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Aerial and LiDAR Comparison of Tin Mine Area Surface Mining Disturbances
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Please refer to Appendix D, Summary of Field Reconnaissance and Data Review Report from Terracon Consulting.

Legend:

- 1948 Vested Rights Area
- Terracon Report Area (Area #)

0 100 200 400 Feet

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

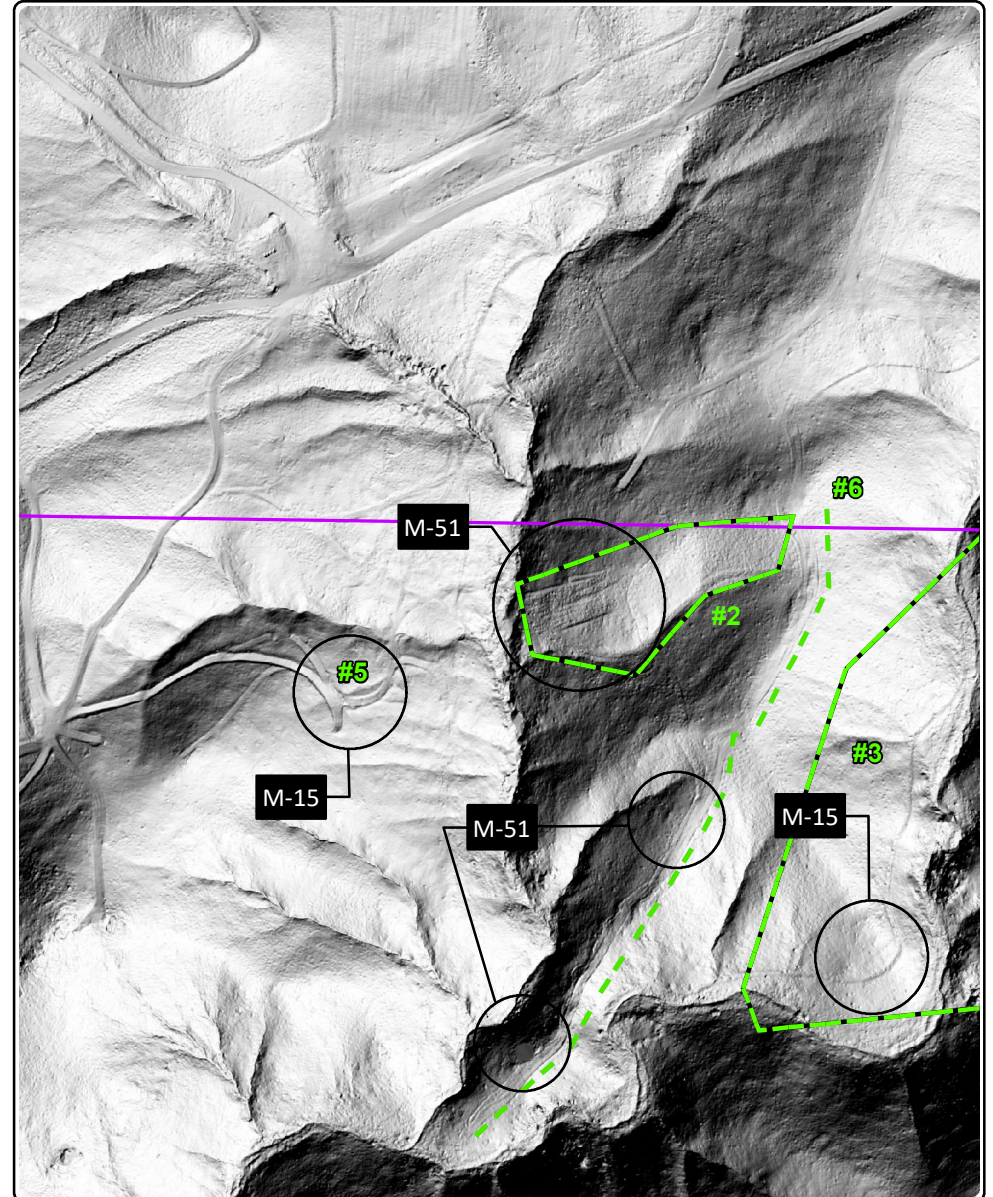
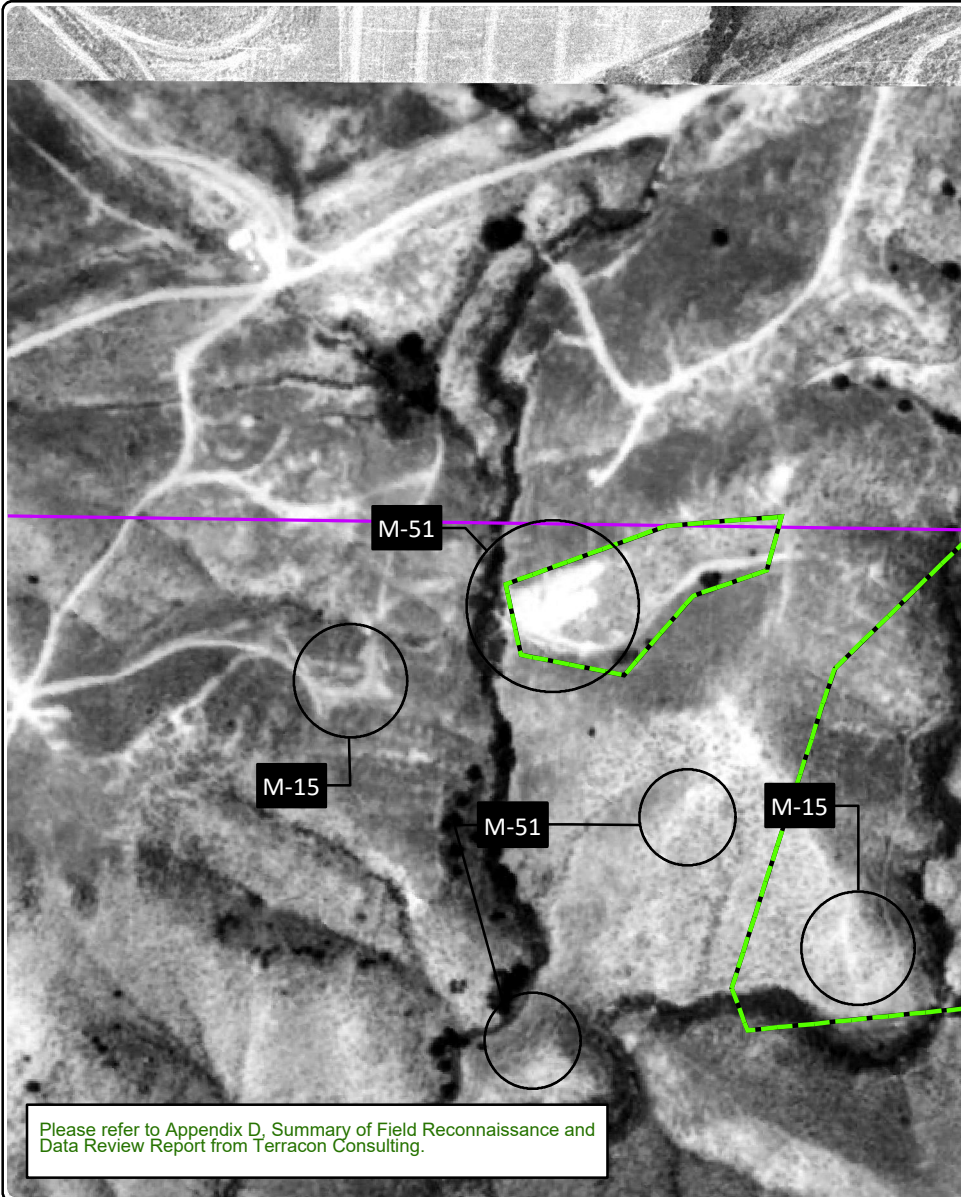
Aerial and LiDAR Comparison of Tin Mine Related Surface Mining Disturbances within HH VRA

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Legend:

- 1948 Vested Rights Area
- Terracon Report Area (Area #)

0 100 200 400 Feet

Vicinity Map

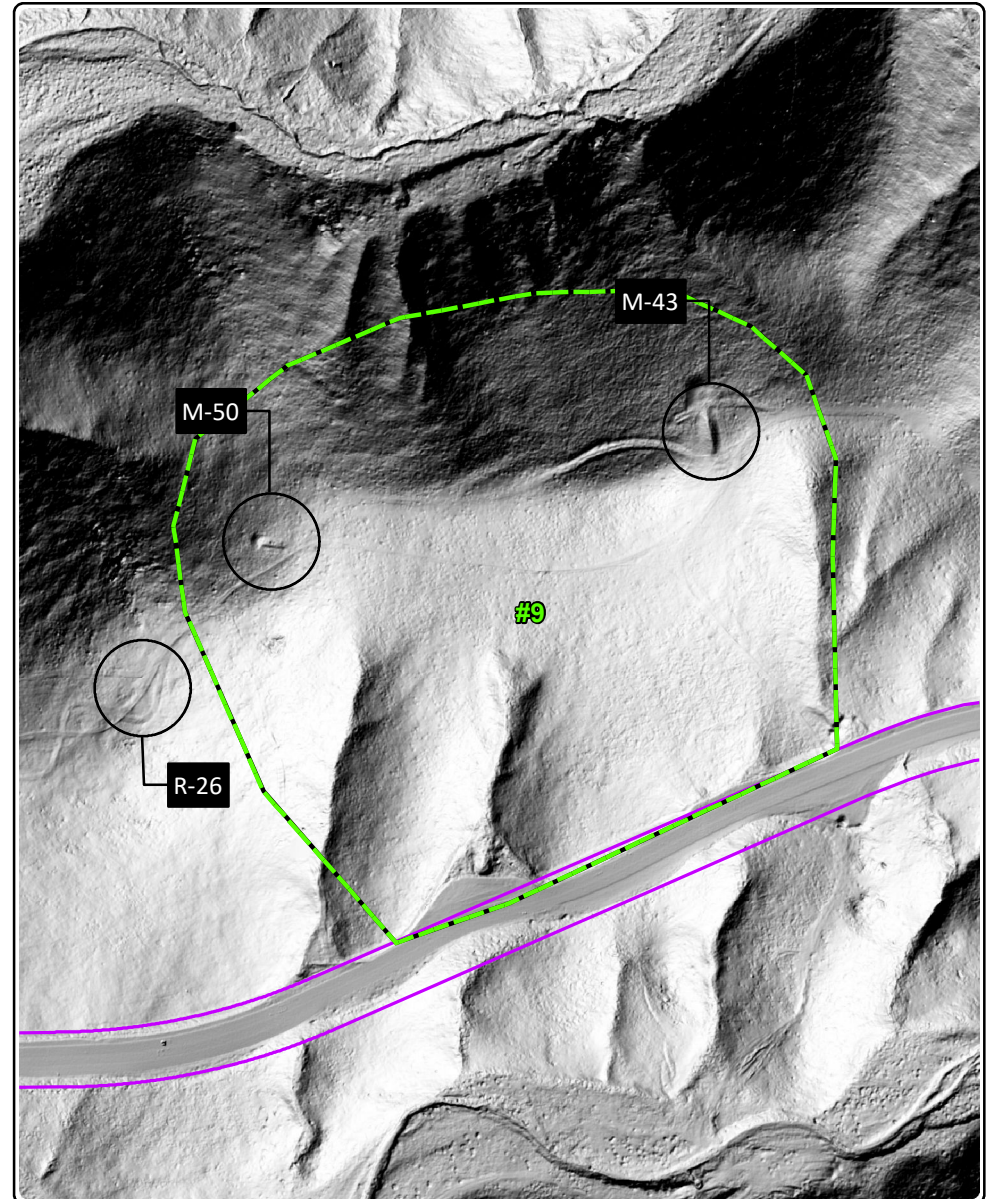
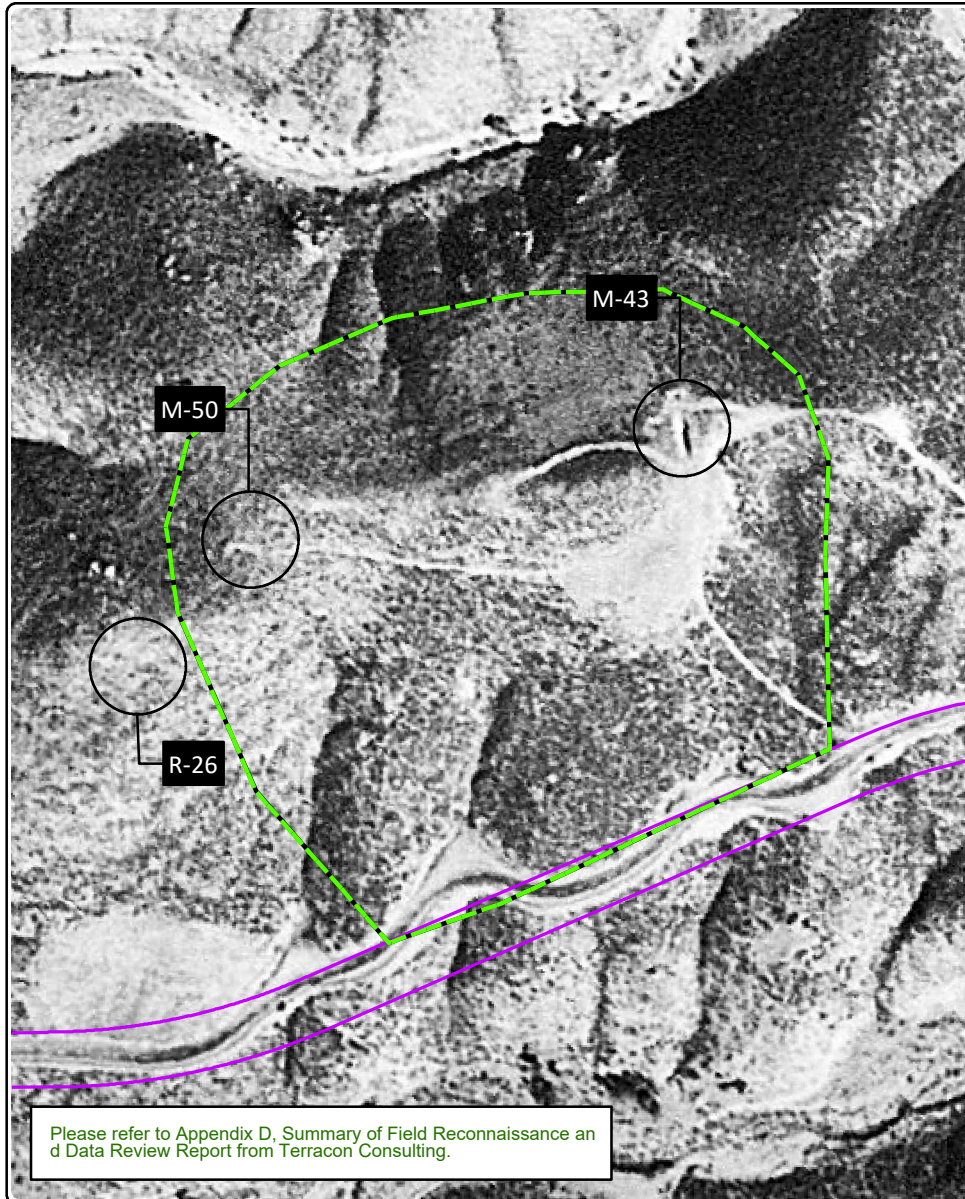
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24

Aerial and LiDAR Comparison of Tin Mine Related Surface Mining Disturbances within HH VRA
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.3

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

COMPASS LAND
 GROUP



Legend:

- 1948 Vested Rights Area
- Terracon Report Area (Area #)

0 75 150 300 Feet

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

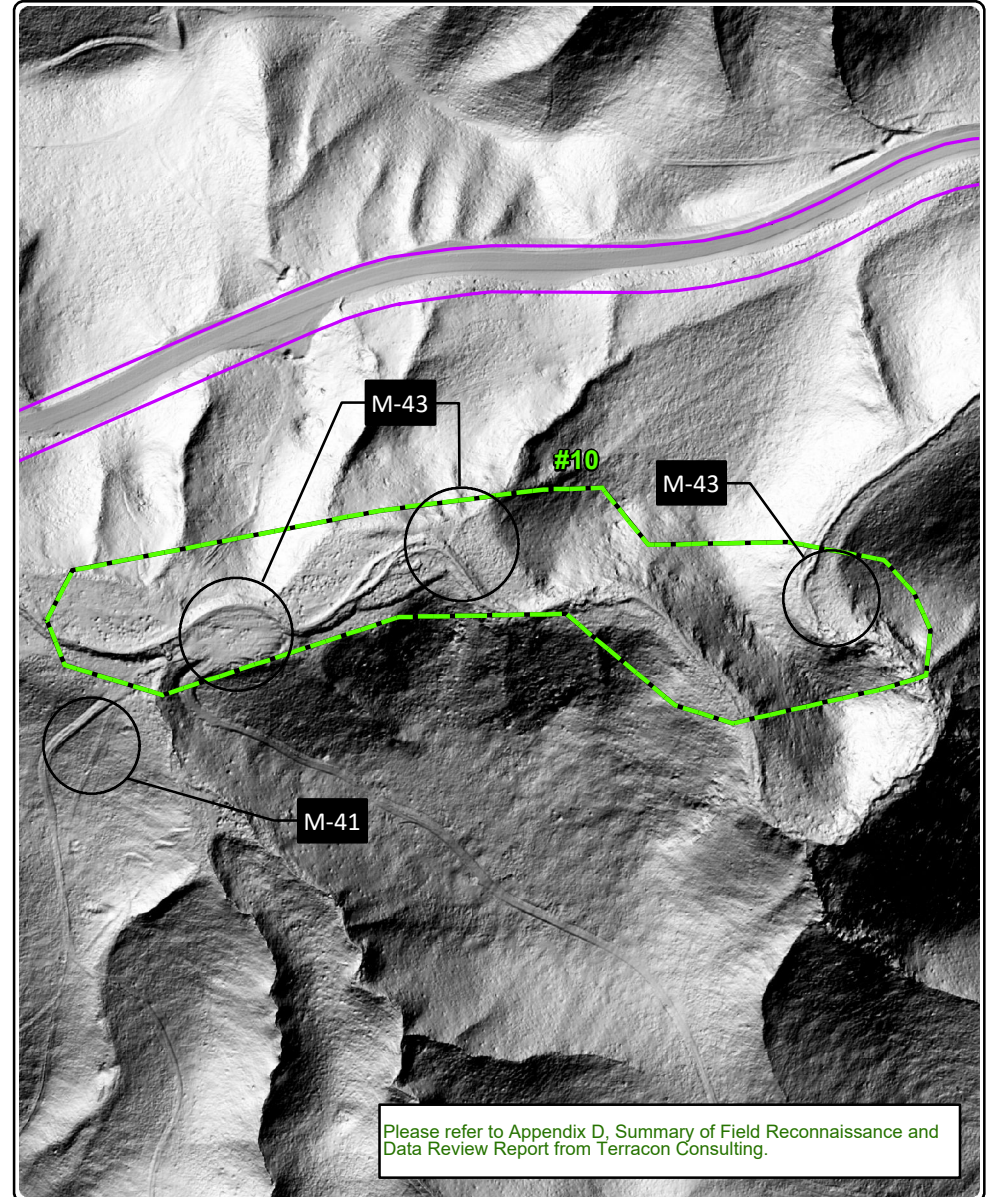
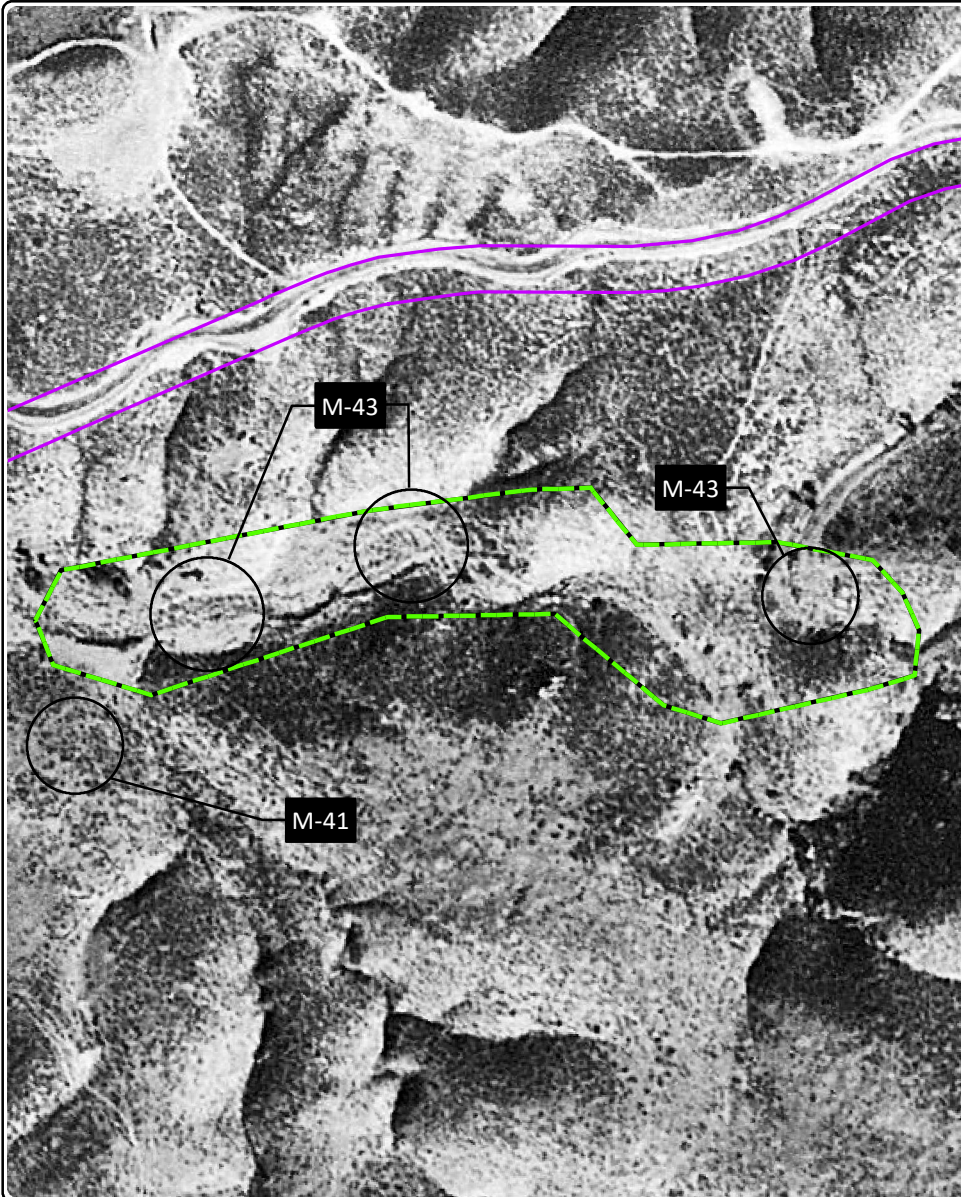
Aerial and LiDAR Comparison of Rock, Sand, Gravel, and Clay Borrow Pit Disturbances

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.4

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

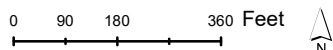




Please refer to Appendix D, Summary of Field Reconnaissance and Data Review Report from Terracon Consulting.

- Legend:
- 1948 Vested Rights Area
 - Terracon Report Area (Area #)

5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				



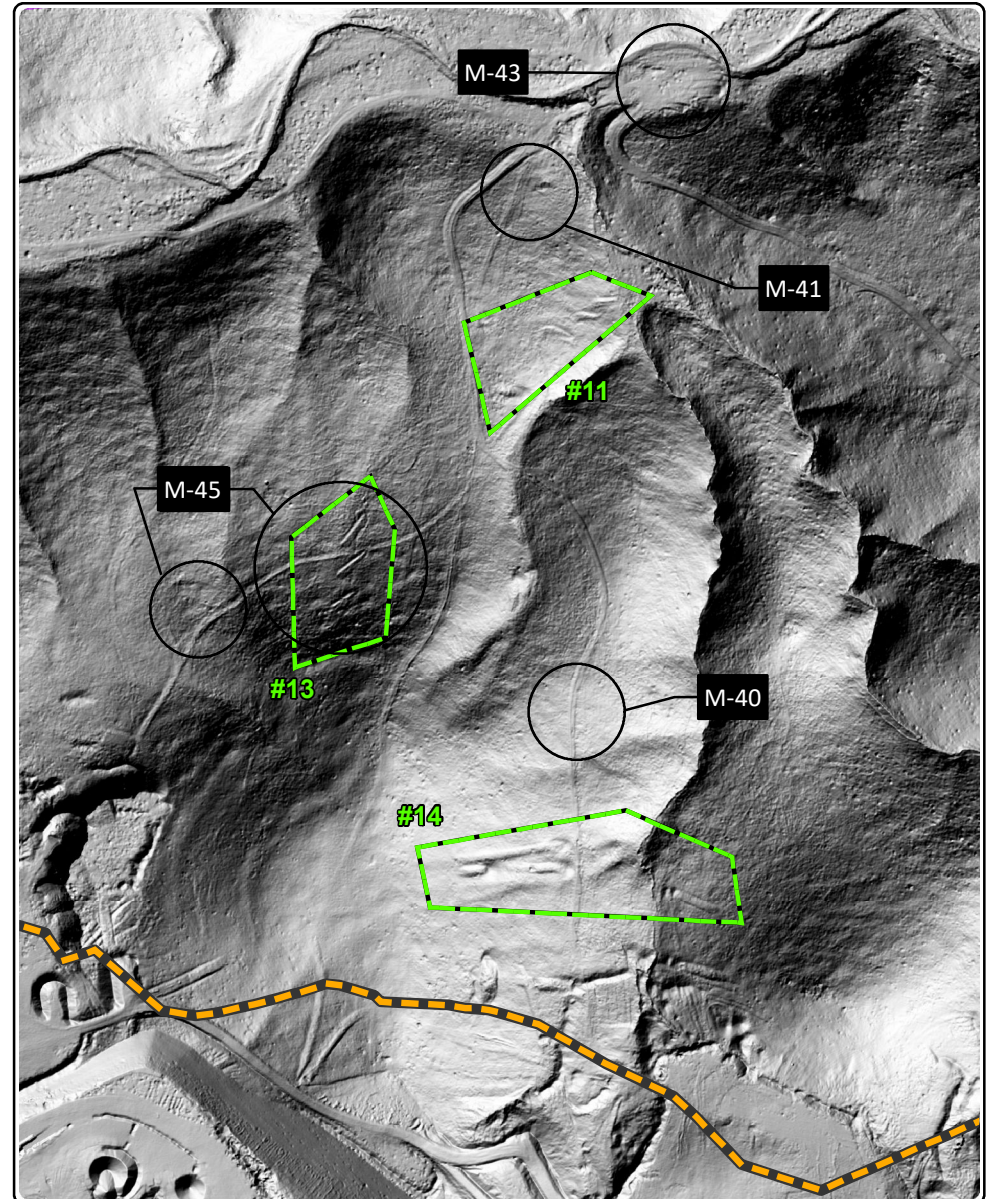
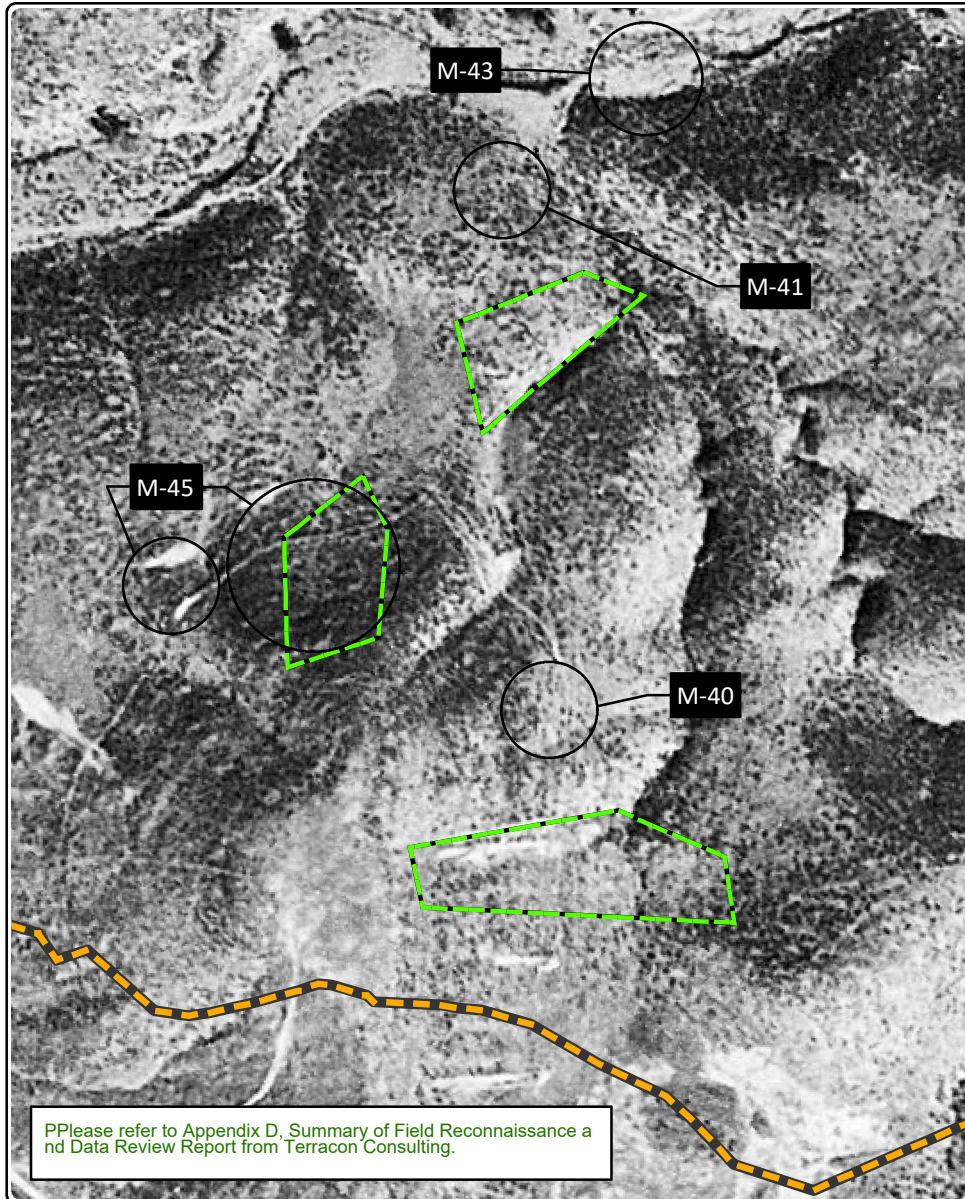
Aerial and LiDAR Comparison of Alluvial Gravel Resource Surface Mining Disturbances

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.5

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Legend:

- RCL 118S4 Boundary
- 1948 Vested Rights Area
- Terracon Report Area (Area #)

0 75 150 300 Feet

N

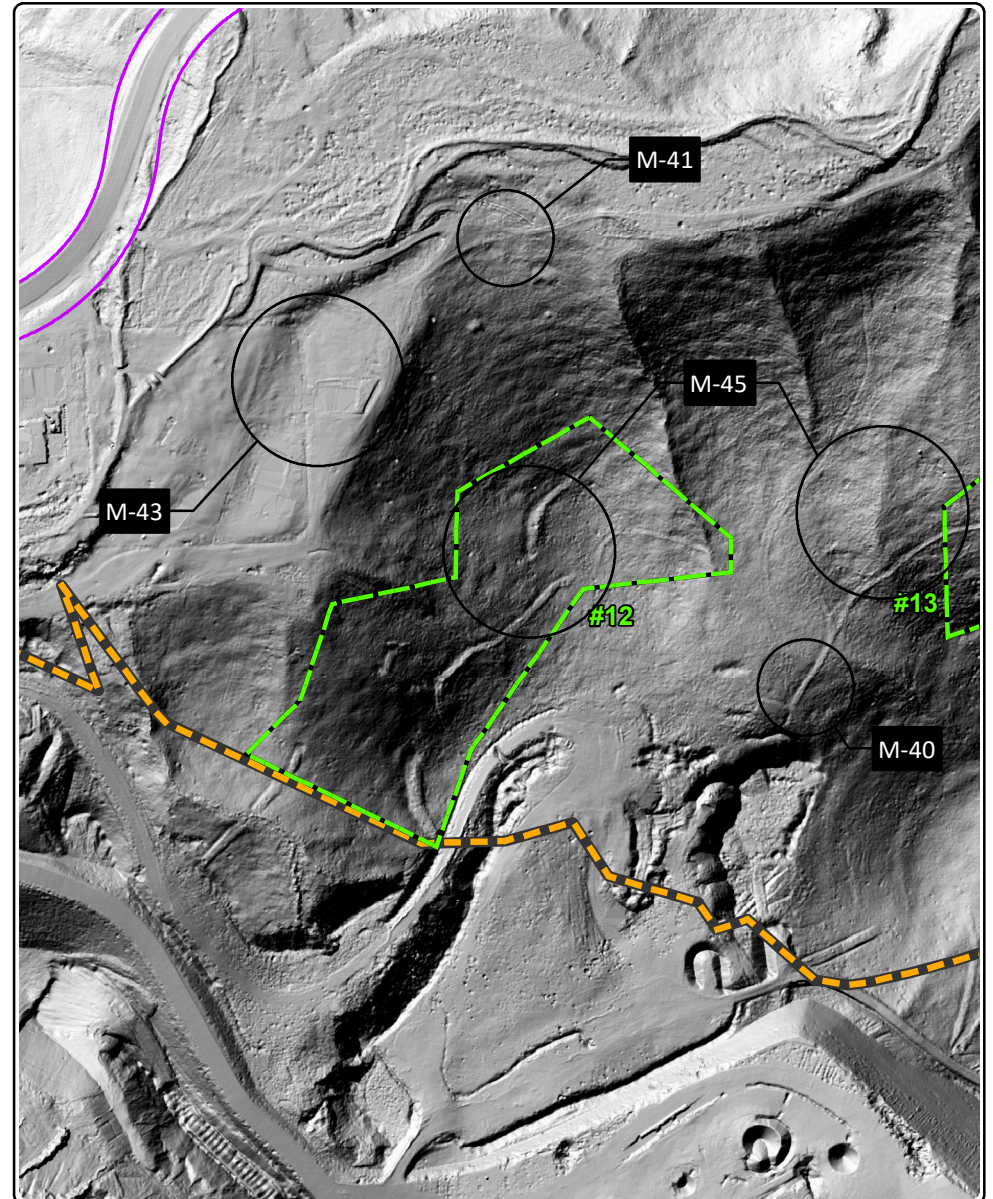
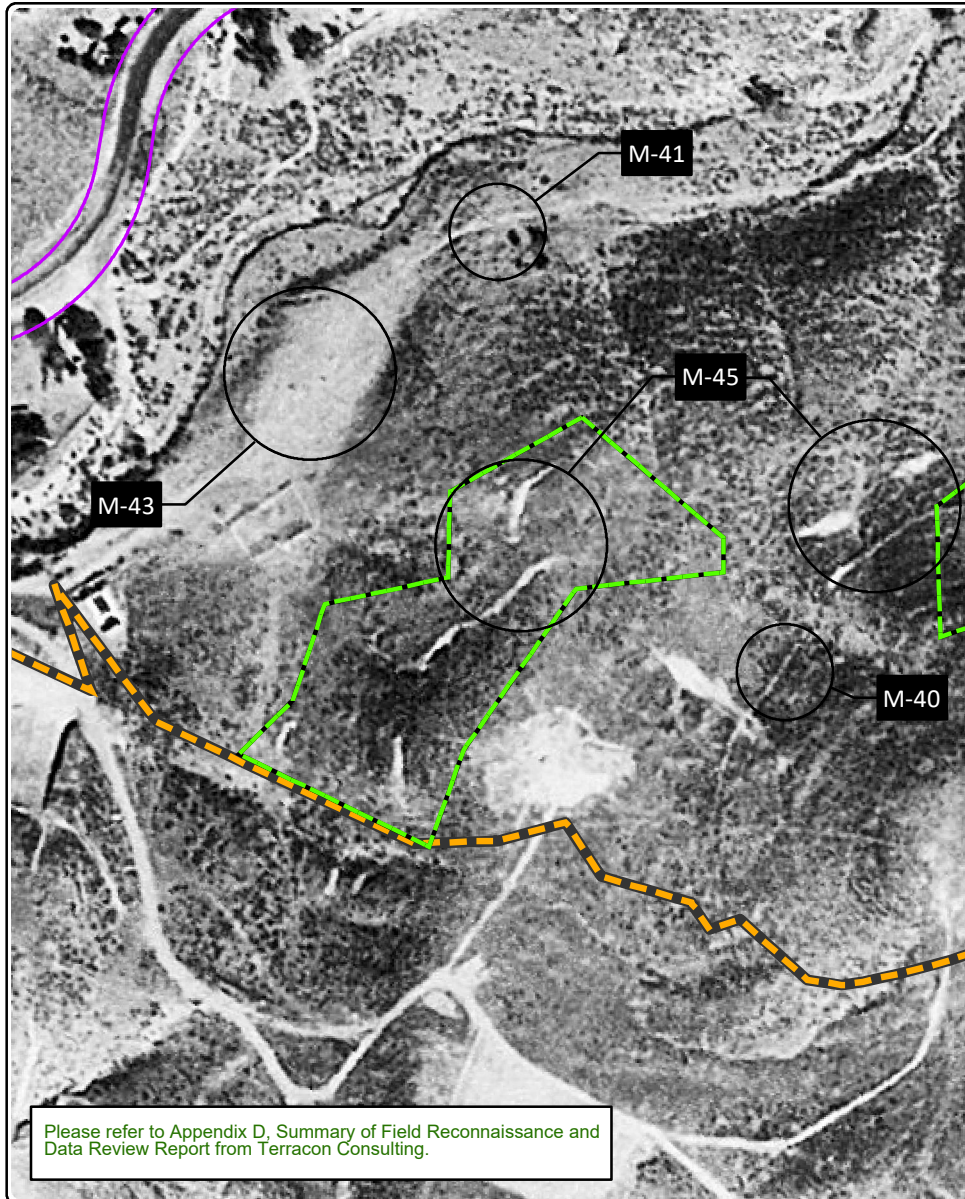
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Aerial and LiDAR Comparison of Clay Trenching and Surface Mining Disturbances - East
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.6

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

COMPASS LAND
 GROUP



Legend:

- RCL 118S4 Boundary
- 1948 Vested Rights Area
- Terracon Report Area (Area #)

0 75 150 300 Feet

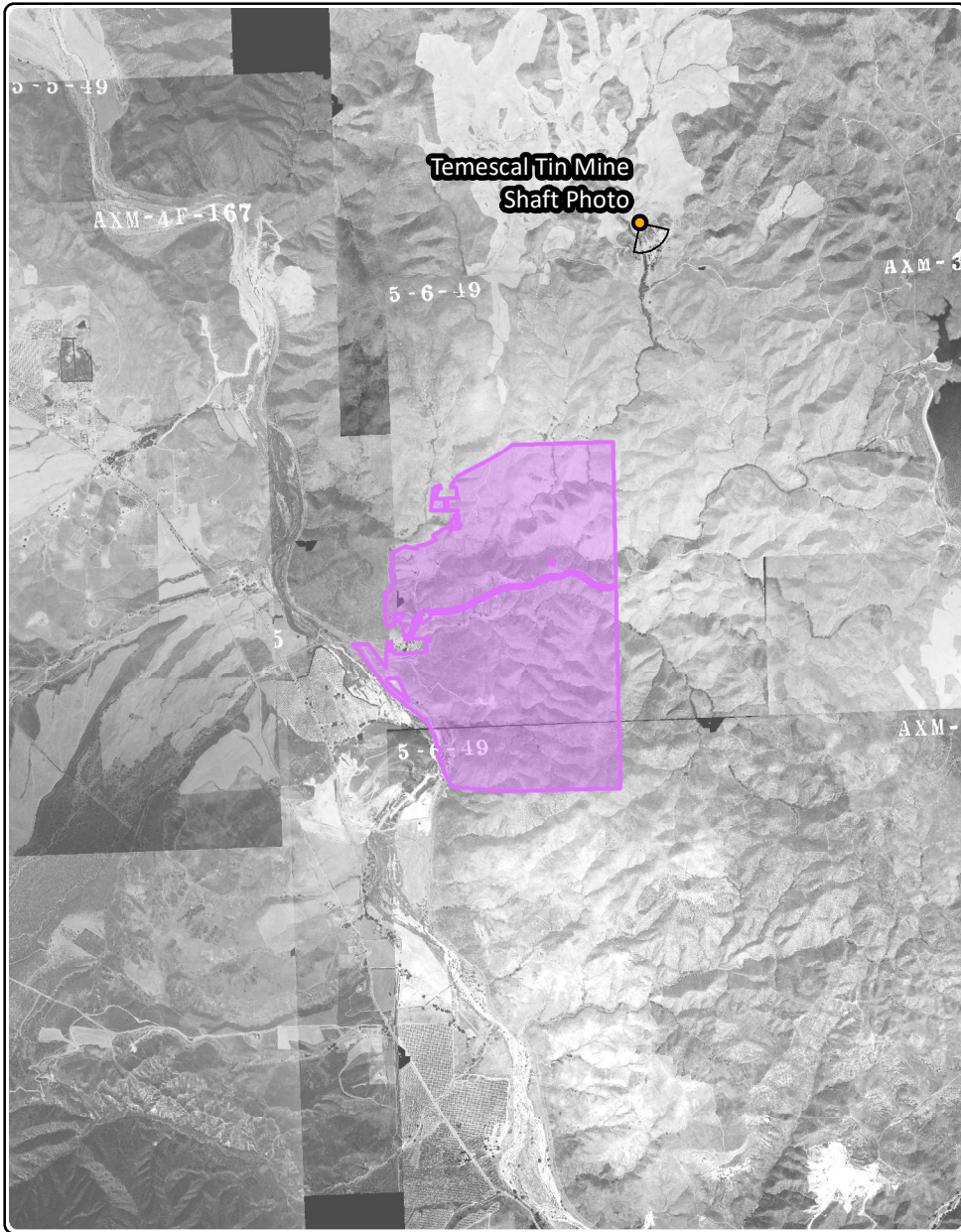
5	4	3	2	1
8	9	10	11	12
17	16	15	14	13
20	21	22	23	24
Vicinity Map				

Aerial and LiDAR Comparison of Clay Trenching and Surface Mining Disturbances - West
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-6:
 Figure B-6.7

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



No. 1 Shaft, Temescal Tin Mine, American Tin Corporation, Riverside County.

Vested Rights Relevancy/Commentary:

Tin Mine production facilities, which required tin mine haul road through HH VRA to move produced materials to market.

Corresponds with surface mining activities: M-1, R-2, M-4, M-5, R-12, M-13, M-14, M-15, and M-20

Legend:

- HH VRA
- Photograph Location/Direction

0 2,000 4,000 8,000 Feet



Historic View of Tin Mine in 1929

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Appendix B-7:
Figure B-7.1.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

COMPASS LAND
GROUP

Photo #1: Temescal Tin Mine – Smelting Plant



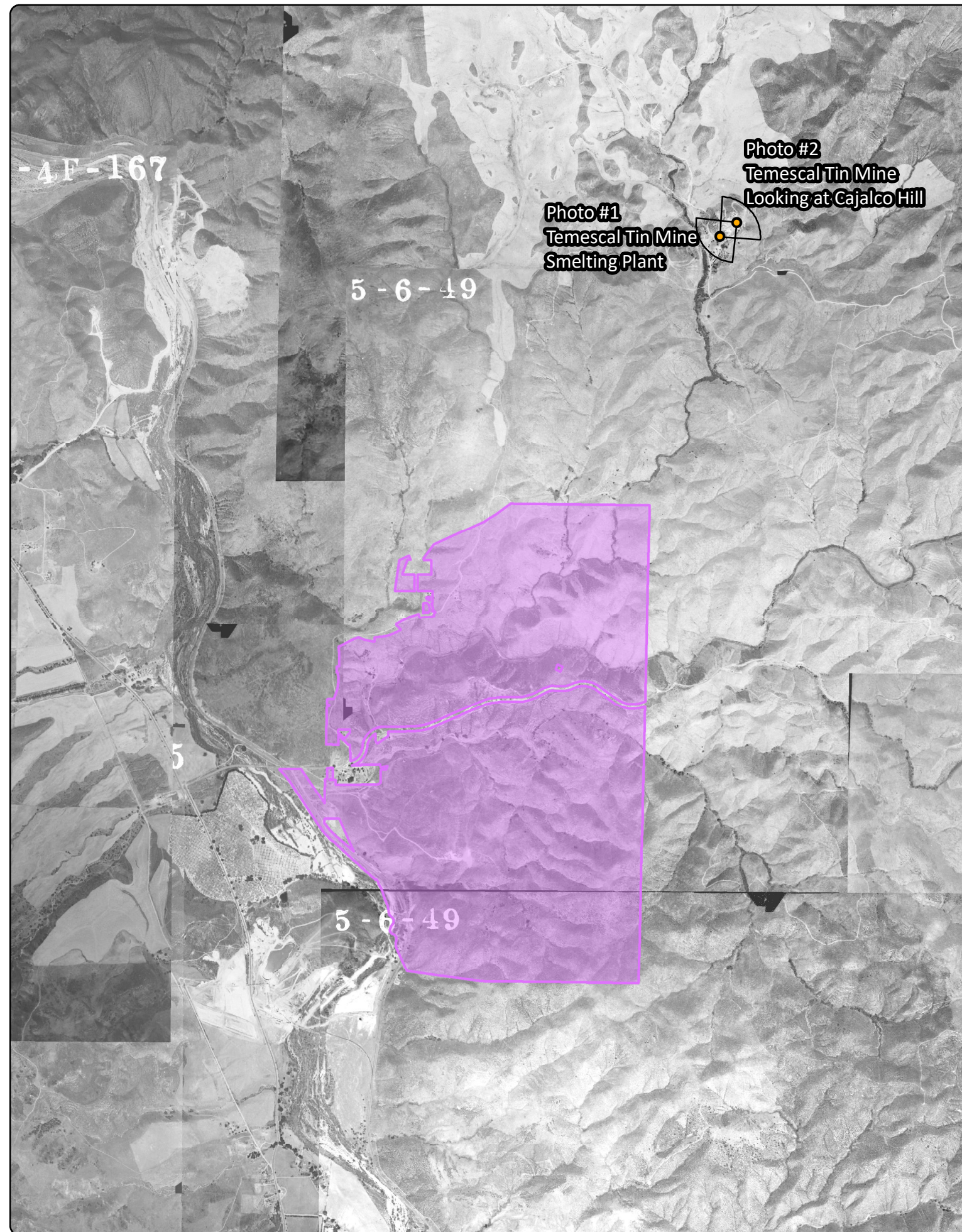
Photo #2: Temescal Tin Mine Looking at Cajalco Hill



Vested Rights Relevancy/Commentary:

Remnants of Tim Mine production facilities and surface excavations of tourmaline veins, which required tin mine haul road through HH VRA to move produced materials to market.

Corresponds with surface mining activities: M-1, R-2, M-4, M-5, R-12, M-13, M-14, M-15, M-20, and E-38

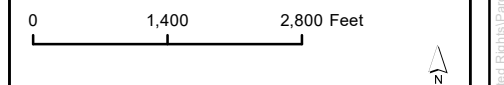


Appendix B-7:
Figure B-7.1.2: View of Tin Mine Facilities and Cajalco Hill in 1949

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

- Legend:
- Photograph Location/Number
 - HH VRA

Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

Prepared by: Sage Thurmond, Compass Land Group
3140 Peacekeeper Way #102, McClellan Park, CA 95652



Projects\038 - Robertsons Ready Mix\Vested Rights\Parcel Mapping\09-08 HH Vested Rights Area.mxd



Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Vested Rights Relevancy/Commentary:

Tin mine facilities likely erected in conjunction with tin mine efforts during World War II (1942-1945), located along Tin Mine Haul Road (visible in foreground), which ran through the HH VRA.

Corresponds with surface mining activities: M-1, R-2, M-4, M-5, R-12, M-13, M-14, M-15, M-20, and E-38

Legend:

- HH VRA
- Photograph Location/Direction

0 2,000 4,000 8,000 Feet

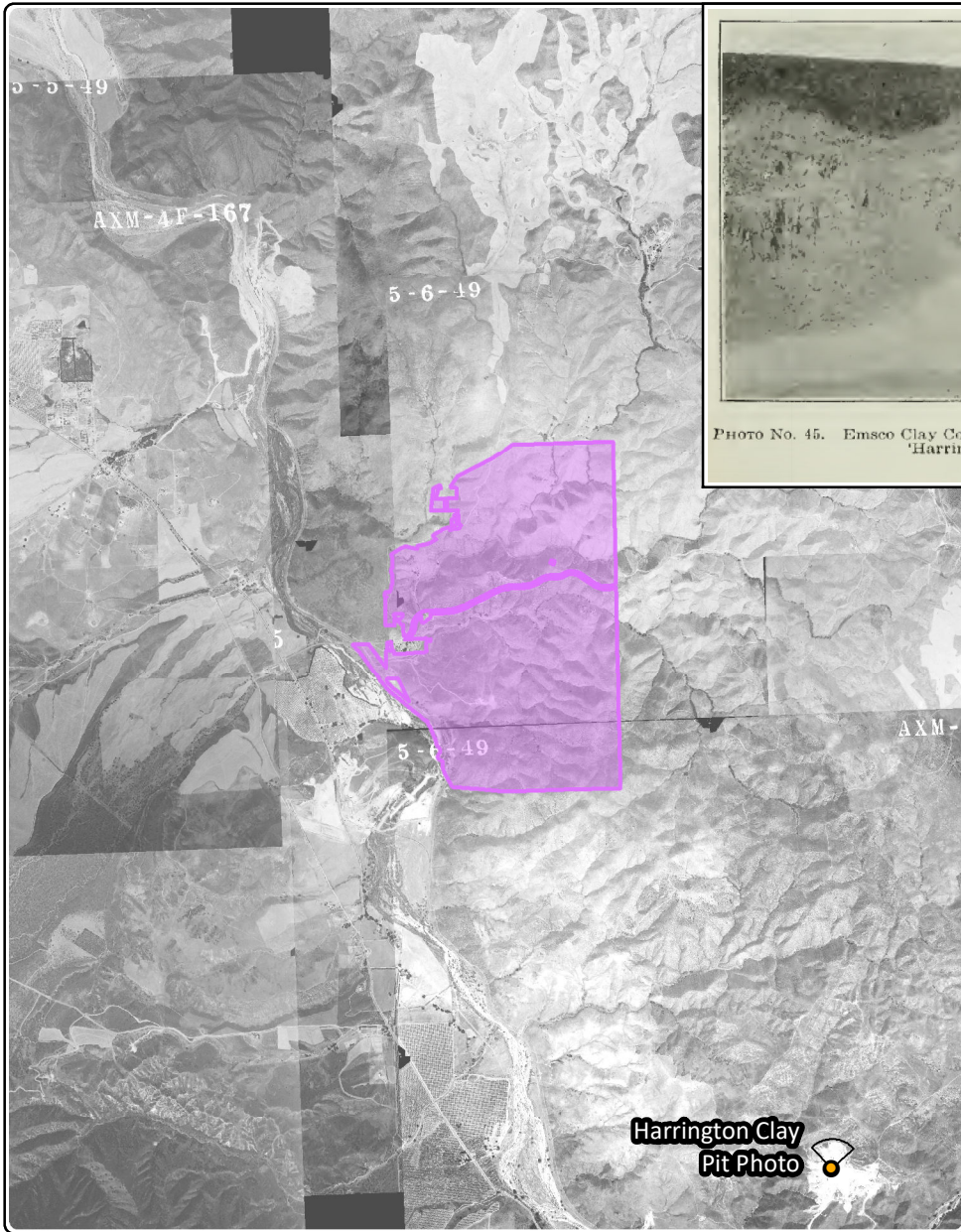


**View of Tin Mine Facilities and
Tin Mine Haul Road in 1949**
Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California

Appendix B-7:
Figure B-7.1.3

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





DIVISION OF MINES AND MINING

PHOTO No. 45. Emsco Clay Co. Harrington pit, facing east, 8 miles SE. from Corona, Riverside County. The shovel is standing on top of the 'Harrington No. 5' fireclay (sample No. 70) and is digging pink mottled clay (sample No. 71).

Vested Rights Relevancy/Commentary:

Image of Harrington Clay Pit, located in Section 26 at the southern terminus of the clay haul road, used to move produced clay north through the HH VRA to the ATSF railroad. Photograph also representative of standard clay surface mining operations during this period, including clay surface mining operations within HH VRA.

Corresponds with surface mining activities: R-10 and M-22

Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- HH VRA
- Photograph Location/Direction

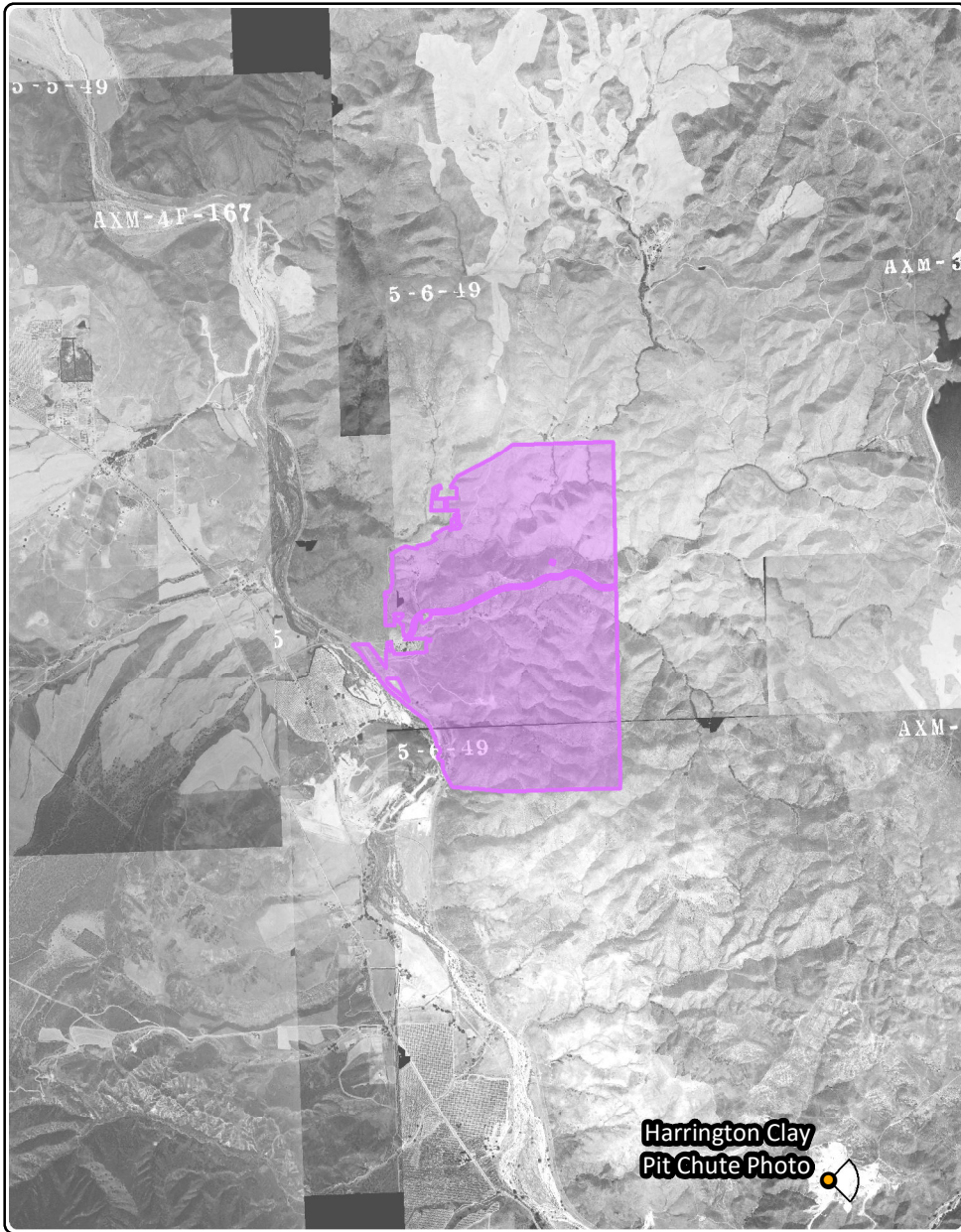
0 2,000 4,000 8,000 Feet

Clay Operations Using Clay Haul Road as of 1929
 Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-7:
 Figure B-7.2.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

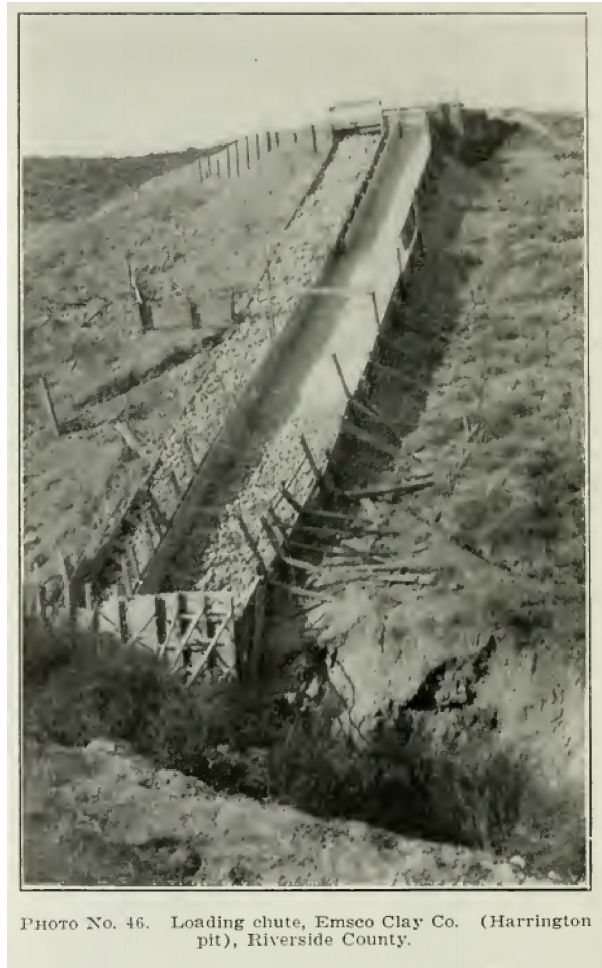


PHOTO No. 46. Loading chute, Emseo Clay Co. (Harrington pit), Riverside County.

Vested Rights Relevancy/Commentary:

Image of Trenching and Chute operations at Harrington Clay Pit, located in Section 26 at southern terminus of clay haul road, used to move produced clay north through the HH VRA to the ATSF railroad. Photograph also representative of standard clay trenching operations during this period, including clay trenching operations within HH VRA.

Corresponds with surface mining activities: R-10 and M-22

Legend:

- HH VRA
- Photograph Location/Direction

0 2,000 4,000 8,000 Feet



Clay Operations Using Clay Haul Road as of 1929

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-7:
 Figure B-7.2.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.



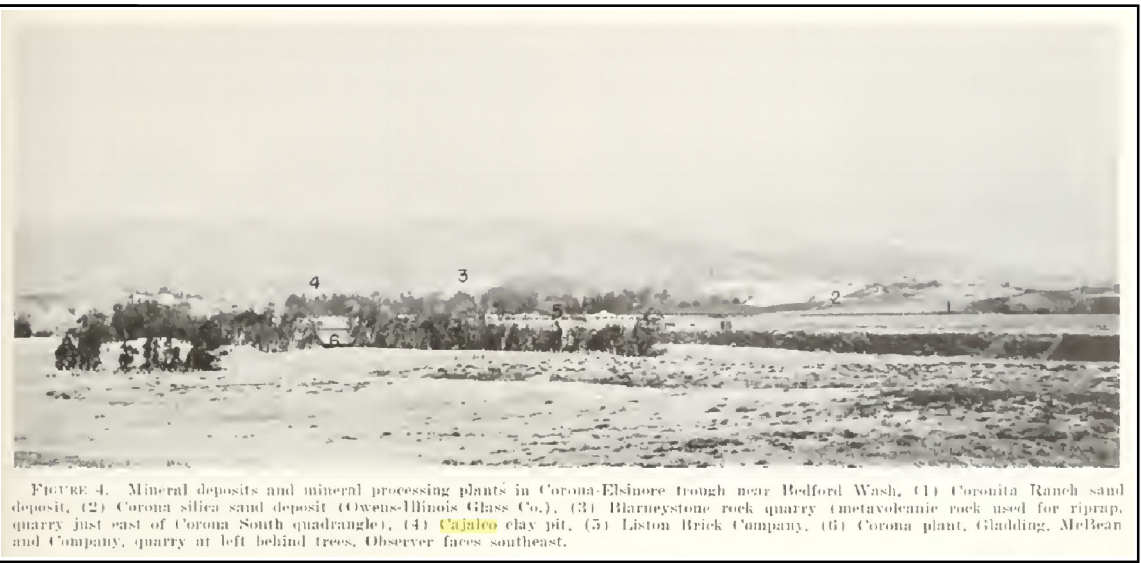
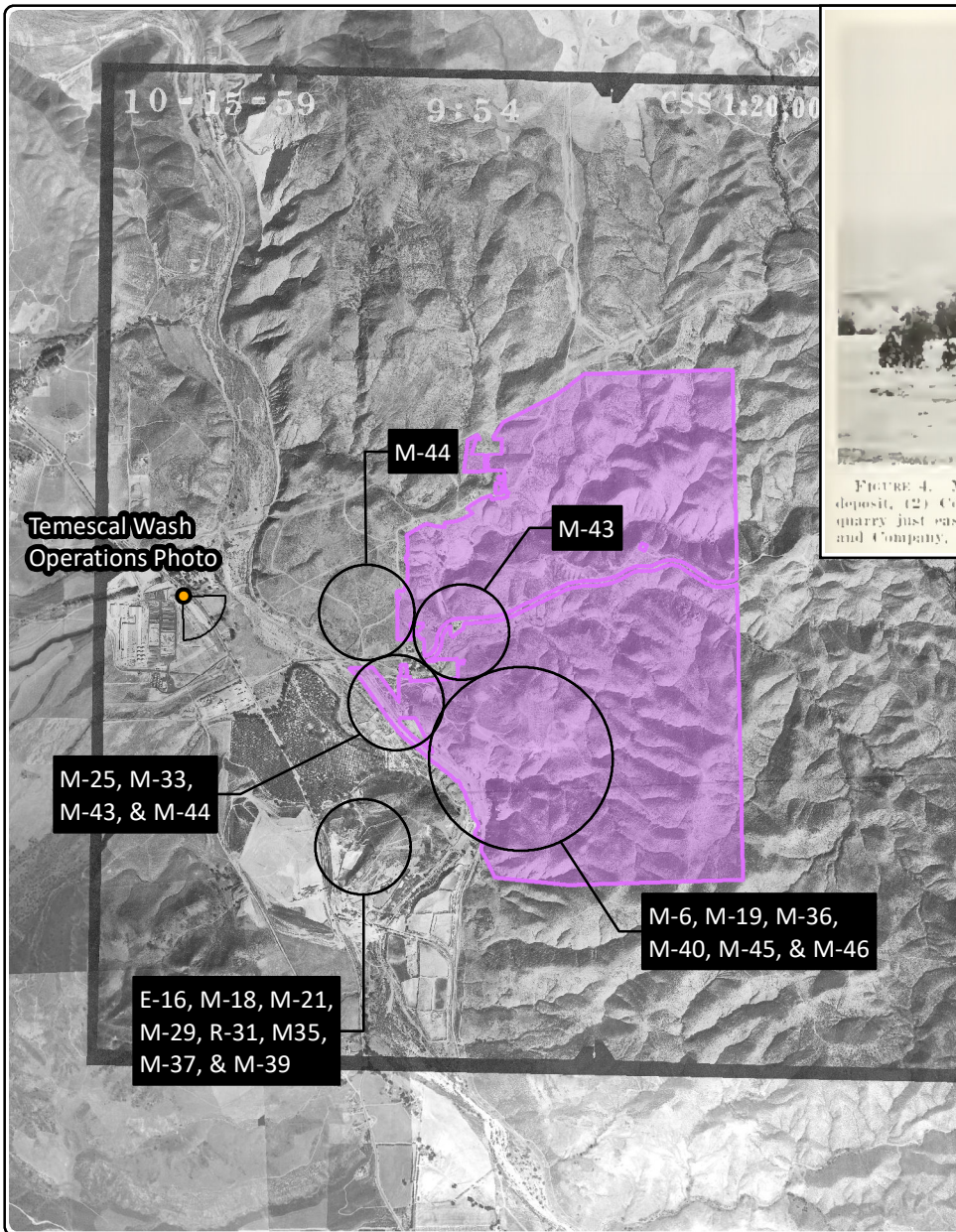


FIGURE 4. Mineral deposits and mineral processing plants in Corona-Elsinore trough near Bedford Wash, (1) Coronita Ranch sand deposit, (2) Corona silica sand deposit (Owens-Illinois Glass Co.), (3) Blarneystone rock quarry (metavolcanic rock used for riprap, quarry just east of Corona South quadrangle), (4) **Cajalco** clay pit, (5) Liston Brick Company, (6) Corona plant, Gladding, McBean and Company, quarry at left behind trees, Observer faces southeast.

Vested Rights Relevancy/Commentary:

Surface perspective of multiple surface mining operations located at the mouth of the Cajalco Canyon, as described by the California Division of Mines, in their 1961 report on the geology and mining in the Temescal region (Exh. C-2.3). These operations include the Blarney Stone Quarry and Cajalco Clay Pit.

- Item 2 corresponds with surface mining activities: E-16, M-18, M-21, M-29, R-31, M-35, M-37, and M-39
- Item 3 corresponds with surface mining activities: M-6, M-19, M-36, M-40, M-45, and M-46
- Item 4 corresponds with surface mining activities: M-25, M-33, M-43, and M-44
- Item 5 corresponds with surface mining activity: M-43
- Item 6 corresponds with surface mining activity: M-44

Disturbance Type *(See Table B-1.1 for specific details):*

Aerial photograph dated 1949/1959. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

- HH VRA
- Photograph Location/Direction

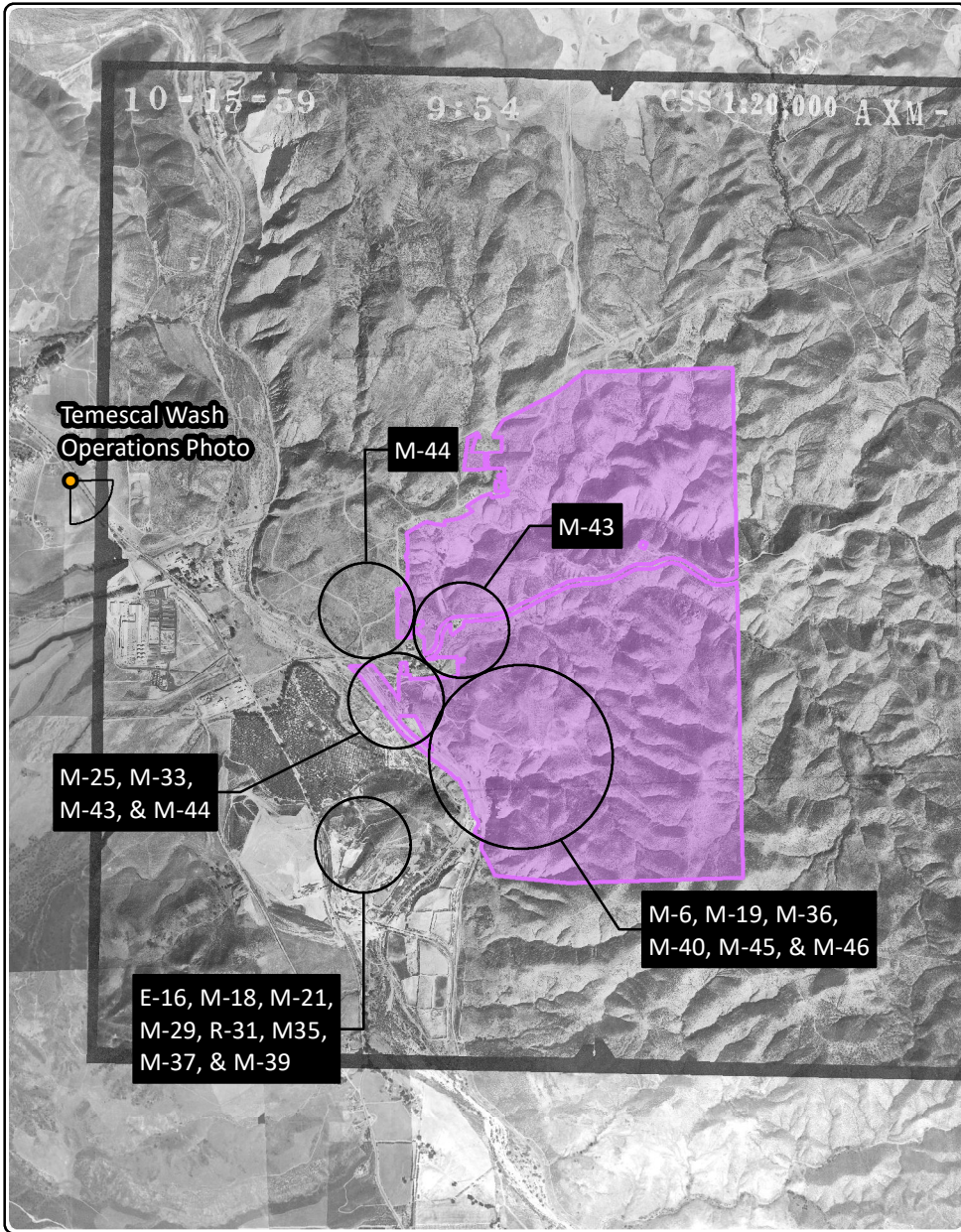
Mining Operations at Cajalco Canyon as of 1959

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-7:
 Figure B-7.3.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 1949/1959. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

Legend:

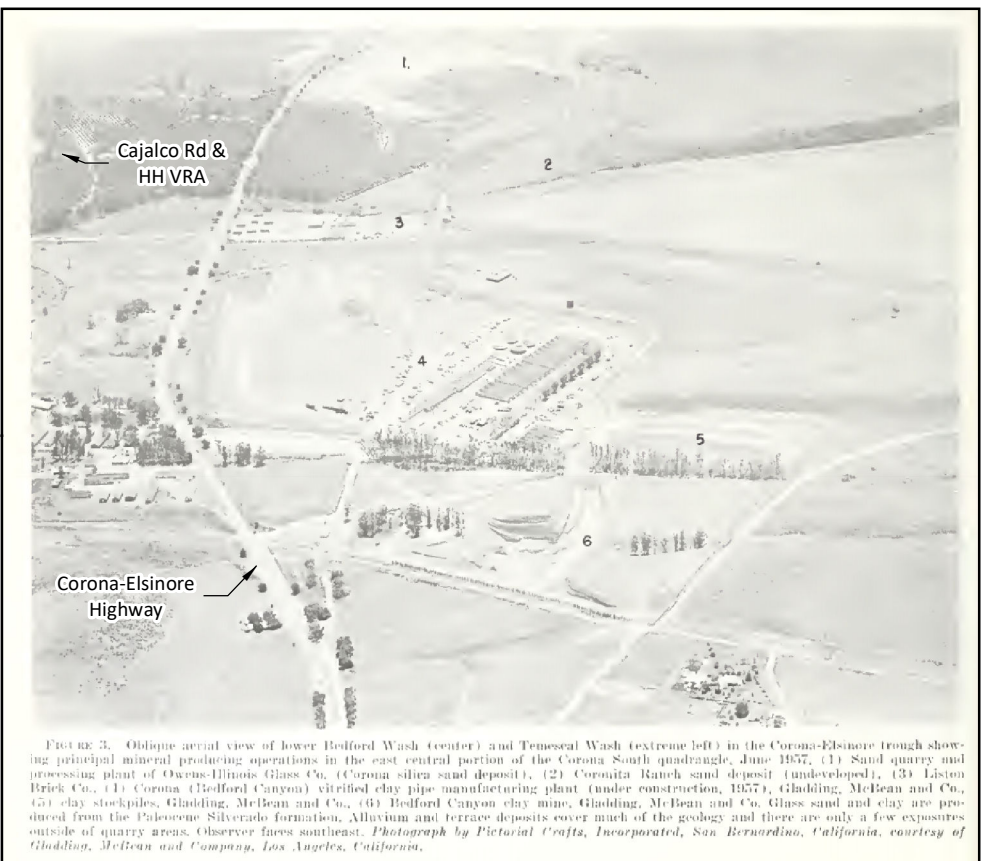
- HH VRA
- Photograph Location/Direction

0 1,300 2,600 5,200 Feet



Mining Operations at Cajalco Canyon as of 1959

Confirmation of Geographic Scope of HH VRA
Hubbs/Harlow Quarry
Riverside County, California



Vested Rights Relevancy/Commentary:

Aerial perspective of multiple surface mining operations located at mouth of Cajalco Canyon, as described by the California Division of Mines, in their 1961 report on the geology and mining in the Temescal region (Exh. C-2.3). These operations include Blarney Stone Quarry and the Cajalco and Harlow Clay Pits.

- Item 1 corresponds with surface mining activities: E-16, M-18, M-21, M-29, R-31, M-35, M-37, and M-39
- Item 3 corresponds with surface mining activity: M-43
- Item 4 corresponds with surface mining activity: M-44

Appendix B-7:
Figure B-7.3.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.



Vested Rights Relevancy/Commentary:

Demonstrates historic surface mining operations, including outside the S-4 VRA, of quarrying and stockpiling within the HH VRA, consistent with the exercise of a vested right.

Corresponds with surface mining activities: M-6, M-19, M-36, M-40, M-45, M-46, M-47, and M-50

Legend:

- HH VRA
- Photograph Location/Direction

0 2,000 4,000 8,000 Feet



Quarry Disturbances within HH VRA as of 1983

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-7:
 Figure B-7.4.1

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.





Aerial photograph dated 1949. The accuracy of the base map is limited as it is not a part of any field survey on the ground.

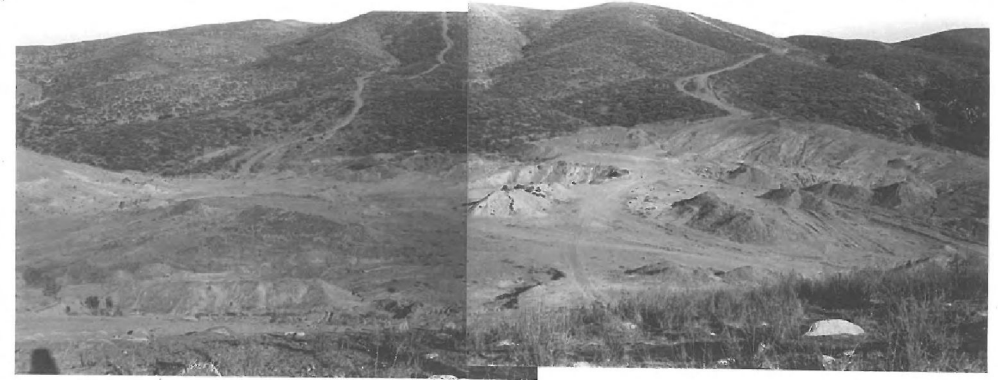


Photo 7 Panorama of clay resource area. The zone of highly-weathered metamorphic rock is probably at least 3 m thick over much of the disrupted area shown in this photograph. Total volume would therefore be about 130,000 m³ (176,000 yd³). Volume verification would require test borings or pits and additional surface measurements.

Vested Rights Relevancy/Commentary:

Demonstrates significant historic surface mining operations, including surface scraping, trenching, and heavily disturbed clay beds, known to have occurred beginning in 1948.

Corresponds with surface mining activities: M-43 and M-50

Legend:

- HH VRA
- Photograph Location/Direction

0 2,000 4,000 8,000 Feet



Clay Mining Disturbances within HH VRA as of 1983

Confirmation of Geographic Scope of HH VRA
 Hubbs/Harlow Quarry
 Riverside County, California

Appendix B-7:
 Figure B-7.4.2

Disclaimer: The data was mapped for planning purposes only. No liability is assumed for accuracy of the data shown.

COMPASS LAND
 GROUP

DECLARATION OF SAGE THURMOND

I, Sage Thurmond, declare as follows:

1. I am a Technical Services Manager, employed by Compass Land Group. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Robertson's Ready Mix's ("RRM") Request for Determination of Vested Rights ("RFD").

2. My professional experience includes, but is not limited to, a Bachelor of Arts Degree in Geographic Information Systems ("GIS) from California State University Sacramento, over 6 years working in the GIS field performing tasks in support of regulatory permit applications, analytical mapping, and research. During my time in the field, I have worked on vested rights and other nonconforming use related projects associated with the mining and construction materials industries.

3. On behalf of RRM, I undertook research with state and local agencies, including Riverside County and the California Department of Conservation. This research task involved Public Record Act requests for permits and other related entitlement documents and review and analysis of the documents received from responsible agencies.

4. In the course of my research, I did not locate any land use permits or reclamation plans beyond those identified in the RFD (M-404, CU-1146, RP-118 and amendments thereto) relating to the Hubbs Harlow Vested Rights Area ("HH VRA").

5. In the course of my research, I obtained information on vested surface mining operations neighboring the HH VRA from responsible agencies, including Riverside County and the California Department of Conservation. This information included reclamation plans, use permits and other supplemental documentation for mining operations. For all of the areas

identified as vested on Figure B-5.7, which I prepared, no use permits were identified or provided to me by any of the agencies contacted.

6. On behalf of and in consultation with RRM, I prepared the Figures in Appendix B, which, to the best of my knowledge, are accurate and correct based on the information available to me. In preparing the Figures, I utilized historical information (attached to the RFD in Appendix C) and historic aerial photographs. I obtained the historical aerial photographs from Aerial Archives, Historical Information Gatherers, Inc., and the Riverside County Flood Control & Water Conservation District.

7. In preparing Appendix B, using GIS in conjunction with historical aerial and LiDAR, I documented 24 mining activity sites and 15 haul road/public road systems pre-1949. I also documented 23 additional mining activity sites that occurred within the 792.22 acre HH VRA site between 1949 and 1976.

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 15th day of December, 2021, at Colton, California.

Sage Thurmond

Sage Thurmond

RRM’S Request for Determination of Vested Rights Appendix C: Historical Documents

Index

Exhibit	Title	Date	Publisher
<i>Appendix C-1: Documents Relating to County Approvals, Etc.</i>			
C-1.1	Permit No. 404	1959	Riverside County
C-1.2	CU-1146	1970	Riverside County
C-1.3	RP-118	1982	Riverside County
C-1.4	RCL-118 S1	2013	Riverside County
C-1.5	RCL-118 S2	2016	Riverside County
C-1.6	RCL-118 S4	2020	Riverside County
C-1.7	2004 Judgment	2004	Superior Court for Riverside County
C-1.8	First Amended Judgement	2013	Superior Court for Riverside County
C-1.9	Second Amended Judgement	2016	Superior Court for Riverside County
C-1.10	Kerry Shapiro Declaration		
<i>Appendix C-2: Documents Produced by the State Mining and Geology Board (and Related Entities)</i>			
C-2.1	The Clay Resources and Ceramic Industry of California, Bulletin No. 99	1928	California State Mining Bureau
C-2.1.1	Bulletin No. 99 Map Showing Location of Clay Properties in Temescal and Part of Santa Ana Canyons	1928	California State Mining Bureau
C-2.2	The Alberhill and Other Clay Deposits of Temescal Canyon, Riverside County, California	Set. 1942	United States Geological Survey
C-2.3	Geology and Mineral Resources of the Corona South Quadrangle, Bulletin No. 178	1961	California Department of Natural Resources, Division of Mines

Appendix C- Index of Exhibits
 RRM Request for Determination of Vested Rights
 December __, 2021

Exhibit	Title	Date	Publisher
C-2.3.1	Geologic Map of Corona South Quadrangle, Bulletin No. 178	1961	California Department of Natural Resources, Division of Mines
C-2.4	Mines and Mineral Resources of Riverside County, California (unpublished, preliminary manuscript)	1961	California Department of Natural Resources, Division of Mines and Geology
C-2.5	Mineral Land Classification of the Temescal Valley Area, Riverside County, California, Special Report 165	1991	California Department of Conservation, Division of Mines and Geology
C-2.5.1	Special Report 165, Plate 2a, Mineral Land Classification (Metallic Minerals) Map of the Northern Temescal Valley Area	1991	California Department of Conservation, Division of Mines and Geology
C-2.5.1	Special Report 165, Plate 4a Mineral Land Classification (Aggregates) Map of the Northern Temescal Valley Area	1991	California Department of Conservation, Division of Mines and Geology
C-2.6	Report of the State Mineralogist, Vol. 8 (1888)	1888	California State Mining Bureau
C-2.7	Report of the State Mineralogist, Vol. 11 (1892)	1892	California State Mining Bureau
C-2.8	Report of the State Mineralogist, Vol. 15 (1917)	1917	California State Mining Bureau
C-2.9	Report of the State Mineralogist, Vol. 20 (1924)	1924	California State Mining Bureau
C-2.10	Report of the State Mineralogist, Vol. 25 (1929), Riverside County	1929	State of California, Division of Mines and Mining
C-2.11	Report of the State Mineralogist, Vol. 28 (1932)	1932	Division of Mines

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Exhibit	Title	Date	Publisher
C-2.12	Report of the State Mineralogist, Vol. 31 (1935)	1935	Division of Mines
C-2.13	Report of the State Mineralogist, Vol. 34 (1938)	1938	Division of Mines
C-2.14	Report of the State Mineralogist, Vol. 37	1941	Division of Mines
C-2.15	Report of the State Mineralogist, Vol. 41 (1945)	1945	Division of Mines
C-2.16	The Temescal Tine District, Riverside, California	December 1945	United States Geological Survey
C-2.17	Mining and Milling Methods and Costs at the Glass-Sand Plant of P.J. Weisel, Inc., Corona, Calif.	1937	United States Bureau of Mines
C-2.18	California Division of Mines Open File Report 77-14, Riverside County	1977	Division of Mines and Geology
C-2.19	Geology of the Northern Peninsular Ranges, Southern California: Geologic Guide and Road Log	March 1971	Division of Mines and Geology
C-2.20	Historic American Engineering Record No. 178, Prado Dam	June 1966	Historic American Engineering Record
C-2.21	"Temescal Tin District"	1888-1890	Private Mining Engineer Reports
C-2.21.1	Map of San Jacinto Estate and Tin District	1888-1890	Private Mining Engineer Reports
C-2.21.2	Map of Tin District	1888-1890	Private Mining Engineer Reports
C-2.22	"Californian Clays Require Special Treatment to Meet Metallurgical Demands"	May 1922	Pacific Mining News

Appendix C-3: Historical Newspaper Articles

Appendix C- Index of Exhibits
 RRM Request for Determination of Vested Rights
 December __, 2021

Exhibit	Title	Date	Publisher
C-3.1	"South Riverside: A Town Which Has Sprung Up By Magic"	Sept. 24, 1887	South Riverside Bee
C-3.2	"Local Notes"	Aug. 20, 1892	South Riverside Bee
C-3.3	"Local Notes"	April 16, 1904	Corona Courier
C-3.4	"A Corona Product: Granite Which Equals the World Fame Barre"	August 18, 1906	Corona Courier
C-3.5	"Corona Product in Great Demand"	July 5, 1907	Corona Independent
C-3.6	"Corona, The Crown of the Valley"	July 5, 1907	Corona Independent
C-3.7	"Much Interest Manifested in Organization [Chamber of Commerce]"	Dec. 15, 1910	Corona Independent
C-3.8	"El Sobrante Land Company"	1911	Sunset Magazine
C-3.9	"Sale of 43,000 Acres in Riverside County"	Jan 26, 1911	Corona Independent
C-3.10	"Corona's Progress"	August 3, 1911	Corona Courier
C-3.11	"Our Crushed Rock Industry"	March 30, 1911	Corona Independent
C-3.12	"Spur Track to the Rhyolite Crushed Rock Plant"	May 4, 1911	Corona Independent
C-3.13	"The Fourth Big Rock Plant to Operate Soon"	Oct. 19, 1911	Corona Independent
C-3.14	"Official Squabble: Corona's Mayor Accused of Playing Poker by Chief and Committee of Citizens Investigates"	January 24, 1916	Los Angeles Times
C-3.15	"Santa Fe Considering Temecula Canyon Road"	Feb. 11, 1916	Riverside Daily Press

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Exhibit	Title	Date	Publisher
C-3.16	"Interest in Old Mine"	Feb. 14, 1916	Los Angeles Times
C-3.17	"Temescal Tin Mine May Be Reopened"	May 9, 1917	Los Angeles Times
C-3.18	"Deal for Temescal Tin Mine and Other Property Closed"	August 25, 1917	Corona Daily Independent
C-3.19	"Local Notes"	February 26, 1918	Corona Daily Independent
C-3.20	"Tin Mine Not to be Worked At Present"	March 22, 1918	Corona Courier
C-3.21	"Says Tin Mine Proposition Never Looked Brighter"	March 25, 1918	Corona Daily Independent
C-3.22	"United States is Interested in Tin"	Jul 12, 1918	Corona Daily Independent
C-3.23	"Will Reopen Tine Mine"	Feb. 2, 1920	Los Angeles Times
C-3.24	"Quarry Sale was Big Transaction"	Sept. 10, 1920	Corona Courier
C-3.25	"Corona Featured by Writer in L.A. Examiner"	Jan. 14, 1921	Corona Courier
C-3.26	"Plan Rail Line Into Temescal"	Feb. 27, 1923	Los Angeles Times
C-3.27	"M.J. Riley, of Denver, Will Have Men at Work Monday"	Sept. 21, 1923	Corona Courier
C-3.28	"L.A. Mine Officials Confer with Corona Business Men"	Oct. 5, 1923	Corona Courier
C-3.29	"Rumored Development"	Dec. 7, 1923	Corona Courier
C-3.30	"Temescal Ranch Land Sold to Big Company"	Nov. 4, 1924	Corona Daily Independent
C-3.31	"Silica Industry Will Be Started in Corona"	Dec. 19, 1924	Corona Courier
C-3.32	"Corona Happenings During 1924"	Jan. 5, 1925	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.33	"Corona Tin Mines Will Be Opened, Is Report"	April 21, 1926	Corona Daily Independent
C-3.34	"Corona Tin Mines Will Be Opened, Is Report"	April 23, 1926	Corona Courier
C-3.35	"Country's Only Tin Mine Here"	April 25, 1926	Los Angeles Times
C-3.36	"Corona Santa Fe Asks to Lease Proposed Railway"	May 14, 1926	Corona Courier
C-3.37	"Sheriff's Sale on Execution Notice [Corona Silica Co.]"	Oct. 1, 1926	Corona Courier
C-3.38	"Sheriff's Sale on Execution Notice [Corona Silica Co.]"	Oct. 15, 1926	Corona Courier
C-3.39	"Tin Mine Stock Offered in Salt Lake"	Jan. 14, 1926	Corona Daily Independent
C-3.40	"Tin Mine Visited by Corona Men on Inspection Tour"	April 16, 1927	Corona Daily Independent
C-3.41	"Improvements at Silica Plant to Increase Output"	April 29, 1927	Corona Courier
C-3.42	"Santa Fe Finishes Rip-Rap Quarrying"	May 11, 1927	Corona Daily Independent
C-3.43	"Co-Operate with Tin Mine People on Better Road"	Sept. 9, 1927	Corona Courier
C-3.44	"County Rich in Mineral Wealth Says J.L. Davis"	Oct. 24, 1927	Corona Daily Independent
C-3.45	"Community Chatter"	Feb. 7, 1928	Corona Daily Independent
C-3.46	"Corona Visitors Tell Folks Back Home About 'Us'"	April 11, 1928	Corona Daily Independent
C-3.47	"Silica Plant in Corona Area is Growing Rapidly"	Oct. 9, 1928	Corona Daily Independent
C-3.48	"The Optimistic Outlook!"	March 29, 1929	Corona Courier
C-3.49	"Meeting Mostly Talk"	July 26, 1930	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.50	"Corona Rock and Gravel Approved State's Contract" and "Phillips Quarry to Be Reopened; Ask Spur Track"	May 18, 1931	Corona Daily Independent
C-3.51	"Work is Started Today On Quarry in Corona Area"	June 16, 1931	Corona Daily Independent
C-3.52	"News and Comment"	June 17, 1931	Corona Daily Independent
C-3.53	"Success of Bond Election Means Much to Corona:" "Reservoir's Dam Near Corona To Cost Nine Million;" and "Immense Lake in Corona Area As Result of Bonds."	Sept. 30, 1931	Corona Daily Independent
C-3.54	"Corona Prosperity Assured by Bond Election Affirmative Vote Tuesday"	Oct. 2, 1931	Corona Daily Independent
C-3.55	"Dismantled Quarry May Be Rebuilt by New Land Holders"	April 15, 1932	Corona Courier
C-3.56	"Arlington Road to Cajalco Dam Being Surfaced; Temescal Canyon Link Is Being Widened by Relief Crew"	Oct. 13, 1933	Corona Courier
C-3.57	"County Roads Get Fed. Maintenance," and "Cajalco Road Deeds Given Supervisors"	March 9, 1934	Corona Courier
C-3.58	"Nearby Rock Plants in Steady Operation"	June 25, 1934	Corona Daily Independent
C-3.59	"Cajalco Road Rights to [County]"	Oct. 25, 1934	Corona Daily Independent
C-3.60	"Field Trip and Picnic for Two Mineralogy Classes Tonight"	July 22, 1935	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.61	"Heavy Sands Shipments," and "Cajalco Site is Granted M.W.D."	Aug. 20, 1935	Corona Daily Independent
C-3.62	"Cajalco Highway Open to Travel"	Sept. 9, 1935	Corona Daily Independent
C-3.63	"Theatre Officials Visit Cajalco Dam; New Road is Rushed"	Dec. 23, 1935	Corona Daily Independent
C-3.64	"Alias Summons [Cajalco Road]"	Jan. 8, 1937	Corona Daily Independent
C-3.65	"Survey South of City for Aqueduct"	Aug. 13, 1937	Corona Courier
C-3.66	"Date Set for Second Cajalco Jury Trial"	Oct. 27, 1937	Corona Daily Independent
C-3.67	"As I See It [P.J. Weisel Silica Sand Co.]"	Jan. 7, 1938	Corona Courier
C-3.68	"Ainsworth Describes Workings of P.J. Weisel Silica Plant"	May 30, 1938	Corona Daily Independent
C-3.69	"Dodge Party Views Rock Quarries"	Sept. 28, 1938	Los Angeles Daily News
C-3.70	"Paving Stone Company Opens Plant Near City"	Nov. 28, 1938	Corona Daily Independent
C-3.71	"Flynn Anticipates Good Year in Rock Business"	Jan. 7, 1939	Corona Daily Independent
C-3.72	"Two Coronans Hurt in Auto Accident [Quarry]"	May 27, 1939	Corona Daily Independent
C-3.73	"Rock Hauled to Long Beach for Breakwater Work"	Oct. 10, 1939	Corona Daily Independent
C-3.74	"Stones Picked Up on Dam Site"	Oct. 25, 1939	Corona Daily Independent
C-3.75	"Blarneystone Rock Goes to Prado Dam"	Dec. 14, 1939	Corona Daily Independent
C-3.76	"Story of the Carl Bliss Batch Plant"	Dec. 20, 1939	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.77	"Stones Picked Up On Prado Dam"	May 15, 1940	Corona Daily Independent
C-3.78	"Leaders to Back Industrial Plan"	Sept. 11, 1940	Corona Daily Independent
C-3.79	"Silica Sand Plant Forms Topic of Club Talk"	Sept. 25, 1940	Corona Daily Independent
C-3.80	"Purchase Option Filed on Quarry"	March 31, 1940	Corona Daily Independent
C-3.81	"Fires Is Burning In Hoag Canyon"	July 15, 1941	Corona Daily Independent
C-3.82	"New Brick Plant is Prepared to Start Operations Soon"	Oct. 13, 1941	Corona Daily Independent
C-3.83	"Old Tin Mine Near Corona May Operate Produce Metal Vtally Needed by Country" and "Private Interests to Have Federal Financial Aid"	March 30, 1942	Corona Daily Independent
C-3.84	"Original Tin Mine Company Minutes in 1891 Show Stockholders' Enthusiasm for Project"	April 29, 1942	Corona Daily Independent
C-3.85	"Rush Test Mill at Tin Mine To Be Ready in Six Weeks"	March 1, 1943	Corona Daily Independent
C-3.86	"Memory Lane"	Oct. 6, 1943	Corona Daily Independent
C-3.87	"P.J. Weisel Industrial Sands Division"	Dec. 24, 1943	Corona Daily Independent
C-3.88	"Silica Sand Output At New Calif. High"	April 30, 1945	Corona Daily Independent
C-3.89	"Coronans and Owens-Illinois Officials Look Over Silica Plant Recently Bought from Mr. P.J. Weisel"	Oct. 8, 1945	Corona Daily Independent
C-3.90	"Corona Founders"	March 8, 1948	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.91	"New Brick Plant is Being Started South of Corona"	Jan. 18, 1949	Corona Daily Independent
C-3.92	"Cook Girl"	March 28, 1951	South Gate Daily Press Tribune
C-3.93	"New Construction in Neighboring Areas"	May 22, 1953	Corona Daily Independent
C-3.94	"Aqueduct Tunnel Digging Finished"	Oct. 14, 1953	Los Angeles Times
C-3.95	"County Approves Quarry at Norco"	April 14, 1954	Corona Daily Independent
C-3.96	"City Manager Opposed to Dump Near Corona City"	June 30, 1955	Corona Daily Independent
C-3.97	"No Dump Ground in Temescal, Says Council"	July 6, 1955	Corona Daily Independent
C-3.98	"Mail Bag"	July 8, 1955	Corona Daily Independent
C-3.99	"Planners Deny Permit for Garbage Dump Near Corona"	Aug. 10, 1955	Corona Daily Independent
C-3.100	"Supervisors Set Hearing Date on Garbage Dump"	Aug. 22, 1955	Corona Daily Independent
C-3.101	"Thumbs Down on Proposed Garbage Dump"	Oct. 18, 1955	Corona Daily Independent
C-3.102	"Mail Bag"	Oct. 20, 1955	Corona Daily Independent
C-3.103	"Legal Notice [Home Gardens Mine, Case No. 316]"	May 23, 1957	Corona Daily Independent
C-3.104	"Legal Notice [Temescal Canyon Mine, Case No. 348]"	March 7, 1958	Corona Daily Independent
C-3.105	"Rock Truck Complaints"	Aug. 7, 1958	Corona Daily Independent
C-3.106	"Memory Lane"	April 16, 1959	Corona Daily Independent
C-3.107	"Rock Trucks Will Continue to Roll"	Oct. 10, 1962	Corona Daily Independent

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Exhibit	Title	Date	Publisher
C-3.108	"County Steps Pushed for Flood Control"	July 12, 1964	Los Angeles Times
C-3.109	"Trucker Sues Corona firm"	April 15, 1965	Corona Daily Independent
C-3.110	"3M blasts 484,000 pounds of explosive"	July 18, 1967	Corona Daily Independent
C-3.111	"Eagle Valley Road approved"	Dec. 11, 1967	Corona Daily Independent
C-3.112	"Certificate of Individual Doing Business Under a Fictitious Name"	Sept. 5, 1968	Corona Daily Independent
C-3.113	"Certificate of Discontinuance of Use And/Or Abandonment of Fictitious Name"	Sept. 19, 1968	Corona Daily Independent
C-3.114	"Corona"	Dec. 1925	The Santa Fe Magazine
Appendix C-4: Other Documents			
C-4.1	<i>United States v. San Jacinto Tin Co.</i> , 125 U.S. 273	March 19, 1888	Supreme Court of the United States
C-4.2	<i>L.M. Harlow and Frank M. Kuhry v. Henry F. Charles et al</i> , Case No. 33195.	June 4, 1942	Superior Court for County of Riverside
C-4.3	<i>James Kincheloe and Jakie Kincheloe v. Leilamae Harlow</i> , Case No. 42415	Jan. 20, 1947	Superior Court for County of Riverside
C-4.4	1984 Harlow Hills Report		N/A
C-4.5	Declaration of Daniel Quinley	December 15, 2015	N/A
Appendix C-5: Aerial Photographs			
C-5.1	RC-1-373_1931_338	1931	N/A
C-5.2	RC-1-373_1931_356	1931	N/A
C-5.3	RC-1-373_1931_357	1931	N/A
C-5.4	RC-1-373_1931_358	1931	N/A
C-5.5	1949_reGEO	1949	N/A
C-5.6	1949mosaic	1949	N/A
C-5.7	490506-3F-7	1949	N/A
C-5.8	1953_axm-1953b_6k-125	1953	N/A

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Exhibit	Title	Date	Publisher
C-5.9	RC 14-36_1958-17	1958	N/A
C-5.10	1953_axm-1959_15_w-31	1959	N/A
C-5.11	rfc_152	1963	N/A
C-5.12	axm-1967_4hh-100	1967	N/A
C-5.13	CF 5-24-74 #369	1974	N/A

APPLICATION FOR M-3 PERMIT

In Zone M-3 (Regulated Industrial)

CASE No.

As Provided by Article III of the Zoning Ordinance
ORDINANCE No. 348

404

COUNTY OF RIVERSIDE, CALIFORNIA

TO THE RIVERSIDE COUNTY PLANNING COMMISSION:

Name of Applicant Livingston Rock & Gravel Co., Inc., a corporation
11382 East Live Oak Avenue, Arcadia, California

Use Applied for Rock Crusher and Quarry
(State proposed use as listed in Art. III of Ordinance No. 348)

Legal Description of Property In the County of Riverside, State of California,
(Give exact legal description as recorded in the office of the County Recorder)

more particularly described as follows:

Situated approximately 3/4 of a mile south of Cajalco Road and 3/4 of
(Give general location by street address, street boundaries, district, etc.)
a mile east of Highway 71, southeast of Corona, California

STATE OF CALIFORNIA, } ss.
COUNTY OF RIVERSIDE, }

I, H. M. DOUGHERTY, attorney for applicant, being first duly sworn, depose and say that the foregoing statement and answers therein contained are in all respects true and correct to the best of my knowledge and belief.

Signed H. M. DOUGHERTY

Phone No. CV 3-4242

3797 Tenth St., Riverside, California
(Address)

Subscribed and sworn to before me this 8th day of January, 1957

Lewis F. Johnson
(Notary Public)

STATE OF CALIFORNIA, } ss.
COUNTY OF RIVERSIDE, }

I, LEILAMAE HARLOW, being first duly sworn, depose and say that I am the owner of the property involved in this application and that such application is being made with my full knowledge and permission.

Signed Leilamae Harlow
Caplan Harlow
(Address)

Phone No. CV 44915

Subscribed and sworn to before me this 8th day of January, 1957

Lewis F. Johnson
(Notary Public)

WOF 113966

February 5, 1959.

The Honorable Board of Supervisors
Court House
Riverside, California

SUBJECT: M-3 Case No. 404
Livingston Rock and Gravel Co.
Rock Crusher and Quarry
Temescal Canyon Area

First Supervisorial District

Gentlemen:

The Planning Commission respectfully recommends that your honorable Board adopt an order granting an M-3 Permit to Livingston Rock and Gravel Co., 11382 East Live Oak Avenue, Arcadia, California (a/o Svarner, Fitzgerald & Dougherty, 3797 Tenth Street, Riverside, California), to establish, operate and maintain a rock crusher and quarry on property located easterly from A. T. & S.F. Railroad right of way, approximately 1/2 mile southerly from Cajalco Road and approximately 3/4 mile easterly from State Highway No. 71, in the Temescal Canyon Area, in the unincorporated territory of Riverside County, California, and more particularly described in the application, copy of which is attached, subject to the following conditions:

1. That the operations permitted hereby be conducted within the area shown on plot plan marked Exhibit "A" on file with M-3 Case No. 404 in the office of the Riverside County Planning Commission.
2. That quarrying and crushing operations permitted hereby be set back not less than fifty (50) feet from all exterior boundaries of the property shown on said Exhibit "A".
3. That the access roadway be graded and gravelled so as to prevent undue dust arising therefrom.

4. That the rules and regulations of the Riverside County Air Pollution Control District be complied with. It will be necessary to secure a permit to construct and operate or use for all equipment, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants. Permit must be obtained prior to commencing of construction.
5. That in the event any of the operations permitted hereby by reason of atmospheric or other conditions are found by the Riverside County Health Department to be a nuisance or detrimental to the welfare of the residents of the area, the operations causing such nuisance shall cease and shall not again be commenced until permission is given by said Health Department.
6. That prior to construction of the plant contemplated by this permit, plans and specifications for such plant be submitted to and approved by the Riverside County Planning Commission as to conformance with the conditions, rules and standards set forth herein.
7. That operations permitted hereby shall not interfere with any water course or drainage channel, and further, that such operations be approved by the Chief Engineer of the Riverside County Flood Control and Water Conservation District.
8. That at the termination of any operations permitted hereby, the land be left in a neat and orderly condition, the bottom of any pit or pits levelled, shoulders of such pit or pits rounded off with no slope remaining greater than 2 feet horizontally to 1 foot vertically and that the entire premises be left free from stock piles or other residual material.

(The above condition does not apply to vertical face quarrying operations not below the level of the railroad right of way.)

Pursuant to Article III of Ordinance No. 348, Riverside County Zoning Ordinance, a public hearing was held before the Riverside County Planning Commission on Tuesday, January 27, 1959. A summary of testimony presented is attached.

After consideration of all the data and testimony presented, the Commission determined that a quarry and rock crushing operation at the location under consideration under the conditions herein set forth will not endanger the public health and safety or conflict with or be adverse to the general welfare.

It was therefore regularly moved and unanimously carried at the regular meeting of the Commission held on January 27, 1959 that the recommendation of the Planning Commission be transmitted to your honorable Board for final action.

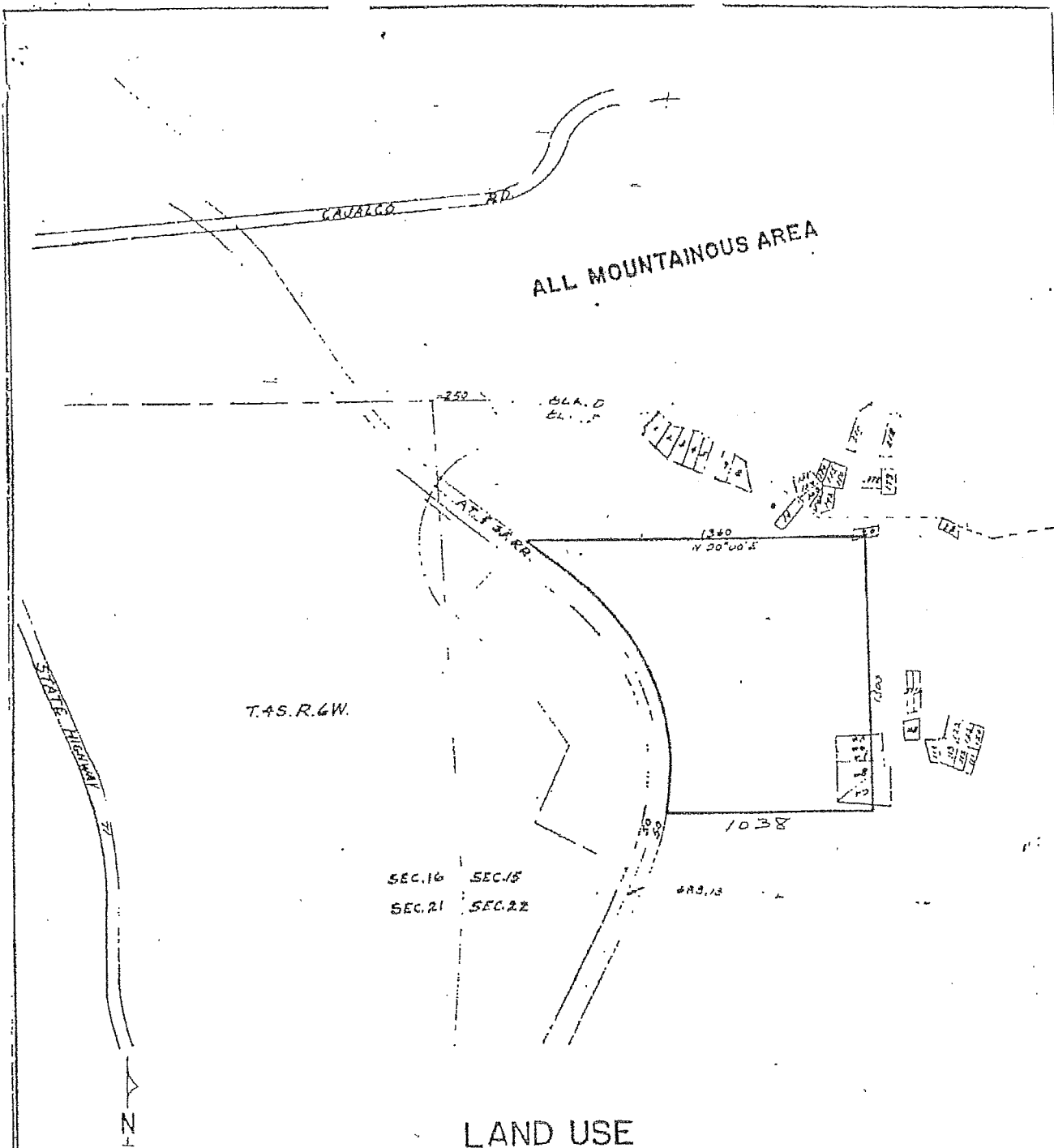
Respectfully submitted,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Buss - Planning Director

TS:hc
Encls.
Appl, Sketch, Legal, Summary

cc: Supervisor Jones



LAND USE

M-3 CASE NO. 404

LIVINGSTON ROCK & GRAVEL ROCK CRUSHER & QUARRY TEMESCAL CANYON
 APPLICANT USE AREA OR DISTRICT

THE RIVERSIDE COUNTY PLANNING COMMISSION

PL-1001



PAUL HUBBS CONSTRUCTION CO.

GENERAL ENGINEERING CONTRACTOR - RIP RAP, "RIVERS AND HARBORS"



140 WEST VALLEY BLVD · RIALTO, CALIFORNIA 92376

TELEPHONE (714) 877-2726

April 9, 1970

Riverside County Planning Commission
4080 Lemon Street Room 101
Riverside, California

Gentlemen:

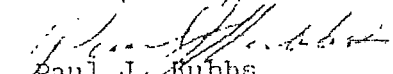
Enclosed is our application for conditional use permit.

The nature of the proposed use of this permit is for the construction of a rock crushing and screening plant and of the construction of an asphalt plant for the purpose of producing, base materials, asphalt aggregates and asphalt paving materials for commercial sales.

Hoping the above meets with your approval.

Very truly yours,

PAUL HUBBS CONSTRUCTION CO.


Paul J. Hubbs
Owner

PJH:hm

Encl.

APPLICATION FOR

CASE NO. _____

CONDITIONAL USE PERMIT

As Provided by ORDINANCE NO. 348 (Zoning Ordinance)

COUNTY OF RIVERSIDE, CALIFORNIA

TO THE RIVERSIDE COUNTY PLANNING COMMISSION:

Name of Applicant PAUL HUBBS CONSTRUCTION CO.

Use Applied for ROCK CRUSHING & ASPHALT PLANT
(State fully proposed use of property)

Legal Description of Property
(Give exact legal description as recorded in the office of the County Recorder)

All that portion of the southwest quarter of section 15, township
4, south, range 6 west, San Bernardino Base & Meridian, as shown
by sectionized survey of the Rancho El Sobrante de San Jacinto or 2^{da}
in Book 1, Page 6 of Maps, Records of San Bernardino County, California
Being also shown on assessor's map #51 in the office of the assessor of
Riverside County.

Situated That portion of the Catalco Ranch located on the south side of
(Give general location by street address, street boundaries, district, etc.)

Catalco Road and east of the Santa Fe Railway.

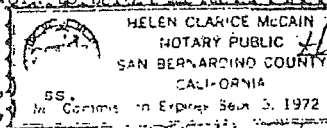
STATE OF CALIFORNIA,) ss.
COUNTY OF ~~RIVERSIDE~~)
San Bernardino

I, Paul J. Hubbs, owner Paul Hubbs Construction Co., being first duly sworn,
depose and say that the foregoing statement and answers therein contained are in all
respects true and correct to the best of my knowledge and belief.

Signed *Paul J. Hubbs*
Paul J. Hubbs
140 W. Valley Blvd. Rialto, California
(Address)

Phone No. (714) 877-2725

Subscribed and sworn to before me this _____ day of April, 19 70


Helen Clarice McCain
Helen Clarice McCain
(Notary Public)

STATE OF CALIFORNIA,)
COUNTY OF RIVERSIDE,)

I, _____, being first duly sworn,
depose and say that I am the owner of the property involved in this application and
that such application is being made with my full knowledge and permission.

Signed _____

Phone No. _____ (Address) _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

(Notary Public)

CONDITIONAL USE CASE NO. 1146
Paul Hobbs Construction Company
Rock Crushing-Asphalt Plant
Zone W-2
El Cerrito District
First Supervisorial District

HEARING BOARD CONDITIONS
May 13, 1970

1. The operations permitted hereby be conducted within the area shown on plot plan marked Exhibit "A" on file with Conditional Use Case No. 1146 in the office of the Riverside County Planning Commission.
2. Quarrying, crushing and asphalt plant operations shall be set back not less than fifty (50) feet from all exterior boundaries of the property shown on said Exhibit "A". No blasting shall be permitted. The asphalt plant shall be set back an additional 1/4 mile from Cajalco Road.
3. Access to the site shall be limited to that as shown on Exhibit "A" on file and shall be suitably surfaced with 2 1/2 feet of asphaltic penetration oil followed in six months by an application of an asphaltic seal coat. If access other than that shown on said Exhibit "A" is desired by the applicant, said new access shall be subject to approval by the Planning Commission after public hearing.
4. Prior to the issuance of a building permit or prior to any use contemplated by this approval, the applicant shall first obtain permits and/or clearance from the following public agencies:

Air Pollution Control District
State Water Quality Control Bd. No. 8

State Division of Forestry
State Division of Highways

Written evidence of said permit or clearance from the above agencies shall be presented to the Land Use Division of the Department of Building and Safety at the time of the issuance of a building permit for the use contemplated hereunder.

5. The rules and regulations of the Riverside County Air Pollution Control District shall be complied with. The permittee shall secure a permit to construct and operate or use all equipment, the use of which may cause the emission of air contaminants, or the use of which may eliminate or reduce or control the emission of air contaminants. Said permit shall be obtained prior to commencing construction.
6. In the event any of the operations permitted hereby by reason of atmospheric or other conditions are found by the Riverside County Health Department to be a nuisance or detrimental to the welfare of the residents of the area, the operations causing such nuisance shall cease and shall not again be commenced until permission is given by said Health Department.
7. In the event the use permitted hereby ceases operation for a period of two years or more this permit shall become null and void.
8. At the termination of any operations permitted hereby, the land shall be left in a neat and orderly condition, and that the entire premises be left free from stock piles or other residual material.

RECEIVED
JUN 3 1970

RIVERSIDE COUNTY
PLANNING COMMISSION

9. The applicant shall file with the Land Use Division of the Riverside County Department of Building and Safety and have in force at all times in the amount of \$100,000 covering each person, \$500,000 covering each accident involving bodily injury and \$50,000 property damage.
10. This permit shall terminate on June 1, 1990.
11. The applicant, prior to any operation or development work shall obtain clearance from the State Division of Forestry with reference to the following:
 - (a) Burning permit and fire use requirements.
 - (b) Arrange for an inspection of Batch Plant in reference to chimneys and burners and the possibility of spark or fire emission.
 - (c) Equipment inspection regarding operation in hazardous fire areas.
12. This permit shall be used within 365 days of its effective date of approval, otherwise it shall become null and void and of no force or effect whatsoever.

AGREEMENT

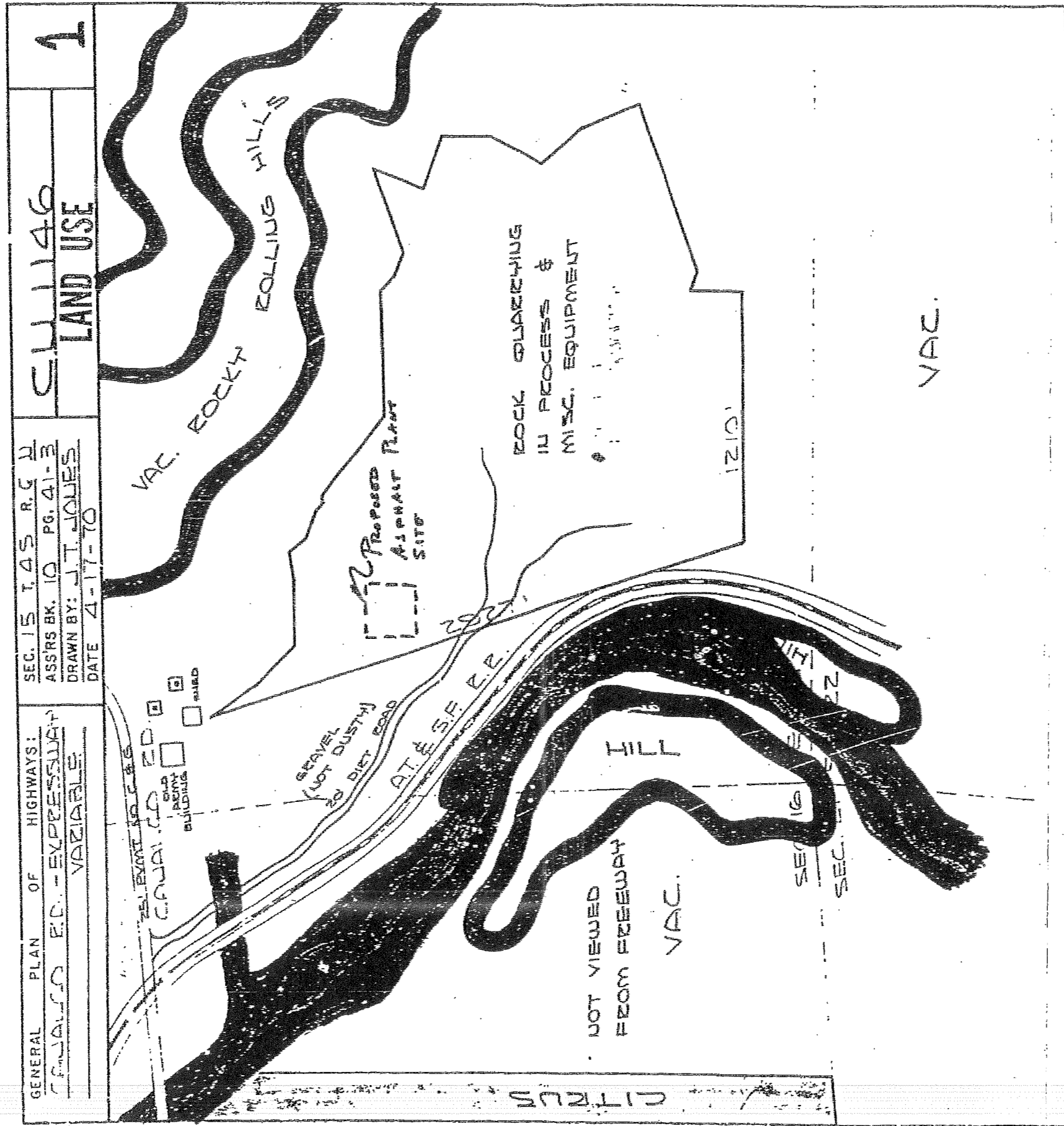
I accept and agree, prior to use of this permit or approval, to comply with all of the conditions set forth, and understand that the Office of Building and Safety will not issue a Building Permit, or allow occupancy on the use permitted until this signed confirmation, in quadruplicate, has been received by the Planning Commission.

Date _____

Applicant's Signature _____

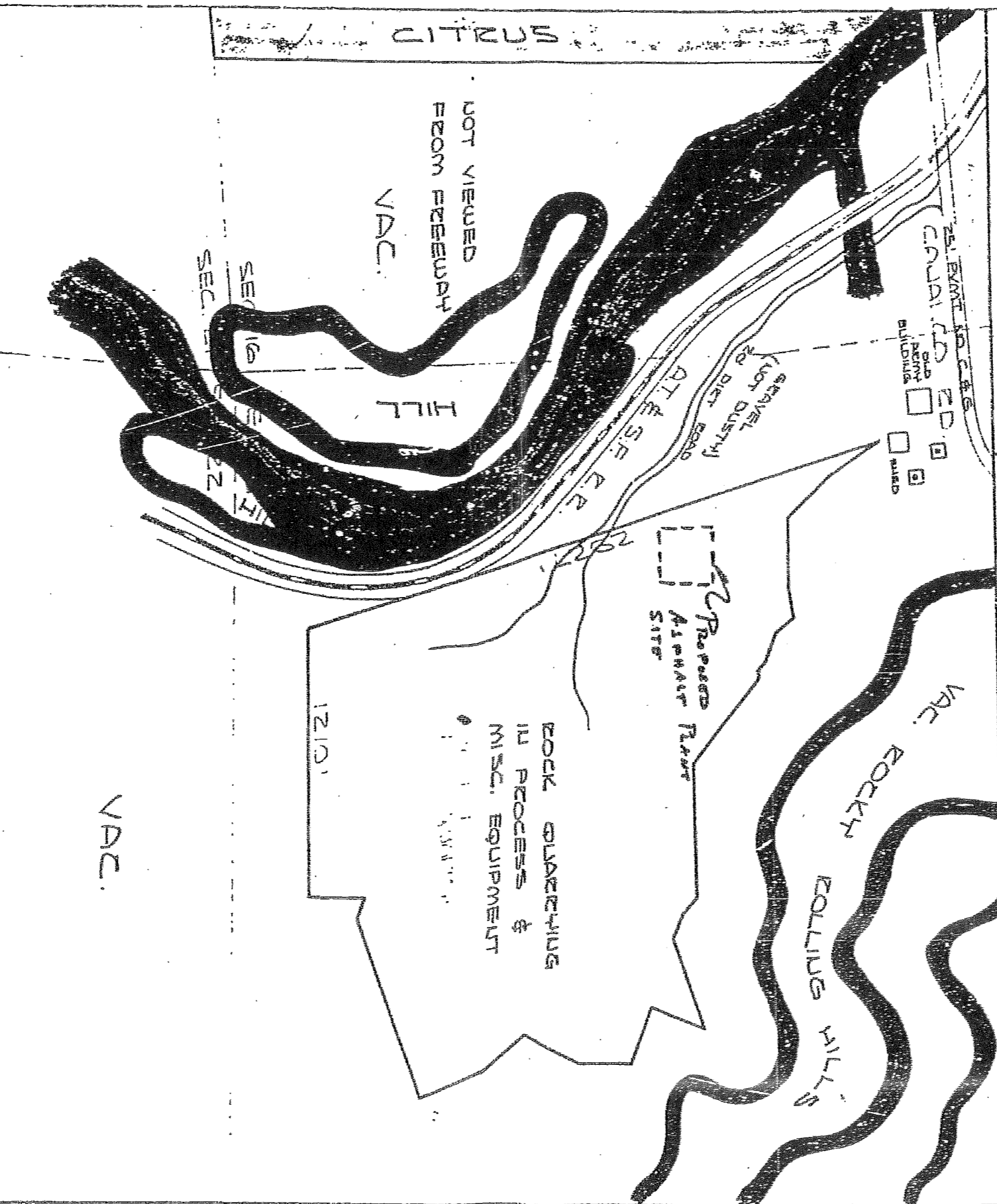
Date June 1, 1970


Owner's Signature *[Handwritten Signature]*



	HUBBS CONSTR. CO. APPLICANT	ROCK CRUSHING PLANT USE	EL TERRITO AREA
RIVERSIDE	COUNTY	PLANNING	COMMISSION

GENERAL PLAN OF HIGHWAYS: CALIFORNIA EXPRESSTWAY VARIABLES	SEC. 15 T. 4 S. R. 6 W. ASSRS BK. 10 Pg. 41-3 DRAWN BY: J.T. JONES DATE 4-17-70	CULI 1146 LAND USE	1
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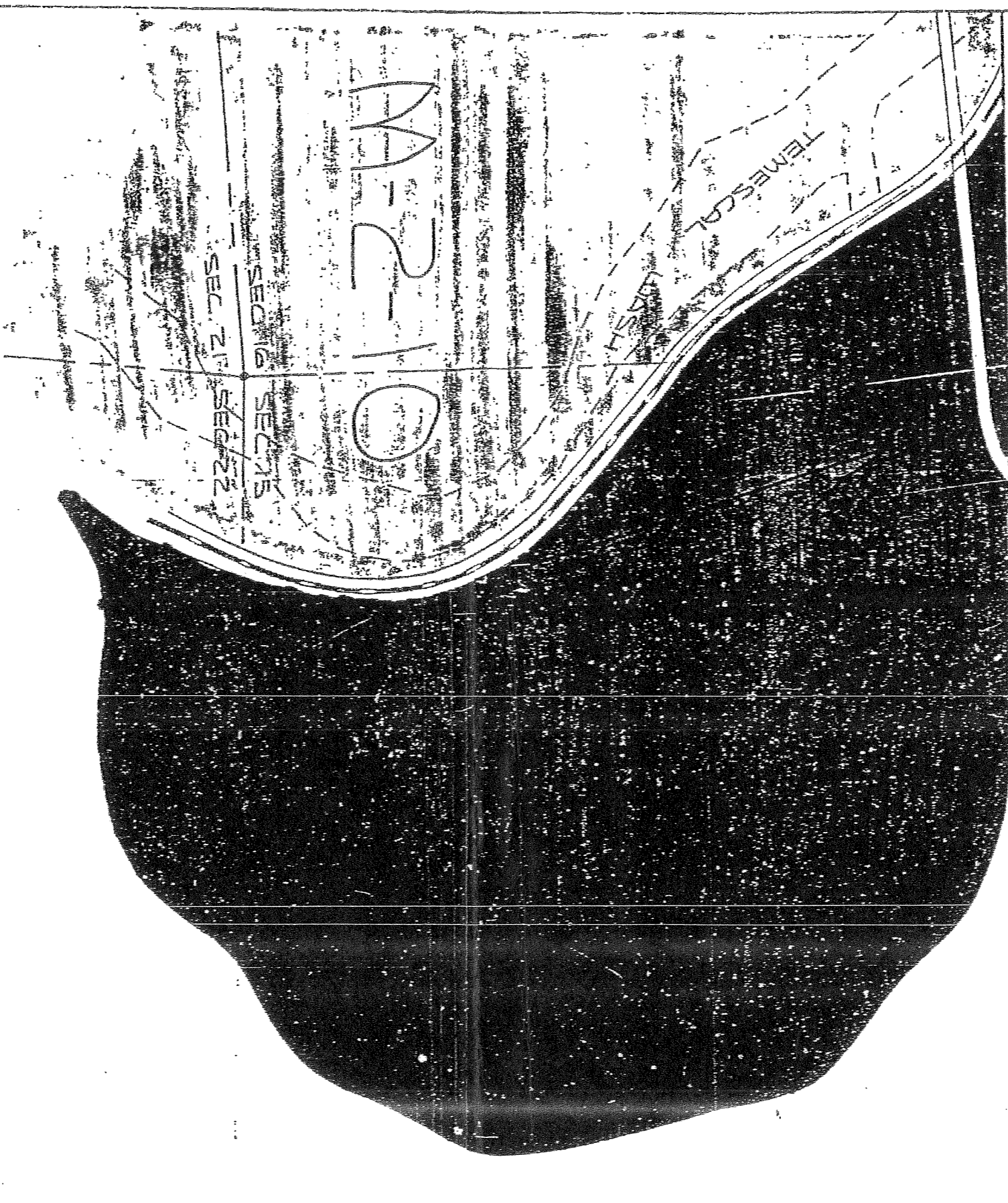
 400' 800'	HUBBS CONSTR. CO. APPLICANT	ROCK QUARRYING PLANT USE	EL CERRITO AREA
RIVERSIDE	COUNTY	PLANNING	COMMISSION

GENERAL PLAN OF HIGHWAYS:
SANTA FE EXPRESSWAY
VARIABLE

SEC. 15 T. 45 R. 6 W.
ASSRS BK. 10 PG. 21-3
DRAWN BY: J.T. JONES
DATE 4-17-70

C111146
EXISTING ZONING

2



HUBBS CONSTR. CO.
APPLICANT
RIVERSIDE

EDGE CRUSHING PLANT
USE
COUNTY PLANNING

EL. REPORT
AREA
COMMISSION

S2 SEC 15 T4S R6W
RO. EL SOBRANTE DE
SAM. JACINTO
ASSESSOR'S MAP NO. 51.
SHEET No. 3

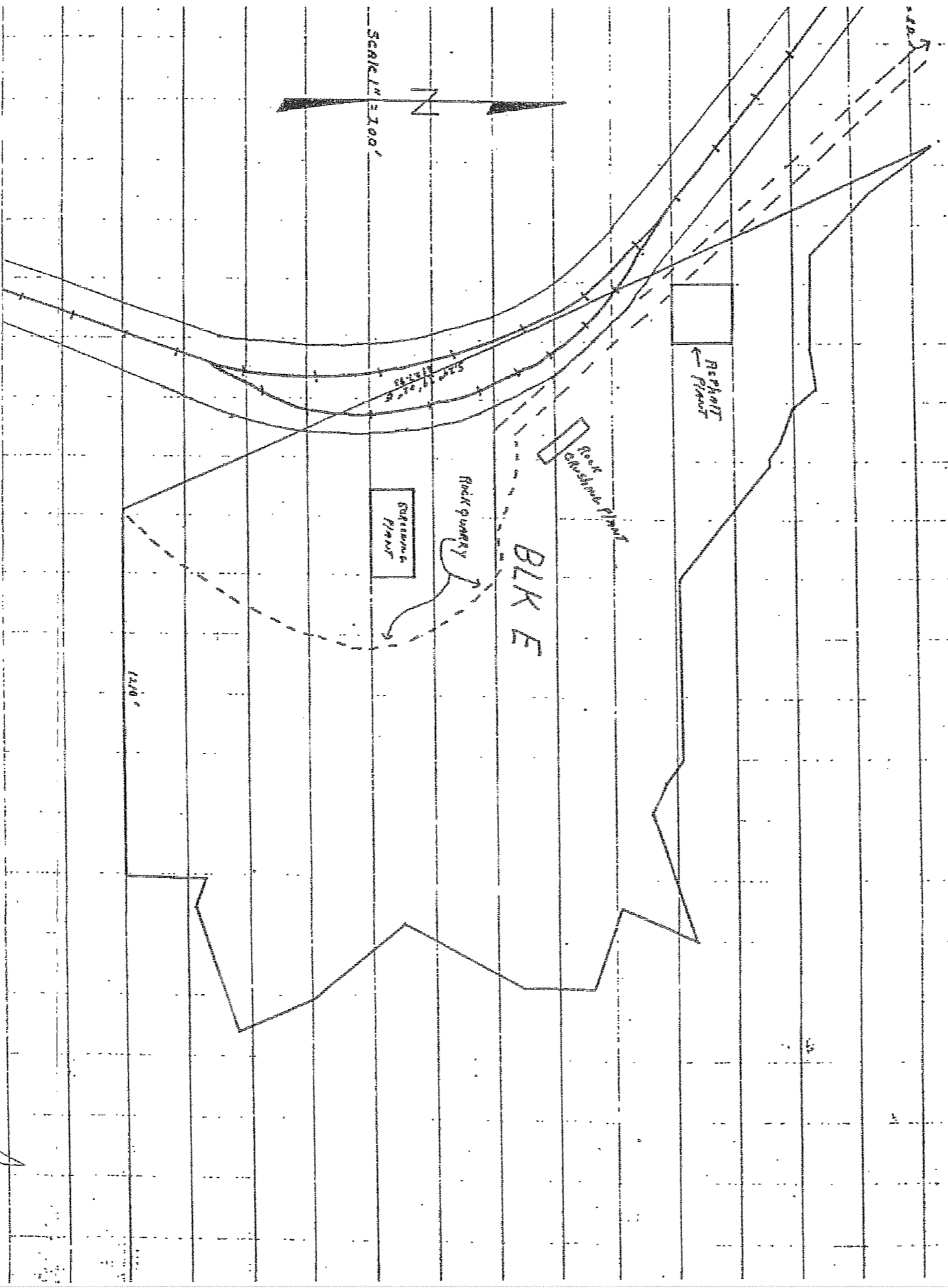


EXHIBIT NO. 4
CASE NO. 776
CV 1146

U.S. GEOLOGICAL SURVEY
WASHINGTON, D.C. 20508

U.S. GEOLOGICAL SURVEY
WASHINGTON, D.C. 20508

ROUTE TO Reclamation Plan 118

DATE 4-2-82

BH

PROJECT DESCRIPTION:

SIGNED BY: Geo. P. Conner

CD

RA. Description of Mineral Commodity:

Reclamation Plan # 118

NI

The Mining operations being evaluated in this report have been in operation since at least the mid 1950's. Figure I shows the location of the property. The whole region along Temescal Creek has been mined for nonmetallic mineral commodities since the turn of the century. These commodities include sand and gravel, clay and rock.

BJ

The primary mining activity on the property is an open pit rock quarry called Harlow Quarry. (See Figure 2) Granitic and metamorphic type rock of varying character is quarried and used for a variety of purposes, primarily for flood control projects. The operating area of the quarry consists of a number of benches and working faces (quarry walls) that encompass approximately 20 acres. See the attached maps for location and topography of the quarry area.

A secondary mining operation is located at the north end of this property and is included within this operation and reclamation planning area. A thick bed of high quality clay (apparently a small outcrop of Silverado formation commercial quality clay) forms the top of a small hill at the north edge of the property. A small open pit clay mining operation has been developed in this deposit. It has been operated intermittently in the past and current plans call for similar operation in the future.

B. General Geology and Deposits Being Mined:

The project area is located in a complex geologic area southeast of the City of Corona. The primary references used in compiling the geologic information for the site are: "Geology of the Corona South Quadrangle and Santa Ana Narrows Area: Riverside, Orange and San Bernardino, California", California Division of Mines, Bulletin 178; and an unpublished Masters Thesis (Pomona College) by Pampeyan, "Geology of the Cajalco Area, Riverside County, California."

The mining operation lies in a transition zone between sedimentary deposits of the easternmost portion of the Los Angeles Basin and the igneous Southern California batholith as expressed by the Northwestern peninsular ranges (the Gavilan), otherwise noted as the Ferris Block.

The local geology is dominated by the presence of the following features: The Santa Ana Mountain anticline, the Arena Blanca syncline and the Elsinore fault zone (the latter two features comprise the Corona-Elsinore Trough) to the west of the site; Temescal Creek and wash are adjacent to the site on the west and the Ferris Block (Cajalco Bench) underlies the whole site.

Project Description
A

D/S

From an historic geologic perspective, the region traces its origin to the late Jurassic or early Cretaceous igneous intrusions that ultimately produced the Southern California batholith. These igneous rocks were emplaced into older marine sediments (Bedford Canyon formation) existing in the area at that time. Since then, sedimentary deposits from both the east and west have filled the Corona Elsinore trough. At certain times sediments have been deposited on the western edge of the Perris Block.

6.0 *Embry*
During that period since the batholithe emplantation, the region has undergone an episode of folding (apparently compressional in origin) that resulted in the formation of the Santa Ana Mountain anticline and the Arena Blanca Syncline. Subsequent uplift created the mountains. The Elsinore fault zone (active into recent time) has contributed to the evolution of the Corona Elsinore trough which is apparently an erosional feature with Temescal Creek wash representing the most recent geologic feature. Evidence suggests that it is a superimposed stream that has eroded a steep face primarily in basement rock (igneous) where the sedimentary and basement complex are in contact at the surface.

On the project site the major rock quarry has been developed in the igneous basement complex. Based on field evaluation the quarry is located in the Temescal Wash Quartz Latite Porphyry, with altered and unaltered Bedford Canyon sediments adjacent. The quarry exposes geologic material of all types, including zones of metasedimentary alteration. The existing quarry operation is shown in the maps.

The clay deposit is a small outlier of the Silverado Formation, a Paleocene sediment series which contains red clays of economic importance. On the property the deposit occupies a limited portion of a ridge at the northern end of the property. This deposit is not large and appears to occupy an area small than 10 acres. The existing clay quarry is shown in Figure 2.

C. The following is a limited description of the natural environmental and land use characteristics for the project site and adjacent area:

0 road
1. Geology. See Section B above for a description of historical structural and lithologic characteristics of the site. The site topography (See Figure 2) is highly varied and includes substantial man made modification due to quarrying operations. The west portion of the site is essentially flat since it is located in the Temescal Creek channel and flood plain. Recent Alluvial deposits cover this whole area. Moving east from the flood plain, the site enters the low hills that form the western edge of the Perris Block. Portions of this igneous bedrock are overlain by both Bedford Canyon metasedimentary sediments and the Silverado formation. The topography in this area has been altered by quarrying activity and consists of roads, road cuts, quarry benches and quarry walls (vertical). Elevations rise from approximately 850 feet to 1000 feet just above the highest quarry face. Vertical faces as high as 80 feet are located in the quarry.

The rest of the site is located north and west of the quarry. It consists of rolling hills sloping from south to the west and north. Highest elevation is located at the southern boundary at 1250 feet and lowest elevation is approximately 800 feet located at the northwestern boundary of the site.

2. Hydrology. With the exception of Temescal Creek, the site does not contain any permanent surface water. During prolonged or intense precipitation, the dry stream channels shown in Figure 2 on the ridge does carry concentrated flow (streams) which run off directly into Temescal Creek. Two large channels release stream flow into the quarry area. It flows across bedrock and quarry debris into Temescal wash. Runoff from the rest of the quarry flows as sheetwash or small streams into the creek. Runoff from the northern portion of the site flows generally to Cajalco Road land and from there to Temescal Creek.

Temescal Creek has flowed year round for the past few years, but in the past it was an intermittent or ephemeral stream. Approximately 20 creeks in 3 distinct sub basins (including Elsinore Lake) contribute flow to Temescal Creek above its entry onto the property. Water quality in Temescal Creek varies with the volume of flow. When high flows occur due to precipitation, the sediment load and total dissolved solids (TDS) rise significantly. After flood flows recede the sediment load is minor and TDS ranges from 165 to 245 parts per million. (Data in this section is taken from "Santa Ana River Basin, Water Quality Control Plan Report, Part 1, Vol 1, 1975). No recent surface water quality data is available.

A well on the property (adjacent to Temescal Creek) provides all water required for operations. The occurrence of groundwater on the rest of the site (away from the creek) is not known but the probability is low (at any reasonable depth) due to the impermeable underlying bedrock. The nearest well data indicates high TDS in the groundwater (945PPM). Calcium is the major cation and carbonates and sulfates are the major anions.

3. Soils. Data on soils are obtained from sheet No. 82 of the "Western Riverside Area, California; Soil Survey", November 1971. The majority of the natural soil on undisturbed parts of the site are capability VII soils, i.e., incapable of agriculture and generally shallow and poor quality soils. The soils found on the property include: Rough broken land; Cortina cobbly Loamy sand; Lodo rocky loam (25 50% slopes); and Temescal rocky loam. See Appendix B for detailed soil descriptions. Although generally poor quality soils from an agricultural standpoint, these soils support a typical mixed inland sage scrub climax vegetation community and some chapparral in higher locations. These soils are subject to severe erosion due to shallow soil profiles and steep slopes. Soils on the property do not have sufficient depth to warrant stockpiling the top soil. The areas already quarried and disturbed have had all soil removed and the remaining material is either rock out crops or weathered parent material.

02 167 70

P. 8
Soils

9.0
4. Vegetation. The quarry sites are devoid of vegetation due to benching and quarrying operations. Within the property area designated for future expansion, the plant community consists of a typical natural brushland composed of inland sage scrub and mixed chaparral. Portions of the brushland are disturbed as a result of horseback riding trails established throughout the local area. Typical plant species found in the local area include: California buckwheat (*Eriogonum fasciculatum*), sagebrush (*Artemisia californica*), chamise (*Adenostoma fasciculatum*), and ceanothus (*Ceanothus* spp).

and Use 9.0
5. Land Use. The project site has had approximately one third of its area altered by quarrying or quarry related land uses. Existing facilities and uses onsite include: graded access roads; abandoned railroad line; storage and working quarry areas; office, repair and scale area; and an abandoned conveyor belt system. The adjacent land uses (see Figure 2) include: to the west are open space and flood control areas in Temescal Wash, an abandoned sand and gravel dredging operation, abandoned reservoir ponds, citrus orchards, abandoned farm land, and an industrial storage area; to the south are abandoned ponds, more wash area, and open space on the major ridge into which the largest quarry face is cut; to the north are dirt roads, horse trails, used for recreation a few residences located adjacent to Cajalco road and disturbed open space; and to the east is more disturbed open space used primarily for equestrian recreation and hunting.

Proposed Operation:

Info
A. Quarry operations began in the 1950's and they have been conducted continuously since that time. Based on existing rules and regulations the operators have had a vested right of operations since 1976. The owner proposes to reclaim the whole quarry site at the end of operations since areas mined prior to 1976 are integrally tied to current operations. Clay mining operations have been conducted at a low volume of removal since the 1960's. Reclamation of this area will include the whole operation for the same reason described above.

B. The projected operational lifetime for both quarries is 20 years. For the rock quarry this time frame is based on the mine site boundaries as currently configured. The rock resource adjacent to the quarry could extend the operational lifetime if incorporated, but no plans presently exist to do this. If such action is contemplated at a later date the mining plan will be amended. For the clay mining operation it is estimated that the total clay resource will be exhausted (on the property) by the end of 20 years. This is based upon projected mining rate of 5,000 tons per year (TPY).

C. Mining method. Multibench for the rock quarry and clay operations.

C. 1.0-2.0
D. Type of mining operation: Rock quarry continuous; Clay quarry intermittent.

E. 1. Tonnage of mined material:

Rock quarry: est 75,000 TPY of rock

Clay mine: est 5,000 TPY of clay

2. Tonnage of waste overburden:

Rock Quarry: Minimal amount of overburden since almost all material will be used for construction operations. Est. 10,000 TPY.

Clay Quarry: Minimal amount of overburden due to the surface location of the formation being mined. Overburden estimate of 1,000 TPY maximum, with most being consumed in the rock quarry operation.

3. Total Tonnage to be Handled:

Rock Quarry: 85,000 TPY

Clay Quarry: 6,000 TPY

F. Maximum Anticipated Depth: Operations at both the rock and clay quarries are surface mining operations that are not anticipated to become open pit in character. Although not extending below the surface, the quarry will have walls that will result in a vertical relief of approximately 100 to 150 feet after 20 years at the rock quarry and approximately 50 feet in the clay quarry.

G. No processing, except size segregation of rocks, will be conducted at either operation.

80
H. Current water consumption for the rock quarry operation is estimated at about 5,000 gallons per day. This is used almost exclusively for dust control of quarry operations and transport of the rock. The clay operation is expected to consume only minimal amounts of water (1,000 GPD of operations or less) for dust control. All water is obtained from the existing well onsite.

Mining Plan:

20
A. The progression of mining for the rock quarry is shown in Figures 3-7. Five year increments are shown on the cross sections contained in Figures 7A-7D. These 5 year increments show those areas of the quarry anticipated to be mined at a rate 75,000 TPY during each period. Figure 7 shows the final contours at the end of 20 years of operations. Figure 8-11 shows the equivalent progression of mining for the clay quarry. Figures 12 and 13 show the cross sections for the clay mine.

B. ~~As previously indicated, mining has been conducted at both locations for many years. Because it is operated continuously, substantial equipment is located at the rock quarry. At the clay mine, which is operated intermittently, mining equipment is brought to the site as needed.~~

C. Refer to Figures 1 11 for maps containing the features and information requested in Items C.1. through C 5.

Reclamation Plan:

A. Refer to Figures 7A 7D, 12 and 13 for cross sections of the mine in its final form.

B. The area to be reclaimed at the rock quarry is shown in Figure 7. Approximately 50 60 acres will be reclaimed. The area to be reclaimed at the clay mine is shown in Figure 11. Approximately ten acres will be reclaimed in this area.

C. The rock quarry will ultimately consist of a series of flat (gently sloping) benches of varied width (as shown in Figures 3 7D) and vertical walls approximately 40 feet in height. A road will provide access to each bench. Depending on future zoning the rock quarry area could potentially be used for light industrial purposes, particularly open storage which would require a minimum amount of water for operation. If not used for industrial purposes it is probable that the land will function as non use open space.

The clay mine area should be suitable for residential use or as usable open space, such as horseback riding, at the end of its operation.

D. Soil will be removed from both mine locations as part of normal operations. Based on the soil survey (and field confirmation) the local soils are not generally suitable for stockpiling. However, fine material from quarry operations (not actual soil) will be available at the end of the mining operation for emplacement on the bench. With proper fertilization and vegetation planting the material should serve as an adequate growing medium which will eventually evolve into soil.

E. Reclamation Methods, Sequence and Timing.

1. Backfilling and grading; Vertical quarry faces or walls will not be affected by this process. Benches will be covered by fine materials remaining from quarry operations. A depth of 1 to 2 feet will be emplaced by loaders and graded by grading equipment to create a very shallow slope to the rear (towards the vertical face) of the benches. This will be done at the termination of mining.

2. Slopes of vertical faces in the igneous rock are extremely stable. The walls will be scaled (loose material knocked loose) and left in their final mined state. The only change to this plan would be if joint patterns in the rock encountered in future mining operations indicated instability. In such case the slope would be modified to a safe non hazardous angle and it would be properly stabilized using artificial means, if necessary. At the clay mine, slopes will be angled 1:1 or 2:1 to ensure a stable slope during operation. This slope will be replanted without backfilling if possible. The final reclaimed slopes shall not exceed an angle of 2:1.

3. It is not anticipated that any tailing or waste material dumps will exist at the end of mine operations. The only material not used at the rate generated in both operations is the fine material. Accumulated fines will be used to backfill quarry benches and it will all be consumed in this manner.

4. As shown in Figure 2 only minor runoff channels currently cross the rock quarry and no such channels cross the clay mine site. At the end of mining at the rock quarry the two major runoff channels will be combined at the quarry. The flow will be directed into an artificial channel constructed in bedrock to which flow from the benches will also be directed. This channel will carry runoff the short distance to Temescal Creek. At the entrance to the creek a rock energy dissipator will be constructed to prevent erosion at that point. The final artificial channel will not be constructed until the end of mine operations. Temporary channels will be used up to that time and alignments may vary during operations. The channel will be kept free of debris as much as possible to minimize sediment input to Temescal Creek during operations. Calverts will be used under roads where the final channel crosses them.

At the clay mine the only drainage of concern will be that generated onsite. If feasible slopes will be left in a fashion that will generate only sheet flow. If necessary, a small artificial channel (with components similar to that described above) will be constructed to convey flow to the natural stream channel just to the north.

5. All usable equipment will be removed from the site at the completion of operations. The rest of the equipment and refuse will be removed by the operator to a proper landfill or recycling facility or will be sold for salvage where feasible. The remaining buildings will be left intact and mothballed until a decision is made on future use of the property. At that time a decision will be made on what to do with the structures. Clean up of all debris will be an ongoing process, but final clean up will be completed within one year after final closure of the operations at both the rock and clay quarries.

6. As far as is known the only contaminants generated at either operation is natural sediment which may enter Temescal Creek and become part of the suspended sediment load carried by this creek. Once the site is final graded and the channel is constructed across the rock quarry, potential sediment load should attain a minimum level over the long term.

7. The methods to minimize the erosion and sedimentation have been described above. The only treatment of natural streambeds and banks will occur where the upper natural wash is connected to the artificial channel which will traverse the quarry and where the artificial channel enters Temescal Creek. No unusual problems are anticipated at these locations. It is probable that since flows will be larger and the channel shorter, the artificial channel will require several energy dissipation features or it will have to be filled with rock to minimize erosion potential.

8. The hazards remaining at the end of operations are all related to the vertical walls. Above the walls, set back approximately 10 to 20 feet, a barbed wire fence will be constructed as a barrier to persons who might accidentally fall down the vertical face of these quarry walls. Signs will be posted at 100 foot intervals on the fence to warn persons of the hazards. At the base of the walls signs will be posted noting the dangers of falling rock. As previously noted the walls of both quarries will be scaled and, where appropriate, constructed at an appropriate angle of repose to minimize hazards of slope failure. The tops of all wall faces shall be rounded to reduce the hazard of loose rock falling.

9. As indicated above, benches and shallow slopes will be revegetated with an appropriate seed mix. All disturbed areas native plants listed in appendix "C" will be used for replanting as indicated. If other uses are proposed then a suitable revegetation seed mixture will be used. All benches angled at 2:1 or less will be appropriately fertilized and hydromulched to initiate a successful plant cover. After an initial revegetation effort, the area will be surveyed and, if necessary, a follow up effort will be conducted at appropriate locations.

10. As indicated above it is anticipated that no waste piles will be left onsite at the completion of mining. All other final slopes will be field reviewed and checked by an engineer to confirm their stability.

Note: All reclamation measures will be implemented within one year after mine closure, unless otherwise noted.

F. During operation of the mines the following reclamation activities will be conducted:

1. Due to the heavy equestrian recreation present in the area, the rock quarry operations will be fenced and properly signed within six months of approval of this plan. The fence will be two strand barbed wire and will extend around all vertical faces where a safety hazard exists.

2. A survey of rare endangered and sensitive plant and animal species will be conducted in those natural areas that will be mined in the future. This study will be completed prior to any major expansion into undisturbed areas. If any species needing protection are identified, a plan for relocation, if feasible, will be identified and implemented.

3. A temporary runoff channel will be constructed and maintained throughout operations at the rock quarry. This channel will be designed to minimize sedimentation into Temescal Creek. A sediment basin will be constructed.

4. All operating piles of material will be maintained at a stable slope and to the degree possible quarry walls will be scaled periodically to minimize the hazard from falling rock.

G. The nature of the existing quarry operation is such that quarry walls and benches over the whole site will be in use until the operation is terminated. Once a vertical face is abandoned it will be scaled but the bench area will continue to be used for storage of material. The major reclamation will not be initiated until quarry operations are terminated. The same operational requirements will apply to the clay quarry during its lifetime.

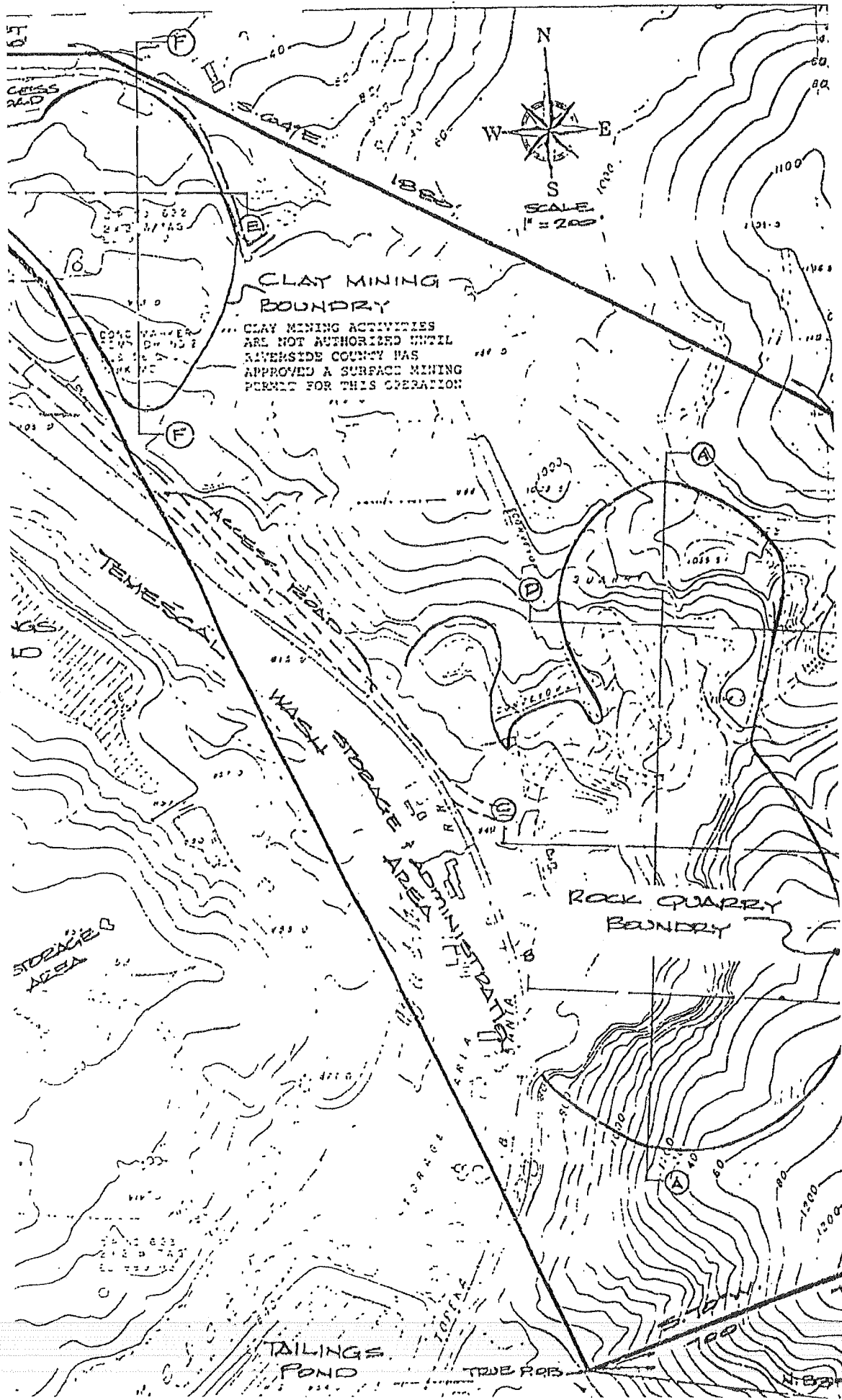
H. Reclamation will not permanently affect future mining at either quarry, assuming a sufficient economic mineable resource remains. Over the short term, reopening either mining operation after reclamation would destroy parts of the revegetated benches and could disrupt the final drainage plans. These facilities and areas would be modified if quarrying was reinstated. Both could be corrected subsequently, if necessary.

APPENDIX A

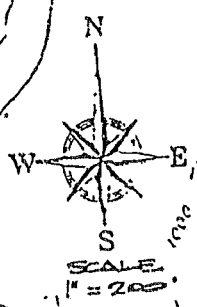
That certain real property in the County of Riverside, State of California, described as follows:

That portion of the West one half of Section 15, Township 4 South, Range 6 West, San Bernardino Meridian, as shown by Sectionized survey of Rancho El Sobrante de San Jacinto, recorded in Book 1 of Maps, page 8 in the Office of the County Recorder of San Bernardino County, California, described as follows:

Commencing at Station 23 of said Rancho El Sobrante de San Jacinto; thence North $83^{\circ} 30'$ West, 1210 feet to the true point of beginning; thence Northwesterly to a point which is 250 feet East of Station 21 of said Rancho; thence Northwesterly on a line whose Northerly terminus is a point on the Northerly line of Section 16, of said Township 4 South, Range 6 West, San Bernardino Meridian, that is 125 feet Easterly of the North one quarter corner of said Section 16, to the Westerly line of said Section 15; thence Northerly along said Westerly line a distance of 280 feet; thence East, 380 feet; thence South 64° East 1880 feet; thence South 11° East, 970 feet; thence South 6° West, 1020 feet; thence South 70° , West, 700 feet to the true point of beginning.



CLAY MINING BOUNDARY
CLAY MINING ACTIVITIES ARE NOT AUTHORIZED UNTIL RIVERSIDE COUNTY HAS APPROVED A SURFACE MINING PERMIT FOR THIS OPERATION



TEMESCAL

WASH STORAGE AREA

ROCK QUARRY BOUNDARY

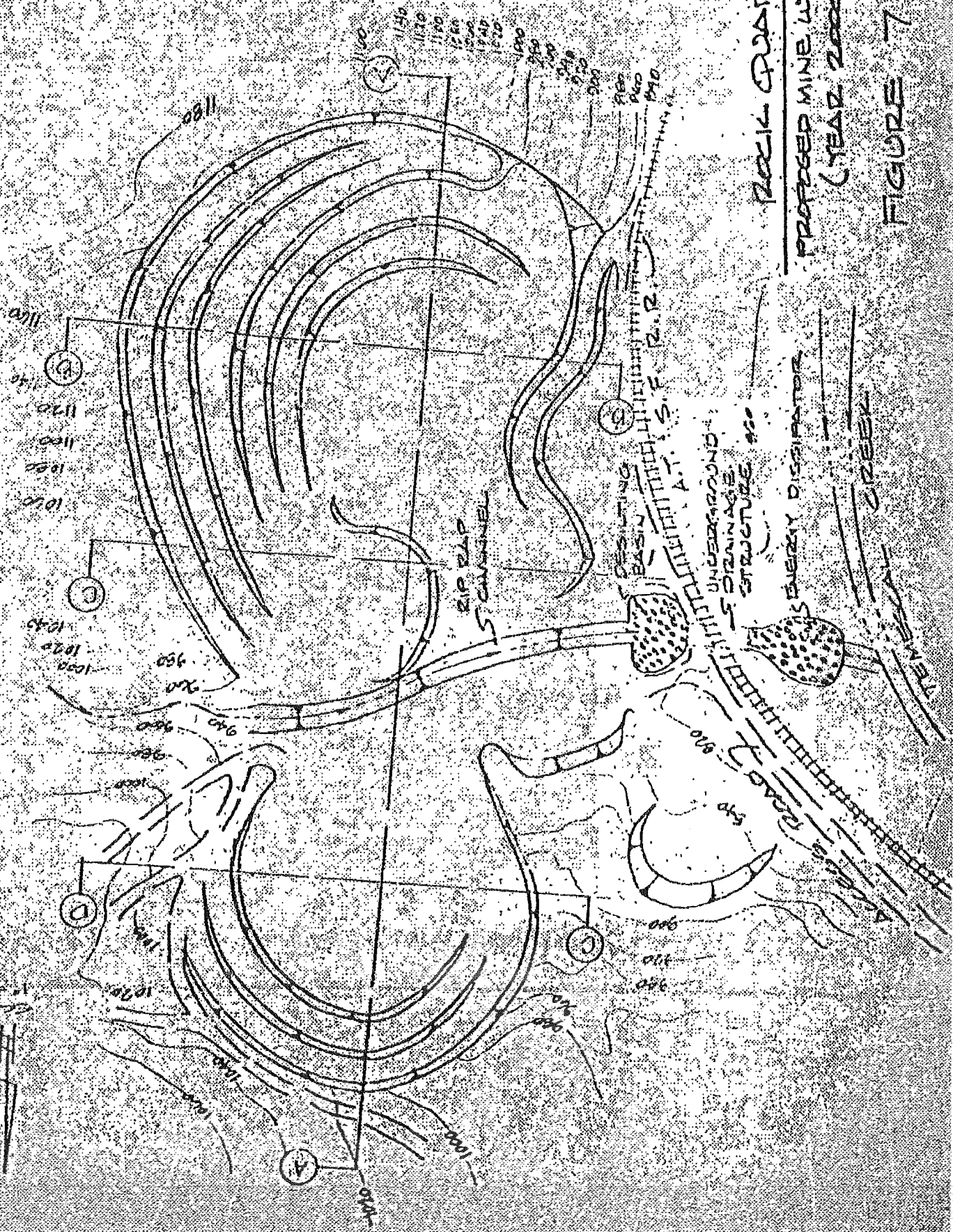
STORAGE AREA

TAILINGS POND

TRUE ROB

CONC
VA-VER
OR 452
MAY 17 1945

RECLAIMATION PLAN



ROCK QUARRY
PROPOSED MINE WADJAGE
(YEAR 2000)

FIGURE 7



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Carolyn Syms Luna
Director

November 12, 2013

TO: Christine Goeyvaerts
Cajalco Road Quarry
P.O. Box 3600
92878

RE: **RCL00118S1**
CEQA Exempt
Regional Team: Riverside

On **11/12/10**, the **Riverside County Planning Department** approved the above referenced case based on the findings and conclusions of the attached staff report and subject to the attached conditions of approval.

Action taken on the above referenced case is considered final.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Carolyn Syms Luna, Director

David L. Jones, CEG No. 2283
Chief Engineering Geologist, TLMA-Planning

Attachments: Conditions of Approval

cc: Building and Safety Department: Chris Trinidad (hard copy via hand delivery)
Office or Mine Reclamation: Director (hard copy via FedEx)
File: RCL00118S1

Y:\Planning Case Files-Riverside office\RCL00118S1\Administrative Approval Letter.docx

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-3157

Desert Office • 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

SUBSTANTIAL CONFORMANCE Case #: RCL00118S1

Parcel: 281-160-004

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 SMP - PROJECT DESCRIPTION

INEFFECT

The use hereby permitted is for mine site reclamation and associated site restoration as indicated on Exhibits B and C and as described in court order number RIC 387195.

10. EVERY. 2 SMP - HOLD HARMLESS

INEFFECT

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 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

INEFFECT

The words identified in the following list that appear in all capitals in the attached conditions of

SUBSTANTIAL CONFORMANCE Case #: RCL00118S1

Parcel: 281-160-004

10. GENERAL CONDITIONS

10. EVERY. 3 SMP - DEFINITIONS (cont.)

INEFFECT

Reclamation Plan No. RCL00118S1, shall be henceforth defined as follows:

APPROVED EXHIBIT NO. "B" = Case #: RCL00118S1, Exhibit: B (Reclamation Plan), Dated: 10/24/13, Planner: D. JONES.

APPROVED EXHIBIT NO. "C" = Case #: RCL00118S1, Exhibit: C, (Project Description), Dated: 10/24/13, Planner: D. JONES.

*There is no EXHIBIT A as this is a vested mining operation and no mining permit or associated plan is required.

PLANNING DEPARTMENT

10. PLANNING. 1 SMP - SSR00699

INEFFECT

County Slope Stability Report (SSR) No. 699 was prepared for this project (RCL00118S1) by C.H.J., Inc. and is entitled, "Slope Stability Investigation, Proposed Reclamation of Hubbs Quarry, Riverside County, California", dated June 14, 2013.

SSR00699 concluded:

1. Moderate to severe seismic shaking of the site can be expected to occur during the lifetime of the proposed mining and reclamation.

2.A 1(h):1(v) reclamation slope up to approximately 405 feet in height formed along the east and south sides of the quarry is suitably stable against gross failure for the anticipated long-term conditions, including the effects of seismic shaking.

3.A 2(h):1(v) reclamation slope formed in the Silverado Formation and underlying crystalline rock units and a 3(h):1(v) reclamation slope formed in Qvof are suitably stable against gross failure for the anticipated long-term conditions, including the effects of seismic shaking.

4. Inclusion of horizontal safety benches in final slope design is an effective protection from rockfall, will reduce tensional forces in surface rock, and reduce surface erosion rates.

5. Use of debris fences, steel netting or other structural

SUBSTANTIAL CONFORMANCE Case #: RCL00118S1

Parcel: 281-160-004

10. GENERAL CONDITIONS

10.PLANNING. 1 SMP - SSR00699 (cont.)

INEFFECT

installations are not anticipated to be necessary.

SSR00698 recommended:

1.Slopes may be protected with berms as necessary to prevent slope erosion in areas where overland flow is directed toward slopes.

2.2(h):1(v) south-facing slopes should be provided with 6- and 12-foot wide terraces in accordance with Appendix J of the 2010 CBC. Terraces in the non-rock portions of these slopes, where required, should be provided with gunite v-ditches.

3.Use of steel netting or other structural installations to mitigate toppling or rockfall is not considered necessary; however, these measures, as well as a berm at the toe of the final quarry slopes, can be considered if warranted by future observation or conditions.

4.Periodic geologic mapping of the reclamation slopes should be performed during slope construction (annual inspections) to identify any conditions that may preclude reclamation of the site in accordance with the approve reclamation plan.

SSR No. 699 satisfies the requirement for a slope stability assessment for RCL00118S1. Final approved of SSR No. 699 is hereby granted for RCL00118S1.

10.PLANNING. 2 SMP - PREVIOUS CONDITIONS

INEFFECT

ALL PREVIOUS CONDITIONS APPROVED FOR THIS RECLAMATION PLAN SHALL REMAIN IN EFFECT FOR THIS AMENDED RECLAMATION PLAN RCL00118S1 UNLESS EXPRESSLY MODIFIED BY THIS AMENDMENT.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Reclamation Plan No. RCL00118 Substantial Conformance No. 1

Project Location: An approximately 59-acre site in the northwestern portion of unincorporated Riverside County, south of Cajalco Road and east of Interstate 15, outside of the City of Corona, within Section 15, Township 4 south, Range 6 west, San Bernardino Base Meridian. (See attached map)

Project Description: Modification to Riverside County Reclamation Plan RP 118 in order to reclaim existing site conditions, including potentially hazardous slopes, concurrent with on-going mining operations. Reclamation will be accomplished by continued mining activities at the existing mine, slope stabilization, recontouring, and revegetation so that the site is compatible for future land use. The modification is also necessary to allow compliance with the Amendment to Stipulated Settlement Agreement and Judgment Thereon, and related court order in County of Riverside v. Paul Hubbs Construction Company, Inc. et al, Riverside Superior Court Case No. RIC 387195.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Cajalco Road Quarry (applicant)

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268) Categorical Exemption (15301)
 Declared Emergency (Sec. 21080(b)(3); 15269(a)) Statutory Exemption (_____)
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c)) Other _____

Reasons why project is exempt:

The Planning Department concludes the project is exempt from CEQA based on Section 15301 of the CEQA Guidelines. The project is a non-substantial modification to an existing reclamation plan associated with an existing mining operation. The project's purpose is to restore the physical conditions at the existing project site, which contain potentially hazardous slopes, to a condition that renders them compliant with State and local law. Approval of the project will not change operations at the existing site or extend mining operations. It merely allows restorative activities to take place on already disturbed areas within the Project's boundary and, will if anything, result in environmentally-beneficial effects. Therefore, the project is exempt under CEQA Guidelines Section 15301.

David L. Jones
County Contact Person

(951) 955-6863
Phone Number

Signature

Chief Engineering Geologist
Title

11/12/13
Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case # _____ ZCFG No. _____ - FREE POSTING per Ca. Govt. Code 6103 and 27383

FOR COUNTY CLERK'S USE ONLY

RECORDING REQUESTED BY
RIVERSIDE COUNTY

THIS AREA FOR RECORDER'S USE ONLY

When recorded, return to:

Riverside County Planning Department
12th Floor County Administrative Center
Mail Stop # 1070

No fee, 6103 Government Code
Benefit of Riverside County Planning Department

RECLAMATION PLAN NO. RCL00118S1
(Ordinance No. 555)

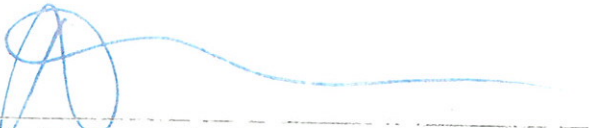
Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the Planning Director on 11/12/12, a copy of which is on file with the County Planning Department.

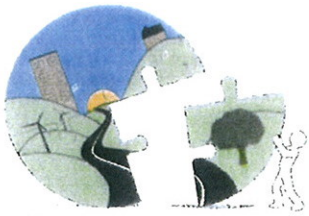
The real property is located in the County of Riverside, State of California described as follows:

APN(s): 281-180-021, 281-190-028, 281-190-029, 281-220-002, 281-230-013, 281-230-014, 281-260-006, 281-260-007, 281-290-007, 281-290-008, 281-270-008, 281-300-003

Owner(s) of Record:
Commercial Resources LLC

Executed on 11/12/2013 at Riverside, California


David Jones, Chief Engineering Geologist
County of Riverside Planning Department



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

November 12, 2013

Mr. John Parrish
California Department of Conservation
Office of Mine Reclamation
801 K St. MS 09-06
Sacramento, CA 95814

RE: Approved Amended Reclamation Plan
Hubbs/Harlow Quarry (CA Mine ID # 91-33-0061)
County Amended Reclamation Plan – RCL00118S1

Riverside County (County) herein submits the Approved Amended Reclamation Plan for the Hubbs/Harlow Quarry for OMR's file. Approval of RCL00118S1 is based on the findings and conclusions of the attached staff report and subject to the attached conditions of approval.

Thank you for your assistance with this project. Please call me at (951) 955-6863 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Carolyn Syms-Luna, Planning Director

David L. Jones, Chief Engineering Geologist
TLMA-PLANNING

encl.: Approved Amended Reclamation Plan
Staff Report
Conditions of Approval

cc: Applicant: Cajalco Road Quarry LLC, Christine Goeyvaerts, Fax: (951) 280-1424
1st District Supervisor's Office, Bob Magee, via hand delivery
OMR: Beth Hendrickson
File: RCL00118S1

Y:\Planning Case Files-Riverside office\RCL00118S1\Submittal of Approved Plans to OMR.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Carolyn Syms Luna
Director

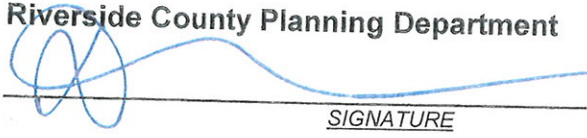
Case Number: RCL00118S1

Date: 11/12/13

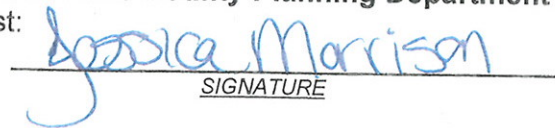
Riverside County Planning Department

Riverside County Planning Department

Attest:



SIGNATURE



SIGNATURE

David L. Jones
PRINTED NAME

Jessica Morrison
PRINTED NAME

Chief Engineering Geologist
TITLE

Code Enforcement Aide
TITLE



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

NOTICE OF EXEMPTION

TO: County of Riverside County Clerk FROM: Riverside County Planning Department

Project Title/Case No.: Reclamation Plan No. RCL00118 Substantial Conformance No. 1 (RCL00118S1)

Project Location: An approximately 59-acre site in the northwestern portion of unincorporated Riverside County, South of Cajalco Road and East of Interstate 15, outside of the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian. (See attached map).

Project Description: Amendment of Riverside County Reclamation Plan RP 118 in order to reclaim existing site conditions, including potentially hazardous slopes, concurrent with on-going mining operations. Reclamation will be accomplished by continued mining activities, slope stabilization, recontouring, and revegetation so that the site is compatible for future land use. The Amendment is also necessary to allow compliance with the Amendment to Stipulated Settlement Agreement and Judgment Thereon, and related court order in County of Riverside v. Paul Hubbs Construction Company, Inc. et al, Riverside Superior Court Case No. RIC 387195.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Cajalco Road Quarry (applicant)

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (15301(d) & 15061(b)(3).)
- Statutory Exemption (_____)
- Other _____

Reasons why project is exempt: The project is exempt under Section 15301(d), because its purpose is the restoration of the physical conditions at the project site, which contain potentially hazardous slopes, to a condition that renders them compliant with State and local law. The project is exempt under Section 15061(b)(3), because the only actions subject to County review and discretion are those strictly related to reclamation (i.e., not vested surface mining activities), that will take place on areas that have already been subject to substantial disturbance. The project will not change operations at the site nor extend mining operations, and will if anything, result in environmentally-beneficial effects.

David I. Jones
County Contact Person

(951) 955-6863
Phone Number

Signature

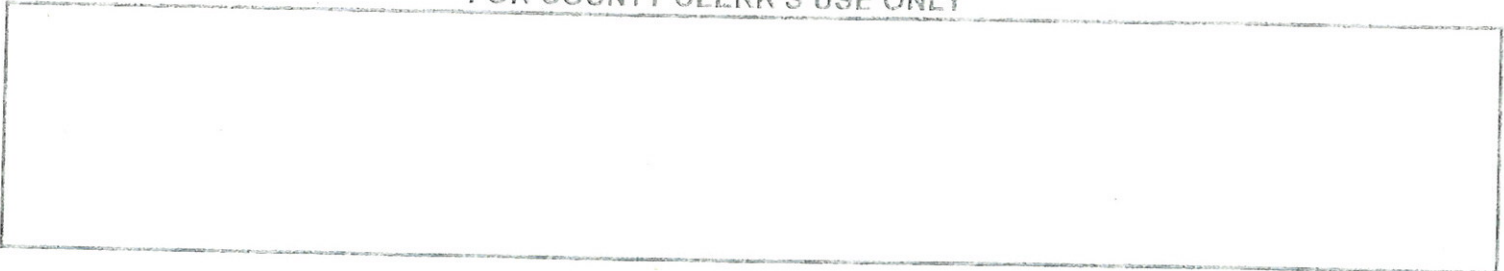
Chief Engineering Geologist
Title

10/25/13 +
Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case # RCL00118S1 ZCFG No. 06014 - FREE POSTING per Ca. Govt. Code 6103 and 27383

FOR COUNTY CLERK'S USE ONLY



KE100118
Hubb /
Harlow

2451 I SE
(CORONA SOUTH)

Temascal
Wells

Weasel

X Gravel
Pit

3742

Corona
Well

Quarry

CAJALCO
BM X 969

CAJALCO
WATER
TANK

ROAD

NWDE
Standpipe

Pumpings
Sta

LOMER

Pumpings
Sta
WATER
FEEDER

Standpipe

Standpipe

Olsen

Canyon

1590 Δ

23

14

Canyon

1370

1340

BM X 1333

S
A
N

THE MAINS QUADRANGLE
SAN JOSE COUNTY
SANTA FE SERIES (TOPOGRAFICAL)
SCALE 1:50,000

ELSON
20243
1907

15

Agenda Item No.: N/A - File Only
Area Plan: Temescal Canyon
Zoning District: El Cerrito
Supervisory District: Dist. 1
Project Planner: David L. Jones
Planning Director Approval

RECLAMATION PLAN NO. RCL00118
SUBSTANTIAL CONFORMANCE NO. 1
Applicant: Cajalco Road Quarry
Representative: Christine Goeyvaerts

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Reclamation Plan No. RCL00118 Substantial Conformance No. 1 (RCL00118S1 proposes to amend the existing approved reclamation plan RCL00118 in order to remedy concerns related to slope stability and prevailing geologic conditions within the existing quarry created by a former operator, and to allow compliance with the Amendment to Stipulated Settlement Agreement and Judgment Thereon, and related court order in *County of Riverside v. Paul Hubbs Construction Company, Inc. et al*, Riverside Superior Court Case No. RIC 387195 ("Amended RCL00118S1").

The project site is located in northwestern Riverside County ("County"), South of Cajalco Road and East of Interstate 15, just outside of the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian.

Amended RCL00118S1 will permit the applicant to rectify existing site conditions by continuing mining within the quarry reserves, stabilizing slopes, cleaning, recontouring, stabilizing surface disturbances, and reclaiming the site so it is compatible for future land use. The total project site gross acreage is 110 with the area encompassed by Amended RCL00118S1 being 59 acres of disturbed land. The applicant will recontour and reclaim the existing quarry slopes to a stable condition. The applicant will continue to utilize or sell material from the mining and reclamation activities. In addition, an area to the North of the quarry pit will be revegetated to accommodate reclamation of this previously disturbed area. The site (59 acres) will be reclaimed consistent with Surface Mining and Reclamation Act (Pub. Resources Code, §§ 2710 et seq., "SMARA") and County regulations.

ISSUES OF POTENTIAL CONCERN: N/A

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. # _) Open Space: Mineral Resources (OS-MIN) and Rural (OS-RUR)
2. Surrounding General Plan Land Use (Ex. # _) Open Space: Rural (OS-RUR) to the North and East, areas to the South and West are in the City of Corona
3. Existing Zoning (Ex. # _) Mineral Resources and Related Manufacturing (M-R-A) and Natural Asset (N-A)
4. Surrounding Zoning (Ex. # _) Natural Asset (N-A) to the North and East, and properties within the City of Corona to the South and West.
5. Existing Land Use Aggregate Mining
6. Surrounding Land Use (Ex. # _) The site is bounded by a golf course to the West, open space to the South and East, and sparse residential use to the North.
7. Project Data: Total Gross Acreage: 110 (59 Acres Disturbed)

8. Environmental Concerns: None (CEQA Exempt)

RECOMMENDATIONS/ACTION:

ADOPTION of a **NOTICE OF EXEMPTION** based on the findings contained herein which demonstrate that the approval of Amended RCL00118S1 is exempt from California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq., "CEQA") review under CEQA categorical exemptions, Cal. Code of Regs., Sections 15301(d) and 15061(b)(3), as described below.

APPROVAL of **RECLAMATION PLAN RCL00118 SUBSTANTIAL CONFORMANCE NO. 1**, based upon the findings and conclusions incorporated in the staff report, which findings and conclusions are based upon the entire administrative record pertaining to Amended RCL00118S1.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings which is incorporated herein by reference.

Findings Related to the Riverside County General Plan and Ordinance No. 348 (Zoning)

General Plan

1. The project site is designated Open Space: Mineral Resources ("OS-MIN") and Open Space: Rural ("OS-RUR") on the Temescal Canyon Area Plan.
2. The proposed use, remediation via surface mining and recontouring, is a permitted use under the OS-MIN and OS-RUR designations.
3. The project site is surrounded by properties which are designated OS-RUR to the north and east, and properties that are within the City of Corona to the south and west.

Zoning (County Ordinance No. 348)

4. The existing reclamation plan boundary is within the Mineral Resources and Related Manufacturing ("M-R-A") zone, and the expanded area to be encompassed by Amended RCL00118S1 will include an area zoned both M-R-A and Natural Assets ("N-A").
5. The proposed use, reclamation, with related surface mining activities, is a allowed use in both M-R-A and N-A zones. Because the site is subject to a vested right to mine within the area of Amended RCL00118S1, the applicant is entitled to conduct surface mining activities within the reclamation area without a surface mining permit. (See Finding No. 10.)
6. The proposed use, reclamation, with related surface mining activities, to achieve slope stability and reclamation benchmarks, is consistent with the development standards set forth in the M-R-A and N-A zones.
7. The project site is surrounded by properties which are zoned N-A to the North and East, and properties that are within the City of Corona to the South and West.
8. This project is within the City of Corona Sphere of Influence.

Finding Related to the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP")

9. Amended RCL00118S1 is exempt from the requirements of the MSHCP because vested surface mining activities in the subject area preceded adoption of the MSHCP. (See Finding No. 10.)

Findings Related to Ordinance No. 555 and SMARA

Vested Right (Ordinance No. 555.19 § 12, SMARA § 2776)

10. The applicant maintains a vested right to conduct mining operations in those areas of the quarry and surrounding lands that are the subject of Amended RCL00118S1, as contemplated by Sections 2 and 12 of Ordinance No. 555.19 and Section 2776 of SMARA; therefore, a Surface Mining Permit is not required for purposes of this Substantial Conformance. The applicant's vested right to mine within the Amended RCL00118S1 area, as previously recognized by the County and described in the sub-findings contained herein, is documented by the materials reviewed by, and on file with, the County relating to Amended RCL00118S1, including but not limited to various documents submitted by the applicant detailing the nature and scope of the vested right. These documents demonstrate that:
- a. Mining has occurred in the area that is the subject of Amended RCL00118S1 since at least the 1930s.
 - b. The County's first ordinance requiring a permit to conduct mining operations was enacted in 1948, at which time the existing mining operation within the Amended RCL00118S1 area established a vested right to continue mining activities as a legal, non-conforming use.
 - c. In 1959 and 1970, two pre SMARA permits were issued by the County to the applicant's predecessors establishing a right to mine the lands in and about the area subject to Amended RCL00118S1.
 - d. The permit obtained in 1970 ("CU 1146") was for crushing and asphalt plants, not surface mining, but included a site plan identifying the available mine site (including substantial areas within Amended RCL00118S1), thus demonstrating that this mining area was within the area subject to vested rights.
 - e. In 1982, Reclamation Plan 118 ("RP 118") was approved, and included statements further recognizing and clarifying that the mining operation at the site operated pursuant to vested rights, and also included a large mining area boundary, overlapping with the 1970 CU 1146 mine area boundary.
 - f. As of 1982 the County had approved two mining-related entitlements that recognized areas subject to the vested right: the 1970 plant permit (which identified a mine site boundary) and the 1982 reclamation plan RP 118 (which identified a mining area subject to future reclamation). Surface mining activities within these areas, as contemplated by Amended RCL00118S1, is thus within the scope of the previously-determined vested right.
11. Because surface mining activities within the Amended RCL00118S1 area are consistent with the existing vested right confirmed in multiple, historical documents, the County need not make any

further determination of the scope of such vested right prior to approval of Amended RCL00118S1. (See e.g., *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 617.)

12. The applicant reserves the right to seek future confirmation of the full scope of its vested right to mine outside the boundaries of Amended RCL00118S1. Should the applicant, in the future, seek to mine outside the boundaries of Amended RCL00118S1, it would need to demonstrate the scope of its vested right pursuant to a public hearing consistent with the County's surface mining ordinance (No. 555.19), SMARA, and related cases (e.g., *Hansen Brothers v. Bd. of Supervisors* (1996) 12 Cal.4th 533, and *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613.)

Reclamation Plan Requirements (Ordinance No. 555.19 § 6)

13. Amended RCL00118S1 satisfies the criteria for reclamation plans listed in Section 6 of Ordinance No. 555.19.
 - a. Amended RCL00118S1 indicates the methods that will be used to reclaim the land as well as the schedule for the timing of reclamation.
 - b. Amended RCL00118S1 describes the physical conditions subsequent to the completion of reclamation as well as post-reclamation uses.
 - c. Amended RCL00118S1 includes a number of maps that depict reclaimed site conditions, including cross-sections, elevations, and topographic depictions.
 - d. Amended RCL00118S1 describes the manner in which derelict machinery, mining waste, and scraps will be removed from the site as well as how contaminants will be controlled.
 - e. Amended RCL00118S1 describes the methods that will be used to guarantee stable slopes and waste piles.
 - f. Amended RCL00118S1 describes how reclamation will affect the area for future mining use.
 - g. Amended RCL00118S1 shows that the site, in final form, will be revegetated for soil stabilization, free of drainage and erosion problems, coordinated with present and anticipated future land use, and compatible with the topography and general surrounding environment.

Substantial Conformance (Ordinance No. 555.19 § 13)

14. Amended RCL00118S1 meets the criteria for approval through a Substantial Conformance as specified in Ordinance No. 555.19 Section 13(b).
 - a. Amended RCL00118S1 does not change the original approval. RP 118 calls for reclamation of mining activity at the culmination of vested mining operations. Amended RCL00118S1 will similarly allow for reclamation of an area subject to vested mining operations, yielding safe slopes and a usable post-reclamation condition. Amended RCL00118S1 neither changes the site's post-end use (e.g., potential industrial use as one alternative) nor extends the lifetime of mining operations. Accordingly, there is no change in the original approval.

- b. Amended RCL00118S1 does not change the effect of the existing reclamation plan on surrounding property owners. As stated in Finding 14(a), Amended RCL00118S1 neither changes the site's post-end use nor extends mining operations. Rather, Amended RCL00118S1 will improve conditions at the site to ensure conformity with County and State regulations relating to slope stability, which is a benefit for public safety and for neighboring property owners.
 - c. Amended RCL00118S1 is both a modification to upgrade the existing facility by improving prevailing slope stability and geologic concerns, as well as a modification necessary to comply with the Settlement Agreement. Thus, Amended RCL00118S1 is consistent with the type of actions that may be approved through a Substantial Conformance under Ordinance No. 555.19 Section 13(b.)
 - d. As contemplated by Section 13(f) of Ordinance No. 555.19, approval of Amended RCL00118S1 is appropriate through a Substantial Conformance, because the project is exempt from CEQA review. (See Finding Nos. 20-21.)
15. A public hearing is not required to approve Amended RCL00118S1 through a Substantial Conformance. (See Ordinance No. 555.19 § 13(d)(1).)

Procedural Requirements Under Ordinance No. 555.19 and SMARA

16. In satisfaction of Section 9 of Ordinance No. 555.19 and SMARA Section 2773.1(a), the applicant submitted a revised financial assurance cost estimate ("FACE"), which the County reviewed and approved, and has agreed to post a Financial Assurance Mechanism corresponding to the FACE once the plan has been approved.
17. Notice requirements under SMARA Section 2774 have been completed.
- a. On August 28, 2013, the County transmitted Amended RCL00118S1 to the Department of Conservation, Office of Mine Reclamation ("OMR").
 - b. On September 27, 2013, OMR submitted written comments on Amended RCL00118S1 to the County.
 - c. On October 9, 2013, the County submitted written responses to OMR describing the disposition of all major issues raised in OMR's September 27, 2013, letter to the County.
18. Pursuant to SMARA Section 2774(d)(2), the County provided 30 days notice of its pending approval of Amended RCL00118S1 by delivering such notice to OMR on October 9, 2013, that the County planned to approve Amended RCL00118S1 on November 11, 2013.

Findings Related to Fire Protection

19. Fire protection and suppression services will be available for the subdivision through Riverside County Fire Department. No new buildings or structures are proposed or approved through this plan.

Findings Related to the California Environmental Quality Act

20. Amended RCL00118S1 is exempt from CEQA review under 14 Cal. Code Regs., § 15301(d), as a project that is based on the "restoration or rehabilitation of deteriorated or damaged structures, [or] facilities [...] to meet the current standards of public health and safety." The basis of Amended RCL00118S1 is the restoration of the physical conditions at the project site to a condition that renders them compliant with State and local law, and to a status that does not pose a health and safety concern. Operations at the site prior to the applicant's acquisition of the property created potentially hazardous slopes, as reflected by various documents in the County's file, creating in turn, possible public health and safety concerns at the site. Amended RCL00118S1 will allow the applicant to recontour the slopes to a satisfactory grade so that the property meets current SMARA and safety standards. Therefore, Amended RCL00118S1 is exempt from CEQA review under the referenced exemption.
21. Amended RCL00118S1 is further exempt from CEQA review under 14 Cal. Code Regs., § 15061(b)(3), because it will not have a significant effect on the environment.

Amended RCL00118S1 involves discretionary review only of reclamation activities. Neither the existing surface mining activities at the quarry, nor the surface mining activities that will occur in order to facilitate recontouring of the slopes within the Amended RCL00118S1 area are subject to CEQA review. Those portions of the site that fall within the scope of the Amended RCL00118S1 area have already been subject to substantial disturbance. Amended RCL00118S1 will not change operations at the site, and will also not extend the life of the mining operation within the Amended RCL00118S1 boundary. Thus, as Amended RCL00118S1 consists of only restorative activities that will take place on substantially-disturbed areas within the Amended RCL00118S1 boundary; such reclamation activities will not have any significant effects on the environment, and in fact, will likely only result in beneficial effects.

CONCLUSIONS:

1. The proposed project is in conformance with the Open Space: Mineral Resources (OS-MIN) and Open Space: Rural Land Use Designations (OS-RUR), and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Mineral Resources and Related Manufacturing (M-R-A) and Natural Asset (N-A) zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is clearly compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the MSHCP.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is located within:

- a. The city of Corona sphere of influence;
 - b. A fault area
3. The subject site is currently designated as within portions of Assessor's Parcel Numbers 281-180-021, 281-190-028, 281-190-029, 281-220-002, 281-230-013, 281-230-014, 281-260-006, 281-260-007, 281-290-007, 281-290-008, 281-270-008, and 281-300-003



Steve Weiss
Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

February 9, 2017

TO: **Christine Goeyvaerts**
Cajalco Road Quarry
P.O. Box 3600
92878


RE: **RCL00118S2**
CEQA Exempt
Regional Team: Riverside

On 02/09/17, the **Riverside County Planning Department** approved the above referenced case based on the findings and conclusions of the attached staff report and subject to the attached conditions of approval.

Action taken on the above referenced case is considered final.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steve Weiss, Planning Director


David L. Jones, CEG No. 2283
Chief Engineering Geologist, TLMA-Planning

Attachments: Staff Report
Notice of Exemption
County Clerk Recorders Form
Conditions of Approval

cc: Building and Safety Department: Chris Trinidad (hard copy via hand delivery)
File: RCL00118S2

Y:\Planning Case Files-Riverside office\RCL00118S2\Administrative Approval Letter.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss
Planning Director

February 09, 2017

Mr. Pat Perez
California Department of Conservation
Division of Mine Reclamation
801 K St. MS 09-06
Sacramento, CA 95814


RE: Approved Amended Reclamation Plan
Cajalco Road Quarry (CA Mine ID # 91-33-0061)
County Amended Reclamation Plan – RCL00118S2

Riverside County (County) herein submits the Approved Amended Reclamation Plan for the Cajalco Road Quarry (Formerly named "Hubbs/Harlow Quarry") for OMR's file. Approval of RCL00118S2 is based on the findings and conclusions of the attached staff report and subject to the attached conditions of approval.

Thank you for your assistance with this project. Please call me at (951) 955-6863 if you have any questions.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steve Weiss, Planning Director



David L. Jones, Chief Engineering Geologist
TLMA-PLANNING

encl.: Approved Amended Reclamation Plan
Staff Report
Conditions of Approval

cc: Applicant: Cajalco Road Quarry LLC, Christine Goeyvaerts, via e-mail
1st District Supervisor's Office, Bob Magee, via hand delivery
OMR: Beth Hendrickson
File: RCL00118S2

Y:\Planning Case Files-Riverside office\RCL00118S2\OMR\Submittal of Approved Plans to OMR.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 77588 El Duna Court
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555



Agenda Item No.: N/A - File Only
Area Plan: Temescal Canyon
Zoning District: El Cerrito
Supervisory District: Dist. 1
Project Planner: David L. Jones
Planning Director Approval

RECLAMATION PLAN NO. RCL00118
SUBSTANTIAL CONFORMANCE NO. 2
Applicant: Cajalco Road Quarry
Representative: Christine Goeysvaerts

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Reclamation Plan No. RCL00118 Substantial Conformance No. 2 proposes to amend the existing approved reclamation plan RCL No. 118S1 in order to allow for completion of the process initiated by approval in 2013 of RCL No. 118S1 to remedy concerns related to slope stability and prevailing geologic conditions within the existing quarry created by a former operator, and to allow compliance with the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment Thereon, and related court order in *County of Riverside v. Paul Hubbs Construction Company, Inc. et al*, Riverside Superior Court Case No. RIC 387195 ("RCL No. 118S2").

The project site is located in northwestern Riverside County ("County"), South of Cajalco Road and East of Interstate 15, just outside of the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian.

RCL No. 118S2 will allow the applicant to continue to operate the quarry in its intended and lawful manner, by among other things, permitting the applicant sufficient area within the Reclamation Plan to better accommodate needed facility upgrades and compliance with requirements of various public agencies that will allow for completion of the process to rectify existing site conditions, including by continuing mining within the quarry reserves, stabilizing slopes, cleaning, recontouring, stabilizing surface disturbances, and reclaiming the site so it is compatible for future land use. The total reclaimed area of the project site encompassed by RCL No. 118S2 is 135 acres, with 62 acres of disturbed land. The applicant will recontour and reclaim the existing quarry slopes to a stable condition. The applicant will continue to utilize or sell material from the mining and reclamation activities. In addition, an area to the Northeast of the quarry pit will be revegetated to accommodate reclamation of this previously disturbed area. The currently disturbed area (62 acres) will be reclaimed consistent with Surface Mining and Reclamation Act (Pub. Resources Code, §§ 2710 et seq., "SMARA") and County regulations.

ISSUES OF POTENTIAL CONCERN: N/A

SUMMARY OF FINDINGS:

- | | |
|--|---|
| 1. Existing General Plan Land Use (Ex. #_) | Open Space: Mineral Resources (OS:MIN) and Rural (OS:RUR) |
| 2. Surrounding General Plan Land Use (Ex. #__) | Open Space: Rural (OS:RUR) to the North and East, areas to the South and West are in the City of Corona |
| 3. Existing Zoning (Ex. #_) | Mineral Resources and Related Manufacturing (M-R-A) and Natural Asset (N-A) |



- | | |
|-----------------------------------|--|
| 4. Surrounding Zoning (Ex. #_) | Natural Asset (N-A) to the North and East, and properties within the City of Corona to the South and West. |
| 5. Existing Land Use | Aggregate Mining |
| 6. Surrounding Land Use (Ex. #_) | The site is bounded by a golf course to the West, open space to the South and East, and sparse residential use to the North. |
| 7. Project Data: | Total Gross Acreage: 135
(62 Acres Disturbed) |
| 8. Environmental Concerns: | CEQA Exempt |

RECOMMENDATIONS/ACTION:

FIND RCL No. 118S2 exempt from the California Environmental Quality Act (CEQA) based on the findings contained herein pursuant to State CEQA Guidelines Sections 15301(d) and 15061(b)(3), as further described below; and,

APPROVE SUBSTANTIAL CONFORMANCE NO. 2 to RECLAMATION PLAN No. 118, based upon the findings and conclusions incorporated in the staff report, which findings and conclusions are based upon the entire administrative record pertaining to RCL No. 118S2.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings which is incorporated herein by reference.

Findings Related to the Riverside County General Plan and Ordinance No. 348

General Plan

1. The project site is designated Open Space: Mineral Resources ("OS-MIN") and Open Space: Rural ("OS-RUR") on the Temescal Canyon Area Plan.
2. The proposed use, remediation via surface mining and recontouring, is a permitted use under the OS-MIN and OS:RUR designations.
3. The project site is surrounded by properties which are designated OS-RUR to the north and east, and properties that are within the City of Corona to the south and west.

Zoning (County Ordinance No. 348)

4. The existing reclamation plan boundary is within the Mineral Resources and Related Manufacturing ("M-R-A") zone, and the expanded area to be encompassed by Amended RCL00118S1 will include an area zoned both M-R-A and Natural Assets ("N-A").
5. The proposed use, reclamation, with related surface mining activities, is an allowed use in both M-R-A and N-A zones. Because the site is subject to a vested right to mine within the area of RCL No. 118S2, the applicant is entitled to conduct surface mining activities within the reclamation area without a surface mining permit. (See Finding No. 10.)

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6. The proposed use, reclamation, with related surface mining activities, to achieve slope stability and reclamation benchmarks, is consistent with the development standards set forth in the M-R-A and N-A zones.
7. The project site is surrounded by properties which are zoned N-A to the North and East, and properties that are within the City of Corona to the South and West.
8. This project is within the City of Corona Sphere of Influence.

Findings Related to the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP")

9. RCL No. 118S2 is exempt from the requirements of the MSHCP because vested surface mining activities in the subject area preceded adoption of the MSHCP. (See Findings Nos. 10-11.)

Findings Related to Ordinance No. 555 and SMARA

Vested Right (Ordinance No. 555 §12, SMARA §2776)

10. With the approval of Reclamation Plan No. RCL00118 Substantial Conformance No. 1 (RCL No. 118S1) on November 11, 2013, the County made the following findings:
 - a. The applicant maintains a vested right to conduct mining operations in those areas of the quarry and surrounding lands that are the subject of RCL No. 118S1, as contemplated by Sections 2 and 12 of Ordinance No. 555 and Section 2776 of SMARA; therefore, a Surface Mining Permit is not required for purposes of this Substantial Conformance. The applicant's vested right to mine within the RCL No. 118S1 area, as previously recognized by the County and described in the sub-findings contained herein, is documented by the materials reviewed by, and on file with, the County relating to RCL No. 118S1, including but not limited to various documents submitted by the applicant detailing the nature and scope of the vested right. These documents demonstrate that:
 - (i) Mining has occurred in the area that is the subject of RCL No. 118S1 since at least the 1930s.
 - (ii) The County's first ordinance requiring a permit to conduct mining operations was enacted in 1948, at which time the existing mining operation within the RCL No. 118S1 area established a vested right to continue mining activities as a legal, non-conforming use.
 - (iii) In 1959 and 1970, two-pre SMARA permits were issued by the County to the applicant's predecessors establishing a right to mine the lands in and about the area subject to RCL No. 118S1.
 - (iv) The permit obtained in 1970 ("CUP No. 1146") was for crushing and asphalt plants, not surface mining, but included a site plan identifying the available mine site (including substantial areas within RCL No. 118S1),



- thus demonstrating that this mining area was within the area subject to vested rights.
- (v) In 1982, Reclamation Plan 118 ("RP No. 118") was approved, and included statements further recognizing and clarifying that the mining operation at the site operated pursuant to vested rights, and also included a large mining area boundary, overlapping with the 1970 CUP No. 1146 mine area boundary.
 - (vi) As of 1982 the County had approved two mining-related entitlements that recognized areas subject to the vested right: the 1970 plant permit (which identified a mine site boundary) and the 1982 reclamation plan RP No. 118 (which identified a mining area subject to future reclamation). Surface mining activities within these areas, as contemplated by RCL No. 118S1, is thus within the scope of the previously-determined vested right.
11. With the approval of RCL No. 118S1 on November 13, 2013, the County approved a third mining-related entitlement that confirmed the areas previously recognized as subject to the vested right include at a minimum the areas located within the CUP No. 1146 and RP No. 118 boundaries. Any future surface mining activities and/or reclamation activities within the areas described in the CUP No. 1146 and RP No. 118 boundaries (including as reflected in the RCL No. 118S2 boundary), are thus within the scope of the previously-established vested right; and, would not constitute an expansion of the permitted or allowed mining area or extension of the operation.
 12. Because the areas subject to surface mining disturbance and/or reclamation activities within the new reclamation plan boundary in RCL No. 118S2 are consistent with the scope of the existing vested right confirmed in multiple, historical documents, the County need not make any further determination of the scope of such vested right prior to approval of Amended RCL No. 118S2 or of any future amendment that does not alter the reclamation plan boundary as set forth in RCL No. 118S2. (See *e.g.*, *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 617.)
 13. In approving RCL No. 118S1, the County specifically referenced or identified various surface mining activities to be undertaken during mining and reclamation, including crushing, screening, processing, trucking, mining, and related activities historically on-going at the site which further the existing quarry operations, including a processing plant, screens and conveyors. As determined in the 2013 findings supporting RCL No. 118S1, and as concluded by the Superior Court in the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment Thereon, and confirmed herein, such surface mining activities are within the scope of the previously-determined vested right. Furthermore, an owner of vested surface mining operations is allowed to "modernize his operations; and change, add to, or increase the size of his equipment (though determined to be structures), even though this increases his input and intensifies the use; provided that by such action he does not change the original protected nonconforming use." (*Moore v. Bridgewater Township* (1961), 173 A.2nd 430, 442 (cited in *Hansen Brothers Enterprises, Inc. v. Board of Supervisors of Nevada County* (1996) 12 Cal4th 533.) As one California court, and the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment thereon, have summarized this issue recently: if a vested right was obtained "in the heyday of the



gold rush, it would not be limited to a shovel, gold pan, rocker, and a long tom." Accordingly, none of the recently upgraded or modernized equipment or facilities change the original vested mining use, and in fact many of the modernizations and upgrades increase efficiency and environmental conservation of the applicant's surface mining operation.

14. The applicant reserves the right to seek future confirmation of the full scope of its vested right to mine outside the boundaries of RCL No. 118S2. Should the applicant, in the future, seek to mine outside the boundaries of RCL No. 118S2, it would need to demonstrate the scope of its vested right pursuant to the vested right determination process required by and consistent with the appropriate lead agency surface mining ordinance, such as the County's surface mining ordinance (No. 555.19), SMARA, and related cases (e.g., *Hansen Brothers v. Bd. of Supervisors* (1996) 12 Cal.4th 533, and *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613.)

Reclamation Plan Requirements (Ordinance No. 555 § 6)

15. RCL No. 118S2 satisfies the criteria for reclamation plans listed in Section 6 of Ordinance No. 555.
 - a. RCL No. 118S2 indicates the methods that will be used to reclaim the land as well as the schedule for the timing of reclamation.
 - b. RCL No. 118S2 describes the physical conditions subsequent to the completion of reclamation as well as post-reclamation uses.
 - c. RCL No. 118S2 includes a number of maps that depict reclaimed site conditions, including cross-sections, elevations, and topographic depictions.
 - d. RCL No. 118S2 describes the manner in which derelict machinery, mining waste, and scraps will be removed from the site as well as how contaminants will be controlled.
 - e. RCL No. 118S2 describes the methods that will be used to guarantee stable slopes and waste piles.
 - f. RCL No. 118S2 describes how reclamation will affect the area for future mining use.
 - g. RCL No. 118S2 shows that the site, in final form, will be revegetated for soil stabilization, free of drainage and erosion problems, coordinated with present and anticipated future land use, and compatible with the topography and general surrounding environment.

Substantial Conformance (Ordinance No. 555 § 13)

16. RCL No. 118S2 meets the criteria for approval through a Substantial Conformance as specified in Ordinance No. 555 Section 13(b).



- a. RCL No. 118S2 does not change the original or most recent approvals. RP No. 118 called for reclamation of mining activity at the culmination of vested mining operations. RCL No. 118S1 similarly allowed for reclamation of an area subject to vested mining operations, yielding safe slopes and a usable post-reclamation condition.
- b. Following County approval of RCL No. 118S1, Applicant undertook extensive efforts to implement the terms and conditions of the new Reclamation Plan, including to remediate existing site conditions and potentially hazardous slopes, as well as to modify facilities in order to implement necessary upgrades and to comply with requirements of various agencies, all concurrent with on-going mining operations. During the course of this implementation process from 2013 to 2015, it became apparent that the manner in which the 2013 Settlement Agreement and RCL No. 118S1 had modified the prior 1982 RP No. 18, including by reducing the size of the Reclamation Plan boundary area relative to the previously-approved 1982 boundary area, could not fully accommodate the necessary facility upgrades and modifications, and that further efforts to refine the reclamation plan, including its boundary area, were necessary in order to fulfill the intent and objectives of the 2013 Settlement Agreement. Specifically, refinement of the Reclamation Plan boundary is necessary to properly accommodate establishment of a re-aligned and upgraded access road, re-seeding of areas previously covered by rock material in areas outside of the 2013 reclamation plan boundary, re-location of explosive magazine bunkers, and minor adjustment to the mine plan boundary that would still be located within the previously confirmed vested right area. Accordingly, RCL No. 118S2 refines the 2013 Reclamation Plan boundary area to better accommodate the efforts to fulfill the intent and objectives of the 2013 Settlement Agreement, and as now further confirmed in the 2016 Second Amended Settlement Agreement.
- c. RCL No. 118S2 is designed to allow the applicant to fully achieve the objectives of RCL No. 118S1 and satisfy all applicable legal requirements.
- d. RCL No. 118S2 neither changes the site's post-end use (e.g., potential industrial use as one alternative) nor extends the lifetime of mining operations relative to RCL No. 118S1 or the Applicant's vested right as described in Finding 10(a). Accordingly, there is no change in the original approval.
- e. RCL No. 118S2 does not change the effect of the existing reclamation plan on surrounding property owners. As stated in Finding 15(a), RCL No. 118S2 neither changes the site's post-end use nor extends mining operations. Rather, RCL No. 118S2 will improve conditions at the site to ensure conformity with County and State regulations relating to slope stability, which is a benefit for public safety and for neighboring property owners.
- f. RCL No. 118S2 is both a modification to upgrade the existing facilities by improving prevailing slope stability and geologic concerns, site drainage and access, and a modification necessary to satisfy requirements for various public agencies, as well as to comply with the 2016 Second Amended Settlement Agreement. Further, the terms of the Superior Court's order, as reflected in the 2016 Second Amendment,



determined that none of the upgraded or modernized equipment or facilities change the original vested mining use, and in fact many of the modernizations and upgrades increase efficiency and environmental conservation of the surface mining operation. Thus the scope of activities contemplated under RCL No. 118S2 is consistent with historic vested mining activities at the Quarry, and therefore, approving RCL No. 118S2 would be consistent with the type of actions that may be approved through a Substantial Conformance under Ordinance No. 555 Section 13(b).

- g. As contemplated by Section 13(f) of Ordinance No. 555, approval of RCL No. 118S2 is appropriate through a Substantial Conformance, because the project is exempt from CEQA review. (See Finding Nos. 21-22.)
17. A public hearing is not required to approve RCL No. 118S2 through a Substantial Conformance. (See Ordinance No. 555 § 13(d)(1).)

Procedural Requirements Under Ordinance No. 555 and SMARA

18. In satisfaction of Section 9 of Ordinance No. 555 and SMARA Section 2773.1(a), the applicant submitted a revised financial assurance cost estimate ("FACE"), which the County reviewed and approved, and has agreed to post a Financial Assurance Mechanism corresponding to the FACE once the plan has been approved.
19. Notice requirements under SMARA Section 2774 have been completed.
- a. On October 18, 2016, the County transmitted RCL No. 118S2 to the Department of Conservation, Office of Mine Reclamation ("OMR").
 - b. On November 16, 2016, OMR submitted written comments on RCL No. 118S2 to the County.
 - c. On December 2, 2016, the County and applicant submitted written responses to OMR describing the disposition of all major issues raised in OMR's November 16, 2016, letter to the County.
20. Pursuant to SMARA Section 2774(d)(2), the County provided 30 days notice of its pending approval of RCL No. 118S2 by delivering such notice to OMR on December 5, 2016, that the County planned to consider RCL No. 118S2 on or after January 5, 2017.

Findings Related to Fire Protection

21. Fire protection and suppression services will be available for the project through Riverside County Fire Department. No new buildings or structures are proposed or approved through this plan.

Findings Related the California Environmental Quality Act

22. RCL No. 118S2 is exempt from CEQA review under 14 Cal. Code Regs. § 15301(d), as a project that is based on the "restoration or rehabilitation of deteriorated or damaged

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structures, [or] facilities [...] to meet the current standards of public health and safety." The basis of RCL No. 118S2 is the refinement of reclamation boundaries and features to better accommodate completion of the previously-approved process for restoration of the physical conditions at the project site to a condition that renders them compliant with State and local law, and to a status that does not pose a health and safety concern. Operations at the site prior to the applicant's acquisition of the property created potentially hazardous slopes, as reflected by various documents in the County's file, creating in turn, possible public health and safety concerns at the site. RCL No. 118S2 will allow the applicant to better accommodate on the ground the previously-approved process to recontour the slopes to a satisfactory grade so that the property meets current SMARA and safety standards. Therefore, RCL No. 118S2 is exempt from CEQA review under the referenced exemption.

23. RCL No. 118S2 is further exempt from CEQA review under 14 Cal. Code Regs. § 15061(b)(3), because it will not have a significant effect on the environment.

RCL No. 118S2 involves discretionary review only of a non-substantial modification of previously-approved reclamation activities. Neither the existing surface mining activities at the quarry, nor the surface mining activities that will occur in order to facilitate the previously-approved recontouring of the slopes within the RCL NO. 118S2 area are subject to CEQA review. Those portions of the site that fall within the scope of the RCL No. 118S2 area have already been subject to substantial disturbance. RCL No. 118S2 will not change operations at the site, and will also not extend the life of the mining operation within the Amended RCL00118S2 boundary. Thus, as RCL No. 118S2 consists of only non-substantial modifications to previously-approved restorative activities that **will** take place on substantially-disturbed areas within the RCL No. 118S2 boundary; such reclamation activities will not have any significant effects on the environment, and in fact, will likely only result in beneficial effects.

CONCLUSIONS:

1. The proposed project is in conformance with the Open Space: Mineral Resources (OS-MIN) and Open Space: Rural Land Use Designations (OS-RUR), and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Mineral Resources and Related Manufacturing (M-RA) and Natural Asset (N-A) zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is clearly compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the MSHCP.

INFORMATIONAL ITEMS:



-
1. As of this writing, no letters, in support or opposition have been received.
 2. The project site is located within:
 - a. The city of Corona sphere of influence;
 - b. A fault area
 3. The subject site is currently designated as within portions of Assessor's Parcel Numbers 279-231-006, 281-231-011, 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-190-028, 281-190-029, 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-013, 281-230-014, 281-240-005, 281-260-006, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003

EXHIBIT C

HUBBS/HARLOW QUARRY

**PROJECT DESCRIPTION
AND
AMENDED RECLAMATION PLAN
FOR CA. MINE I.D. 91-33-0061
Christine Goeyvaerts
Cajalco Road Quarry
Revised 10/03/2013 RCL118S1
Revised 11/29/2016 RCL118S2**

**CASE: RCL00118S2
EXHIBIT: C
APPROVED: 2/9/2017
PLANNER: D. Jones**



**HUBBS/HARLOW
CAJALCO QUARRY
AMENDED MINE AND RECLAMATION PLAN**

INTRODUCTION

Project Overview

This Amended Mine and Reclamation Plan (“Amended Reclamation Plan”) is for the Hubbs/Harlow Quarry site (the “Quarry”). The active Quarry is in northwestern Riverside County, south of Cajalco Road and east of Interstate 15, just outside of the boundaries of the City of Corona. The site is accessed via Cajalco Road (see **Reference #2-A and #2-B**, attached hereto, Vicinity Map on the Amended Reclamation Plan).

The previous version of this Amended Reclamation Plan, approved in October 2013 and called RCL118S1, responded to County questions and remedied unstable slopes and geologic hazards at the Quarry in an environmentally and economically viable manner. The County had agreed to expeditiously consider Cajalco’s substantial conformance application by recognizing public health, safety and welfare concerns that were created by the previous owner/operator and that had existed for over a decade.

Since October 2013, the County and Cajalco have, among other things, fully remediated the unstable slopes and geologic hazards at the Quarry. In order to continue to operate the Quarry in its intended and lawful manner, the County and Cajalco have agreed to further revise the Amended Reclamation Plan. This new Plan is called RCL118S2.

Project Objectives

The objectives of RCL118S1 were as follows:

1. To comply with the Stipulated Settlement Agreement and Judgment dated September 27, 2004;
2. To meet slope stability and safety requirements;
3. To reclaim the site to meet Riverside County Ordinance No. 555, which implements the requirements of SMARA;
4. To achieve consistency with health and safety requirements;
5. To reclaim the site for post-mining uses;
6. To contour mining features to minimize aesthetic and erosion impacts;
7. To contain storm water runoff within the reclamation footprint in order to conform to changing storm water requirements;

8. To reclaim and maintain the site as necessary to eliminate hazards to public health and safety; and
9. To render the site suitable for conversion for development consistent with surrounding land uses.

The objectives of RCL118S2 are to provide for and acknowledge:

1. Compliance with the court order in County of Riverside v. Paul Hubbs Construction Co., Inc., et al., Riverside County Superior Court Case No. RIC 387195, entered and filed on July 29, 2016, which order incorporated the terms of the Second Amendment to Stipulated Settlement Agreement Judgment Thereon, dated July 14, 2016;
2. Cajalco's access road improvements to comply with modern air quality requirements and prevent track out;
3. Cajalco's use of adaptive management techniques, including the deposition of material and vegetation clearing, to address trespass and related access concerns in areas outside the Reclamation Plan boundary approved under RCL118S1;
4. Cajalco's ability to relocate explosive magazine bunkers;
5. An adjustment in the Mine Plan boundary to allow light vehicle parking areas in previously disturbed areas; and
6. Cajalco's establishment of various berms, a lay-down area, and plate press and trailers within the Reclamation Plan boundary that required description in this Mine and Reclamation Plan, as well as a water quality basin east of the mine area but within the overall vested right area to (a) prevent the comingling of run-on waters into the mine site and (b) dissipate water velocity during potential El Nino storm events.

History

The Quarry has been subject to extensive historical surface mining. The area near Temescal Creek has been mined for mineral commodities including sand, gravel, clay and rock since the early 1900's. Mining at the Hubbs/Harlow Quarry site has taken place since the 1930's as documented in California Department of Conservation 1991 Special Report 165, "Mineral Land Classification of The Temescal Valley Area." Between 1935 and 1939 Pantages Construction Co. mined the Quarry for Track Ballast for the Atchison, Topeka, and Santa Fe Railroad (DMG Special Report 165, page 46). On April 2, 1940 a record of survey was filed showing the current processing area as "Blarney Stone Quarry". Later, in 1953 Stringfellow company and the Livingston Rock and Gravel Company began large-scale operations including supplying the Long Beach drainage

canal in 1955, the San Gabriel Canyon in 1957, the Santa Ana River Levee in Orange County in 1958 and the Long Beach area flood control channels in 1958-1962.

A vested right to conduct legal, non-conforming surface mining operations including on portions of the Quarry was established in 1948 when the County enacted its first surface mining ordinance. The Quarry's original Reclamation Plan 118 ("RCL118") was required by the Surface Mining and Reclamation Act ("SMARA"), and County Ordinance No. 555 governed surface mining operations on a portion of the Quarry from 1982 until amended in 2013 by RCL118S1.

Summary

This Amended Reclamation Plan is consistent with historic mining activities on the Quarry site that included:

1. A sand, gravel and rock operation (including operation of a rock crushing plant) in the southern portion of the W ½ of Section 15;
2. A clay mining operation in the northern portion of the W ½ Section 15; and
3. SMARA and lead agency requirements

This Amended Reclamation Plan is also consistent with and implements the terms of the 2004 stipulated settlement agreement ("2004 Settlement Agreement") between the County and Paul Hubbs Construction, and related judgment, as ordered by the Superior Court and as amended pursuant to Amendment to Stipulated Settlement Agreement And Judgment Thereon as ordered by the County of Riverside Superior Court on August 28, 2013. On January 6, 2003 the County filed an action against Hubbs Construction for injunctive relief and civil penalties for alleged violations of the California Public Resources Code and County land use ordinances relative to alleged illegal surface mine operations on the Real Property. The County and Hubbs Construction reached a settlement agreement in 2004. The settlement required certain actions to remediate the site, but also expressly reflected Hubbs' intent to expand the vested surface mining operations at the site. The Superior Court subsequently ordered that the terms of the settlement agreement would be the order of the court (9-27-2004 case no. RIC 387195). The revised Amendment to Stipulated Settlement Agreement And Judgment Thereon as ordered by the County of Riverside Superior Court on August 28, 2013 ("2013 First Amendment") is included as **Reference #3-A** in Exhibit C (this document).

In January 2006 Temescal Cliffs purchased the Hubbs/Harlow Quarry from Paul Hubbs Construction Company, Inc., Lucille M. Hubbs (Hubbs Construction) in January 2006. Under RCL118S1, and consistent with the 2004 Settlement Agreement, the current owner desired to rectify the existing site conditions by continued mining within the reserves, stabilizing slopes, cleaning, contouring and stabilizing all surface disturbances and reclaiming the site compatible for future land use. It was the current owner's intent to mine the existing quarry slopes to a state of stability, utilize or sell the rip-rap material, and reclaim the site consistent with SMARA and county regulations.

In brief, RCL118S1 provided a reclamation plan that balanced the need for proper reclamation, and that addressed existing Health and Safety issues as conservatively and expeditiously as possible.

In approving RCL118S1 in 2013, the County adopted findings regarding the scope of vested rights to conduct surface mining activities at the Hubbs Quarry site, including that “surface mining activities within the Amended RCL00118S1 are consistent with the existing vested right confirmed in multiple, historical documents.”

RCL118S2

Following the County’s approval of RCL118S1 in 2013, Cajalco and the County made great strides towards satisfying the terms of the 2013 First Amendment. In particular, Cajalco and the County fully remediated the unsafe conditions that had for over a decade presented an immediate and significant threat to public safety, and made significant progress towards meeting the other provisions of the amended settlement agreement.

However, in the course of undertaking these actions, it became apparent that the 2013 First Amendment was a well-considered but rapid response to the urgent health and safety threats and violations (committed by the Quarry’s prior owners/operators) that existed at the time the 2013 First Amendment was signed and entered as a court order, and that further revisions would be required. In particular, it became apparent that it was not feasible for the Quarry to continue in a manner that fully complied with RCL118S1, and that further efforts to refine the Amended Reclamation Plan, including its boundary area, were necessary in order to fulfill the intent and objectives of the 2013 First Amendment.

Accordingly, on July 14, 2016, Cajalco and County entered into a Second Amendment to the 2004 Settlement Agreement (“2016 Second Amendment”). Pursuant to this further amendment, Cajalco agreed to undertake certain further actions, and the County agreed to process this further Amended Mine and Reclamation Plan, RCL118S2. All of the activities described in the Amended Mine and Reclamation Plan in RCL118S2 were attached to and incorporated into the 2016 Second Amendment. In turn, all such terms of the 2016 Second Amendment were entered by the Riverside County Superior Court as an Order of the Superior Court on July 29, 2016 in Case No. RIC 387195. The 2016 Second Amendment is included as **Reference #3-B** in Exhibit C (this document). Further, the terms of the Court's order, as reflected in the 2016 Second Amendment, determined that (1) there will only be minor adjustments to the actual mine plan area that will all be within the scope of the historic vested mining operations at the Quarry site; (2) none of the upgraded or modernized equipment or facilities change the original vested mining use, and in fact many of the modernizations and upgrades increase efficiency and environmental conservation of the surface mining operation; and (3) all other non-mining activities will either be on areas within the footprint of historic vested operations, or are necessary to satisfy various public agency requirements or facility upgrades.

RCL118S2 is designed to specifically address the following issues:

1. The establishment of a realigned and upgraded access road with grading permit, including grading in previously disturbed areas.
2. The use of adaptive management techniques outside the boundary of RCL118S1, including (a) the deposition of material to prevent trespass on property known as “the old Racetrack” and related access concerns, and (b) clearing of vegetation immediately west of those areas. As of late 2015, Cajalco had removed the deposited material and reseeded the area.
3. The relocation of explosive magazine bunkers required by Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). ATF regulates the bunkers independently of SMARA.
4. The use of areas outside the RCL118S1 boundary for light vehicle parking and the capture of stormwater from traveled areas.
5. The creation of various berms, a plate press and trailers, and a water quality basin east of the mine area but within the overall vested right area to prevent the comingling of run-on waters into the mine site, and for dissipation of water velocity during potential El Nino storm events.

Like RCL118S1, the scope of activities contemplated under RCL118S2 is consistent with historic vested mining activities at the Quarry, which activities are described above.

EXISTING SITE AND AREA CHARACTERISTICS

SITE DESCRIPTION

This Amended Reclamation Plan pertains to the Hubbs/Harlow Quarry site in northwestern Riverside County. The site is located adjacent to the City of Corona and east of I-15 within Sections 15, and 16, Township 4 south, Range 6 west, Riverside Base Meridian, north of Riverside and San Bernardino county borders. The Quarry is accessed via Cajalco Road east of Temescal Canyon Road. Elevations of the site range from near 820 feet msl to a height of around 1,240 feet msl in the southeast portion of the site (see **Reference #2-A**, RCL118S1, Exhibit B2).

ACCESS

The site is accessed off of Cajalco Road via a private road approximately 2000 feet east of the intersection of Cajalco Road and Temescal Canyon Road. The majority of quarry vehicle traffic enters the site via I-15 (both northbound and southbound vehicles) to Cajalco Road east. Most quarry vehicle traffic exits the site toward the west on Cajalco Road to I-15 northbound and southbound. Very little quarry vehicle traffic enters or exits

from Cajalco Road east of the quarry's private access road road. Access via the private road is controlled by chain link fencing and a gate.

UTILITIES

Water Supply

A well on the property (adjacent to Temescal Creek) provides all water required for operations. Well data indicates high total dissolved solids (TDS) in the groundwater (945 PPM). Calcium is the major cation and carbonates and sulfates are the major anions. Current water consumption is estimated at 5,000 gallons per day. This is used for dust control of quarry operations and transport of material. Well and existing buildings will remain until subsequent entitlements or approvals are obtained for future development. RCL118S2 includes the installation of water conservation efficiency improvements, including a plate press.

Drinking Water

Bottled water is provided for employees.

Sewage Disposal

The sewage generated on site is and will continue to be disposed in portable toilets stationed throughout the quarry. These portable facilities will be properly maintained and cleaned. Additionally, the office has an existing septic system. The office will remain until reclamation is complete and subsequent use is approved. Demolition will take place prior to preparing the area for future development.

Electrical

The electrical power service is provided by either Southern California Edison (SCE), or from natural gas fired generators onsite. Electric service within the reclamation area will be removed prior to final closure of the Reclamation activities. Electric service to well and existing buildings will remain until subsequent entitlements or approvals are obtained for future development.

Diesel

The normal diesel required for project equipment and trucks is approximately 20,000 gallons per year. Diesel is stored in an above-ground, portable fuel tank holding approximately 2,500 gallons. The tank is currently located in the processing area however; the unit is portable and is subject to move. The tank is provided by outside contract and has portable permits. A second fuel tank has been added (Permit BXX140294) and is subject to Reclamation.

LAND USE

Existing Onsite Land Use

The Quarry is used exclusively for mining and mineral commodity production. Most of the area has been altered by quarry and related uses. Existing facilities and uses include: graded access roads; abandoned railroad line; storage and working quarry areas; office, repair and scale area; and conveyer belt systems.

The existing, approved mine site is zoned M-R-A, Mineral Resources & Related Manufacturing. The area requested for expansion is zoned M-R-A and N-A Natural Assets.

Adjacent Land Uses

The Quarry is bordered on the west by the Dos Lagos Golf Course in the City of Corona. The Golf Course was designed as a buffer for the Mine and residential uses located approximately 700-1000' west of the processing area of the mine. The property south of the mine is conservation, east of the property is vacant and there are some individual rural homes on Cajalco just north of the site.

Visibility

The surrounding hilly terrain blocks visibility of the mining area from Cajalco and residents to the north. The closest home in the Dos Lagos housing development is located around 1000' west of the existing processing area. The EIR for the Dos Lagos development recognized that the existing mining uses could go on indefinitely and the developer added several mitigation measures to avoid potential land use conflicts. The Dos Lagos specific plan provided a buffering land use between the existing mine and residents in the form of the Dos Lagos Golf Course which separates the conflicting land uses, providing noise and aesthetic mitigation. Additionally, home buyers in the Dos Lagos community connecting to the golf course are provided disclosure notices advising future property owners of the existing mines prior to purchasing a home. The strategy of pre-impact notification was intended to preclude land use incompatibility issues prior to occupancy in the residential area by divulging the information to prospective home buyers prior to purchase.

GEOLOGY & GEOTECHNICAL FRAMEWORK

A detailed description of geologic units and related geotechnical analyses for the quarry area is given in "Slope Stability Investigation Proposed Reclamation of Hubbs Quarry Job # 13173-8", attached as **Reference #1** as part of this Amended Reclamation Plan. In brief, the Hubbs Quarry is located in unincorporated Riverside County, southeast of the intersection of Cajalco and Temescal Canyon Roads. The mine is sited in uplifted and dissected bedrock of the northern Peninsular Ranges geomorphic province. The Peninsular Ranges include plutonic and metamorphic crystalline rock of Cretaceous and

older age. The crystalline basement rocks are locally mantled by residual soils and capped by isolated alluvial/sedimentary remnants. Rocks in the quarry area include volcanic rocks likely coeval with plutonic rocks of the Peninsular Ranges batholith, and Paleocene sedimentary rocks of the Silverado Formation. The Silverado Formation is exposed in excavations around North Hill (hilltops located adjacent to the southern and northern quarry limits are designated 'South Hill' and 'North Hill' for purposes of this investigation).

The appended slope stability report specifically addressed health, safety and welfare measures that were needed to bring the Quarry's slopes into compliance with applicable requirements, as RCL118S1 required. The slope stability report explained that, at the time it was prepared:

- Reclamation slopes will be formed in very hard, jointed igneous bedrock overlain by cemented sedimentary bedrock of the Silverado Formation and a thin mantle of older alluvium and residual soil
- The bedrock has a well-developed orthogonal joint system common to quarry environments in the region
- The joint system produces stable slope configurations in north- and west-facing slopes at the proposed 1:1 finished slope gradient
- A south-dipping component of the joint system may potentially form sliding blocks in south-facing exposures; however, this potential is mitigated by approximately 2:1 gradient for south-facing slopes
- The Silverado Formation sediments form stable slopes at the proposed 2:1 finished slope gradient
- The mantle of residual soil and older alluvium will be sloped at a 3:1 gradient to produce a stable configuration
- In accordance with current standards of practice, kinematic and global slope stability analyses, using site-specific data, were utilized to evaluate the proposed reclamation slopes
- Similarly the slope design and analysis is consistent with the standard of practice for the region including consideration of seismic potential
- Landslides potentially affecting proposed reclamation slopes do not presently occur, or are anticipated to occur, within or near the quarry boundary based on detailed geological mapping
- Based on the elevation of the proposed pit bottom, groundwater is not expected to occur within the maximum mined depth
- The proposed quarry slope configurations are suitably stable under static and seismic conditions as reclaimed slopes
- We recommend inclusion of horizontal safety benches in final slope design as an effective protection from rock fall, and to reduce tensional forces in surface rock and potential surface erosion.

- As appropriate, berms will be placed across slopes potentially subject to overland flow.

From a seismic standpoint:

- The site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone or a fault hazard zone designated by the County of Riverside;
- Faults are not mapped within the proposed quarry limits;
- The nearest major fault, the Elsinore Fault, is approximately two miles southwest of the site and capable of producing peak ground acceleration of 0.43g at the site based on a potential magnitude 7.3 earthquake
- The seismic potential of the Elsinore Fault was therefore considered for calculation of site specific slope stability

Recommendations made in “Slope Stability Investigation Proposed Reclamation of Hubbs Quarry” were incorporated into RCL118S1 and provided compliance with local and state regulations.

Soils

Data on soils are obtained from sheet No. 82 of the “Western Riverside Area, California; Soil Survey”, November 1971. The majority of the natural soil on undisturbed parts of the site are capability VII soils, i.e., incapable of agriculture and generally shallow and poor quality soils. The soils found on the property include: Rough broken land; Cortina cobbly Lomay sand; Lodo rocky loam (25 50% slopes); and Temescal rocky loam. See Appendix B for detailed soil descriptions. Although generally poor quality soils from an agricultural standpoint, these soils support a typical vegetation community and some chapparral in higher locations. These soils are subject to severe erosion due to shallow soil profiles and steep slopes. Soils on the property do not have sufficient depth to warrant stockpiling the top soil. The areas already quarried and disturbed have had all soil removed and the remaining material is either rock out crops or weathered parent material.

VEGETATION

The quarry is devoid of vegetation owing to removal of original thin residual soils resulting from long term benching and quarrying operations. Undisturbed areas consist of plant communities of typical natural and non-native grasses, brushland composed of inland sage scrub, and mixed chaparral. Portions of the brushland are disturbed due to horseback riding and off road vehicle trespass throughout the local area. Typical plant species in the local area include: California buckwheat (*Eriogonum fasciculatum*), goldfields (*Lasthenia glabrata*), small fescue (*Vulpia microstachys*), and deerweed (*Lotus scoparius*). Anticipated post-reclamation land use will complement the nearby Dos Lagos development immediately upon depletion of existing reserves. From a practical

standpoint, the site will be revegetated only to the extent necessary for dust and surface water control.

Weed Control: Inspections for noxious weeds will be conducted twice yearly, on or about mid-March and mid-September. Non-native, invasive weeds will be removed either manually or mechanically, if feasible. In circumstances where hand weeding or mechanical control is not effective, it is appropriate to utilize systemic herbicides. Particular attention will be given to noxious invasive species such as Castor bean (*Ricinus communis*), Russian thistle (*Salsola tragus*), Tree tobacco (*Nicotiana glauca*), Tamarisk (*Tamarix* sp.) and summer mustard.

WILDLIFE

Wildlife associated with the site includes:

Reptiles – Great Basin collared lizard, zebra-tailed lizard, common side-blotched lizard, and western whiptail.

Birds – Northern harrier, mourning dove, lesser nighthawk, western kingbird, common raven, horned lark, cliff swallow, European starling, black-throated sparrow, and western meadowlark.

Mammals – Coyote, ground squirrels, round-tailed ground squirrel, and black-tailed jackrabbit.

Increasing urbanization, existing roads/expressways and long-term mining have long since affected wildlife patterns and numbers. Accordingly, post-reclamation plans utilize this developable property for urbanization consistent with nearby land use. There are no known threatened or endangered species on or near the site.

MINING

MINERAL COMMODITY

The recoverable mineral commodity is nonmetallic construction materials. These include rip rap, base material, gravel and rock. The Hubbs/Harlow Quarry will be mined and reclaimed in a manner that maximizes potential for future development.

Quarry Operations

The Hubbs/Harlow Quarry is a multi-bench hillside rock quarry typically operating on a six day work week from 6:00 a.m. to 8:00 p.m. Monday through Saturday although this schedule can occasionally vary. All extraction and production activities occur onsite.

Work Force

The mine typically employs 6-8 people directly at the site to perform the necessary work relating to mining, safety, environmental, management, and administration tasks. This does not include delivery truck drivers. Employees are primarily skilled workers in the construction material industry; namely, mobile equipment operators, maintenance personnel, and support staff consisting of a quarry manager, weigh master and quality control technicians.

Quarry

The quarry is to be excavated and reclaimed according to this Amended Reclamation Plan. Maximum mine depth is 817 feet. The following activities are and will be undertaken during mining and reclamation:

- Crushing, screening, processing, trucking and mining, including related activities historically ongoing at the site.
- Mining to the contours as outlined in the Amended Reclamation Plan.
- Material stockpiling.
- Reclamation, including recontouring of slopes, implementation of appropriate erosion control measures, and monitoring.

Consistent with the 2013 First Amendment and RCL118S1, Cajalco undertook slope stability mitigations at the Quarry based on field reconnaissance, detailed mapping, sample collections and laboratory analyses, various County inspections, and, ultimately, the recommendations in the Slope Stability Investigation Proposed Reclamation of Hubbs Quarry Job # 13173-8, discussed above and attached hereto as **Reference #1**. Cajalco immediately worked to correct hazards and bring the site into compliance with all agency requirements, including MSHA, OSHA, SMARA, RWQCB, air quality, and County standards. Cajalco and the County regularly met throughout this process. The quarry will continue operating depending on market demands and subsequent development approvals for the property. The final reclamation plan ultimately provides for a developable property that is flat, usable and in a highly desirable area.

In addition, as discussed above, Cajalco has completed the following activities, as strictly indicated on this S2 Amendment to the Reclamation Plan: realign and upgrade the Quarry's access road; use adaptive management techniques, including depositing material and clearing vegetation, to address trespass and access issues outside the approved Reclamation Plan boundary; relocate explosive magazine bunkers (ongoing-per ATF requirements); adjust the Mine Plan boundary to satisfy grading requirements and allow light vehicle parking areas; establish berms and a lay-down area within the Reclamation Plan boundary; establish a water quality basin east of the mine area, but within the vested

right area, both to prevent commingling of run-on waters into the mine site and reduce water velocity during large storm events.

Quarry Equipment

Existing Quarry operations include a Processing Plant, screens and conveyors. Mobile equipment consistent with those found in Table 1 is currently used and replaced as necessary.

**Table 1
Typical Mobile Equipment**

Equipment	Typical Number	Purpose
Motor Grade	1	Maintenance of access roads.
Haul or Dump Trucks	2	Transportation of material onsite.
Drill Rig	1	Drilling holes for placement of explosive
Water Truck	1	Water haul roads, stockpiles, and general dust suppression at site.
Front-End Loaders	4	Loading of material onto conveyors and haul trucks.

** Equipment subject to change as equipment wears out or efficiency advances become available. Air quality compliance, economic efficiency and technological advances often initiate ongoing upgrades.*

PROJECT LIFE

Approximate Project Life is expected to be 25 years with an anticipated termination date of December 31, 2038, depending on market demand. Reclamation will not permanently affect future mining assuming a sufficient economic mineable resource remains. The Amended Reclamation plan grades the site to a relatively flat, usable pad. The reclamation will take years to complete and development is expected to follow final reclamation, upon submittal and approval of a development plan. The final slopes are rock and will be resistant to vegetation and erosion. Storm water plans will be implemented and monitored as the lead agency deems appropriate. Reclamation will be performed consistent with RWQCB requirements.

PROJECT SIZE

As a vested operation, there is no acreage required to be permitted. The total acreage covered under RCL118S1 was 59 acres, as were both the total disturbed acreage and the total acreage to be reclaimed.

Under RCL118S2, the disturbed area is 62 acres and includes an area for light vehicle parking north of the Amended Reclamation Plan boundary and a Stormwater Retention Basin immediately east of the boundary. The reclaimed area includes vested activity in areas previously disturbed by mining but excluded from previous versions of the Reclamation Plan (even though they were part of the active mining area). These areas include a shop west of the mining area, a scales, an office and a detention basin. These areas also include a road that has historically been discussed in the Reclamation Plan but excluded from acreage calculations because it was outside the active mining area. RCL118S2 includes these vested areas for clarity, without increasing the quantity of material to be mined or the area to be disturbed. The shop, office and access roads will remain post reclamation as all have independent, valuable and productive uses regardless of reclamation. These items will be included in the financial assurance cost estimate as existing facilities though no cost will be assigned to reclaim those improvements.

PROJECT COMMODITY

Approximate Project Commodity is 11.1 mcy. Reclamation will not permanently affect future mining assuming a sufficient economic mineable resource remains.

TRUCKING/TRAFFIC

The site is accessed off of Cajalco Road via a private road approximately 2000 feet east of the intersection of Cajalco Road and Temescal Canyon Road. The majority of quarry vehicle traffic enters the site via I-15 (both northbound and southbound vehicles) to Cajalco Road east. Most quarry vehicle traffic exits the site toward the west on Cajalco Road to I-15 northbound and southbound. Very little quarry vehicle traffic enters or exits from Cajalco Road east of the quarry's private access road. Access via the private road is controlled by chain link fencing and a gate. The number of vehicles varies depending on the time of year and construction demand. As a vested operation, there is no restriction on the amount of Quarry traffic entering or leaving the site.

WATER

Production Water Usage

Current water is used for dust control of quarry operations and transport of materials. Daily consumption is approximately 5,000 gallons per day, however, depending on Santa Ana/ wind conditions this number can fluctuate as high as 6000 gallons per day. The well produces around 250 GPM and the water is pumped to the water tank for filling the water trucks. The annual usage of the well typically falls between 4-6acre feet per year.

Wastewater

Wastewater is not generated on-site; and water loss is typically for dust control. Domestic wastewater is controlled with portable sanitation units contracted out to a 3rd party, licensed provider. The existing office has a septic system that was installed many

years ago although the exact date is unknown). RCL118S1 adopted the plans of RCL118, which was approved on April 7, 1982, and specified that buildings remaining after the cessation of mining activities would be left intact and utilized in a manner consistent with their current use until a decision is made on what to do with the structures.

Storm Water

All operations on-site comply with WDID#8331022068 issued for the site; the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with industrial activities and employ appropriate storm water BMP's. NPDES requirements are to eliminate unauthorized non-storm water discharges, prepare Storm water Pollution Prevention Plan (SWPPP), and monitor storm water discharges visually and/or by sampling. Annual inspections are performed by the lead agency and RWQCB. The quarry bottom design was revised to contain water as a temporary basin not as a deficiency of the system currently in place. This measure serves as a decrease in existing runoff patterns therefore continues to comply with the General Industrial Storm water permit/SWPPP issued for the site. Calculations demonstrating compliance with CCR Section 3706(d) have been included as **Reference #5** of the Amended Reclamation Plan.

Groundwater

Based on the presence of non-liquefiable bedrock, the potential for shallow groundwater-related hazards at the site is considered to be very low. The quarry bottom may be exposed to periodic ponding of surface water after locally heavy precipitation. However, such ponding is shallow and short-lived – lasting only as long as evaporation/absorbtion occurs. There is no known impact to the Groundwater. And as the Quarry bottom is bedrock, none are anticipated. Finished floor elevation is above the regional groundwater table and consumption of well water for dust suppression has been used in a consistent manner for over 50 years at this facility.

EXCAVATIONS

The Amended Reclamation Plan provides plan-views and cross sections illustrating the proposed finish slopes. The mining operation will include extraction of the raw material from the working face and conveying the excavated and initially crushed material to the existing processing area. Aggregate material is then fed to the crushing and screening plant for sorting, sizing, crushing of over-sized rock, and stockpiling of the finished materials. Scaling of loose material during excavation of benches will be performed to mitigate potential instability. The County will be updated in the annual monitoring report and the annual SMARA mine inspection reports on the status of operations.

A 50-foot minimum set back shall be maintained along the Amended Reclamation Plan boundary and 10' from easements. The setback is planned for security and safety of the site, during both mining and reclamation.

QUARRY WASTE

It is not anticipated that any tailing or waste material dumps will exist at the end of mine operations. The only material not used at the rate generated is the fine material. Accumulated fines will be used to backfill quarry benches and thus will all be consumed.. Stockpiled material will be transported for offsite sale.

IMPORTED WASTE

The quarry will not accept imported waste materials.

EROSION AND SEDIMENTATION CONTROL

A site specific SWPPP and WDID No. 8331022634 have been assigned to the operator for regulating storm water compliance. Erosion is minor owing to the quarry exposed hard rock. Additionally, site conditions are closely monitored during daily and continuous operations. Repairs are made promptly on an as-needed basis. Erosion control measures from the Site Specific SWPPP have been included as **Reference #4** of the Amended Reclamation Plan.

BLASTING

The on-site hard rock requires blasting to extract material of appropriate size for processing. Through an extractive mining process, the rock materials are systematically removed through cuts and benches and conveyed to the primary crusher. Mining procedures will include drilling and blasting to develop the necessary slopes and benches as presented in the Revised Slope Stability Investigation.

Blasting operations will involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, and Firearms. In compliance with County regulations, blasting shall only be conducted by a licensed blaster upon issuance of a blasting permit. The County Sheriff's Department must issue a site-specific blasting permit. The licensed blaster shall also submit a certificate of insurance evidencing that he or she has obtained the appropriate general liability insurance policy.

Blasting activities shall take place between the hours of 10:00 a.m. and 4:00 p.m. on weekdays (Monday through Friday). Blasting shall only be allowed on weekends if there is an emergency. No blasting occurs after dark.

A number of issues must be considered in the preparation of a blasting plan including vibration, air blast, and fly rock. It is also important that basic safety requirements are practiced during blasting. Proper blasting design by qualified experts is the best method for eliminating the potential impacts of blasting operations. A proper blasting design involves efficient use of explosive delays and enough stemming or overburden material

to confine fly rock. In addition, a number of safety measures specific to the project site will be required including removal of unstable boulders, stabilizing boulders, limiting the amount of explosive used in blasting, inspecting the site prior to blasting, posting lookouts and use of warning signals. Only experienced, licensed and insured blasting companies are hired to perform blasting activity.

RECLAMATION

The intent of the California Surface Mining and Reclamation Act (SMARA) is to “maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that a) adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative uses; b) the production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and c) residual hazards to the public health and safety are eliminated” (Section 2712).

Article 9, Section 3700 of SMARA states the following “Reclamation of mined lands shall be implemented in conformance with standards in this Article (Reclamation Standards). The standards shall apply to each surface mining operation to the extent that:

1. They are consistent with required mitigation identified in conformance with CEQA; and
2. They are consistent with the planned or actual subsequent use or uses of the mining site”

The Quarry proposes to reclaim the quarry site to meet Riverside County standards and requirements as well as State SMARA requirements that will minimize impacts to the surrounding community and environment.

As discussed above, the major objectives of RCL118S1 were:

1. To comply with the Stipulated Settlement Agreement and Judgment dated September 27, 2004.
2. To meet slope stability and safety requirements;
3. To reclaim the site to meet Riverside County Ordinance No. 555, which implements the requirements of SMARA;
4. To achieve consistency with health and safety requirements;
5. To reclaim the site for post-mining uses;
6. To contour mining features to minimize aesthetic and erosion impacts;

7. To contain storm water runoff within the reclamation footprint in order to conform to changing storm water requirements;
8. To reclaim and maintain the site as necessary to eliminate hazards to public health and safety; and
9. To render the site suitable for conversion for development consistent with surrounding land uses.

To these objectives, RCL118S2 adds the following objectives:

1. To comply with the court order in County of Riverside v. Paul Hubbs Construction Co., Inc., et al., Riverside County Superior Court Case No. RIC 387195, entered and filed on July 29, 2016, which order incorporated the terms of the Second Amendment to Stipulated Settlement Agreement Judgment Thereon, dated July 14, 2016;
2. To authorize Cajalco to realign and upgrade the Quarry's access road;
3. To authorize Cajalco to use adaptive management techniques, including the deposition of material and vegetation clearing, to address trespass and related access concerns in areas outside the Reclamation Plan boundary approved under RCL118S1 as defined in this S2 Amendment;
4. To authorize Cajalco to relocate explosive magazine bunkers;
5. To adjust the Mine Plan boundary to satisfy specified grading requirements and allow light vehicle parking areas as defined in this S2 Amendment; and
6. To authorize Cajalco to establish various berms, a lay-down area, and plate press and trailers within the Reclamation Plan boundary that required description in this Mine and Reclamation Plan, as well as create a water quality basin east of the mine area but within the overall vested right area to (a) prevent the comingling of run-on waters into the mine site and (b) dissipate water velocity during potential El Nino storm events as defined in this S2 Amendment.

Under RCL118S1, the Quarry's active mining area was excavated to form stable slopes. The total reclamation area was approximately 59 acres.

Under RCL118S2, the disturbed area is 62 acres and includes an area for light vehicle parking north of the Amended Reclamation Plan boundary and a Stormwater Retention Basin immediately east of the boundary. The reclaimed area includes vested activity in areas previously disturbed by mining but excluded from previous versions of the Reclamation Plan (even though they were part of the active mining area). These areas include a shop west of the mining area, a scales, an office and a detention basin. These areas also include a road that has historically been discussed in the Reclamation Plan but

excluded from acreage calculations because it was outside the active mining area. RCL118S2 includes these vested areas for clarity, without increasing the quantity of material to be mined or the area to be disturbed.

SUBSEQUENT USES

The Amended Reclamation Plan shows the actual reclamation layout. The subsequent use potential is high for the site will be graded to a relatively flat, usable condition. Ultimate development will require analyses and land use entitlements deemed appropriate by the lead agency, however, probable end use is expected to be urbanized infill development including a combination of Industrial, commercial, residential and recreation uses.

FINAL RECLAMATION SCHEDULE

Mining activity is anticipated to continue until available material is depleted when market demand and development potential are deemed appropriate. Reclamation will occur concurrent with mining. Approximate Final Reclamation date is anticipated to be December 31, 2038.

PUBLIC SAFETY

The Amended Reclamation Plan addresses all hazards to public safety. Specifically, above the quarry rim a safety berm of approximately 5 feet in height will be constructed. Additionally, a set back of approximately 20 feet will be established and a 3-strand barbed wire fence will be constructed. Signs will be posted at 100-foot intervals on the fence to warn persons of the hazards. At the base of the slopes, signs will be posted noting the dangers of possible falling rock. The property owner intends to operate or at least occupy the quarry until development to avoid vandalism and trespassing.

POST-RECLAMATION DRAINAGE AND EROSION CONTROL

Drainage and erosion control measures will be implemented in a manner consistent with the Storm Water Pollution Prevention Plan (SWPPP) approved for the site. Bedrock is not susceptible to wind, rain or overland flow erosion. No distinct channels are directed to the pit. Areas that are amenable to seeding will be revegetated with the seed mix identified in the Amended Reclamation Plan (**Reference #2-A**, RCL118S1 Exhibit B2, and **Reference #2-B**, RCL 118S2, Exhibit B2) using plants/seeding methods listed. The site will result in graded, usable property in a desirable location for urban infill development although final development will depend on subsequent entitlements. Any addition of impervious surface area over 5000 square feet, or as required by governing agency at the time, will require a Project-Specific Water Quality Management Plan. Erosion Control measures from the SWPPP have been incorporated in this Amended Reclamation Plan as reference in this document as **Reference #4**.

SLOPES AND SLOPE TREATMENT

Erosion of the slope faces is not expected to occur as the quarry is hard-rock (see details in Slope Stability Investigation report) and not particularly susceptible to wind and rain erosion. Any large boulders on mine slopes will be removed or stabilized prior to the final reclamation and areas amenable to vegetation will be planted according to the methods described on the Amended Reclamation Plan. Native vegetation will be used negating the need for fertilizers and irrigation.

Slope Protection

Slopes will be protected in a manner consistent with the engineered Amended Reclamation Plan and the Slope Stability Report as approved by the lead agency.

Surface water from the shallow stream channel east of the site has been prevented from ponding above the slope and from flowing over the slope faces. A review of aerial records indicate truncation of the drainage appears to have occurred sometime in the 1960's, no change to existing slope drainage condition is proposed.

CLEAN UP

All clean-up operations will be conducted within one year of the termination of mining. Scrap material, refuse, and surplus materials will be removed and disposed of as appropriate. The perimeter of the quarry will be fenced with barbed wire, and posted with warning signs to restrict access to the complete quarry.

CONTAMINANTS

Cajalco Road Quarry will comply with the requirements of the California Industrial Storm Water Permit by utilizing methods described in the Storm Water Pollution Prevention Program (SWPPP) approved for the site that incorporates Best Management Practices (BMPs) and an Spill Prevention Control and Countermeasure Plan (SPCC) throughout the operation of the mining and processing activities. During removal of tanks, and other facilities, any fuel or oil spills, or other contaminants will be cleaned up immediately per the SPCC plan. After reclamation there will be no contamination sources remaining on-site.

REVEGETATION

Revegetation will implement activities to revegetate only those site surfaces amenable to planting (non-rock). Owing to the rock exposure inherent in quarries only a limited amount of topsoil is available. Topsoil is to be used as safety berms throughout the site. During reclamation, Topsoil and sand by-product or tailings shall be combined and

spread over disturbed areas subject to erosion for use as a seed bank and seedbed during reclamation. A test plot will be located in a safety berm along the northwest safety berm, labeled "test plot" on Amended Reclamation Plan map, construction note "F". (See **Reference #2-A**, RCL118S1 Exhibit B2, and **Reference #2-B**, RCL 118S2, Exhibit B2.) Cacti will be salvaged and relocated in the test plot area. Target survival rate is 60%.

SEEDING

Broadcast seeding will be conducted between October and December to take advantage of winter precipitation and eliminate the need for irrigation. Seed collection from nearby undisturbed areas will be supplemented by commercially available seeds as needed. Seed will only be collected within one year of planned reseeding. The disturbed areas will be seeded with the species and rates shown in the table below. Note that the species seeded will be augmented with native annuals. Only native seeds tolerant to existing soil and rainfall conditions will be used. The average precipitation in the area should be sufficient for seed germination and root establishment of native species. Irrigation of the site will not be used to avoid encouraging non-native invasive plants.

PROPOSED SEEDING RATES FOR PERENNIAL SPECIES

Species	Seeding Rate (LB/ACRE)
California Sagebrush	2
Four-Wing Saltbrush	2
Broom Baccharis	2
Acton Bush Encelia	3
Hairy Yerba Santa	1
California Buckwheat	8
Golden Yarrow	2
California Poppy	2
Bladderpod	4
Goldfields	1
Deerweed	4
Arroyo Lupine	6
White Sage	2
Black Sage	1
Small Fescue	6

Seed: 46 lbs/Acre
 Height: 12-54 Inches
 Emergence: 10-25 Days
 Establishment: 50-70 Days to 50% cover after emergence

Physical reclamation procedures will include achieving planned slopes and contours, roughening the compacted surface to hold moisture, adding any stockpiled surface material containing banked seeds, seeding with native seeds, and staking or flagging reclaimed areas to eliminate additional disturbance. Use of native seeds will eliminate the

need for fertilizers and long term irrigation. Water trucks will be used to water seeds until vegetation is established. Invasive species must not contribute more than 20 percent of all vegetative cover.

SUCCESS CRITERIA

Areas must attain at least 65% coverage two successive years to be considered fully reclaimed. Alternatively, in the event the lead agency approves subsequent development of the property with a site specific erosion control/water quality management plan, the success criteria could be replaced with methods consistent with grading/development plan for the property.

Cover..... 65% cover must be native perennials
Density..... 18 native perennials per 50-meter by 1-meter transect
Species richness.....5 species of native perennials per 50-meter by 1-meter transect

MONITORING AND MAINTENANCE

Reclamation efforts will be monitored pursuant to SMARA requirements and according to the County of Riverside approved Reclamation Plan. Cajalco Road Quarry, as required under SMARA (Public Resources Code Section 2207), will submit an annual report. SMARA (Section 2774(b)) requires the lead agency (the County) to conduct an inspection of the mining operation within six months of receipt of the required Annual Report. Property owner is responsible for on-going maintenance & monitoring of reclamation operations. Monitoring of revegetated areas will occur annually during the spring until success criteria have been achieved. Sampling will consist of 14 randomly placed 50-meter by 1-meter transects within the revegetated area. Cover will be determined via the line-intercept method along one transect edge. Density and species richness will be determined through direct counts of plants rooted within the transect. Results will be averaged over the 14 transects

RECLAMATION ASSURANCE

Upon approval of this Reclamation Plan, Cajalco Road Quarry assures reclamation of the site in compliance with Section 2773.1 of SMARA in the form of a bond payable to the County of Riverside and the California Department of Conservation, Division of Mines and Geology. The financial assurance will be approved for the implementation of this proposed Reclamation Plan and will be reviewed and adjusted annually to account for new lands disturbed, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (SMARA, Section 2773.1 (a)(3)).

STATEMENT OF RESPONSIBILITY

The statement of responsibility for the reclamation of the site (below) will be signed by Cajalco Road Quarry representative and will be included as a separate form.

I the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq., and 3700 et. seq, respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et. seq., and with any modifications requested by the administering agency.

Signed this _____ day of _____, 20__ by

Signature _____ Title _____

REFERENCES

1. Slope Stability Investigation Proposed Reclamation of Hubbs Quarry Job No. 13173-8 by CHJ Consultants and supplemental analyses
- 2-A. Amended Reclamation Plan RCL118S1 (Exhibits B1 and B2) by Mike Orozco
- 2-B. Amended Reclamation Plan RCL118S2 (Exhibits B1, B2 and B3) by Mike Orozco
- 3-A. 2013 First Amendment and Court Order, August 28, 2013
- 3-B. 2016 Second Amendment and Court Order, July 29, 2016
4. SWPPP drainage and erosion control measures
5. Calculations demonstrating compliance with CCR Section 3706(d)



SUBSTANTIAL CONFORMANCE Case #: RCL00118S3

Parcel: 281-220-003

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 SMP - PROJECT DESCRIPTION INEFFECT

The use hereby permitted is for mine site reclamation and associated site restoration as indicated on Exhibits B and C and as described in the Superior Court Order, as reflected in the 2016 Second Amendment.

10. EVERY. 2 SMP - HOLD HARMLESS INEFFECT

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 RECLAMATION PLAN; 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 RECLAMATION PLAN, 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 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.

02/21/17
14:38

Riverside County LMS
CONDITIONS OF APPROVAL



Page: 2

SUBSTANTIAL CONFORMANCE Case #: RCL00118S3

Parcel: 281-220-003

10. GENERAL CONDITIONS

10. EVERY. 3 SMP - DEFINITIONS INEFFECT

The words identified in the following list that appear in all capitals in the attached conditions of Reclamation Plan No. 118S2, shall be henceforth defined as follows:

APPROVED EXHIBIT NO. "B" = Reclamation Plan Approved Exhibit No. "B", RCL Case No. 118S2, dated 02/09/17.

APPROVED EXHIBIT NO. "C" = Project Description Approved Exhibit No. "C", RCL Case No. 118S2, Dated 02/09/17.

PLANNING DEPARTMENT

10.PLANNING. 1 SMP - S2 VERSUS S3 INEFFECT

February 6, 2017

ALL WORK FOR THIS AMENDMENT WAS PERFORMED UNDER RCL00118S2.

"S3" WAS CREATED AS A FUNDING MECHANISM ONLY. THE S2 ACCOUNT IN LMS WAS COMPROMISED AS IT WAS CREATED IN THE "PROJECTS" LEVEL (IN ERROR) AS WELL AS THE "ACTIVITIES" LEVEL. THE "S2" AMENDMENT NUMBER WAS PRESERVED FOR THIS AMENDMENT IN ORDER TO RESPECT AND PRESERVE THE CASE NUMBERING CREATED THROUGH THE COURT ORDERED SETTLEMENT AGREEMENT.

DLJ

10.PLANNING. 2 SMP - PREVIOUS CONDITIONS INEFFECT

ALL PREVIOUS CONDITIONS APPROVED FOR THIS RECLAMATION PLAN SHALL REMAIN IN EFFECT FOR THIS AMENDED RECLAMATION PLAN RCL00118S2 UNLESS EXPRESSLY MODIFIED BY THIS AMENDMENT.

RECORDING REQUESTED BY
RIVERSIDE COUNTY

THIS AREA FOR RECORDER'S USE ONLY

When recorded, return to:

Riverside County Planning Department
12th Floor County Administrative Center
Mail Stop # 1070

2017-0071809

02/17/2017 03:49 PM Fee: \$ 0.00

Page 1 of 4

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



No fee, 6103 Government Code
Benefit of Riverside County Planning Department

RECLAMATION PLAN NO. RCL00118S2
(Ordinance No. 555)

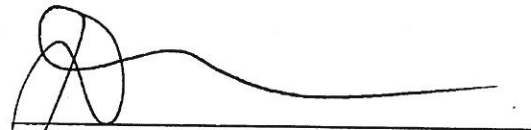
Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the Planning Director on 02/09/2017, a copy of which is on file with the County Planning Department.

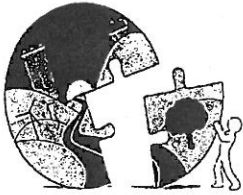
The real property is located in the County of Riverside, State of California described as follows:

APN(s): 281-180-021, 281-190-028, 281-190-029, 281-220-002, 281-230-013, 281-230-014, 281-260-006, 281-260-007, 281-290-007, 281-290-008, 281-270-008, and 281-300-003.

Owner(s) of Record: Cajalco Road Quarry, LLC.

Executed on 02/15/2017 at Riverside, California


David Jones, Chief Engineering Geologist
County of Riverside Planning Department



RIVERSIDE COUNTY PLANNING DEPARTMENT


*Steve Weiss, AICP
Director*

Case Number: RCL00118S2 _____

Date: 2/15/17 _____

Riverside County Planning Department

Riverside County Planning Department
Attest:



SIGNATURE

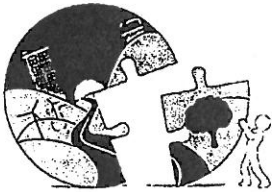
SIGNATURE

David L. Jones
PRINTED NAME

Desiree Bowie
PRINTED NAME

Chief Engineering Geologist
TITLE

Urban Regional Planner I
TITLE



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss
Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Reclamation Plan No. RCL00118 Substantial Conformance No. 2

Project Location: An approximately 135-acre site in the northwestern portion of unincorporated Riverside County, south of Cajalco Road and east of Interstate 15, outside the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian. (See attached map)

Project Description: Modification to Riverside County Reclamation Plan RP 118 in order to complete the changes required by Substantial Conformance No. 1, which was approved in 2013 and was designed to remedy unsafe conditions created by the prior owner/operator. Modification is also necessary to comply with the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment Thereon and related court order in County of Riverside v. Paul Hubbs Construction Company, Inc. et al, Riverside Superior Court Case No. RIC 387195. Reclamation will be accomplished by completing the process to rectify existing site conditions, including, among other things, continued mining of existing quarry reserves, slope stabilization, cleaning, recontouring, stabilizing surface disturbances, and ensuring that there is sufficient area within the Reclamation Plan boundary to make facility upgrades, all of which are needed to comply with the requirements of various public agencies and make the site suitable for future land use.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Cajalco Road Quarry (Applicant)

Exempt Status: (Check one)

Ministerial (Sec. 21080(b)(1); 15268) Categorical Exemption (15301 & 15061)

Declared Emergency (Sec. 21080(b)(3); 15269(a)) Statutory Exemption (_____)

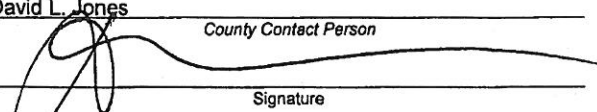
Emergency Project (Sec. 21080(b)(4); 15269(b)(c)) Other _____

Reasons why project is exempt: The Planning Department concludes the project is exempt from CEQA based on Sections 15301 and 15061 of the CEQA Guidelines.

The project is a non-substantial modification to an existing reclamation plan associated with an existing mining operation. The project's purpose is to ensure the "restoration or rehabilitation of deteriorated or damaged structures, for] facilities [...] to meet the current standards of public health and safety." CEQA Guidelines Section 15301(d). Specifically, the project will complete the process, required by Substantial Conformance No. 1, to restore existing unsafe and undesirable site conditions, including potentially hazardous slopes, to a status that complies with State and local law. Approval of the project will not change operations at the existing site or extend mining operations. It simply will allow restorative processes and activities to take place, including in already-disturbed areas within the reclamation plan boundary, that will, if anything, result in environmentally beneficial effects.

The Planning Department also concludes that the project is exempt from CEQA because it will not have a significant effect on the environment. CEQA Guidelines Section 15061(b)(3). The only actions subject to County review and discretionary approval are those strictly related to reclamation (i.e., not vested surface mining activities), and those activities will take place only in areas that already have been subject to substantial disturbance. The project will neither change operations at the site nor extend mining operations, but will instead involve only non-substantial modifications to previously approved restoration activities. Again, these modifications will, if anything, result only in environmentally beneficial effects. For these reasons, the project is exempt under CEQA.

Riverside County Planning Department

David L. Jones *County Contact Person* (951) 955-6863 *Phone Number*
 Chief Engineering Geologist *Title* 2/15/2017 *Date*
Signature

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case # _____

ZCFG No. 06363__ - FREE POSTING per Ca. Govt. Code 6103 and 27383

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

F* REPRINTED * R1701710

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: CAJALCO ROAD QUARRY \$50.00
paid by: CK 3580
FOR RCL00118S3
paid towards: CFG06363 CALIF FISH & GAME: DOC FEE
at parcel:
appl type: CFG3

By _____ Feb 10, 2017 10:28
ASARMIEN posting date Feb 10, 2017

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$50.00

Overpayments of less than \$5.00 will not be refunded!



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss
Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Reclamation Plan No. RCL00118 Substantial Conformance No. 2

Project Location: An approximately 135-acre site in the northwestern portion of unincorporated Riverside County, south of Cajalco Road and east of Interstate 15, outside the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian. (See attached map)

Project Description: Modification to Riverside County Reclamation Plan RP 118 in order to complete the changes required by Substantial Conformance No. 1, which was approved in 2013 and was designed to remedy unsafe conditions created by the prior owner/operator. Modification is also necessary to comply with the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment Thereon and related court order in *County of Riverside v. Paul Hubbs Construction Company, Inc. et al*, Riverside Superior Court Case No. RIC 387195. Reclamation will be accomplished by completing the process to rectify existing site conditions, including, among other things, continued mining of existing quarry reserves, slope stabilization, cleaning, recontouring, stabilizing surface disturbances, and ensuring that there is sufficient area within the Reclamation Plan boundary to make facility upgrades, all of which are needed to comply with the requirements of various public agencies and make the site suitable for future land use.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Cajalco Road Quarry (Applicant)

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (15301 & 15061)
- Statutory Exemption (_____)
- Other _____

Reasons why project is exempt: The Planning Department concludes the project is exempt from CEQA based on Sections 15301 and 15061 of the CEQA Guidelines.

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David L. Jones _____ (951) 955-6863 _____
County Contact Person Phone Number
Signature _____ Chief Engineering Geologist _____ 2/15/2017 _____
Title Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case # _____ ZCFG No. 06363__ - FREE POSTING per Ca. Govt. Code 6103 and 27383

FOR COUNTY CLERK'S USE ONLY

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt #: 17-53257

State Clearinghouse # (if applicable): _____

Lead Agency: COUNTY PLANNING Date: 02/17/2017

County Agency of Filing: RIVERSIDE Document No: E-201700177

Project Title: RECLAMATION PLAN NO RCL00118 SUBSTANTIAL CONFORMANCE NO. 2

Project Applicant Name: RIVERSIDE COUNTY PLANNING Phone Number: (951) 955-6863

Project Applicant Address: 4080 LEMON STREET, RIVERSIDE, CA 92502

Project Applicant: LOCAL PUBLIC AGENCY

CHECK APPLICABLE FEES:

- Environmental Impact Report
- Negative Declaration
- Application Fee Water Diversion (State Water Resources Control Board Only)
- Project Subject to Certified Regulatory Programs
- County Administration Fee
- Project that is exempt from fees (DFG No Effect Determination (Form Attached))
- Project that is exempt from fees (Notice of Exemption)

_____	_____
_____	_____
_____	_____
_____	\$50.00

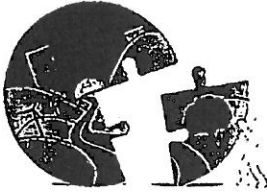
Total Received \$50.00

Signature and title of person receiving payment:



Deputy

Notes:



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-201700177
02/17/2017 03:27 PM Fee: \$ 50.00
Page 1 of 2

NOTICE OF EXEMPTION

FROM: Riverside County Planning Department 38686 El Cerrito Road
4080 Lemon Street, 12th Floor Palm Desert, CA
P.O. Box 1409 92201
Riverside, CA 92502-1409

Removed: By: Deputy

Project Title/Case No.: Reclamation Plan No. RCL00118 Substantial Conformance No. 2

Project Location: An approximately 135-acre site in the northwestern portion of unincorporated Riverside County, south of Cajalco Road and east of Interstate 15, outside the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian. (See attached map)

Project Description: Modification to Riverside County Reclamation Plan RP 118 in order to complete the changes required by Substantial Conformance No. 1, which was approved in 2013 and was designed to remedy unsafe conditions created by the prior owner/operator. Modification is also necessary to comply with the 2016 Second Amendment to Stipulated Settlement Agreement and Judgment Thereon and related court order in County of Riverside v. Paul Hubbs Construction Company, Inc. et al, Riverside Superior Court Case No. RIC 387195. Reclamation will be accomplished by completing the process to rectify existing site conditions, including, among other things, continued mining of existing quarry reserves, slope stabilization, cleaning, recontouring, stabilizing surface disturbances, and ensuring that there is sufficient area within the Reclamation Plan boundary to make facility upgrades, all of which are needed to comply with the requirements of various public agencies and make the site suitable for future land use.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: Cajalco Road Quarry (Applicant)

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (15301 & 15061)
- Statutory Exemption (_____)
- Other _____

Reasons why project is exempt: The Planning Department concludes the project is exempt from CEQA based on Sections 15301 and 15061 of the CEQA Guidelines.

The project is a non-substantial modification to an existing reclamation plan associated with an existing mining operation. The project's purpose is to ensure the "restoration or rehabilitation of deteriorated or damaged structures, [or] facilities [...] to meet the current standards of public health and safety." CEQA Guidelines Section 15301(d). Specifically, the project will complete the process, required by Substantial Conformance No. 1, to restore existing unsafe and undesirable site conditions, including potentially hazardous slopes, to a status that complies with State and local law. Approval of the project will not change operations at the existing site or extend mining operations. It simply will allow restorative processes and activities to take place, including in already-disturbed areas within the reclamation plan boundary, that will, if anything, result in environmentally beneficial effects.

The Planning Department also concludes that the project is exempt from CEQA because it will not have a significant effect on the environment. CEQA Guidelines Section 15061(b)(3). The only actions subject to County review and discretionary approval are those strictly related to reclamation (i.e., not vested surface mining activities), and those activities will take place only in areas that already have been subject to substantial disturbance. The project will neither change operations at the site nor extend mining operations, but will instead involve only non-substantial modifications to previously approved restoration activities. Again, these modifications will, if anything, result only in environmentally beneficial effects. For these reasons, the project is exempt under CEQA.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

John Hildebrand
Interim Planning Director

November 16, 2020

TO: Cajalco Road Quarry
P.O. Box 3600
92878

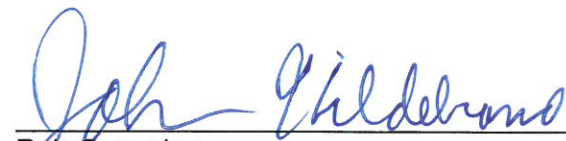
RE: **Reclamation Plan No. RCL00118, Substantial Conformance No. 4 (RCL00118S4)**
CEQA Exempt Sections 15301(d); 15061(b)(3)
Regional Team: Riverside

On **November 16, 2020**, the **Riverside County Planning Department** approved the above referenced case based on the findings and conclusions of the attached staff report and subject to the attached Advisory Notification Document.

Action taken on the above referenced case is considered final.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
John Hildebrand, Interim Planning Director



Rob Gonzalez
Project Planner, TLMA-Planning

Attachments: Staff Report
Notice of Exemption
Advisory Notification Document



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

PROPOSED PROJECT

Case Number: RCL118S4
CEQA Exempt Sections 15301(d);
 15061(b)(3)
Area Plan: Temescal Canyon
Zoning Area/District: El Cerrito District
Supervisory District First District
Project Planner: Rob Gonzalez
Project APN(s): 279231018, 281150027, 281180021,
 281220007, 281230014, 281230013,
 281190028, 281190029, 281240005,
 281260007, 281270008, 281290008,
 281290007, 279231017, 281220003,
 279231006, 279231011

Applicant(s):
 Cajalco Road Quarry
Representative(s):
 Robertson's Ready Mix


 John Hildebrand
 Interim Planning Director

PROJECT DESCRIPTION AND LOCATION

RECLAMATION PLAN NO. 118, SUBSTANTIAL CONFORMANCE NO. 4 (RCL118S4) proposes the further implementation of the goals and objectives of the prior court orders, and to resolve outstanding compliance issues at the site. Specific objectives for this Amendment include:

- (1) Adjust final reclamation contours and apply existing reclamation standards to remaining vested mining areas, and areas of historical (and pre-SMARA) disturbance within the existing, already approved 135-acre RCL118S2 reclamation boundary; and,
- (2) Incorporate beneficial reclamation of disturbed areas of the site not presently required to be reclaimed or authorized for disturbance, including the old pre-SMARA pit near the northern portion of the site, and areas currently occupied with old equipment from the now terminated BNI aggregate operation; and,
- (3) Achieve compliance with two prior settlement agreements and Court Orders, pursuant to which the Applicant continues to remediate unsafe slopes left by a prior operator, among other things (this Amendment extends the current reclamation standards to the full perimeter borders of the approved 135-acre RCL118S2 reclamation boundary); and,
- (4) Provide for improved operational efficiency and environmentally beneficial operations through establishment of reclaimed water as the site's primary water source, and installation with appropriate reclamation standards for a load leveler to be located south of the entrance gate.

The existing mine is located northwestern Riverside County ("County"), South of Cajalco Road and East of Interstate 15, just outside of the City of Corona, within Section 15, Township 4 South, Range 6 West, San Bernardino Base Meridian.

The above is hereinafter referred to as "The Project" or "Project."

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS/ACTION:

FIND that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301(d) (Existing Facilities), and 15061(b)(3) (common sense exemption) based on the findings and conclusions in the staff report; and,

APPROVE RECLAMATION PLAN NO. 118, SUBSTANTIAL CONFORMANCE NO. 4 (RCL NO. 118S4), subject to the attached Advisory Notification Document, Conditions of Approval, and based upon the findings and conclusions provided in this staff report.

PROJECT DATA

Land Use and Zoning:

Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Open Space (OS)
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Open Space – Minerals Resources (OS-MIN) Open Space – Rural (OS-RUR) Open Space – Water (OS-W)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Open Space – Rural (OS-RUR)
East:	Open Space – Rural (OS-RUR)
South:	Open Space – Conservation Habitat (OS-CH) City of Corona
West:	City of Corona
Existing Zoning Classification:	Mineral Resources & Related Manufacturing (M-R-A) Natural Assets (N-A)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Natural Assets (N-A)
East:	Natural Assets (N-A)
South:	Natural Assets (N-A) City of Corona
West:	City of Corona
Existing Use:	Aggregate Mining – Hubbs/Harlow Quarry – C.A. Mine I.D. 91-33-0061
Surrounding Uses	

North:	Sparse Residential Uses
South:	Open Space
East:	Open Space
West:	Golf Course

Project Details:

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	135 Acres (62 Acres Disturbed)	N/A

Located Within:

City's Sphere of Influence:	Yes – City of Corona
Community Service Area (“CSA”):	Yes – CSA 152
Special Flood Hazard Zone:	Yes – Partially In A Flood Hazard Zone
Agricultural Preserve:	No
Liquefaction Area:	Yes – Low
Subsidence Area:	Yes – Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	No
WRCMSHCP Criteria Cell:	Yes – WRCMSHCP Cell No. 2610, 2507,2509, 2612, 2402, and 2403
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat (“SKR”) Fee Area:	Yes
Airport Influence Area (“AIA”):	No

PROJECT LOCATION MAP



Figure 1: Project Location Map

PROJECT BACKGROUND AND ANALYSIS

Background:

Reclamation Plan No. 00118, Substantial Conformance No. 4 (RCL118S4), was submitted to the County of Riverside on August 3, 2017. The proposed substantial conformance is a proposed amendment to provide support for ongoing surface mining and reclamation activities at the Hubbs/Harlow Quarry ("Quarry").

The Quarry is owned by Cajalco Road Quarry and operated by Robertson's Ready Mix (RRM). The surface mining operation operated by RRM, and its predecessors-in-interest, has been ongoing since at least the 1930s, and a vested right to conduct legal surface mining operations based upon historic use of the site was established in 1948.

Surface mining reclamation activities at the site are currently conducted pursuant to Reclamation Plan No. RCL00118 (RCL118), as amended by Substantial Conformance No. 2 (RCL118S2), approved in February 2017. (The identifier RCL118S3 was never used or approved.) RCL118S2 was approved to facilitate RRM's ongoing efforts to remedy concerns related to slope stability and prevailing geologic conditions within the Quarry created by a former operator and to allow compliance with two prior court orders, that required improvements to remediate the site to eliminate significant threats to public health and safety, and in the process conform the Quarry to the County's current safety standards and state Surface Mining and Reclamation Act (SMARA) requirements.

Although RCL118S2 encompasses approximately 135-acres of the vested mining area, only 62-acres identified as the "Active Mining Area" are presently authorized for reclamation treatment (*various documents have described the property as 135 or 136 acres, it has been determined that the correct figure is 135.17 acres, typically rounded to 135 acres*). Accordingly, RCL118S4 will now, among other things, provide for the extension of current RCL118S2 reclamation standards across the *entire* 135-acre RCL118S2 "Existing Approved Reclamation Boundary." The reclamation standards will now apply to the remaining area of the previously-approved existing RCL118S2 reclamation boundary, including reclamation of pre-SMARA mining areas, and areas occupied with old equipment from a former aggregate operation. It will also apply to the existing haul road that runs generally through the center of the site and provide for reclamation treatment of that haul road (along with necessary bonding), as well as for the area of disturbance between the haul road and the perimeter access road located along the western boundary of the RCL118S2 reclamation boundary adjacent to Temescal Creek.

No fundamental element of the existing operation (e.g., mining methods, processing operations, production levels, truck traffic, or hours of operations) will be intensified or substantially changed. Further, RCL118S4 (i) will not expand the already-vested mining area, (ii) will extend the reclamation standards to the entire area already within the limits of the RCL118S2 reclamation boundary, thereby resulting in additional reclamation, (iii) does not change the end use, and (iv) will not extend the estimated reclamation date or overall life of the mining operation.

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

RCL No. 118S4 is exempt from CEQA review based on Sections 15301, and 15061 of the CEQA Guidelines.

The project is a non-substantial deviation to previously approved restoration activities associated with an existing mining operation. The project qualifies for an exemption per CEQA Guidelines Section 15301, including subsection (d), since the project's purposes is based on the "restoration or rehabilitation of deteriorated or damaged structures, [or] facilities [...] to meet the current standards of public health and safety." Additionally, Section 15301 also applies to the project as the scope of work incorporates the repair and maintenance of topographical features. The Project proposes to restore existing unsafe and undesirable site conditions, including the extension of the current reclamation standards across the entire reclamation boundary, incorporate reclamation of disturbed areas of the site not presently required to be reclaimed, extend the current reclamation standards to the full perimeter border of the previously approved RCL118S2, provide operational and environmental measures through the establishment of reclaimed water as the site's primary water source, and installation of appropriate reclamation standards for load leveler at the south of the entrance gate. Approval of the project will not change operations at the existing site or extend mining operations. It simply will allow restorative processes and activities to take place, including in already-disturbed areas within the reclamation plan boundary that will result in environmentally beneficial and restorative effects.

The Planning Department also concludes that the project is exempt from CEQA because it will not have a significant effect on the environment, CEQA Guidelines Section 15061 (b) (3). The only action subject to County review and discretionary approval are those strictly related to reclamation (i.e., not vested surface mining activities), and those activities will take place only in areas that already have been subject to substantial disturbance. The project will neither change operations at the site nor extend mining operations, but will instead involve only changes that do not constitute a substantial deviation from the existing reclamation plan. The modifications will result in environmentally beneficial effects. Therefore, the project is exempt under CEQA Guidelines.

FINDINGS AND CONCLUSIONS

In order for the County to approve a proposed project, the following findings are required to be made:

Land Use Findings:

1. The project site has a General Plan Land Use Designation of Open Space-Minerals (OS-MIN), Open Space – Rural (OS-RUR), and Open Space-Water (OS-W) within the Temescal Canyon Area Plan boundary.
2. The project site has a Zoning Classifications of Mineral Resources & Related Manufacturing (M-R-A) and Natural Assets (N-A). Ordinance No. 348 Section 12.60.B allows for mining, quarrying, excavating, beneficiating, concentrating, processing, and stockpiling of rock provided the operator thereof holds a permit to conduct surface mining operations, issued pursuant to County Ordinance No. 555, which has not been revoked or suspended within the M-R-A Zone. Ordinance No. 348, Section 15.200 D allows mining provided the operator holds a permit to conduct surface mining operations issued pursuant to the County Ordinance No. 555 within the N-A Zone. The proposed use, reclamation with related surface mining activities, is an allowed use since the site is subject to a vested right to mine within the area of the Amended RCL00118S4, the vested mining operations are consistent with the zoning requirements. (See Finding No. 4)
3. The subject site is not located within a Specific Plan or Community Plan. The proposed project is compatible with surrounding land uses, as the surrounding land uses consist of scattered residential development and vacant land.

Vested Right (Ordinance No. 555.20 § 17, SMARA § 2776)

4. The applicant maintains a vested right to conduct mining operations in those areas of the quarry and surrounding lands that are the subject of Amended RCL00118S4, as contemplated by Section 17 of Ordinance No. 555 (as amended through 555.20) and Section 2776 of SMARA; therefore, a Surface Mining Permit is not required for purposes of this Substantial Conformance. The applicant's vested right to mine within the Amended RCL00118S4 area, as previously recognized by the County and described in the sub-findings contained herein, is documented by the materials reviewed by, and on file with, the County relating to Amended RCL00118S4, including but not limited to various documents submitted by the applicant detailing the nature and scope of the vested right. These documents demonstrate that:
 - a. Mining has occurred in the area that is the subject of RCL00118S4 since at least the 1930s.
 - b. The County's first ordinance requiring a permit to conduct mining operations was enacted in 1948, at which time the existing mining operation within the RCL00118S4 area established a vested right to continue mining activities as a legal, non-conforming use.
 - c. In 1959 and 1970, two pre-SMARA permits were issued by the County to the applicant's predecessors establishing a right to mine the lands in and about the area subject to RCL00118S4.
 - d. The permit obtained in 1970 ("CU 1146") was for crushing and asphalt plants, not surface mining, but included a site plan identifying the available mine site (including substantial areas within RCL00118S4), thus demonstrating that this mining area was within the area subject to vested rights.
 - e. In 1982, Reclamation Plan 118 ("RP 118") was approved, and included statements further recognizing and clarifying that the mining operation at the site operated pursuant to vested rights, and also included a large mining area boundary, overlapping with the 1970 CU 1146 mine area boundary.
 - f. As of 1982 the County had approved two mining-related entitlements that recognized areas subject to the vested right: the 1970 plant permit (which identified a mine site boundary) and the 1982 reclamation plan RP 118 (which identified a mining area subject to future reclamation). Surface mining activities within these areas, as contemplated by RCL00118S4, is thus within the scope of the previously-determined vested right.
5. With the approval of RCL No. 118S2 in February 2017, the County approved a fourth mining-related entitlement that confirmed the areas previously recognized as subject to the vested right include at a minimum the areas located within the CUP No. 1146 and RP No. 118 boundaries. Any future surface mining activities and/or reclamation activities within the areas described in the CUP No. 1146 and RP No. 118 boundaries (including as reflected in the RCL No. 118S2 boundary), are thus within the scope of the previously-established vested right; and, would not constitute an expansion of the permitted or allowed mining area or extension of the operation. Moreover, equipment upgrades or facility changes do not constitute such an expansion or extension, because an owner of vested surface mining operations is allowed to "modernize his operations," as discussed in the RCL No. 118S2 findings.

6. Because surface mining activities within the RCL00118S4 area are consistent with the existing vested right confirmed in multiple, historical documents, the County need not make any further determination of the scope of such vested right prior to approval of Amended RCL00118S4. (See *e.g.*, *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 617.)
7. The applicant has stated that it reserves the right to seek future confirmation of its vested right to mine outside the boundaries of RCL No. 118S4. Should the applicant, in the future, seek to mine outside the boundaries of RCL No. 118S4, it would need to demonstrate the scope of its vested right pursuant to the vested right determination process required by and consistent with the appropriate lead agency surface mining ordinance, such as the County's surface mining ordinance (Ordinance No. 555), SMARA, and related cases (*e.g.*, *Hansen Brothers v. Bd. of Supervisors* (1996) 12 Cal.4th 533, and *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613) or obtain the appropriate permit.

Entitlement Findings for Substantial Conformance:

8. Reclamation Plan No. 118, Substantial Conformance No. 4 (RCL No. 118S4) meets the criteria for approval through a Substantial Conformance as specified in Ordinance No. 555.20, Section 18.B.
 - a. Reclamation Plan No. 118, Substantial Conformance No. 4 does not change the original approval and is not a substantial deviation from the original approval RCL118. Amended RCL00118S4 will similarly allow for reclamation of an area subject to vested mining operations, yielding safe slopes and a usable post-reclamation condition. RCL00118S4 neither changes the site's post-end use (*e.g.*, potential industrial use as one alternative) nor extends the lifetime of mining operations. Accordingly, there is no change in the original approval.
 - b. Reclamation Plan No. 118, Substantial Conformance No. 4 does not change the effects on surrounding property. The applicant proposes to reclaim the quarry site to meet Riverside County standards and requirements as well as State SMARA requirements that will minimize impacts to the surrounding community and environment.
 - c. Reclamation Plan No. 118, Substantial Conformance No. 4 does not substantially impact the ability to perform the reclamation activities contemplated in the approved Reclamation Plan, and will in fact allow for and support the Applicant's completion of the same. The proposed substantial conformance is a proposed amendment to provide support of ongoing surface mining and reclamation activities at the Hubbs/Harlow Quarry.
 - d. The proposed substantial conformance includes an amendment necessary to comply with the final conditions of approval. The amendment as determined by the Assistant TLMA Director will have no adverse effect upon public health, safety or welfare and will not have a significant effect on the environment. The Assistant TLMA Director has determined that the proposed RCL00118S4, will not have an adverse effect upon public health, safety or welfare and will not have a significant effect on the environment. As contemplated by Section 1.(F). of Ordinance No. 555.20, approval of Amended RCL00118S4 is appropriate through a Substantial Conformance, because the project is exempt from CEQA review.
 - e. Pursuant to Ordinance No. 555.20 Section 18.D. (1), a public hearing is not required to approve RCL00118S4.

Other Findings:

9. The project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The project's vested mining rights exempts the entire mine site from compliance with the MSHCP including the HANS process. Previously undisturbed areas within the same overall site are included within this exemption, as long as portions of the overall mining site were actively being mined prior to adoption of the MSCHP.
10. The project site is located within the Corona City Sphere of Influence.
11. The project site is not located within an Airport Influence Area ("AIA") boundary and is therefore not subject to the Airport Land Use Commission ("ALUC") review.
12. The project site is not located within the Mount Palomar Observatory Lighting Zone boundary.
13. The project site is located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan ("SKRHCP"). The project's vested mining rights exempts the entire mine site from compliance with the SKRHCP.

California Department of Mine Reclamation 30-day Review Process:

RCL00118S4 and the supporting information and exhibits were submitted to the California Department of Mine Reclamation (DMR) for a 30-day review on July 9, 2020, in accordance with SMARA. As discussed in the materials submitted to DMR by the Planning Staff, the goals and objectives of RCL00118S4 include the following: (1) Adjust final reclamation contours and apply existing reclamation standards to entire existing 135-acre reclamation boundary; (2) incorporation of beneficial reclamation of disturbed areas of the site not presently required to be reclaimed or authorized for disturbance; (3) Achieve compliance with two prior settlement agreements and Court Orders; (4) Provide for improved operational efficiency and environmentally beneficial operations.

On September 4, 2020, DMR responded to the County's transmittal of RCL00118S4, but did not provide any substantive comments that required either a response by the County, or revisions to RCL00118S4.

The 30-day prior notice of approval (SMARA Section 2772.1(b) (6) (B)) for amended reclamation plan letter was sent to DMR on October 1, 2020 via email.

Fire Findings:

The project site is located within a Cal Fire State Responsibility Area ("SRA") and is within a very high fire hazard severity zone. Fire protection and suppression services will be available for the site through Riverside County Fire Department. No new buildings or structures are proposed or approved through this plan.

Appeal Process

The decision of the Planning Director is considered final and no further action is required unless, within 10 days after the decision has been mailed to the applicant and any other individual who has requested notice of the decision, an appeal is filed in compliance with Public Resources Code section 21151(c), accompanied by the required fee.

Conclusion:

For the reasons discussed above, the proposed project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. The public's health, safety, and general welfare are protected through project design. The proposed project is clearly compatible with the present future and logical development of the area. The project will not have a significant effect on the environment.

ADVISORY NOTIFICATION DOCUMENT



COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY

Juan C. Perez
Agency Director

The following notifications are included as part of the recommendation of approval for RCL00118S4. They are intended to advise the applicant of various Federal, State and County regulations that may be applicable to this entitlement and the subsequent development of the subject property.

Advisory Notification

Advisory Notification. 1 AND - Preamble

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan RCL00118S4 and is intended to advise the applicant of various Federal, State and County regulations that may be applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

Advisory Notification. 2 AND - Project Description & Operational Limits

RCL00118S4 approves an amendment for the full implementation of the goals and objectives of the prior court orders, and to resolve outstanding compliance issues at the site as indicated in Exhibit B and C. Specific objectives for this Amendment include:

- (1) Adjust final reclamation contours and apply existing reclamation standards to remaining vested mining areas, and areas of historical (and pre SMARA) disturbance within the existing, already approved 135 acre RCL118S2 reclamation boundary; and,
- (2) Incorporate beneficial reclamation of disturbed areas of the site not presently required to be reclaimed or authorized for disturbance, including the old pre SMARA pit near the northern portion of the site, and areas currently occupied with old equipment from the now terminated BNI aggregate operation; and,
- (3) Achieve compliance with two prior settlement agreements and Court Orders, pursuant to which the Applicant continues to remediate unsafe slopes left by a prior operator, among other things (this Amendment extends the current reclamation standards to the full perimeter borders of the approved 135-acre RCL118S2 reclamation boundary); and,
- (4) Provide for improved operational efficiency and environmentally beneficial operations through establishment of reclaimed water as the site's primary water source, and installation with appropriate reclamation standards for a load leveler to be located south of the entrance gate.

Advisory Notification. 3 AND - Federal, State & Local Regulation Compliance

ADVISORY NOTIFICATION DOCUMENT

1. Compliance with applicable Federal Regulations, including, but not limited to:
 - National Pollutant Discharge Elimination System (NPDES)
 - Clean Water Act
 - Migratory Bird Treaty Act (MBTA)

Advisory Notification

Advisory Notification. 3 AND - Federal, State & Local Regulation Compliance (cont.)

2. Compliance with applicable State Regulations, including, but not limited to:
 - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)
 - Government Code Section 66020 (90 Days to Protest)
 - Government Code Section 66499.37 (Hold Harmless)
 - State Subdivision Map Act
 - Native American Cultural Resources, and Human Remains (Inadvertent Find)
 - School District Impact Compliance
 - Civil Code Section 815.3 & Government Code Sections 65040.2 et al - SB 18 (Tribal Intergovernmental Consultation)
 - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)
3. Compliance with applicable County Regulations, including, but not limited to:
 - Ord. No. 348 (Land Use Planning and Zoning Regulations)
 - Ord. No. 413 (Regulating Vehicle Parking)
 - Ord. No. 457 (Building Requirements)
 - Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
 - Ord. No. 484 (Control of Blowing Sand)
 - Ord. No. 555 (Surface Mining and Reclamation)
 - Ord. No. 655 (Regulating Light Pollution)
 - Ord. No. 671 (Consolidated Fees)
 - Ord. No. 787 (Fire Code)
 - Ord. No. 847 (Regulating Noise)
 - Ord. No. 857 (Business Licensing)
 - Ord. No. 859 (Water Efficient Landscape Requirements)
 - Ord. No. 915 (Regulating Outdoor Lighting)

Planning

Planning. 1 0010-Planning-SMP - PREVIOUS CONDITIONS

All previous conditions approved for this reclamation plan shall remain in effect for amended reclamation plan RCL00118S4 unless expressly modified by this amendment.

Planning-All

Planning-All. 1 0010-Planning-All-SMP - HOLD HARMLESS

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the

ADVISORY NOTIFICATION DOCUMENT

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 project or its associated environmental documentation; 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 project, including, but not limited to, decisions made in response to California Public Records Act requests; and (a) and (b) above are hereinafter collectively referred to as "LITIGATION." The COUNTY shall promptly notify the

Planning-All

Planning-All. 1 0010-Planning-All-SMP - HOLD HARMLESS (cont.)

applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION 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 shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, 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. Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

Planning-All. 2 0010-Planning-All-SMP - DEFINITIONS

The words identified in the following list that appear in all capitals in the attached conditions of Reclamation Plan No. 118S4, shall be henceforth defined as follows:

APPROVED EXHIBIT NO. "B 1, 2 and 3" = Reclamation Plan Approved Exhibit No. "B 1, 2 and 3", RCL Case No. 118S4, dated 4/29/20.

APPROVED EXHIBIT NO. "C" = Project Description Approved Exhibit No. "C", RCL Case No. 118S4, dated 4/29/20.



RIVERSIDE COUNTY PLANNING DEPARTMENT

John Hildebrand
Interim Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409
 38686 El Cerrito Road Palm Desert, CA 92201

Project Title/Case No.: Reclamation Plan No. RCL00118, Substantial Conformance No. 4 (RCL00118S4)

Project Location: An approximately 135-acre site in the northwestern portion of unincorporated Riverside County, south of Cajalco Road and east of Interstate 15, outside the City of Corona, within Section 15, Township 4 South, Range 6 West, and San Bernardino Base Meridian.

Project Description: RECLAMATION PLAN NO. 118, SUBSTANTIAL CONFORMANCE NO. 4 (RCL118S4) approves the further implementation of the goals and objectives of the prior court orders, and to resolve outstanding compliance issues at the site. Specific objectives for this Amendment include:

- (1) Adjust final reclamation contours and apply existing reclamation standards to remaining vested mining areas, and areas of historical (and pre-SMARA) disturbance within the existing, already approved 135-acre RCL118S2 reclamation boundary; and,
- (2) Incorporate beneficial reclamation of disturbed areas of the site not presently required to be reclaimed or authorized for disturbance, including the old pre-SMARA pit near the northern portion of the site, and areas currently occupied with old equipment from the now terminated BNI aggregate operation; and,
- (3) Achieve compliance with two prior settlement agreements and Court Orders, pursuant to which the Applicant continues to remediate unsafe slopes left by a prior operator, among other things (this Amendment extends the current reclamation standards to the full perimeter borders of the approved 135-acre RCL118S2 reclamation boundary); and,
- (4) Provide for improved operational efficiency and environmentally beneficial operations through establishment of reclaimed water as the site's primary water source, and installation with appropriate reclamation standards for a load leveler to be located south of the entrance gate.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Applicant & Address: Cajalco Road Quarry (Applicant)

Exempt Status: (Check one)



- | | |
|---|--|
| <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268) | <input checked="" type="checkbox"/> Categorical Exemption (Sec. 15301 & 15061) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input type="checkbox"/> Statutory Exemption (_____) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input type="checkbox"/> Other: _____ |

Reasons why project is exempt: RCL No. 118S4 is exempt from CEQA review based on Sections 15301, and 15061 of the CEQA Guidelines. The project is a non-substantial deviation to previously approved restoration activities associated with an existing mining operation. The project qualifies for an exemption per CEQA Guidelines Section 15301, including subsection (d), since the project's purposes is based on the "restoration or rehabilitation of deteriorated or damaged structures, [or] facilities [...] to meet the current standards of public health and safety." Additionally, Section 15301 also applies to the project as the scope of work incorporates the repair and maintenance of topographical features. The Project proposes to restore existing unsafe and undesirable site conditions, including the extension of the current reclamation standards across the entire reclamation boundary, incorporate reclamation of disturbed areas of the site not presently required to be reclaimed, extend the current reclamation standards to the full perimeter border of the previously approved RCL118S2, provide operational and environmental measures through the establishment of reclaimed water as the site's primary water source, and installation of appropriate reclamation standards for load leveler at the south of the entrance gate. Approval of the project will not change operations at the existing site or extend mining operations. It simply will allow restorative processes and activities to take place, including in already-disturbed areas within the reclamation plan boundary that will result in environmentally beneficial and restorative effects.

NOTICE OF EXEMPTION

Page 2

The Planning Department also concludes that the project is exempt from CEQA because it will not have a significant effect on the environment, CEQA Guidelines Section 15061 (b) (3). The only action subject to County review and discretionary approval are those strictly related to reclamation (i.e., not vested surface mining activities), and those activities will take place only in areas that already have been subject to substantial disturbance. The project will neither change operations at the site nor extend mining operations, but will instead involve only changes that do not constitute a substantial deviation from the existing reclamation plan. The modifications will result in environmentally beneficial effects. Therefore, the project is exempt under CEQA Guidelines.

Rob Gonzalez _____ (951) 955-9549 _____
County Contact Person Phone Number
 _____  _____ Nov. 16, 2020 _____
Signature Title Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. XXXXX ZCFG No. XXXX - County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY



EXHIBIT C

HUBBS/HARLOW QUARRY

CA MINE I.D. NO. 91-33-0061

**PROJECT DESCRIPTION
AND
AMENDED RECLAMATION PLAN**

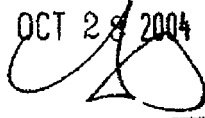
Owner: Cajalco Road Quarry

Operator: Robertson's Ready Mix

**Revised 10/03/2013 (RCL118S1)
Revised 11/29/2016 (RCL118S2)
[Withdrawn] (RCL118S3)
Revised 04/29/20(RCL118S4)**

1 THOMPSON & COLEGATE LLP
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3 3610 FOURTEENTH STREET
4 P. O. BOX 1299
5 RIVERSIDE, CA 92502
6 (909) 682-5550
7 (909) 781-4012 FAX

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 28 2004


John A. Boyd - SBN 089394

6 Attorneys for Defendants, PAUL HUBBS
7 CONSTRUCTION CO., and LUCILLE M. HUBBS

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE

10
11 COUNTY OF RIVERSIDE, a political
12 subdivision of the State of California,
13 Plaintiff,
14 vs.
15 PAUL HUBBS CONSTRUCTION
16 COMPANY, INC., LUCILLE M. HUBBS,
17 and DOES 1 through 100, Inclusive,
18 Defendants.

CASE NO. RIC 387195
Action Filed: January 6, 2003
Hon. Robert G. Spitzer, Dept. 8

STIPULATED SETTLEMENT
AGREEMENT AND JUDGMENT
THEREON

Trial Date: September 27, 2004
Time: 9:30 a.m.
Dept.: 8

19 THIS STIPULATED SETTLEMENT AGREEMENT ("AGREEMENT") is entered into
20 as of February 10, 2004, by and between Defendants Paul Hubbs Construction, Inc., and
21 Lucile M. Hubbs, Trustee, of the Paul J. Hubbs and Lucile M. Hubbs Survivors Trust, under
22 Trust dated 5/26/92 (hereinafter "Defendants") and the County of Riverside (hereinafter
23 referred to as "County") with reference to the following facts:

24
25 **RECITALS**

26 A. Defendant LUCILE M. HUBBS, Trustee, of the Paul J. Hubbs and Lucile M.
27 Hubbs Survivor's Trust, under Trust dated 5/26/92 is the owner of that certain real property
28 located at 8843 Cajalco Road, Corona, within the unincorporated area of Riverside County,

1 California (APN: 281-230-013; 281-200-003; 281-220-002; 281-220-003; 281-190-028;
2 281-180-021; 281-140-021; 281-140-027; 281-123-013; and 281-230-038) within the
3 unincorporated area of Riverside County, California (APN: 537-130-013) (the "Real
4 Property").

5 B. Defendant PAUL HUBBS CONSTRUCTION COMPANY, INC., is a California
6 corporation and the operator of the mining operations on the Real Property.

7 C. The County filed this action ("Action") against Defendants for injunctive relief
8 and civil penalties for alleged violations of the California Public Resources Code and
9 county land use ordinances relative to alleged illegal surface mine operations on the Real
10 Property.

11 The matter was set for trial on March 29, 2004.

12 D. Defendant Lucile Hubbs has entered into a contract with Realty Advisory
13 Group ("Proposed Buyers") to purchase and operate the quarrying operation. Further,
14 Defendant Paul Hubbs Construction has entered into interim mining agreements with
15 Interstate Building Materials and a quarry rental agreement with Goetjen, Inc.

16 E. The parties have reached a settlement agreement to resolve the allegations
17 of mining contrary to the approved mining plan and deviating from the approved
18 reclamation plan for the mining operation located on the Real Property.

19 F. Pursuant to the terms and conditions of this Agreement, the parties desire
20 to provide the resolution of the Action.

21 NOW, THEREFORE, in consideration of the mutual covenants herein contained,
22 and for other good and valuable consideration, the receipt and sufficiency of which is
23 hereby acknowledged, the parties hereby agree and stipulate as follows:

24 1. With respect to the County's First Cause of Action for Illegal Surface Mining
25 Operations:

26 a) Defendants agree to expeditiously apply for and obtain a revised
27 reclamation plan for the Real Property. The parties stipulate and Defendants agree to
28 submit a complete application for the approval of a revised reclamation plan for the mining

1 operations on the Real Property no later than November 30, 2004. Said application shall
2 include plans to reclaim all aspects of the mining operation subject to reclamation under
3 the California Public Resources Code and shall include a professional opinion regarding
4 the safety of the mine walls and the need for benching. Defendants further agree to
5 expeditiously make any corrections or changes required by the County or the California
6 Department of Conservation in order to obtain final approval for the reclamation plan.

7 b) County acknowledges that the Proposed Buyers have submitted a
8 "HANS" application (No. R-0412730/PAR 00535) dated June 15, 2004.

9 c) The Proposed Buyers have filed or intend to file an application to
10 extend the mining operation to the applicable property boundary lines of the property. The
11 Proposed Buyers' application includes or will include a revised reclamation plan. Any such
12 application is subject to the normal and customary requirements, reviews, and approvals
13 of the County of Riverside and the California Department of Conservation. To the extent
14 that said application is approved by the County of Riverside and the California Department
15 of Conservation, the revised reclamation plan contained with said application would fulfill
16 the requirements of paragraph 1, subparagraph a.

17 d) The parties stipulate and Defendants agree that Defendants will
18 diligently pursue and expeditiously obtain an approved "HANS" application for the mining
19 operations on the Real Property.

20 e) Defendants shall submit a list of milestone dates relative to the
21 Reclamation Plan application process no later than thirty days from the Court's adoption
22 of this Agreement as the Order of the Court. Defendants shall include a milestone
23 reflecting the expeditious hiring of a consultant to provide a professional opinion regarding
24 the safety of the mine walls and the need for benching. Defendants agree to share this
25 report with the County.

26 f) Defendants will submit a revised estimate of financial assurances in
27 support of the Reclamation Plan at the time of application as required by Riverside County
28 Ordinance No. 555.

- 1 2. With respect to the civil penalties, County will waive all civil penalties.
- 2 3. The parties agree that the current mining operation will be limited to that area
- 3 described in the permitted mining area", attached hereto as Exhibit "A". For purposes of
- 4 further description, the "permitted mining area" is that permitted mining area reflected in
- 5 approved Reclamation Plan 118 and further described as the area within the M3 mining
- 6 permit plus the area directly to the north of the north boundary of the M3 mining permit
- 7 which has previously been approved by the County and the State Department of
- 8 Conservation for mining operations. Nevertheless, the "permitted mining area" does not
- 9 include the area designated as the clay mining area on Reclamation Plan 118.
- 10 a) Further, County acknowledges, but takes no position herein, the
- 11 Proposed Buyers have submitted or will submit an application to expand the Surface
- 12 Mining Permit to the applicable borders of said property,
- 13 4. The parties stipulate and agree that the Superior Court of the County of
- 14 Riverside, State of California shall continue to retain jurisdiction of this Action and over the
- 15 parties personally to enforce the terms and provisions of this Agreement until performance
- 16 in full of the terms of the Agreement have been completed.
- 17 5. The parties stipulate and agree that each party will pay its own costs and
- 18 attorney's fees related to or arising out of this Action.
- 19 6. Upon complete performance of all the terms of this Agreement by
- 20 Defendants, the County of Riverside shall file a Request to Dismiss this Action (RIC
- 21 387195) against Defendants with prejudice.
- 22 7. The parties agree that this Agreement is intended to provide a
- 23 comprehensive resolution of this Action. So long as the provisions of this Agreement are
- 24 complied with, the County agrees not to pursue any other civil, administrative, or criminal
- 25 remedies for the violations of the Surface Mining and Reclamation Act or County
- 26 Ordinances described in the Complaint filed in this Action.
- 27 8. The parties agree to waive their right to trial and appeal in the above-entitled
- 28 Action (Case No. RIC 387195).

1 9. This Agreement shall be binding upon and shall inure to the benefit of the
2 parties hereto and their respective heirs, personal representatives, successors and
3 assigns.

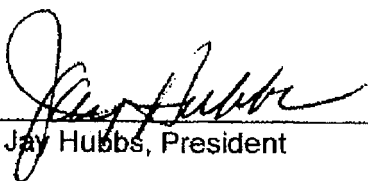
4 10. Any alteration, change or modification of or to this Agreement, in order to
5 become effective, shall be made by written instrument and in each such instance executed
6 by or on behalf of the party to be bound thereto.

7 11. Time is hereby expressly made of the essence of this Agreement and all
8 performances and obligations due hereunder.

9 **IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of
10 February 10, 2004.

11
12
13 Dated: 9/28, 2004.

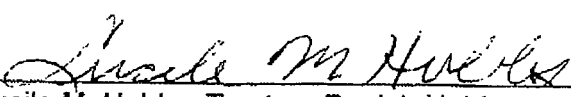
PAUL HUBBS CONSTRUCTION COMPANY, INC.

14
15 By: 
16 Jay Hubbs, President

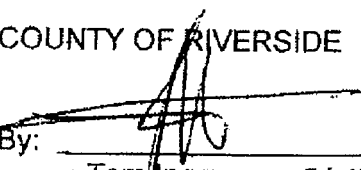
17
18 Dated: 9/22, 2004.

19 By: 
20 Lucile Hubbs, Treasurer

21
22 Dated: 9/22, 2004.

23 
24 Lucile M. Hubbs, Trustee, Paul J. Hubbs
and Lucile M. Hubbs Survivors Trust, under Trust
dated 5/26/92

25 Dated: 9/23, 2004.


26 COUNTY OF RIVERSIDE
27 By: 
28 ~~Tom Ingram~~ Ed Nicholls
Director, Department of Building and Safety
Deputy Director of Code Enforcement

1
2 **[PROPOSED] ORDER**

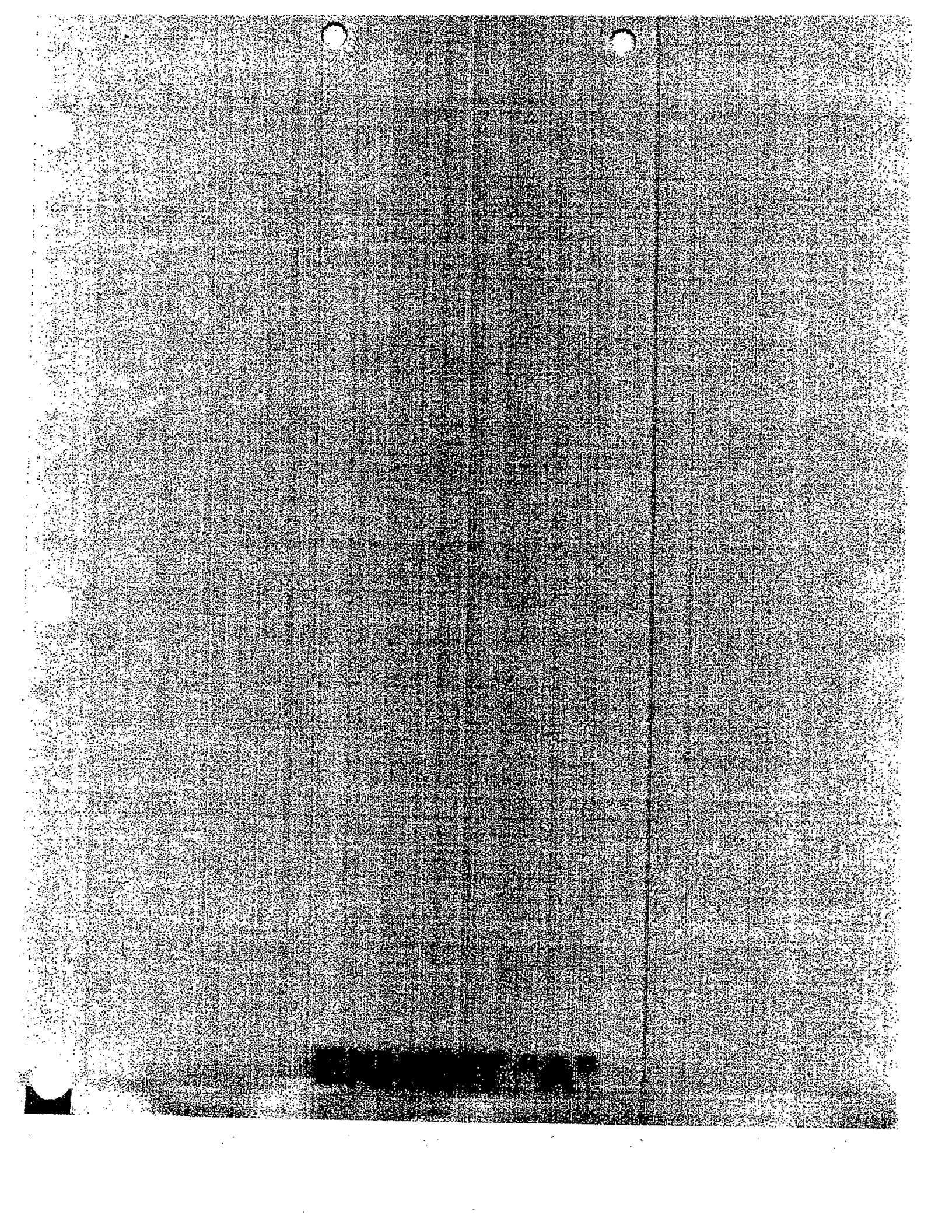
3 Upon consideration of the foregoing Stipulated Settlement Agreement and good
4 cause appearing therefor,

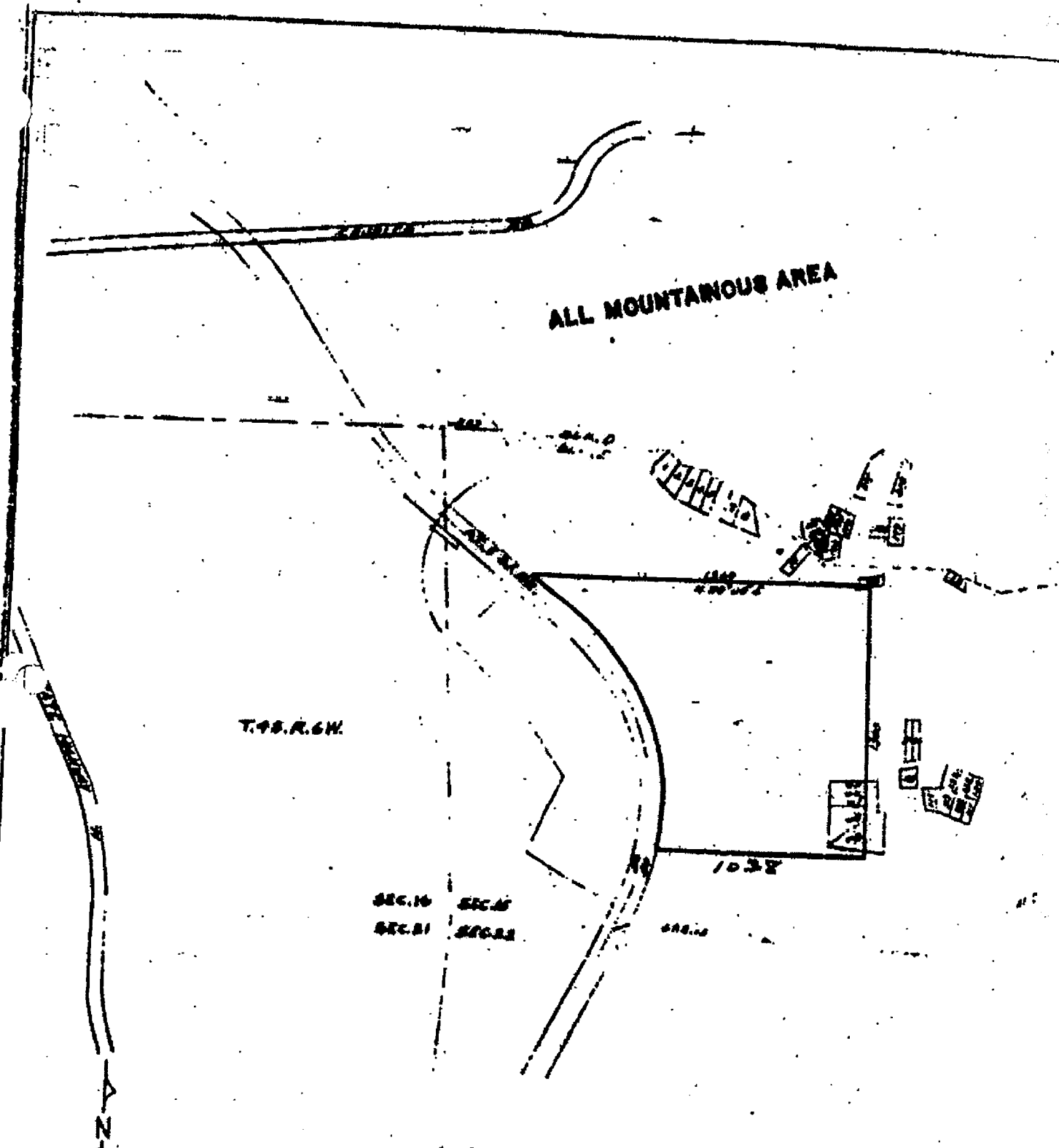
5 IT IS HEREBY ORDERED that the terms and provisions of the Stipulated
6 Settlement Agreement shall be the Order of the Court in this case. The Court retains
7 jurisdiction, pursuant to the terms of the Settlement and Code of Civil Procedure section
8 664.6, to enforce the Settlement until performance in full of the terms of the Settlement has
9 been completed.

10
11 DATED: 09.27, 2004.

12 
13 _____
14 Honorable Robert G. Spitzer
15 Judge of the Superior Court

16 G:\Data\035032\JAB PLD013-CB-Stipulation re Settlement.wpd
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ALL MOUNTAINOUS AREA

T.48.R.6W.

SEC. 10 SEC. 15
SEC. 21 SEC. 26

SCALE: 1" = 400'

LAND USE

M-3 CASE NO. 404 EXHIBIT A

JYNGSTON ROCK & GRAVEL
APPLICANT

ROCK DRUMS & SHARBY

TEMESCAL CANYON
AREA OR DISTRICT

THE RIVERSIDE COUNTY PLANNING COMMISSION

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

3 I am employed in the County of Riverside, State of California. I am over the age of
4 18 years and not a party to the within action; my business address is 3610 14th Street,
Riverside, CA 92501.

5 On October 22, 2004, I served a true copy of the within document described as
6 **STIPULATED SETTLEMENT AGREEMENT AND JUDGMENT THEREON** on the
interested parties in this action addressed as follows:

7 Dale A. Gardner, Deputy County Counsel
8 OFFICE OF COUNTY COUNSEL
9 COUNTY OF RIVERSIDE
3535 Tenth Street, Suite 300
Riverside, CA 92501-3674
10 (909) 955-6300; FAX (909) 955-6322 and (909) 955-6363

11 (X) **VIA MAIL** - In accordance with the regular mail collection and processing practices
12 of this business office, with which I am familiar, by means of which mail is deposited
13 with the United States Postal Service at Riverside, CA, that same day in the
ordinary course of business, I deposited such sealed envelope for collection and
mailing on this same date following ordinary business practices.

14 () **PERSONAL** - I caused such envelope to be delivered by hand to the offices of the
addressee pursuant to C.C.P. §1011.

15 () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to
16 the office of the addressee via overnight delivery pursuant to C.C.P. §1013(c). Said
document was deposited at the box regularly maintained by said express service
17 carrier located at 14th and Orange Streets, Riverside, CA, on the date set forth
above.

18 () **VIA FACSIMILE** - I caused such document to be delivered to the office of the
19 addressee via facsimile machine pursuant to C.C.P. §1013(e). Said document was
transmitted from the office of Thompson & Colegate in Riverside, California, on the
20 date set forth above.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct, and that I am employed in the office of a member of the bar
of this Court at whose direction the service was made.

23 Executed on October 22, 2004 at Riverside, California.

24
25 
26 Carmen Ventura Brunner
27
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COPY

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COUNTY OF RIVERSIDE
OFFICE OF COUNTY COUNSEL
PAMELA J. WALLS, COUNTY COUNSEL (Bar No. 123446)
MICHELLE P. CLACK, DEPUTY COUNTY COUNSEL (Bar No. 190718)
3960 Orange Street, Suite 500
Riverside, California 92501
Telephone: 951.955.6300
Facsimile: 951.955-6322

Attorneys for Plaintiff
COUNTY OF RIVERSIDE

JEFFER MANGELS BUTLER & MITCHELL LLP
KERRY SHAPIRO (Bar No. 133912)
SCOTT N. CASTRO (Bar No. 191499)
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111-3813
Telephone: 415.398.8080
Facsimile: 415.398.5584

Attorneys for Defendant,
CAJALCO ROAD QUARRY successor-in-interest to Paul Hubbs
Construction Company, Inc. and Lucille M. Hubbs

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 21 2013

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 28 2013

JMBM
Jeffer Mangels
Butler & Mitchell LLP

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

COUNTY OF RIVERSIDE, a political
subdivision of the State of California,

Plaintiff,

v.

PAUL HUBBS CONSTRUCTION
COMPANY, INC., LUCILLE M. HUBBS, and
DOES 1 through 100, Inclusive,

Defendants..

CASE NO. RIC 387195

**AMENDMENT TO STIPULATED
SETTLEMENT AGREEMENT AND
JUDGMENT THEREON; [PROPOSED]
ORDER**

Date:

Time:

Dept:

Judge:

8/28/13
930
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This Amendment to the Stipulated Settlement Agreement and Judgment Thereon
("Amended Agreement") amends the Stipulated Settlement Agreement and Judgment Thereon,
entered by the Court on October 24, 2004 ("2004 Agreement"), and is entered into as of August 28
2013 by and between Plaintiff County of Riverside ("County") and Cajalco Road Quarry

1 ("Cajalco"), successor-in-interest to Paul Hubbs Construction Company, Inc. and Lucille M. Hubbs,
2 collectively. County and Cajalco (collectively, the "Parties") enter into the Amended Agreement
3 with reference to the following facts:

4 **RECITALS**

5 A. Cajalco is the owner of that certain real property located at 8843 Cajalco Road,
6 Corona within the unincorporated area of Riverside County (APNs 281-180-021, 281-190-028,
7 281-190-029, 281-220-002, 281-230-013, 281-230-014, 281-260-006, 281-260-007, 281-290-007,
8 281-290-008, 281-270-008 and 281-300-003) (the "Real Property"), attached hereto as **Exhibit A**.

9 B. Cajalco is successor-in-interest to Defendants Paul Hubbs Construction, Inc., and
10 Lucille M. Hubbs, Trustee, of the Paul J. Hubbs and Lucile M. Hubbs Survivors Trust (hereinafter,
11 the "prior Defendants"), having acquired all rights, title and interests from the prior Defendants to
12 the Real Property in October 2011.

13 C. Surface mining operations have been conducted on portions of the Real Property
14 continuously since the 1930s, and a vested right to conduct legal, non-conforming surface mining
15 operations on portions of the Real Property based upon historic use of the site was established in
16 1948 when the County enacted its first surface mining ordinance. Reclamation Plan 118
17 ("RCL118") required by the Surface Mining and Reclamation Act ("SMARA") and County
18 Ordinance No. 555 has governed surface mining operations on a portion of the Real Property since
19 1982.

20 D. On or about January 6, 2003, the County filed the underlying action ("Action")
21 against prior Defendants for injunctive relief and civil penalties for alleged violations of SMARA
22 and County land use ordinances concerning alleged illegal surface mining operations on the Real
23 Property.

24 E. The County and prior Defendants reached a settlement in 2004, submitting the 2004
25 Agreement with the Court in late September 2004. On October 24, 2004, the Court ordered that the
26 terms of the settlement agreement would be the order of the Court ("2004 Order").

27 F. The terms of the 2004 Agreement were intended to resolve allegations by the County
28 of on-going surface mining activities contrary to the terms of the approved RCL118 for the conduct

1 of surface mining operations on the Real Property.

2 G. In January 2006, Temescal Cliffs, LLC purchased the Real Property from the prior
3 Defendants. Temescal Cliffs, LLC subsequently entered into bankruptcy, and failed to satisfy the
4 terms of the 2004 Agreement.

5 H. On October 17, 2011 Cajalco acquired the Real Property at a public auction in which
6 First American Title Insurance Company, as the duly appointed Trustee in compliance with Notice
7 of Trustee's sale, sold the Real Property to Cajalco (Trustee Sale No. 432077). (Document recorded
8 on October 18, 2011, County of Riverside DOC#2011-0457028.)

9 I. Since entry of the 2004 Order, the conditions on areas within the Real Property have
10 remained in a hazardous condition due to prior surface mining operations, with unstable slopes
11 onsite, including sheer vertical faces of over 300 feet in height, presenting immediate and
12 significant threats to public health and safety. Conditions on the Real Property present additional,
13 on-going aesthetic and erosion impacts.

14 J. Since Cajalco's acquisition of the Real Property in October 2011, Cajalco and the
15 County have discussed ways to remediate the Real Property to eliminate the significant threats to
16 public health and safety presented by the current onsite conditions. The County and Cajalco met on
17 several occasions in 2012 and 2013 to identify the appropriate manner in which to correct the public
18 health, safety and welfare concerns and to bring the conditions on the Real Property into
19 compliance with current County and SMARA requirements.

20 K. The Riverside County Board of Supervisors directed County Counsel to resolve
21 outstanding issues of the 2004 Agreement during its October 16th, 2012 hearing (Agenda Item
22 #3.6).

23 L. In the interests of remedying such conditions, the County and Cajalco have agreed to
24 amend the terms of the 2004 Agreement.

25 NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for
26 other good and valuable consideration, the receipt and sufficiency of which is hereby
27 acknowledged, the parties hereby agree and stipulate as follows:

28 1. With respect to the County's First Cause of Action for Illegal Surface Mining

1 Operations:

2 a) The County and Cajalco agree that in order to conform the Real Property to
3 the County's current safety standards, to reclaim the site, and in furtherance of public health, safety
4 and welfare at the Real Property, modifications to RCL118 are required. Cajalco agrees to submit
5 for consideration an application to modify RCL118 consistent with the proposed Reclamation Plan
6 118S1 ("RCL118S1"), which is described below and depicted in the map exhibit attached as
7 **Exhibit B**. Cajalco further agrees that RCL118S1 will include a slope stability analysis and
8 appropriate mitigations, prepared by a licensed engineer. The Parties stipulate and Cajalco agrees
9 that the application for RCL118S1 will be submitted pursuant to Section 13.b. of Riverside County
10 Ordinance No. 555 as a non-substantial modification of approved RCL118. The application
11 submitted by Cajalco will be subject to the normal and customary requirements, decisions or review
12 by the County and/or Department of Conservation. The Parties stipulate and Cajalco agrees to
13 submit the above-referenced application no later than thirty (30) days from the Court's Order.

14 b) The Parties stipulate and the County agrees that the vested surface mining
15 operations conducted on portions of the Real Property are exempt from the requirements of the
16 Multiple Species Habitat Conservation Plan ("MSHCP") because such mining operations at the
17 Real Property preceded adoption of the MSHCP (MSHCP EIR/EIS, §§ 4.2.2; 5.1.2; County
18 Resolution 2003-299, p. 44).

19 c) The Parties stipulate and Cajalco agrees that it will submit a revised financial
20 assurances cost estimate in support of RCL118S1 at the time its application is filed, as required by
21 Public Resources Code sections 2770 and 2773.1 and Riverside County Ordinance No. 555, Section
22 9.

23 2. With respect to the civil penalties, County will waive all civil penalties

24 3. The parties agree that all activities set forth in RCL118S1 will be conducted in
25 accordance with RCL118S1, and that no use permit or other approval is required to conduct such
26 activities within the RCL118S1 boundary (as described in **Exhibit B**) because they are substantially
27 within the scope of historic vested mining operations on the Real Property. The Parties further
28 stipulate, and Cajalco agrees, that any mining and/or reclamation activities proposed outside of the

1 scope of RCL118S1 (as described in Exhibit B) will be subject to future applicable County review.
2 The County and Cajalco stipulate that the modification of RCL118 by RCL118S1 under Section 13
3 of Ordinance No. 555 may be exempt from the provisions of the California Environmental Quality
4 Act ("CEQA") pursuant to the exemptions applicable to activities that lack significant
5 environmental effect (14 Cal.Code Regs. § 15061(b)(3)) and exemptions applicable to existing
6 facilities (14 Cal.Code Regs § 15301). The County agrees to consider whether such exemptions
7 under CEQA apply for RCL118S1 primarily because the activities proposed therein seek to remedy
8 existing hazardous conditions on site. The County and Cajalco agree that any exemption under
9 CEQA determined by the County for RCL118S1 shall have no effect on the applicability of CEQA
10 to any discretionary project that may be proposed for the Real Property following completion of the
11 activities authorized by the RCL118S1, or from activities unrelated to the those authorized by
12 RCL118S1.

13 4. The Parties stipulate and agree that the Superior Court of the County of Riverside,
14 State of California shall continue to retain jurisdiction of this action and over the parties personally
15 to enforce the terms and provisions of this Amended Agreement, until performance in full of its
16 terms has been completed.

17 5. The Parties stipulate and agree that each party will pay its own costs and attorney's
18 fees related to or arising out of this action.

19 6. Upon complete performance of all of the terms of this Amended Settlement by
20 Cajalco and the County, the County shall file a Request to Dismiss this Action (RIC 387195)
21 against Cajalco with prejudice.

22 7. The Parties agree that this Amended Settlement and attached Exhibits are intended to
23 provide a comprehensive resolution of this action. So long as the provisions of this Amended
24 Agreement are diligently pursued and complied with, the County agrees not to pursue any other
25 civil, administrative, or criminal remedies for violations of SMARA or County Ordinances
26 described in the Complaint filed in this action.

27 8. The Parties agree to waive their right to trial and appeal in the above-entitled action
28 (Case No. RIC-387195).

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9. This Amended Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

10. Any alteration, change or modification of or to this Amended Agreement, in order to become effective, shall be made by written instrument and in each such instance executed by or on behalf of the party to be bound thereto.

11. This Amended Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, and such counterparts when taken together shall constitute one and the same instrument and Agreement.

12. Time is hereby expressly made of the essence of this Amended Agreement and all performances and obligations due hereunder.


13. Except as expressly stipulated and agreed to above, this Amended Agreement supersedes all prior provision, rights, performances and obligations arising out of the 2004 Agreement and 2004 Order.

IN WITNESS WHEREOF, the County and Cajalco have executed this Amended Agreement as of August 20, 2013.

DATED:


COUNTY OF RIVERSIDE

By:


JUAN C. PEREZ
DIRECTOR, TRANSPORTATION AND LAND
MANAGEMENT AGENCY, RIVERSIDE
COUNTY

DATED: 8/20/13

PAMELA J. WALLS
COUNTY COUNSEL


MICHELLE P. CLACK
DEPUTY COUNTY COUNSEL
Attorneys for Plaintiff

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DATED: 8/20/13

CAJALCO ROAD QUARRY

By: Christine Goeysvaerts
CHRISTINE GOEYVAERTS

DATED: 8/20/13

JEFFER MANGELS BUTLER & MITCHELL LLP
KERRY SHAPIRO
SCOTT N. CASTRO

By: Kerry Shapiro
KERRY SHAPIRO
Attorneys for Defendant

[PROPOSED] ORDER

Upon consideration of the foregoing Amendment to Stipulated Settlement Agreement, the Joint Ex Parte Application, memorandum of points and authorities, and declarations filed in support thereof, and good cause appearing therefore:

IT IS HEREBY ORDERED that the Joint Ex Parte Application shall be granted and the terms and provisions of the Amendment to Stipulated Settlement Agreement shall be the Order of the Court in this case. The Court retains jurisdiction, pursuant to the terms of the Settlement and Code of Civil Procedure section 664.6, to enforce the Settlement until performance in full of the terms of the Settlement has been completed.

DATED: 8.28., 2013

Lawrence W Fry (Ret)

Judge of the Superior Court

EXHIBIT A

Real Property (APNs)

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JMBM | Jeffer Mangels
Butler & Mitchell LLP

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EXHIBIT 'B1'

HUBBS QUARRY

Amended Reclamation Plan

RCL 00118 S1
CA. MINE I.D. 91-33-0061

LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 8 WEST, SAN JOAQUIN BASIN AND MOUNTAIN PLAINS, COUNTY OF CALIFORNIA, BEING THE PART OF SAID QUARTER AS SHOWN ON FILE AS BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAID RECLAMATION COUNTY, CALIFORNIA, BEING ALSO THE PART OF SECTION 15 OF THE ASSASSIN MOUNTAIN QUARTER OF INTERESTED QUARTER.

PROJECT SCOPE

- STABILIZE EXISTING BLOWERS, CLEANING AND CONTAINMENT SUBJECT TO APPROVAL.
- RECYCLE EXISTING NON-COMPLIANT ISSUES BY RECYCLING RECLAMATION PLAN.
- REGULATE SITE.

AREAS

EXISTING AREA
RECLAIMED AREA
GENERAL NOTES

- PROJECT 1: BLOW, ROOF, AND MAINT.
- EXISTING BLOWERS
- RECLAIMED AREA
- EXISTING BLOWERS
- RECLAIMED AREA
- GENERAL NOTES

FUTURE USE
COMMERCIAL / INDUSTRIAL / RESIDENTIAL

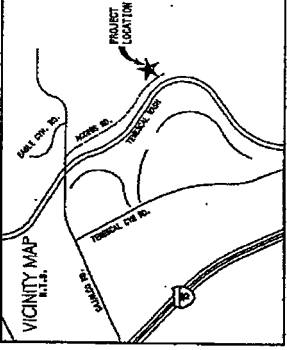
PROJECT LIFE
APPROXIMATE PROJECT LIFE IN 5 YEAR PERIODS ON MARKET PLANS. THIS PROJECT WILL NOT PROBABLY AFFECT FUTURE VALUE OF THE PROPERTY UNLESS SPECIAL RECLAMATION, RECLAMATION.

MINING QUANTITIES

DATE	FILE NO.
11.1	6
11.1	6

SHEET INDEX

NO.	TITLE / AMENDED RECLAMATION PLAN
1	1.0 - 1.4
2	1.5 - 1.9
3	2.0 - 2.4



MINE OPERATOR AND APPLICANT
DANIEL M. HUBBS
410 SOUTH MAIN STREET
CORNWALL, CALIFORNIA 95958

OWNER OF LAND AND MINERAL RIGHTS
DANIEL M. HUBBS
410 SOUTH MAIN STREET
CORNWALL, CALIFORNIA 95958

CIVIL ENGINEER
MICHAEL J. HUBBS, P.E.
410 SOUTH MAIN STREET
CORNWALL, CALIFORNIA 95958
(916) 461-2000

GEOLOGIST
DANIEL M. HUBBS
410 SOUTH MAIN STREET
CORNWALL, CALIFORNIA 95958
(916) 461-2000

LANDSCAPE ARCHITECT
NONE

ASSESSOR PARCEL NO.
281-10-015, 281-10-016, 281-10-017, 281-10-018, 281-10-019, 281-10-020, 281-10-021, 281-10-022, 281-10-023, 281-10-024, 281-10-025, 281-10-026, 281-10-027, 281-10-028, 281-10-029, 281-10-030, 281-10-031, 281-10-032, 281-10-033, 281-10-034, 281-10-035, 281-10-036, 281-10-037, 281-10-038, 281-10-039, 281-10-040, 281-10-041, 281-10-042, 281-10-043, 281-10-044, 281-10-045, 281-10-046, 281-10-047, 281-10-048, 281-10-049, 281-10-050, 281-10-051, 281-10-052, 281-10-053, 281-10-054, 281-10-055, 281-10-056, 281-10-057, 281-10-058, 281-10-059, 281-10-060, 281-10-061, 281-10-062, 281-10-063, 281-10-064, 281-10-065, 281-10-066, 281-10-067, 281-10-068, 281-10-069, 281-10-070, 281-10-071, 281-10-072, 281-10-073, 281-10-074, 281-10-075, 281-10-076, 281-10-077, 281-10-078, 281-10-079, 281-10-080, 281-10-081, 281-10-082, 281-10-083, 281-10-084, 281-10-085, 281-10-086, 281-10-087, 281-10-088, 281-10-089, 281-10-090, 281-10-091, 281-10-092, 281-10-093, 281-10-094, 281-10-095, 281-10-096, 281-10-097, 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281-10-181, 281-10-182, 281-10-183, 281-10-184, 281-10-185, 281-10-186, 281-10-187, 281-10-188, 281-10-189, 281-10-190, 281-10-191, 281-10-192, 281-10-193, 281-10-194, 281-10-195, 281-10-196, 281-10-197, 281-10-198, 281-10-199, 281-10-200, 281-10-201, 281-10-202, 281-10-203, 281-10-204, 281-10-205, 281-10-206, 281-10-207, 281-10-208, 281-10-209, 281-10-210, 281-10-211, 281-10-212, 281-10-213, 281-10-214, 281-10-215, 281-10-216, 281-10-217, 281-10-218, 281-10-219, 281-10-220, 281-10-221, 281-10-222, 281-10-223, 281-10-224, 281-10-225, 281-10-226, 281-10-227, 281-10-228, 281-10-229, 281-10-230, 281-10-231, 281-10-232, 281-10-233, 281-10-234, 281-10-235, 281-10-236, 281-10-237, 281-10-238, 281-10-239, 281-10-240, 281-10-241, 281-10-242, 281-10-243, 281-10-244, 281-10-245, 281-10-246, 281-10-247, 281-10-248, 281-10-249, 281-10-250, 281-10-251, 281-10-252, 281-10-253, 281-10-254, 281-10-255, 281-10-256, 281-10-257, 281-10-258, 281-10-259, 281-10-260, 281-10-261, 281-10-262, 281-10-263, 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281-10-513, 281-10-514, 281-10-515, 281-10-516, 281-10-517, 281-10-518, 281-10-519, 281-10-520, 281-10-521, 281-10-522, 281-10-523, 281-10-524, 281-10-525, 281-10-526, 281-10-527, 281-10-528, 281-10-529, 281-10-530, 281-10-531, 281-10-532, 281-10-533, 281-10-534, 281-10-535, 281-10-536, 281-10-537, 281-10-538, 281-10-539, 281-10-540, 281-10-541, 281-10-542, 281-10-543, 281-10-544, 281-10-545, 281-10-546, 281-10-547, 281-10-548, 281-10-549, 281-10-550, 281-10-551, 281-10-552, 281-10-553, 281-10-554, 281-10-555, 281-10-556, 281-10-557, 281-10-558, 281-10-559, 281-10-560, 281-10-561, 281-10-562, 281-10-563, 281-10-564, 281-10-565, 281-10-566, 281-10-567, 281-10-568, 281-10-569, 281-10-570, 281-10-571, 281-10-572, 281-10-573, 281-10-574, 281-10-575, 281-10-576, 281-10-577, 281-10-578, 281-10-579, 281-10-580, 281-10-581, 281-10-582, 281-10-583, 281-10-584, 281-10-585, 281-10-586, 281-10-587, 281-10-588, 281-10-589, 281-10-590, 281-10-591, 281-10-592, 281-10-593, 281-10-594, 281-10-595, 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EXHIBIT B

RCL118S1 Plan Boundary

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 29 2016

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14
15 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
16 COUNTY OF RIVERSIDE

17 COUNTY OF RIVERSIDE, a political
18 subdivision of the State of California,

19 Plaintiff,

20 v.

21 PAUL HUBBS CONSTRUCTION
22 COMPANY, INC., LUCILLE M. HUBBS, and
23 DOES 1 through 100, Inclusive,

24 Defendants.

CASE NO. RIC 387195

**JOINT STIPULATION RE: STIPULATED
SETTLEMENT AGREEMENT**

FILED CONCURRENTLY HEREWITH:

**SECOND AMENDMENT TO STIPULATED
SETTLEMENT AGREEMENT AND
JUDGMENT THEREON;
[PROPOSED] ORDER**

Department 7
Judge: Hon. John W. Vineyard

Action Filed: 01-06-03
Judgment Entered: 10-28-04
Amended Judgment Entered: 08-28-13

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27 Plaintiff COUNTY OF RIVERSIDE, a political subdivision of the State of
28

Jeffer Mangels
Butler & Mitchell LLP
JMBM

1 California ("Plaintiff" or "County"), on the one hand, and Defendants CAJALCO ROAD
2 QUARRY ("Cajalco") successor-in-interest to Paul Hubbs Construction Company, Inc. and
3 Lucille M. Hubbs (collectively "Defendants"), on the other hand, by and through their
4 respective counsel, hereby submit the below Joint Stipulation in order to clarify for the
5 Court the nature and purpose of the Second Amendment to Stipulated Settlement
6 Agreement and Judgment Thereon, and [Proposed] Order, jointly filed concurrently
7 herewith:

8 WHEREAS, this case concerns surface mining operations on certain real
9 property located at 8843 Cajalco Road, Corona within the unincorporated area of Riverside
10 County ("Real Property");

11 WHEREAS, the Real Property was previously owned by Cajalco's
12 predecessors-in-interest and the prior Defendants, Paul Hubbs Construction, Inc., and
13 Lucille M. Hubbs, Trustee, of the Paul J. Hubbs and Lucile M. Hubbs Survivors Trust
14 ("prior Defendants");

15 WHEREAS, the County initially filed this action on January 6, 2003, against
16 the prior Defendants, alleging various violations pertaining to the surface mining operation
17 conducted by the prior Defendants on the Real Property;

18 WHEREAS, the County and the prior Defendants negotiated a settlement,
19 and a Stipulated Settlement Agreement and Judgment Thereon was entered by the Court
20 on October 24, 2004 ("2004 Judgment"), and the Court expressly retained jurisdiction
21 over this matter when it entered the 2004 Judgment;

22 WHEREAS, following entry of the 2004 Judgment, and continuing through
23 the time that Cajalco acquired the Real Property in 2011, various areas within the Real
24 Property had remained in a hazardous condition due to the prior surface mining
25 operations; and, those operations had created unstable slopes onsite, including sheer
26 vertical faces over 300 feet tall, which at that time presented immediate and significant
27 threats to public health and safety, along with other conditions on the Real Property that
28 presented on-going aesthetic and erosion impacts;

1 subsequently approved by the County, the County cannot adequately inspect the surface
2 mining operation at the Real Property pursuant to the California Surface Mining and
3 Reclamation Act ("SMARA"), and the parties cannot efficiently develop accurate, adequate
4 financial assurances, as SMARA and local law require, thereby necessitating amendments
5 to the reclamation plan as currently described in the 2013 Judgment to allow for proper
6 mine safety and reclamation—and legal compliance—by reconciling the reclamation plan
7 with the mining operations as they are actually occurring on the ground;

8 WHEREAS, the Court's approval of the 2016 Agreement is warranted to
9 remedy issues that have arisen since the 2013 Judgment and that must be resolved to
10 ensure compliance with critical legal mandates; and Cajalco stands ready, with the County,
11 to remedy the inconsistencies identified above to ensure required, regulatory compliance;

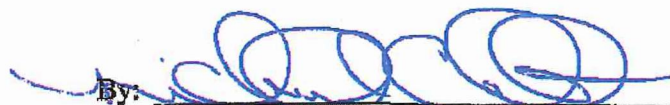
12 WHEREAS, pursuant to the terms of the 2013 Judgment, the Court retains
13 continuing jurisdiction over this action and the parties, to enforce the terms and conditions
14 of the 2004 Judgment and 2013 Judgment.

15 NOW, THEREFORE, THE PARTIES JOINTLY SUBMIT the Second
16 Amendment to Stipulated Settlement Agreement and Judgment Thereon; and [Proposed]
17 Order, filed concurrently herewith, and ask it be entered as the judgment in this matter.

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DATED: 7/19/16

COUNTY COUNSEL
GREGORY P. PRIAMOS



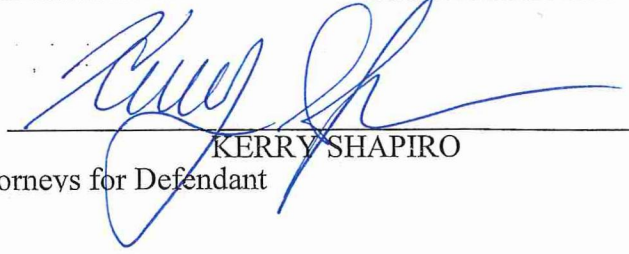
By: _____
MICHELLE P. CLACK
DEPUTY COUNTY COUNSEL
Attorneys for Plaintiff

1 DATED:

7/18/16

JEFFER MANGELS BUTLER & MITCHELL LLP

2
3 By:



KERRY SHAPIRO

4 Attorneys for Defendant
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15 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

16 COUNTY OF RIVERSIDE

17 COUNTY OF RIVERSIDE, a political
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21 PAUL HUBBS CONSTRUCTION
COMPANY, INC., LUCILLE M. HUBBS, and
22 DOES 1 through 100, Inclusive,

23 Defendants..

CASE NO. RIC 387195

**SECOND AMENDMENT TO STIPULATED
SETTLEMENT AGREEMENT AND
JUDGMENT THEREON;
[PROPOSED] ORDER**

Department 7
Judge: Hon. John W. Vineyard

Action Filed: 01-06-03
Judgment Entered: 10-28-04
Amended Judgment Entered: 08-28-13

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25
26 This Second Amendment to the Stipulated Settlement Agreement and Judgment
27 Thereon ("2016 Second Amended Agreement") amends the Amendment to Stipulated Settlement
28 Agreement and Judgment Thereon, entered by the Court on August 28, 2013 ("2013 Agreement"),

1 and is entered into as of July 14, 2016 by and between Plaintiff County of Riverside (“County”) and
2 Cajalco Road Quarry (“Cajalco”), successor-in-interest to Paul Hubbs Construction Company, Inc.
3 and Lucille M. Hubbs, collectively. County and Cajalco (collectively, the “Parties”) enter into the
4 2016 Second Amended Agreement with reference to the following facts:

5 **RECITALS**

6 A. Cajalco is the owner of that certain real property located at 8843 Cajalco Road,
7 Corona within the unincorporated area of Riverside County (APNs 279-231-006, 281-231-011,
8 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-190-028, 281-190-029,
9 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-013, 281-230-014, 281-240-005,
10 281-260-006, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003) (the “Real
11 Property”), attached hereto as **Exhibit A**.

12 B. Cajalco is successor-in-interest to Defendants Paul Hubbs Construction, Inc., and
13 Lucille M. Hubbs, Trustee, of the Paul J. Hubbs and Lucille M. Hubbs Survivors Trust (hereinafter,
14 the “prior Defendants”), having acquired all rights, title and interests from the prior Defendants to
15 the Real Property in October 2011.

16 C. Surface mining operations have been conducted on portions of the Real Property
17 continuously since the 1930s, and a vested right to conduct legal, non-conforming surface mining
18 operations on portions of the Real Property based upon historic use of the site was established in
19 1948 when the County enacted its first surface mining ordinance. Reclamation Plan 118
20 (“RCL118”) required by the Surface Mining and Reclamation Act (“SMARA”) and County
21 Ordinance No. 555 governed surface mining operations on a portion of the Real Property from 1982
22 until amended in 2013 by RCL118S1 (discussed below).

23 D. On or about January 6, 2003, the County filed the underlying action (“Action”) against
24 prior Defendants for injunctive relief and civil penalties for alleged violations of SMARA
25 and County land use ordinances concerning alleged illegal surface mining operations on the Real
26 Property.

27 E. The County and prior Defendants reached a stipulated settlement agreement in 2004
28 (“2004 Agreement”), submitting the 2004 Agreement to the Court in late September 2004. On

1 October 24, 2004, the Court ordered that the terms of the 2004 Agreement would be the order of the
2 Court (“2004 Order”).

3 F. The terms of the 2004 Agreement were intended to resolve allegations by the County
4 of on-going surface mining activities contrary to the terms of the approved RCL118 for the conduct
5 of surface mining operations on the Real Property.

6 G. In January 2006, Temescal Cliffs, LLC purchased the Real Property from the prior
7 Defendants. Temescal Cliffs, LLC subsequently entered into bankruptcy, and failed to satisfy the
8 terms of the 2004 Agreement.

9 H. On October 17, 2011 Cajalco acquired the Real Property at a public auction in which
10 First American Title Insurance Company, as the duly appointed Trustee in compliance with Notice
11 of Trustee's sale, sold the Real Property to Cajalco (Trustee Sale No. 432077). (Document recorded
12 on October 18, 2011, County of Riverside DOC#2011-0457028.)

13 I. Following entry of the 2004 Order, and continuing through the time that Cajalco
14 acquired the Real Property in 2011, the conditions on areas within the Real Property had remained
15 in a hazardous condition due to prior surface mining operations, with unstable slopes onsite,
16 including sheer vertical faces of over 300 feet in height, which at that time presented immediate and
17 significant threats to public health and safety. Conditions on the Real Property as of 2011 presented
18 additional, on-going aesthetic and erosion impacts.

19 J. Following Cajalco’s acquisition of the Real Property in October 2011, Cajalco and
20 the County discussed ways to remediate the Real Property to eliminate the significant threats to
21 public health and safety presented by the onsite conditions existing at that time. The County and
22 Cajalco met on several occasions in 2012 and 2013 to identify the appropriate manner in which to
23 correct the public health, safety and welfare concerns and to bring the conditions on the Real
24 Property into compliance with current County and SMARA requirements.

25 K. The Riverside County Board of Supervisors directed County Counsel to resolve
26 outstanding issues of the 2004 Agreement during its October 16th, 2012 hearing (Agenda Item
27 #3.6).

28 L. In the interests of remedying the then-existing conditions, the County and Cajalco

1 agreed to amend the terms of the 2004 Agreement, and on August 20, 2013 entered into the 2013
2 Agreement, which include the following terms and conditions:

- 3 1. Cajalco was authorized to submit, and the County authorized to review and if
4 appropriate approve, an amendment to RCL118 (hereinafter "RCL118S1"), to
5 conform the Real Property to the County's then-current safety standards, to reclaim
6 the site, in furtherance of the public health, safety and welfare at the Real Property.
- 7 2. The vested surface mining operations conducted on portions of the Real Property
8 were exempt from the requirements of the Multiple Species Habitat Conservation
9 Plan ("MSHCP") because such mining operations at the Real Property preceded
10 adoption of the MSHCP (MSHCP EIR/EIS, §§ 4.2.2; 5.1.2; County Resolution
11 2003-299, p. 44).
- 12 3. Cajalco was to submit a revised financial assurances cost estimate in support of
13 RCL118S1 at the time its application is filed, as required by Public Resources Code
14 sections 2770 and 2773.1 and Riverside County Ordinance No. 555, Section 9.
- 15 4. All activities set forth in RCL118S1 would be conducted in accordance with
16 RCL118S1, and no use permit or other approval would be required to conduct such
17 activities within the RCL118S1 boundary because such activities were substantially
18 within the scope of historic vested mining operations on the Real Property.
- 19 5. Mining and/or reclamation activities proposed outside of the scope of
20 RCL118S1 would be subject to future applicable County review.
- 21 6. Modification of RCL118 by RCL118S1 under Section 13 of Ordinance No. 555
22 would likely be exempt from the provisions of the California Environmental Quality
23 Act ("CEQA") pursuant to the exemptions applicable to activities that lack
24 significant environmental effect (14 Cal.Code Regs. § 15061(b)(3)) and exemptions
25 applicable to existing facilities (14 Cal.Code Regs § 15301).
- 26 7. The exemption under CEQA determined by the County for RCL118S1 would have
27 no effect on the applicability of CEQA to any discretionary project that may be
28 proposed for the Real Property following completion of the activities authorized by

1 the RCL118S1, or from activities unrelated to the those authorized by RCL118S1.

2 M. On August 28, 2013, the Superior Court entered its Order granting the joint
3 application of the Parties to the Court that the 2013 Amendment shall be the Order of the Court in
4 Superior Court Case No. RIC 387195, and that the Court shall retain jurisdiction over the settlement
5 until performance in full of the terms of the settlement have been completed.

6 N. Thereafter, consistent with the terms of the 2013 Agreement, Cajalco submitted to
7 the County an application for Reclamation Plan No. RCL118 Substantial Conformance No. 1 (i.e.,
8 for proposed RCL 118S1), to amend then-existing RCL 118.

9 O. On October 26, 2013, the County issued a Notice of Exemption under CEQA for the
10 proposed RCL118S1 project, pursuant to Section 15301(d), because the project's purpose was the
11 restoration of physical conditions at the site, which at that time contained potentially hazardous
12 slopes; and also under Section 15061(b)(3), because the only actions subject to County review were
13 those strictly related to reclamation, on areas already subject to substantial disturbance; and, also in
14 part based upon the determination that the proposed amendment to RCL 118 was to reclaim existing
15 site conditions, including potentially hazardous slopes, concurrent with on-going mining operations.

16 P. On November 12, 2013, the County approved Reclamation Plan No. RCL118S1,
17 which specifically referenced or identified various surface mining activities to be undertaken during
18 mining and reclamation, including crushing, screening, processing, trucking, mining, and related
19 activities historically on-going at the site, which further the existing quarry operations, including a
20 processing plant, screens and conveyors. The County also approved Findings in support thereof,
21 including Finding No. 10(f), which stated: "As of 1982 the County had approved two mining-
22 related entitlements that recognized areas subject to vested rights: the 1970 plant permit (which
23 identified a mine site boundary) and the 1982 reclamation plan RP 118 (which identified a mining
24 area subject to future reclamation). Surface mining activities within these areas, as contemplated by
25 Amended RCL118S1, are thus within the scope of the previously-determined vested right."

26 Q. Following County approval of RCL118S1, Cajalco undertook extensive efforts to
27 implement the terms and conditions of RCL118S1, including to remediate existing site conditions
28 and potentially hazardous slopes, as well as to modify facilities in order to implement necessary

1 upgrades and to comply with requirements of various public agencies, all concurrent with on-going
2 mining operations. In addition, consistent with the vested scope of the surface mining operation,
3 processing and other surface mining equipment and facilities previously referenced or identified in
4 the 2013 Agreement and RCL118S1 have been modified, upgraded, or expanded, all within the
5 Reclamation Plan boundary, including an upgraded primary crusher and conveyor system,
6 establishment of a plate press for water conservation purposes, upgraded processing and load-out
7 areas, trailers and other upgraded facilities typical of surface mining operations, all as described in
8 Exhibit B-3, attached hereto.

9 R. On January 5, 2015, the County issued a Notice of Violation ("NOV") to Cajalco
10 identifying several areas of non-compliance with RCL118S1 by the Cajalco operation; the County
11 supplemented the NOV with a March 26, 2015 letter to Cajalco, and undertook additional on-site
12 assessment in May 2016. The NOV, as supplemented by additional correspondence in 2015, and by
13 the on-site assessment in 2016, identified certain non-compliance issues centered around the
14 following: (1) establishment of a re-aligned and upgraded access road; (2) use of adaptive
15 management techniques which included deposition of material to address trespass and related
16 access concerns pending at that time in areas outside the new Reclamation Plan boundary, and
17 clearing vegetation off of land immediately west of these areas, outside of the Reclamation Plan
18 boundary; (3) re-location of explosive magazine bunkers; (4) adjustment of the mine plan boundary
19 to satisfy certain grading requirements, and allowance of light-vehicle parking areas; (5)
20 establishment of various berms and a lay-down area within the Reclamation Plan boundary that
21 required description within the Reclamation Plan; and (6) establishment of a water quality basin
22 east of the mine area but within the overall vested right area to prevent co-mingling of run-on
23 waters into the mine site, and for dissipation of water velocity during potential El Nino storm
24 events.

25 S. During the course of implementation from 2013 to 2015, it became apparent that the
26 manner in which the 2013 Agreement and RCL118S1 had modified the prior 1982 RP118,
27 including by reducing the size of the Reclamation Plan boundary area relative to the 1982 boundary
28 area, could not fully accommodate the necessary facility upgrades and modifications, and that

1 further efforts to refine the Reclamation Plan, including its boundary area, was necessary in order to
2 fulfill the intent and objectives of the 2013 Agreement. Following extensive meet and confer and
3 discussions between the County and Cajalco, the Parties have determined that the current
4 Reclamation Plan boundaries in RCL118S1 established in the 2013 Agreement were the result of an
5 incomplete or interim effort to modify the original 1982 RP 118 Reclamation Plan boundary area,
6 which made accomplishing the intent and goals of the 2013 Agreement logistically and
7 operationally infeasible due to constraints at the site; and therefore, in order to fully meet the intent
8 and goals of the 2013 Agreement, further refinements are necessary, including to the Reclamation
9 Plan boundary area, and therefore have agreed to amend the 2013 Agreement through this 2016
10 Second Amended Agreement in order to meet such intent and goals.

11 NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for
12 other good and valuable consideration, the receipt and sufficiency of which is hereby
13 acknowledged, the Parties hereby agree and stipulate as follows:

14 1. With respect to the County's First Cause of Action for Illegal Surface Mining
15 Operations:

16 a) The County and Cajalco agree that in order to complete the process of
17 conforming the Real Property to the County's current safety standards, to properly describe the
18 upgrades and modifications to the vested surface mining operation, to reclaim the site, and in
19 furtherance of public health, safety and welfare at the Real Property, modifications to RCL118S1
20 are required. Cajalco agrees to submit for consideration an application to modify RCL118S1
21 consistent with the proposed Reclamation Plan 118S2 ("RCL118S2"), which is described below and
22 depicted in the map exhibit attached as **Exhibit B**. The Parties stipulate and Cajalco agrees that the
23 application for RCL118S2 will be submitted pursuant to Section 13.b. of Riverside County
24 Ordinance No. 555 as a non-substantial modification of approved RCL118S1. The application
25 submitted by Cajalco will be subject to the normal and customary requirements, decisions or review
26 by the County and/or Department of Conservation. The Parties stipulate and Cajalco agrees to
27 submit the above-referenced application no later than thirty calendar (30) days from the Court's
28 Order.

1 b) The Parties stipulate and the County agrees that the vested surface mining
2 operations conducted on portions of the Real Property are exempt from the requirements of the
3 Multiple Species Habitat Conservation Plan ("MSHCP") because such mining operations at the
4 Real Property preceded adoption of the MSHCP (MSHCP EIR/EIS, §§ 4.2.2; 5.1.2; County
5 Resolution 2003-299, p. 44).

6 c) The Parties stipulate that an owner of vested surface mining operations is
7 allowed to "modernize his operation; and change, add to, or increase the size of his equipment
8 (though deemed to be structures), even though this increases his output and intensifies the use;
9 provided that by such action he does not change the original protected nonconforming use." (*Moore*
10 *v. Bridgewater Township* (1961), 173 A.2nd 430, 442 (cited in *Hansen Brothers Enterprises, Inc. v.*
11 *Board of Supervisors of Nevada County* (1996) 12 Cal4th 533. As one California court has
12 summarized this issue recently: if a vested right was obtained "in the heyday of the gold rush, it
13 would not be limited to a shovel, gold pan, rocker, and a long tom."

14 d) The Parties stipulate and Cajalco agrees that it will submit a revised financial
15 assurances cost estimate in support of RCL118S2 at the time its application is filed, as required by
16 Public Resources Code sections 2770 and 2773.1 and Riverside County Ordinance No. 555, Section
17 9.

18 2. With respect to the civil penalties, County will waive all civil penalties.

19 3. The parties agree that all activities set forth in RCL118S2 will be conducted in
20 accordance with RCL118S2, and that no use permit or other approval is required to conduct such
21 activities within the RCL118S2 boundary (as described in **Exhibit B**) because there will only be (1)
22 minor adjustments to the actual mine plan area that will all be within the scope of historic vested
23 mining operations on the Real Property, (2) none of the upgraded or modernized equipment or
24 facilities change the original vested mining use, and in fact many of the modernizations and
25 upgrades increase efficiency and environmental conservation of the surface mining operation; and
26 (3) all other non-mining activities will either be on areas within the footprint of historic vested
27 mining operations, or are necessary to satisfy various public agency requirements or facility
28 upgrades. The Parties further stipulate, and Cajalco agrees, that any mining or reclamation

1 activities proposed outside of the scope of RCL118S2 (as described in **Exhibit B**) will be subject to
2 future applicable County review, and that, subject to and consistent with the terms and conditions
3 herein, nothing in this 2016 Second Amended Agreement shall otherwise limit the scope of future
4 County enforcement authority under applicable provisions of Ordinance No. 555 and SMARA.

5 4. The County and Cajalco stipulate that the modification of RCL118S1 by RCL118S2
6 under Section 13 of Ordinance No. 555 may be exempt from the provisions of the California
7 Environmental Quality Act (“CEQA”) pursuant to the exemptions applicable to: (1) activities that
8 lack significant environmental effect (14 Cal.Code Regs. § 15061(b)(3)); (2) existing facilities (14
9 Cal.Code Regs § 15301); (3) replacement or reconstruction of existing structures and facilities (14
10 Cal.Code Regs § 15302), and (4) minor alterations to land (14 Cal.Code Regs § 15304). The
11 County agrees to consider whether such exemptions under CEQA apply for RCL118S2 primarily
12 because the activities proposed therein (1) are a non-substantial modification to the existing
13 RCL118S1 associated with an existing mining operation, (2) are for the purpose of restoring
14 conditions at the site to a condition compliant with law, including to complete the process of
15 remedying existing hazardous conditions on site, and (3) will not change or extend mining
16 operations, but rather allow restorative activities on already disturbed areas. The County and
17 Cajalco agree that any exemption under CEQA determined by the County for RCL118S2 shall have
18 no effect on the applicability of CEQA to any discretionary project that may be proposed for the
19 Real Property following completion of the activities authorized by the RCL118S2, or from activities
20 unrelated to the those authorized by RCL118S2.

21 5. The Parties stipulate and agree that the Superior Court of the County of Riverside,
22 State of California shall continue to retain jurisdiction of this action and over the parties personally
23 to enforce the terms and provisions of this 2016 Second Amended Agreement, until performance in
24 full of its terms has been completed.

25 6. The Parties stipulate and agree that each party will pay its own costs and attorney’s
26 fees related to or arising out of this action.

27 7. Upon complete performance of all of the terms of this 2016 Second Amended
28 Agreement by Cajalco and the County, the County shall file a Request to Dismiss this Action (RIC

1 387195) against Cajalco with prejudice.

2 8. The Parties agree that this 2016 Second Amended Agreement and attached Exhibits
3 are intended to provide a comprehensive resolution of this action. So long as the provisions of this
4 2016 Second Amended Agreement are diligently pursued and complied with, the County agrees not
5 to pursue any other civil, administrative, or criminal remedies for violations of SMARA or County
6 Ordinances described in the Complaint filed in this action.

7 9. The Parties agree to waive their right to trial and appeal in the above-entitled action
8 (Case No. RIC-387195).

9 10. This 2016 Second Amended Agreement shall be binding upon and shall inure to the
10 benefit of the parties hereto and their respective heirs, personal representatives, successors and
11 assigns.

12 11. Any alteration, change or modification of or to this 2016 Second Amended
13 Agreement, in order to become effective, shall be made by written instrument and in each such
14 instance executed by or on behalf of the party to be bound thereto.

15 12. This 2016 Second Amended Agreement may be executed in two or more
16 counterparts, each of which shall be deemed to be an original, and such counterparts when taken
17 together shall constitute one and the same instrument and Agreement.

18 13. Time is hereby expressly made of the essence of this 2016 Second Amended
19 Agreement and all performances and obligations due hereunder.

20 14. Except as expressly stipulated and agreed to above, this 2016 Second Amended
21 Agreement supersedes all prior provision, rights, performances and obligations arising out of the
22 2013 Agreement and 2013 Order, and any other prior agreements and orders in this case.


23 IN WITNESS WHEREOF, the County and Cajalco have executed this Second
24 Amended Agreement as of July 14, 2016.

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DATED: 7/14/16

COUNTY OF RIVERSIDE

By: 
JUAN C. PEREZ
DIRECTOR, TRANSPORTATION AND LAND
MANAGEMENT AGENCY, RIVERSIDE
COUNTY

DATED: 7/14/16

COUNTY COUNSEL
GREGORY P. PRIAMOS

By: 
MICHELLE P. CLACK
DEPUTY COUNTY COUNSEL
Attorneys for Plaintiff

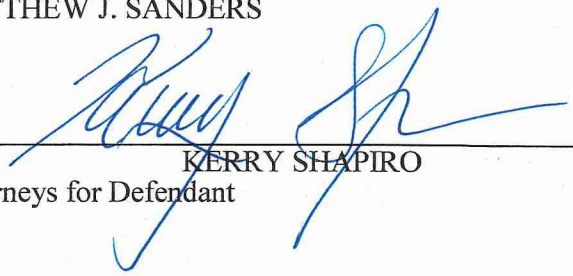
DATED: 7/11/16

CAJALCO ROAD QUARRY

By: 
CHRISTINE GOEYVAERTS

DATED: 7/12/16

JEFFER MANGELS BUTLER & MITCHELL LLP
KERRY SHAPIRO
MATTHEW J. SANDERS

By: 
KERRY SHAPIRO
Attorneys for Defendant

[PROPOSED] ORDER

Upon consideration of the foregoing Second Amendment to Stipulated Settlement Agreement, the Joint Stipulation filed in connection herewith, and good cause appearing therefore:

IT IS HEREBY ORDERED that the terms and provisions of the Second Amendment to Stipulated Settlement Agreement shall be the Order of the Court in this case. The Court retains jurisdiction, pursuant to the terms of the Settlement and Code of Civil Procedure section 664.6, to

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enforce the Settlement until performance in full of the terms of the Settlement has been completed.

DATED: 7/20, 2016

John W. Vineyard

Judge of the Superior Court

JMBM | Jeffer Mangels
Butler & Mitchell LLP

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EXHIBIT A

Real Property (APNs)

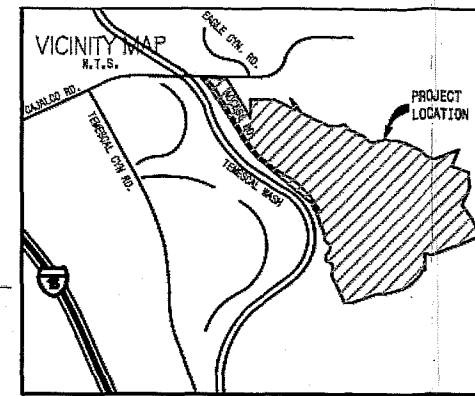
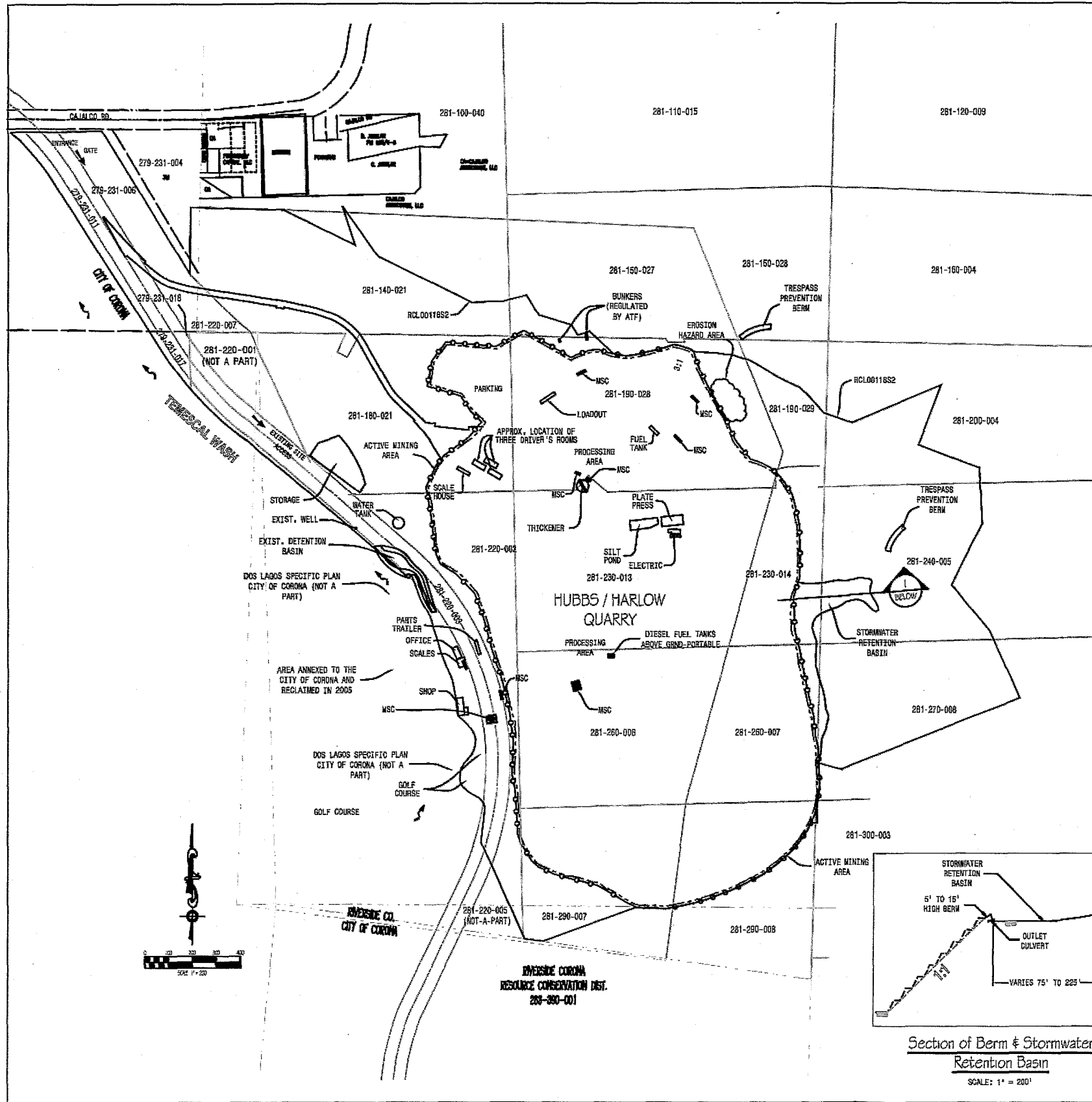


EXHIBIT "A"
HUBBS / HARLOW QUARRY
 Amended Reclamation Plan
 RCL 0011852
 CA. MINE I.D. 91-33-0061
 LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MEXICAN AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SOBRYATE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.

MINE OPERATOR AND APPLICANT

CAJALCO ROAD QUARRY
 200 S. MAIN STREET
 CORONA, CALIFORNIA 92880

OWNER OF LAND AND MINERAL RIGHTS

CAJALCO ROAD QUARRY
 200 S. MAIN STREET
 CORONA, CALIFORNIA 92880

CIVIL ENGINEER

GABEL, COOK & ASSOCIATES, INC.
 7177 BROOKTON AVE., SUITE 339
 RIVERSIDE, CA 92508
 (951) 708-8082

GEOLOGIST / GEOTECH

CHI, INC.
 1355 COOLEY DR.
 COLTON, CA 92324
 (909) 824-7209

LANDSCAPE ARCHITECT

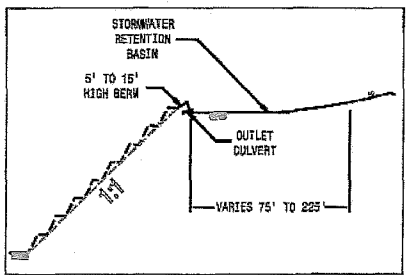
NONE

ASSESSOR PARCEL NO.

- 279-231-006, 281-231-011, 279-231-017, 279-231-018,
- 281-140-021, 281-150-027, 281-180-021, 281-190-028,
- 281-190-029, 281-200-004, 281-220-002, 281-220-003,
- 281-220-007, 281-230-015, 281-230-014, 281-240-005,
- 281-250-006, 281-250-007, 281-270-006, 281-280-007,
- 281-290-008, 281-300-005

LEGEND

	SECTION LINE / RECORD OF SURVEY
	PARCEL LINE
	EXISTING CONTOUR
	FINISHED CONTOUR
	EXIST. FENCE
	RCL0011852
	PROPOSED BERM
	METAL SHIPPING CONTAINERS



Section of Berm & Stormwater Retention Basin
 SCALE: 1" = 200'

AERIAL SURVEY:
 TOPOGRAPHY BY ENVIROMINE, INC.
 DATED MARCH 2015.

METAL SHIPPING CONTAINERS ARE USED AT VARIOUS LOCATION THROUGHOUT THE SITE.

GABEL, COOK & ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNERS
 7177 BROOKTON AVE., SUITE 339, RIVERSIDE, CA 92506
 Telephone (951) 708-8082 Facsimile (951) 708-8194

PROJECT SCOPE

- STABILIZE EXISTING SLOPES, CLEANING AND CONTOURING SURFACE DISTURBANCES.
- RECTIFY PREVIOUS NON-COMPLIANCE ISSUES BY AMENDING RECLAMATION PLAN.
 - RECLAIM SITE.
 - DEFINE EXISTING USES.

AREAS

DISTURBED AREA 62 ACRES
 RECLAIMED AREA 135 ACRES

GENERAL NOTES

1. PRODUCT: SAND, ROCK AND GRAVEL
2. UTILITY SURVEYORS: ELECTRICAL; SD, CAL EDISON; SEWER; SEPTIC(OFFICE); PORTABLE TOILETS; WATER: WELL (ADJACENT TO TEMESCAL CREEK)
3. ASSESSOR PARCEL NUMBERS SEE "VICINITY MAP" KEY
4. EXIST. LAND USES: OS-MIN (OPEN SPACE-MINERAL RESOURCES)
5. EXISTING ZONING: MRA-N/A
6. MAX. MINING DEPTH: 817 FT

FUTURE USE

COMMERCIAL / INDUSTRIAL / RESIDENTIAL

PROJECT LIFE

ANTICIPATED TERMINATION DATE DEC. 31, 2038 DEPENDING ON MARKET DEMAND. RECLAMATION WILL NOT PERMANENTLY AFFECT FUTURE MINING ASSUMING A SUFFICIENT ECONOMIC MINEABLE RESOURCE REMAINS.

MINING QUANTITIES

	CUT (MCY)	FILL (MCY)
MINED	11.1	0
TOTAL (CY)	11.1	0

SHEET INDEX

SHT	EXHIBIT	DESCRIPTION
1	B-1	TITLE / AMENDED RECLAMATION PLAN
2	B-2	TYPICAL CROSS SECTIONS
3	B-3	MINE DETAILS

HUBBS/HARLOW QUARRY
 200 S. MAIN STREET, CORONA, CA, 92880

TITLE SHEET / AMENDED RECLAMATION PLAN

DATE	12/18/18	SCALE	1315	DATE	05/21/17
BY	AS SHOWN	DATE	05/21/17	SCALE	65-315-ED1

EXHIBIT B

RCL118S2 Plan Boundary

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JMBM | Jeffer Mangels
Butler & Mitchell LLP

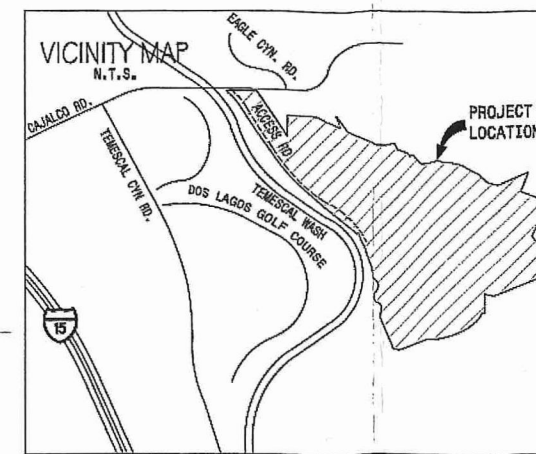
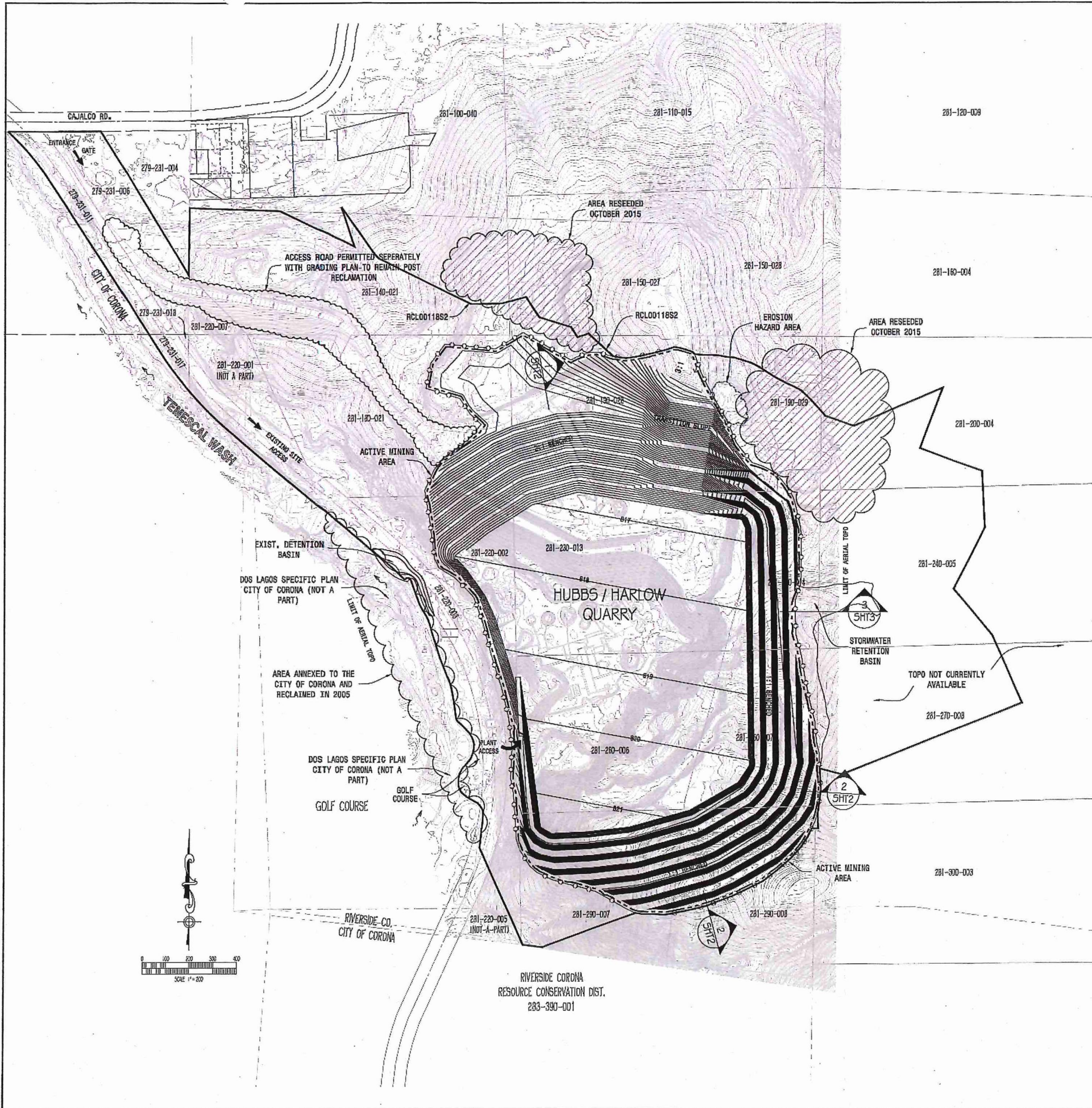


EXHIBIT "B1" HUBBS / HARLOW QUARRY

Amended Reclamation Plan
RCL 0011852
CA. MINE I.D. 91-33-0061

LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN 4 AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SOBRIANTE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.

PROJECT SCOPE

- STABILIZE EXISTING SLOPES, CLEANING AND CONTOURING SURFACE DISTURBANCES.
- RECTIFY PREVIOUS NON-COMPLIANCE ISSUES BY AMENDING RECLAMATION PLAN.
 - RECLAIM SITE.
 - DEFINE EXISTING USES.

AREAS

DISTURBED AREA 62 ACRES
RECLAIMED AREA 135 ACRES

GENERAL NOTES

- PRODUCT : SAND, ROCK AND GRAVEL
- UTILITY PURVEYORS
 - ELECTRICAL: SO. CAL EDISON
 - SEWER: SEPTIC(OFFICE)
PORTABLE TOILETS
 - WATER: WELL (ADJACENT TO TEMESCAL CREEK)
- ASSESSOR PARCEL NUMBERS SEE 'VICINITY MAP/APN KEY'
- EXIST. LAND USE: OS-MIN (OPEN SPACE-MINERAL RESOURCES).
- EXISTING ZONING: MRA-N/A
- MAX. MINING DEPTH: 817 FT

FUTURE USE

COMMERCIAL / INDUSTRIAL / RESIDENTIAL

PROJECT LIFE

ANTICIPATED TERMINATION DATE DEC. 31, 2038 DEPENDING ON MARKET DEMAND. RECLAMATION WILL NOT PERMANENTLY AFFECT FUTURE MINING ASSUMING A SUFFICIENT ECONOMIC MINEABLE RESOURCE REMAINS.

MINING QUANTITIES

	CUT (MCY)	FILL (MCY)
MINED	11.1	0
TOTAL (CY)	11.1	0

SHEET INDEX

SHT	EXHIBIT	DESCRIPTION
1	B-1	TITLE / AMENDED RECLAMATION PLAN
2	B-2	TYPICAL CROSS SECTIONS
3	B-3	WINE DETAILS

MINE OPERATOR AND APPLICANT

CAJALCO ROAD QUARRY
200 S. MAIN STREET
CORONA, CALIFORNIA 92880

OWNER OF LAND AND MINERAL RIGHTS

CAJALCO ROAD QUARRY
200 S. MAIN STREET
CORONA, CALIFORNIA 92880

CIVIL ENGINEER

GABEL, COOK & ASSOCIATES, INC.
7177 BROCKTON AVE., SUITE 339
RIVERSIDE, CA 92506
(951) 788-8092

GEOLOGIST / GEOTECH

CHJ, INC.
1395 COOLEY DR.
COLTON, CA 92324
(909) 824-7209

LANDSCAPE ARCHITECT

NONE

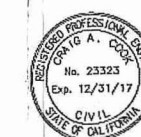
ASSESSOR PARCEL NO.

279-231-006, 281-231-011, 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-180-028, 281-190-029, 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-013, 281-230-014, 281-240-005, 281-260-006, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003

LEGEND

---	SECTION LINE / RECORD OF SURVEY
---	PARCEL LINE
---	EXISTING CONTOUR
---	FINISHED CONTOUR
-x-x-x-	EXIST. FENCE
---	RCL0011852
---	PROPOSED BERM (SEE DETAIL A, EXHIBIT B2)

AERIAL SURVEY:
TOPOGRAPHY BY ENVIRONMENTAL, INC.
DATED MARCH 2015.



GABEL, COOK & ASSOCIATES, INC.
CIVIL ENGINEERS LAND SURVEYORS
LAND PLANNERS
7177 Brockton, Ave. Ste 339, Riverside, CA 92506
Telephone (951) 788-8092 Facsimile (951) 788-5184

Drawn by	Check by	Date
WDG		
05/19/16	1315	65
AS SHOWN		

HUBBS/HARLOW QUARRY
200 S. MAIN STREET, CORONA, CA. 92880

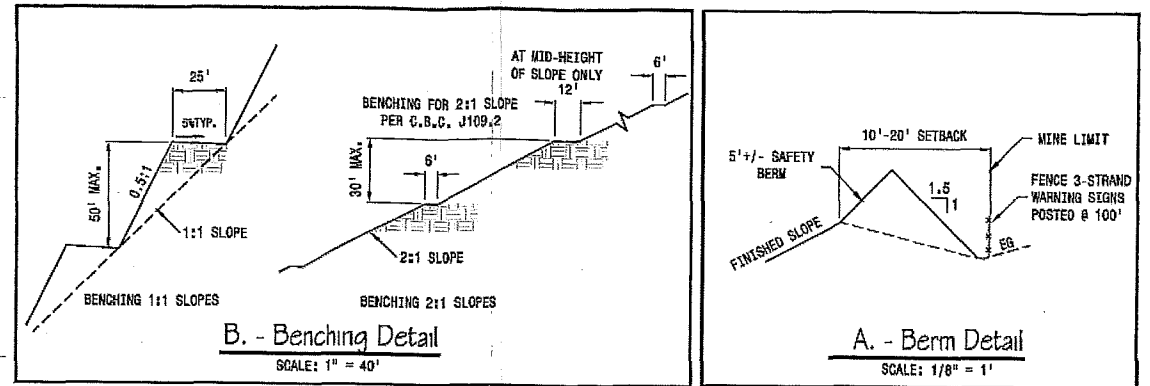
TITLE SHEET / AMENDED RECLAMATION PLAN

65-315-E01

EXHIBIT "B2"
HUBBS / HARLOW QUARRY
 Amended Reclamation Plan
 RCL0011852
 CA. MINE I.D. 91-33-0061

LEGEND

	SECTION LINE / RECORD OF SURVEY
	PARCEL LINE
	EXISTING CONTOUR
	FINISHED CONTOUR
	EXIST. FENCE
	RCL0011852
	PROPOSED BERM



PROPOSED SEEDING RATES FOR PERENNIAL SPECIES

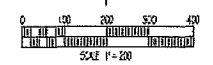
SPECIES	SEEDING RATE (LB/ACRE)
CALIFORNIA SAGEBRUSH	2
FOUR-WING SALTBRUSH	2
BROOM BACCHARIS	2
ACTON BUSH ENCELIA	3
HAIKY YERBA SANTA	1
CALIFORNIA BUCKWHEAT	8
GOLDEN YARROW	2
CALIFORNIA POPPY	2
BLADDERPOD	4
GOLDFIELDS	1
DEERWEED	4
ARROYO LUPINE	6
WHITE SAGE	2
BLACK SAGE	1
SMALL FESCUE	6

SEED: 48 LBS/ACRE
 HEIGHT: 12-54 INCHES
 EMERGENCE: 10-25 DAYS
 ESTABLISHMENT: 50-70 DAYS TO 50% COVER AFTER EMERGENCE

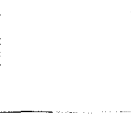
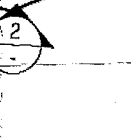
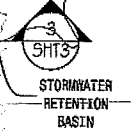
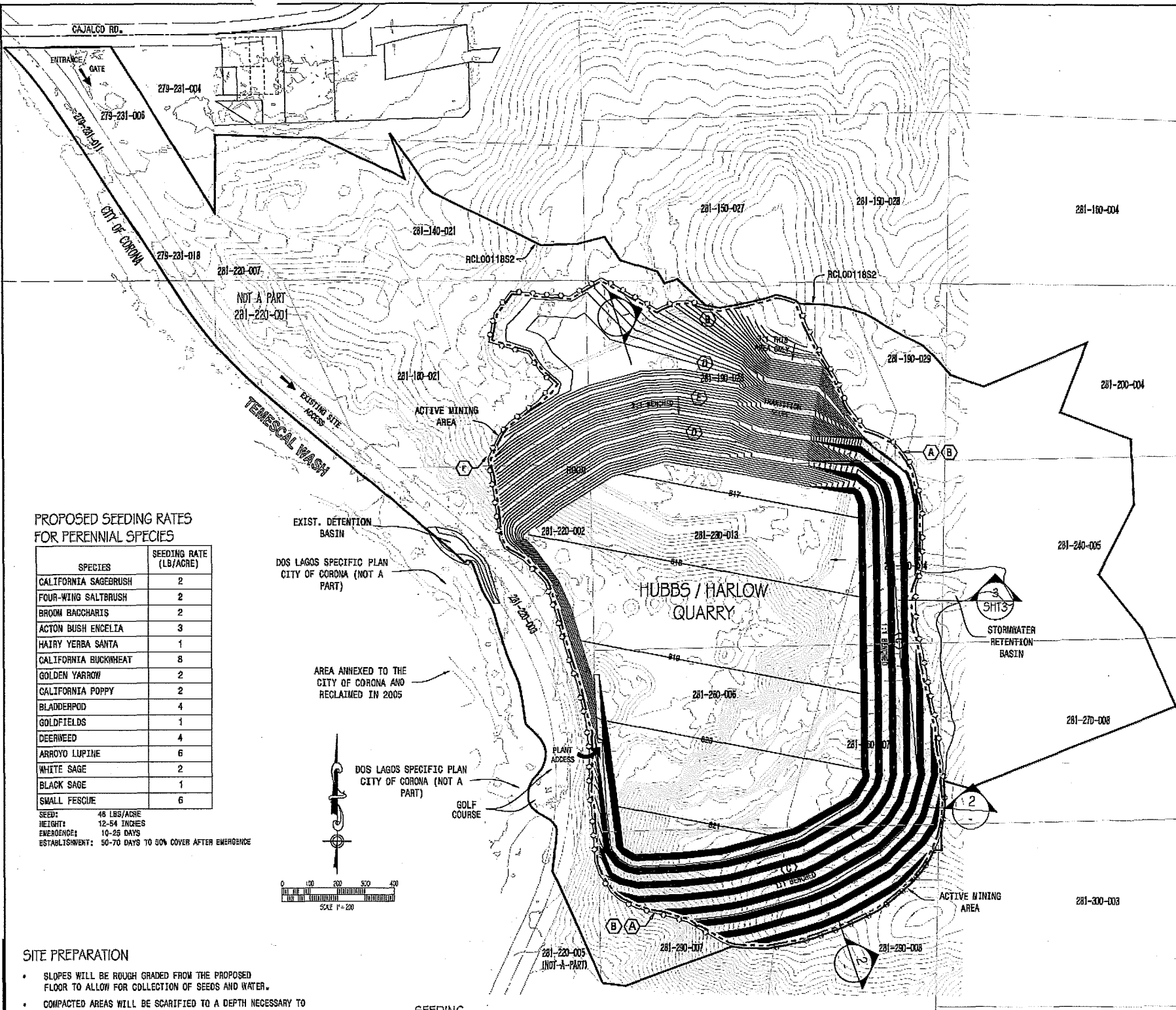
EXIST. DETENTION BASIN
 DOS LAGOS SPECIFIC PLAN
 CITY OF CORONA (NOT A PART)

AREA ANNEXED TO THE
 CITY OF CORONA AND
 RECLAIMED IN 2005

DOS LAGOS SPECIFIC PLAN
 CITY OF CORONA (NOT A PART)



HUBBS / HARLOW QUARRY



CONSTRUCTION NOTES

- (A) CONSTRUCT 5 FT. SAFETY BERM AROUND PIT.
- (B) CONSTRUCT 3 STRAND FENCING AROUND PIT WITH WARNING SIGNS POSTED AT EVERY 100 FT.
- (C) CONSTRUCT 25 FT WIDE BENCH
- (D) CONSTRUCT 6 FT. WIDE BENCH PER C.B.C. APPENDIX J SECTION J109.2
- (E) CONSTRUCT 12 FT. WIDE BENCH AT MID, HEIGHT SLOPE IN ACCORDANCE WITH C.B.C. APPENDIX J SECTION J109.2,
- (F) CONSTRUCT TEST PLOT AREA IN ACCORDANCE WITH OCR 3705 (b)

SEEDING

BROADCAST SEEDING WILL BE CONDUCTED BETWEEN OCTOBER AND DECEMBER TO TAKE ADVANTAGE OF WINTER PRECIPITATION AND ELIMINATE THE NEED FOR IRRIGATION. SEED COLLECTION FROM NEARBY UNDISTURBED AREAS WILL BE SUPPLEMENTED BY COMMERCIALY AVAILABLE SEEDS AS NEEDED. SEED WILL ONLY BE COLLECTED WITHIN ONE YEAR OF PLANNED RESEEDING. THE DISTURBED AREAS WILL BE SEEDED WITH THE SPECIES AND RATES SHOWN IN THE TABLE BELOW. NOTE THAT THE SPECIES SEEDED WILL BE AUGMENTED WITH NATIVE ANNUALS. ONLY NATIVE SEEDS TOLERANT TO EXISTING SOIL AND RAINFALL CONDITIONS WILL BE USED. THE AVERAGE PRECIPITATION IN THE AREA SHOULD BE SUFFICIENT FOR SEED GERMINATION AND ROOT ESTABLISHMENT OF NATIVE SPECIES. IRRIGATION OF THE SITE WILL NOT BE USED TO AVOID ENCOURAGING NON-NATIVE INVASIVE PLANTS.

SUCCESS CRITERIA

AREAS SUBJECT TO EROSION MUST ATTAIN AT LEAST 65 PERCENT COVERAGE FOR TWO SUCCESSIVE YEARS TO BE CONSIDERED FULLY RECLAIMED. ALTERNATIVELY, IN THE EVENT THE LEAD AGENCY APPROVES SUBSEQUENT DEVELOPMENT OF THE PROPERTY WITH A SITE SPECIFIC EROSION CONTROL/WATER QUALITY MANAGEMENT PLAN, THE SUCCESS CRITERIA COULD BE REPLACED WITH METHODS CONSISTENT WITH GRADING/DEVELOPMENT PLAN FOR THE PROPERTY.

SITE PREPARATION

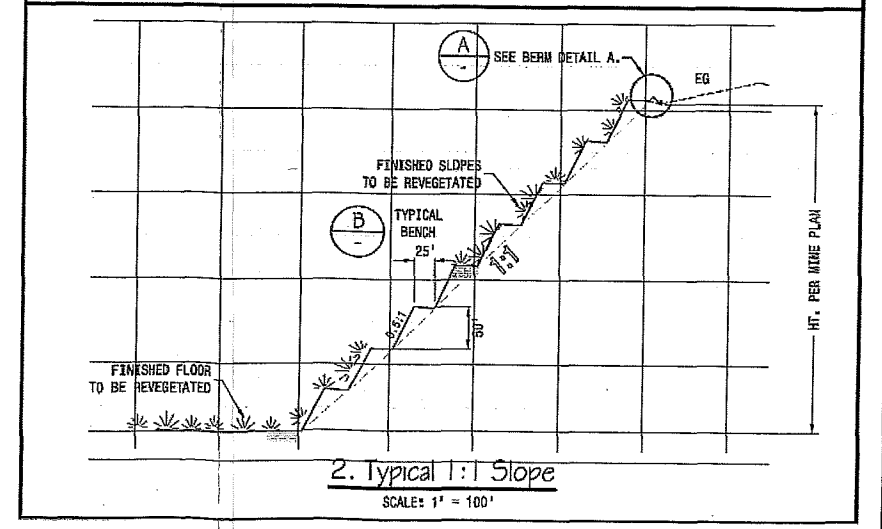
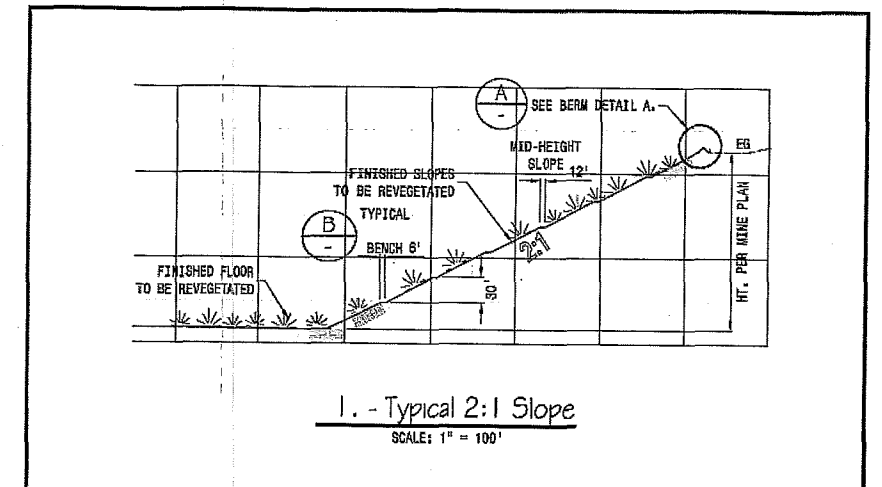
- SLOPES WILL BE ROUGH GRADED FROM THE PROPOSED FLOOR TO ALLOW FOR COLLECTION OF SEEDS AND WATER.
- COMPACTED AREAS WILL BE SCARIFIED TO A DEPTH NECESSARY TO PROMOTE PLANT GROWTH, TYPICALLY TO A DEPTH OF 12 INCHES.

REVEGETATION NOTES

- PRIOR TO MINING, THE TOP 6 INCHES OF SOIL IS TO BE PUSHED OFF TO THE PERIMETER OF THE MINE AND USED TO CONSTRUCT BERMS.
- DURING RECLAMATION, THE TOP SOIL WILL BE RETURNED TO THE MINING SURFACE AND SPREAD EVENLY THROUGHOUT THE FINISHED FLOOR AND SLOPES ALONG WITH THE SAND BY-PRODUCT OR TAILINGS.
- THE SLOPE AND FLOOR AREAS WILL BE RECLAIMED AND REVEGETATED. ONLY NATIVE SPECIES WHICH CURRENTLY OCCUR ADJACENT TO THE SITE WILL BE USED.
- DUE TO THE VERY ROCKY EXISTING CONDITIONS, ONLY A LIMITED AMOUNT OF TOPSOIL OR GROWTH MEDIA WILL BE AVAILABLE. MOST OF THE SLOPES WILL BE ROCK FACED.

POST-RECLAMATION NOTES

1. PROPERTY WILL BE URBANIZED FOR INFILL PROJECTS.
2. REMOVE ALL STRUCTURES INCLUDING SCREENS, CONVEYORS, FOOTINGS AND EQUIPMENT
3. REMOVE EXISTING ELECTRICAL SERVICE WITHIN THE MINE AND RECLAMATION AREA (RCL0011851).



GABEL, COOK & ASSOCIATES, INC.
 CIVIL ENGINEERS LAND SURVEYORS
 LAND PLANNERS
 7177 Brockton, Ave. Ste 339, Riverside, CA 92505
 Telephone (951) 785-8092 Facsimile (951) 785-5184

HUBBS/HARLOW QUARRY
 200 S. MAIN STREET, CORONA, CA. 92690
#65 - HUBBS QUARRY
TYPICAL CROSS SECTION

Drawn by: WDG	Scale: AS SHOWN	Project: 1315	Page: 65	Sheet: 2
Approved by:	Date: 05/19/16	Project: 1315	Page: 65	Sheet: 2

65-315-E02
 SHEET 2 OF 3

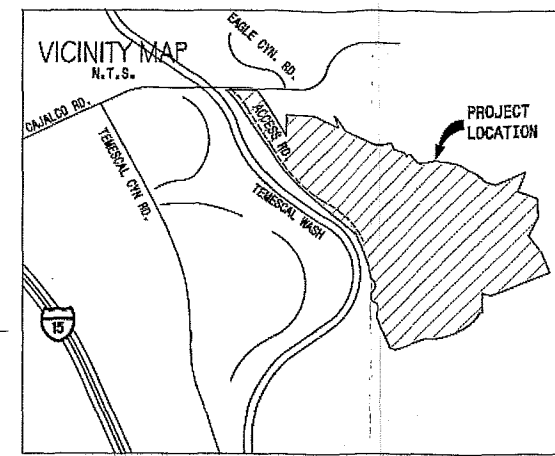
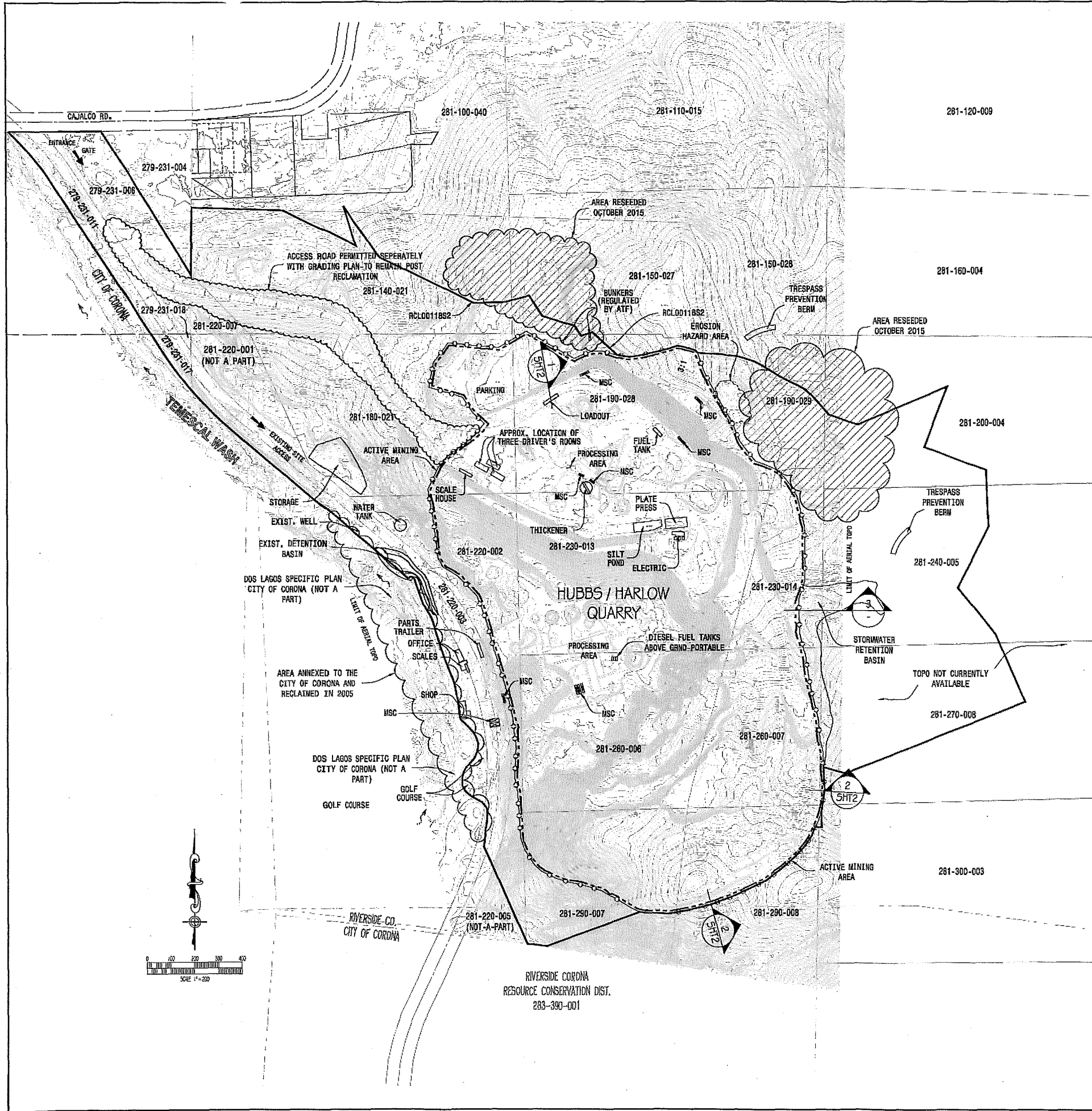
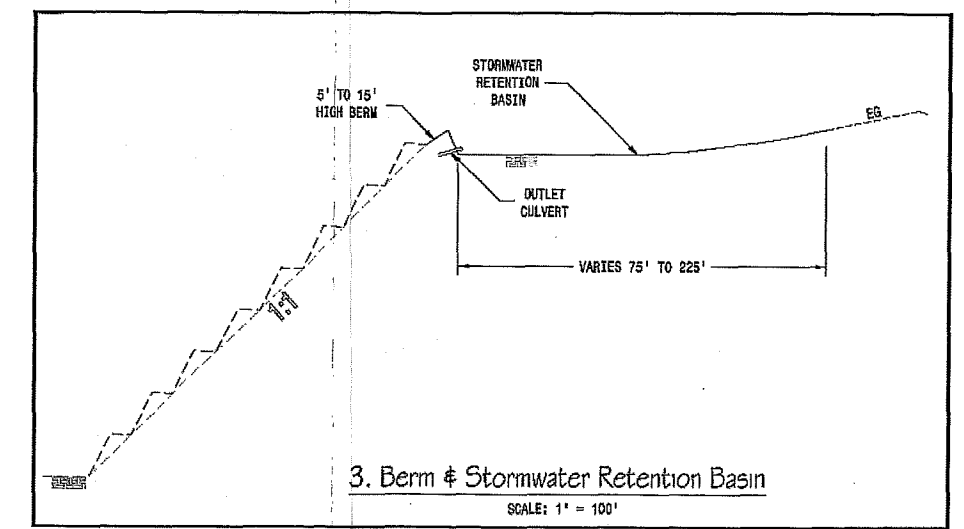


EXHIBIT "B3"
HUBBS / HARLOW QUARRY
 Amended Reclamation Plan
 RCL 0011852
 CA. MINE I.D. 91-33-0061
 LEGAL DESCRIPTION
 ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SOBRIANTE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.



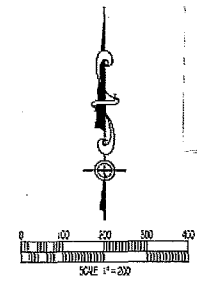
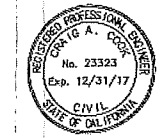
3. Berm & Stormwater Retention Basin
 SCALE: 1" = 100'

LEGEND

--- ---	SECTION LINE / RECORD OF SURVEY
---	PARCEL LINE
--- 790 ---	EXISTING CONTOUR
--- 780 ---	FINISHED CONTOUR
* * * * *	EXIST. FENCE
---	RCL0011852
--- ---	PROPOSED BERM
□	METAL SHIPPING CONTAINER

AERIAL SURVEY:
 TOPOGRAPHY BY ENVIRONMENTAL, INC.
 DATED MARCH 2015.

METAL SHIPPING CONTAINERS ARE USED AT VARIOUS LOCATION THROUGHOUT THE SITE.



RIVERSIDE CORONA
 RESOURCE CONSERVATION DIST.
 283-390-001

GABEL, COOK & ASSOCIATES INC.
 CIVIL ENGINEERS • LAND SURVEYORS
 LAND PLANNERS
 7177 Brooklyn, Ave. Ste 339, Riverside, CA 92505
 Telephone (951) 788-8092 Facsimile (951) 788-5184

HUBBS/HARLOW QUARRY 200 S. MAIN STREET, CORONA, CA. 92680			
MINE DETAIL			
Drawn by	WDG	Sheet	3
Approved by		Project	1315
Date	05/19/16	Plan	65
Scale	AS SHOWN	Sheet No.	65-315-E01
			3
			SHT 3 OF 3

DECLARATION OF KERRY SHAPIRO

I, Kerry Shapiro, declare as follows:

1. I am a partner at Jeffer Mangels Butler Mitchell, LLP, counsel of record for Robertson's Ready Mix ("RRM"). I have personal knowledge of the facts set forth herein. except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of RRM's Request for Determination of Vested Rights ("RFD"), dated December 15, 2021.

2. True and correct copies of Permit No. 404 (Exhibit C-1.1); CU-116 (Exhibit C-1.2) and RP-118 (Exh. C-1.3) are attached to this RFD. I obtained documents in the course of my representation of RRM from Riverside County.

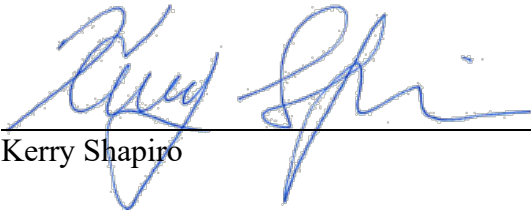
3. True and correct copies of RCL-118S1 (Exhibit C-1.4); RCL-118S2 (Exhibit C-1.5); and RCL-118S4 (Exhibit C-1.6) are attached to this RFD. These documents were forwarded to me by Riverside County in the course of my representation of RRM.

4. A true and correct copy of the 2004 Judgment (Exhibit C-1.7) is attached to this RFD. This document was obtained directly from the Superior Court for Riverside County.

5. A true and correct copy of the First Amended Judgment (Exhibit C-1.8) and Second Amended Judgment (Exhibit C-1.9) are attached to this RFD. These documents were filed with the Superior Court for Riverside County and I received the stamped and endorsed copies directly from the Court.

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 15th day of December, 2021, at San Francisco, CA


Kerry Shapiro