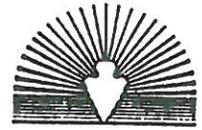




**LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT**



HEARING DATE: August 9, 2012

AGENDA ITEM # 2

Project Description

APN: 0571-191-06 & 0571-181-03
APPLICANT: US IRON, LLC
COMMUNITY: BAKER/KINGSTON/FIRST SUPERVISORIAL DISTRICT

LOCATION: INTERSTATE 15 AND CIMA ROAD (NORTH OF) AND EXCELSIOR ROAD (31 MILES SOUTH)

PROJECT NO: AP20120012/SMARA Reclamation Plan 2012M-03 (BECK MINE)
CONTRACT STAFF: GUS ROMO

REP(S): LILBURN CORPORATION
PROPOSAL: A RECLAMATION PLAN FOR THE REMOVAL OF IRON ORE TAILINGS ON APPROXIMATELY 20 ACRES OF A 25-ACRE SITE APPROVED BY THE BUREAU OF LAND MANAGEMENT FOR A PLAN OF OPERATION.



2 Hearing Notices Sent On: July 25, 2012

Report Prepared By: Gus Romo, RPG, Inc.

P.C. Field Inspection Date: N/A

SITE INFORMATION:

Parcel Size: 25 acres (20 acres proposed for removal of tailings operation)
Terrain: Gently sloping alluvial fan and rock surface
Vegetation: black bush and antelope bush

SURROUNDING LAND DESCRIPTION:

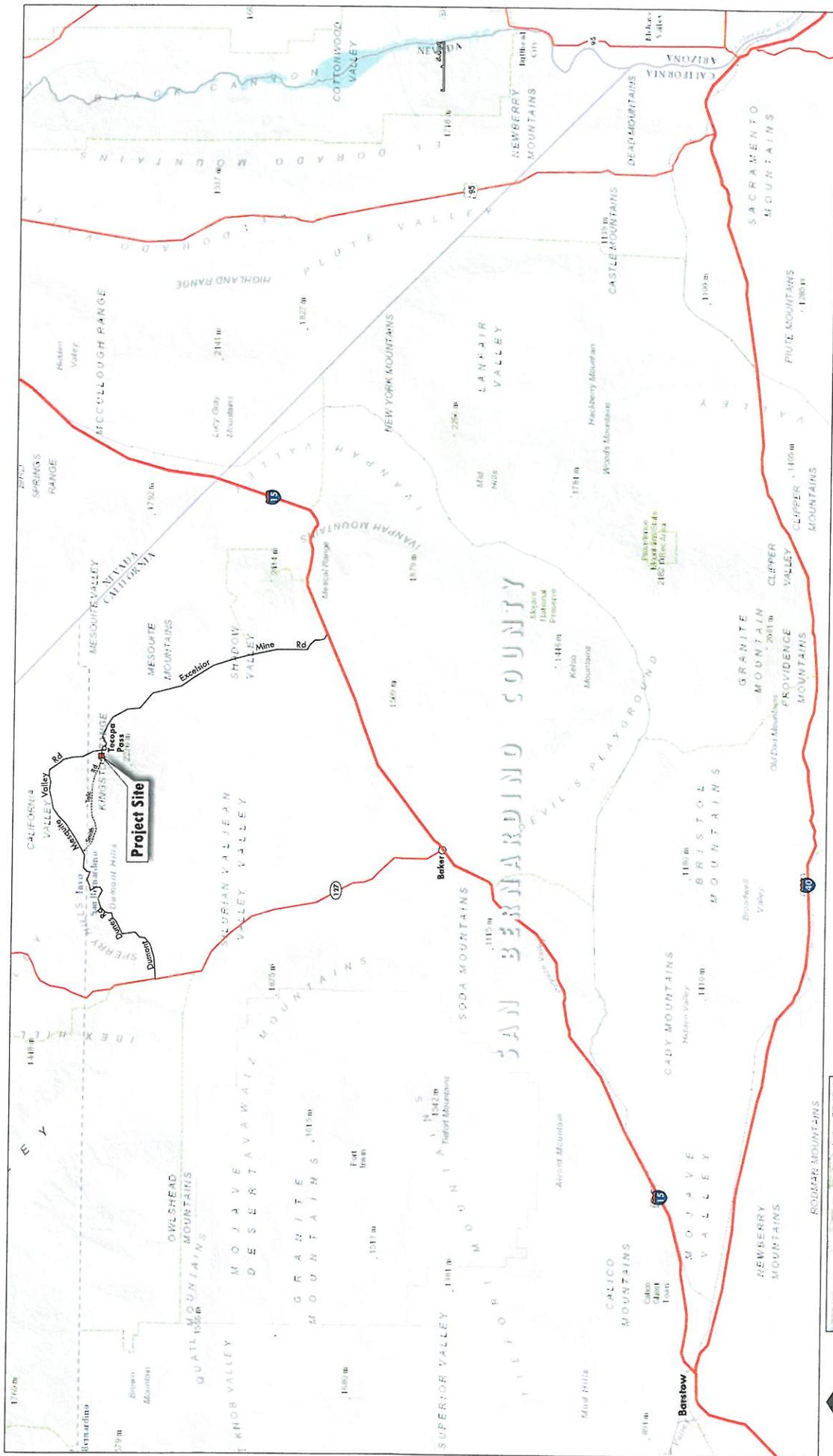
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant (BLM Land – Iron Ore Stockpiles)	RC (Resource Conservation)
North	Vacant (BLM Land)	RC (Resource Conservation)
South	Vacant (BLM Land)	RC (Resource Conservation)
East	Vacant (BLM Land)	RC (Resource Conservation)
West	Vacant (BLM Land – Beck Mine 1.5 miles west)	RC (Resource Conservation)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Bottled Water	N/A
Sewer Service	Portable Toilets	N/A

RECOMMENDATION: That the Planning Commission **APPROVE** Reclamation Plan 2012M-03

NOTE: In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days.

THIS PAGE INTENTIONALLY LEFT BLANK



LEGEND



■ Project Site Location (Geographic Location)
 California Zone 5 (IPCS 405); 7181756.86 2474974.63
 Lat/Lon: 35° 46' 31.1779" N, 115° 54' 34.9308" W

REGIONAL LOCATION

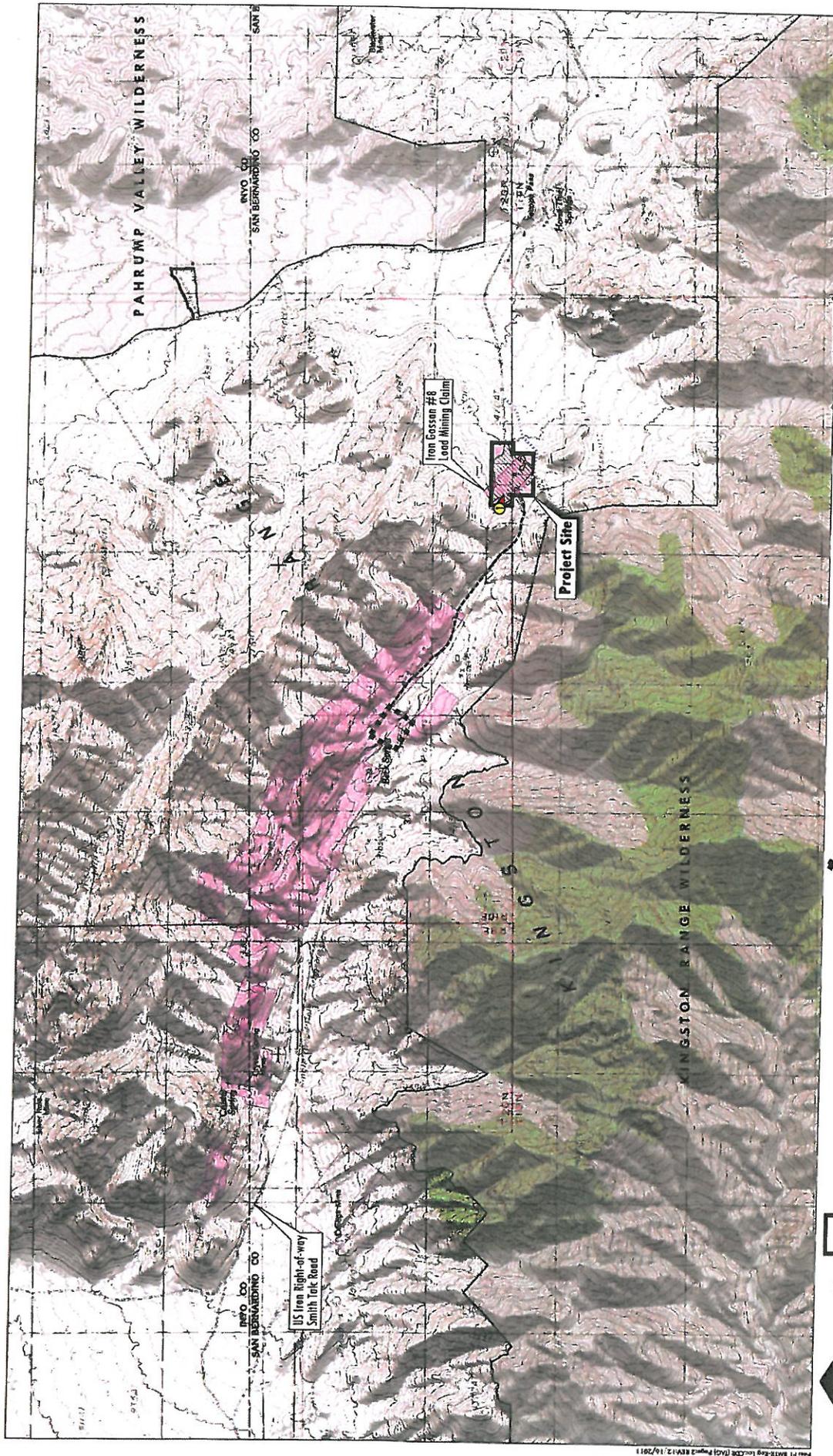
Reclamation Plan for Beck Mine Mill Sites Tailings Removal - US Iron, LLC
 County of San Bernardino, California

FIGURE 1



Search: World Atlas, 2011 (GAG)
LILBURN CORPORATION

THIS PAGE INTENTIONALLY LEFT BLANK



LEGEND

- 3,200
- 1:12,500
- Project Site (All Site Claims 1 through 5)
- Approximate Geographic Center of Project Site:
California Zone 5 (FIPS 405): 7161756.86 2474974.63
Lat/Long: 35° 46' 31.1779" N, 115° 54' 34.9308" W
- Area of Existing Disturbance
- Bypass Road (during active operations)
- Existing Back Mine Processing Plant
- Existing Road to Existing Plant
- Back Mine Processing Plant
- Back Mining Claims
- Wilderness Boundary
- Site Photograph and Direction of view (See Figure 3)

PROJECT VICINITY
Redemption Plan for Beck Mine Mill Sites Tailings Removal - US Iron, LLC
County of San Bernardino, California

FIGURE 2

FIGURE 2: BATHYMETRIC MAP (MNT) FIGURE 2: BATHYMETRIC MAP (MNT)

THIS PAGE INTENTIONALLY LEFT BLANK

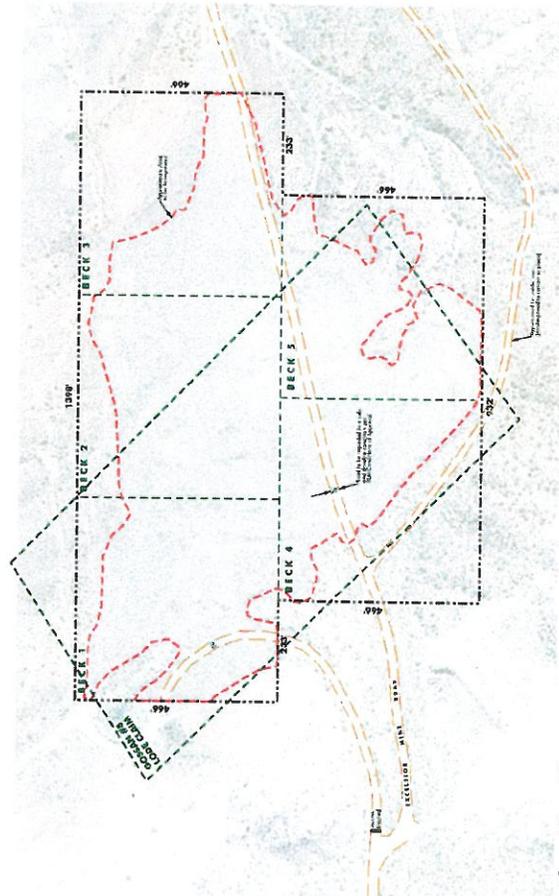
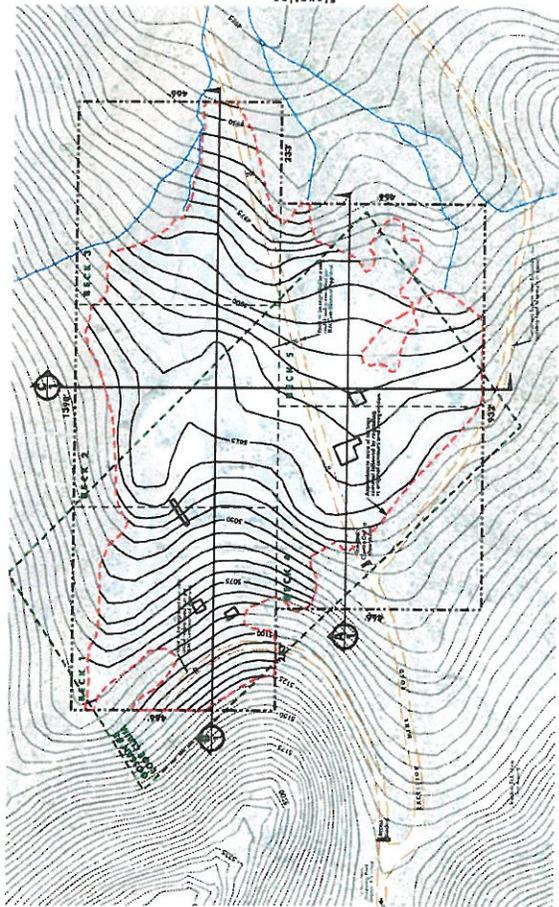


Photograph 1: View looking east towards the Project Site. Existing bypass road is to the extreme right. See Figure 2 for photograph location.

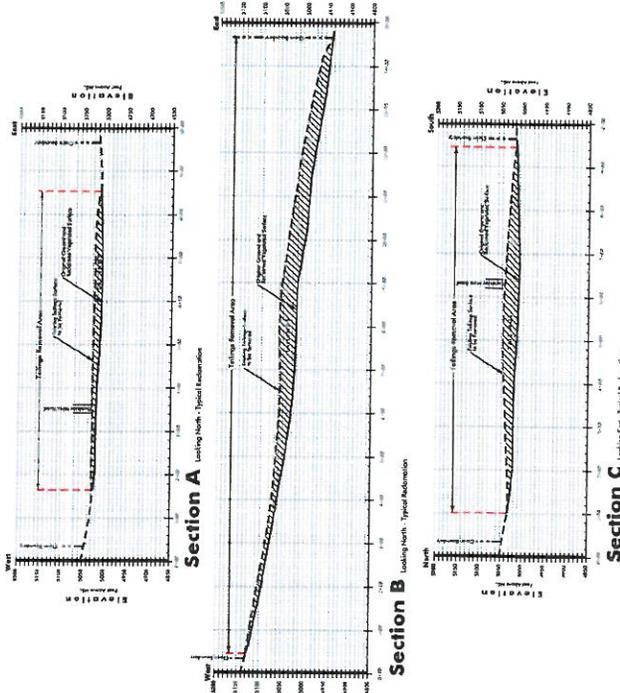
PROJECT SITE PHOTOGRAPH
Reclamation Plan for Beck Mine Mill Sites Tailings Removal - US Iron, LLC
County of San Bernardino, California

FIGURE 3

THIS PAGE INTENTIONALLY LEFT BLANK

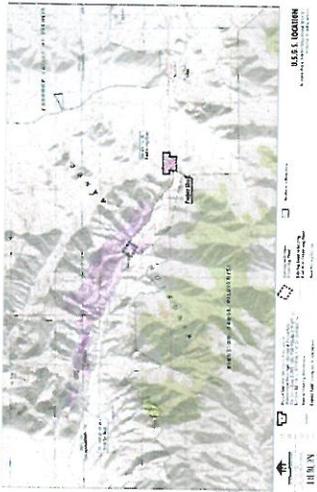


LILBURN CORPORATION



Notes

1. See Note 1.
2. See Note 2.
3. See Note 3.
4. See Note 4.
5. See Note 5.
6. See Note 6.
7. See Note 7.
8. See Note 8.
9. See Note 9.
10. See Note 10.
11. See Note 11.
12. See Note 12.
13. See Note 13.
14. See Note 14.
15. See Note 15.
16. See Note 16.
17. See Note 17.
18. See Note 18.
19. See Note 19.
20. See Note 20.
21. See Note 21.
22. See Note 22.
23. See Note 23.
24. See Note 24.
25. See Note 25.
26. See Note 26.
27. See Note 27.
28. See Note 28.
29. See Note 29.
30. See Note 30.
31. See Note 31.
32. See Note 32.
33. See Note 33.
34. See Note 34.
35. See Note 35.
36. See Note 36.
37. See Note 37.
38. See Note 38.
39. See Note 39.
40. See Note 40.
41. See Note 41.
42. See Note 42.
43. See Note 43.
44. See Note 44.
45. See Note 45.
46. See Note 46.
47. See Note 47.
48. See Note 48.
49. See Note 49.
50. See Note 50.
51. See Note 51.
52. See Note 52.
53. See Note 53.
54. See Note 54.
55. See Note 55.
56. See Note 56.
57. See Note 57.
58. See Note 58.
59. See Note 59.
60. See Note 60.
61. See Note 61.
62. See Note 62.
63. See Note 63.
64. See Note 64.
65. See Note 65.
66. See Note 66.
67. See Note 67.
68. See Note 68.
69. See Note 69.
70. See Note 70.
71. See Note 71.
72. See Note 72.
73. See Note 73.
74. See Note 74.
75. See Note 75.
76. See Note 76.
77. See Note 77.
78. See Note 78.
79. See Note 79.
80. See Note 80.
81. See Note 81.
82. See Note 82.
83. See Note 83.
84. See Note 84.
85. See Note 85.
86. See Note 86.
87. See Note 87.
88. See Note 88.
89. See Note 89.
90. See Note 90.
91. See Note 91.
92. See Note 92.
93. See Note 93.
94. See Note 94.
95. See Note 95.
96. See Note 96.
97. See Note 97.
98. See Note 98.
99. See Note 99.
100. See Note 100.



RECLAMATION PLAN for BECK MINE MILL SITES TAILINGS REMOVAL

Reclamation Plan for Beck Mine Mill Sites Tailings Removal - US Iron, LLC
County of San Bernardino, California

FIGURE 4

THIS PAGE INTENTIONALLY LEFT BLANK

SUMMARY/BACKGROUND

In the state of California, federal agencies have land use authority to permit mining operations on federal lands, but the County is responsible for approval of reclamation plans pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA).

On November 21, 2011, The U.S. Department of Conservation Bureau of Land Management (BLM) approved the Plan of Operation (POO) for mining/removal of stockpiled iron ore tailings from five mill sites associated with the Beck Mine, on BLM land in the Kingston Range. The site consists of two (2) parcels totaling twenty-five (25) acres, approximately twenty (20) miles southeast of Tecopa, California, within the northern boundary of San Bernardino County, near the border of Inyo County. The iron ore tailings are located on twenty (20) acres of the site. The BLM approval to operate is contingent on County approval of a Reclamation Plan. The POO approval is valid for ten (10) years, terminating in the year 2022, on the date of the County's Reclamation Plan approval. The proposed Reclamation Plan would remain in place for an additional five (5) years, terminating in 2027.

The Reclamation Plan has been reviewed by staff and the State of California Office of Mining Reclamation (OMR) for compliance with Public Resources Code Section 2770 (SMARA). The Reclamation Plan details the methods and procedures to be employed to reclaim disturbed areas and establishes a monitoring program and financial assurances as required by SMARA to ensure that reclamation is completed in accordance with the approved Plan of Operation and Reclamation Plan.

PROJECT DESCRIPTION

The project proposes the removal of historically stockpiled iron ore tailings from approximately twenty (20) acres. The iron ore tailings were previously crushed and sorted by the owners in the 1960's and the stockpiled material is marketable in its current state. The iron ore tailings will be transported to the Beck Mine for processing, and then transported by highway northwest along the Smith Talc Road to various customers.

The tailings removal operation consists of scraping of sized tailings deposited in existing stockpiles to an estimated height of up to 30 feet above the original ground surface. Methods for the tailings removal include occasional ripping of the tailings by a dozer and ripper attachment followed by standard scraper operations. The procedure generally includes:

- Ripping of tailings surface as needed to facilitate scraping;
- Removal of tailings in approximately 6-inch lifts depending on the size of the material, to be transported to the Beck Mine processing plant 1.5 miles to the northwest; and
- Occasional use of a loader and a haul or dump truck to transport material to the plant site.

The project life is determined by an anticipated production rate averaging approximately 1,000 tons per day or 365 cubic yards (cy) per day. Annual production would be up to 250,000 tons per year (approximately 91,000 cy/year), with a maximum of 400,000 tons per year (approximately 150,000 cy/year) depending on demand. At the estimated rate, material would be available for approximately 10 years of operation. The applicant is requesting approval of a Reclamation Plan to be in place for the 10-year operational period with approximately one year for reclamation and re-vegetation, followed by four years of re-vegetation monitoring.

Reclamation of the site will be undertaken upon completion of the removal of the tailings to the original surface. The site will be graded to conform to the natural drainage flow, eastward into the existing drainage north and south of the road. No slopes will remain. The Excelsior Mine Road will be re-constructed and returned to drivable condition. The bypass road that is currently cut will be left in-place.

The reclaimed area will be ripped to a one-foot depth. Any salvaged plant and soil material will be placed in scattered locations to 6 inches in depth. Any alluvium surface material separated at the Beck Mine Processing Plant will be used to aid vegetation. Re-vegetation will be conducted through seeding with an approved native plant seed mix. The reclaimed area will ultimately become open space on public land managed by the BLM.

ANALYSIS:

Land Use Compatibility. The site is located within the “Resource Conservation (RC)” land use zoning designation, which allows a limited number of uses, including mining operations, subject to County approval of a CUP or BLM approval of a POO when located on federal lands. All properties surrounding the mine site are vacant open space. The Proposed Project is consistent with the General Plan, because it would extract mineral resources for beneficial use. The proposed mining operation would also have the effect of reclaiming the land, by removing iron ore stockpiles left from historic (pre-SMARA) mining operations.

The Project area is located in the Northern and Eastern Mojave planning area of the California Desert Conservation Area (CDCA). Compliance with the proposed Mitigation Measures for avoidance of impacts to biological resources will ensure that the Project will not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or any other approved local, regional or state habitat conservation plan.

Initial Study. In compliance with the California Environmental Quality Act (CEQA), an Initial Study was completed and routed to the State Clearinghouse (SCH# 2012051051) for a 30-day comment period ending June 29, 2012. Comments were received from the California Department of Toxic Substances Control; the Mojave Desert Air Quality Management District; the Lahontan Regional Water Quality Control Board; and the U.S. Fish and Wildlife Service. Staff has reviewed the comments and addressed the concerns raised in the comment letters with responses that indicate how the issues are adequately addressed in the Initial Study. Please refer to Exhibit F for copies of the Comment Letters and the responses to same.

Responses to the comment letters did not trigger the need for substantial revisions requiring recirculation of the Initial Study document pursuant to Section 15073.5 of the CEQA Guidelines, because no new potentially significant impacts have been identified, and the conclusions concerning the level of significance with proposed mitigation measures have not changed.

Mitigated Environmental Factors. Of the environmental factors potentially affected, mitigation measures are being recommended for Biological Resources and Cultural Resources.

1. Biological Resources: The Mojave population of the desert tortoise is listed as a threatened species by both the US Fish and Wildlife Service and the State of California. Given the lack of suitable habitat and the elevation of the site, the likelihood of desert

tortoise presence is minimal. However, in accordance with the POO Conditions of Approval, the operator will implement mitigation measures in order to avoid potential impacts. These mitigation measures include: informing all personnel regarding the desert tortoise and how to deal with tortoises if they are encountered; requiring inspection for tortoises under vehicles to avoid accidental harm; limiting vehicle speed through tortoise habitat to a maximum of 20 miles per hour; prohibition of cross-country vehicle use and requiring the placement of all trash and food in raven-proof containers to reduce the potential of attracting ravens or other tortoise predators.

2. Cultural Resources: An archaeological survey of the site was conducted in 2010 for the BLM Plan of Operations review. Miscellaneous mining equipment and debris were observed on the site, as well as a concrete structure that may be over fifty years old. Removal of the iron ore tailings as planned would not disturb any of these identified resources, and the survey findings indicated a very low potential for significant resources to be discovered in the tailings. The conditions of approval of the BLM Plan of Operations include a requirement to halt operations immediately for consultation with a qualified archaeologist or paleontologist in the event of any cultural or paleontological resources being uncovered during operations. This mitigation measure is included in the IS/MND to continue during reclamation activities.

In conclusion, the Initial Study confirms that the proposed use with mitigation measures will not have a significant effect on the environment, and a Mitigated Negative Declaration is recommended. All mitigation measures are included in the Conditions of Approval and are implemented through the post-approval condition compliance review.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;
- 2) **ADOPT** the Findings as attached with this Staff Report (Exhibit A);
- 3) **APPROVE** a Reclamation Plan 2012M-03 for the proposed 20-acre tailings removal area; and
- 4) **FILE** a Notice of Determination.

ATTACHMENTS:

- Exhibit A: Findings
 - Exhibit B: Conditions of Approval
 - Exhibit C: Reclamation Plan
 - Exhibit D: BLM Record of Decision & Conditions for Plan of Operation (POO)
 - Exhibit E: Initial Study/Mitigated Negative Declaration
 - Exhibit F: Response to Comments
 - Exhibit G: Reclamation Site Plan (Full-size)
-

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A

FINDINGS

THIS PAGE INTENTIONALLY LEFT BLANK

FINDINGS: Pursuant to Development Code Section 88.03.060(k)(2) the following findings must be made in the affirmative in order to approve a Mining Reclamation Plan. The Reclamation Plan is proposed for a mining Plan of Operation (POO), which was approved in November of 2011 by the U.S. Department of Interior Bureau of Land Management (BLM) for the removal of iron ore tailings currently stockpiled on approximately 20 acres of the subject 25-acre site:

1. The Reclamation Plan as conditioned is in compliance with SMARA (Public Resources Code Section 2772-2773 and any other applicable provisions). The project has been routed to the State's Office of Mining Reclamation (OMR). A written response to OMR has been prepared describing the disposition of issues raised by that Department. The project has also been routed to all applicable County departments for review and has been cleared with conditions of approval.
2. The Reclamation Plan as conditioned is in compliance with the applicable requirements of State regulations (California Code of Regulations Section 3500-3505 and 3700-3713). The project has been routed to the State's Office of Mining Reclamation (OMR). A written response to OMR has been prepared describing the disposition of issues raised by that Department. The project has also been routed to all applicable County departments for review and has been cleared with conditions of approval.
3. The Reclamation Plan and potential end use of land reclaimed as conditioned is in compliance with the Plan and are consistent with the Development Code and the General Plan and any applicable resource plan or element. The BLM has approved the mining and reclamation standards and appropriately conditioned the project. The reclamation plan specifically implements the following General Plan Conservation Element goal:

General Plan Goal CO 7.6: Provide for the monitoring of mining operations for compliance with the established operating guidelines, conditions of approval and the reclamation plan.
4. The Reclamation Plan has been reviewed in compliance with CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible. An Initial Study and resulting Mitigated Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA) and represent the independent judgment of the County acting as lead agency for the project. Therefore, if the Project is approved, a Notice of Determination will be filed.
5. The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site development will compensate for related disturbance to resource values. In addition to conditions of approval imposed by this reclamation plan, the operation has been approved and conditioned by the Bureau of

Land Management to ensure appropriate reclamation measures are taken following the end of the operation.

6. The Reclamation Plan as conditioned will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan. The reclamation plan specifically implements the following General Plan Economic Development and Conservation Element goals:

General Plan Goal ED 7: The County will conserve mineral resources for extractive industries.

General Plan Goal CO 7.6: Provide for the monitoring of mining operations for compliance with the established operating guidelines, conditions of approval and the reclamation plan.

7. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, the responses address, in detail, why specific comments and suggestions were not accepted. A letter to this effect was sent to the Office of Mining Reclamation 30 days prior to the public hearing.

EXHIBIT B

CONDITIONS OF APPROVAL

THIS PAGE INTENTIONALLY LEFT BLANK

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS: PROCEDURAL CONDITIONS OF APPROVAL

LAND USE SERVICES DEPARTMENT - (909) 387-8311

1. This conditional approval is for Mining Reclamation Plan No. 2012M-03 for the Beck Mine Mill Sites Iron Ore Tailings Removal: a Mining Reclamation Plan to approve reclamation on 20 acres of a 25-acre site approved by U.S. Department of Interior Bureau of Land Management (BLM) to remove iron ore tailings. The site is located in the Kingston Range approximately 20 miles southeast of Tecopa, California, just south of Inyo County on the northern boundary of San Bernardino County, north of Interstate 15 and Cima Road, and approximately 31 miles south of Excelsior Road (APN's: 0571-191-06 & 0571-181-03; Horse Thief Canyon USGS Quadrangle, Township T19/20N, Range R10E, Sections 4 & 33). A copy of Mining Reclamation Plan No. 2012M-03 shall be kept on site during operations at all times. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the final approved plot plans may require submission of an additional application for review and approval.
2. Mining Reclamation Plan No. 2012M-03 shall be effective for a period of ten (10) years, with operations to terminate on effective date of County approval (August 20, 2022) as long as the permit is valid and the operation is in compliance with the Conditions of Approval. The Reclamation Plan shall be effective for a period of five (5) additional years to allow for monitoring of revegetation efforts and other required reclamation activities, expiring on August 20, 2027. At the conclusion of tailings removal operation, all accessory uses shall be vacated and the area reclaimed or the property owner or operator shall process the appropriate application(s) for approval as a stand-alone use.
3. The San Bernardino County Land Use Services Department shall be notified in writing, within 30 days, about any:
 - A) Change in operating procedures, or inactive periods of operation for one (1) year or more.
 - B) Changes of Company ownership, address, or telephone during the life of the Conditional Use Permit or Reclamation Plan.
 - C) Any changes to provisions in lease agreements or real property that will affect the approved Mining/Reclamation Plan.

4. The approved Reclamation Plan shall be bound in a 3-ring notebook and shall incorporate the revegetation plan, test plot plan, National Pollutant Discharge Elimination System (NPDES) Permit (or evidence from the CRBRWQCB that the NPDES permit is not needed), and Conditions of Approval. The Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.
5. The applicant/operator shall ascertain and comply with requirements of all Federal, State, County, and Local agencies as are applicable to the project areas. They include, but are not limited to: the San Bernardino County Departments of Planning, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, Bureau of Land Management, Mojave Desert Air Quality Management District, State Fire Marshall, Colorado River Basin Regional Water Quality Control Board, CalTrans District 8, California Department of Fish and Game, State Mining and Geology Board, U.S. Fish and Wildlife Service, Mine Safety and Health Administration (MSHA), the California Occupational Safety and Health Administration (Cal-OSHA), and California Highway Patrol.
6. In compliance with the County Development Code, Section 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the applicant may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The applicant's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

7. The applicant/operator shall maintain an acceptable form of financial assurance for the reclamation plan and conditions of approval. The financial assurance shall identify the County of San Bernardino, the State Department of Conservation, and the U.S. Department of Interior Bureau of Land Management (BLM) as beneficiaries. Any withdrawals made by the County, State, or Federal Government for reclamation shall be re-deposited by the applicant/operator within 30 days of notification.

The financial assurance shall be calculated based on a cost estimate submitted by the applicant/operator and approved by the County and the Department of Conservation, Office of Mine Reclamation for the approved reclamation procedures. Each year, following the annual mine site inspection, the assurance amount shall be reviewed and, if necessary, adjusted to account for new lands disturbed by surface mining operations, inflation and reclamation of lands accomplished in accordance with the approved Reclamation Plan.

The financial assurance is not established to replace the applicant's/operator's responsibility for reclamation, but to assure adequate funding to complete reclamation per the Reclamation Plan and Conditions of Approval. Should the applicant/operator fail to perform or operate within all of the requirements of the approved Reclamation Plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA) regarding the encashment of the assurance and applicable administrative penalties, to bring the applicant/operator into compliance. The requirements for the assurance will terminate when reclamation of the site has been completed in compliance with the approved Reclamation Plan and accepted by the County and the Department of Conservation, Office of Mine Reclamation pursuant to California Code of Regulations, Section 3805.5.

8. This Reclamation Plan shall become null and void if the conditions applicable to BLM approved Plan of Operation (POO) and Reclamation Plan have not been complied with following due process and/or operation has not commenced within three (3) years of the date of approval. One extension of time, not to exceed three (3) years may be granted upon written request and submittal of the appropriate fee, not less than 30 days prior to the date of expiration. PLEASE NOTE: This will be the only notice given for the above specified expiration date. The applicant is responsible for the initiation of an extension request.
9. The applicant/operator shall submit a report summarizing the past year's mining and reclamation activity to the Department of Conservation, Office of Mine Reclamation and the Land Use Services Department each year. Mine site inspections will occur in conjunction with the annual report or at other times as appropriate.
10. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.
11. If the operation or Mine Reclamation Plan procedures change from those outlined in Reclamation Plan No. 2012M-03, the applicant/operator shall file an amendment and secure approval 90 days before such changes can be made effective.
12. The mine operations and hauling shall operate within the hours approved by the BLM Plan of Operation (POO).
13. Per the proposed plan, blasting is NOT a part of this approval. As such, no explosives shall be stored on-site.
14. All conditions of this Reclamation Plan are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the revocation of the permit granted to use the property.
15. Proof of Department of Fish and Game fee payment, pursuant to California State Assembly Bill 3158, will be required prior to recordation and issuance of the Reclamation Plan. The applicant/operator should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested or final until the required fee is paid.

16. The applicant/operator shall process a Condition Compliance Review through the County in accordance with the direction stated in the Conditional Approval letter, for verification of conditions for each phase of the project as approved in the Reclamation Plan. A minimum balance of \$1,200.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase.
17. Prior to issuance of the approved Permits, all fees due under actual cost job No. AP20120012 shall be paid in full.
18. Implementation of the mitigation measures required for this project shall be verified according to the methods identified in the Mitigation Monitoring and Compliance Program. Planning verification of compliance shall be requested through submittal of a Mitigation Monitoring and Compliance Application along with the required fee deposit. A qualified third party consultant with experience in mine operations shall do mitigation monitoring compliance verification to be funded by the applicant/operator. Annual reports shall be prepared by the operator that summarizes compliance with regulatory agency monitoring requirements and submitted to Land Use Services by Oct 1st of each year.
19. Deposit accounts with the County shall be funded prior to review of all required mitigation monitoring plans and reports, financial assurance estimates, and conduct of annual inspections.

PRIOR TO LAND DISTURBANCE, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387- 4105

20. Prior to disturbance, the Mine and Reclamation Plan text and maps shall be revised to reflect the project as approved by the Planning Commission. The revision will undergo technical review by County staff and the Office of Mine Reclamation (OMR), and shall also be amended to incorporate comments per Office of Mine Reclamation letter dated April 13, 2012 to the extent stated in the County's response letter to OMR dated June 1, 2012.
21. Prior to disturbance, the applicant/operator shall post a County-approved financial assurance mechanism for the initial amount of \$78,483 to assure that adequate funding is available to complete reclamation per the Reclamation Plan and Conditions of Approval. The financial assurance shall identify the County

and the Department of Conservation as beneficiaries on approved forms. (Note: Operator currently has Certificate of Deposit (No. 8251907831) for stated amount on file with the County).

22. Prior to disturbance, the applicant/operator shall obtain a California Mine Identification number from OMR pursuant to Public Resources Code, Section 2207 and pay all associated fees to the Department of Conservation.
23. Authorization for mine access and ground disturbance activities shall be provided from the U.S. Department of the Interior, Bureau of Land Management, Needles Field Office (BLM) prior to initiating new land disturbance activities affecting APN's 0571-191-06 and 0571-181-03.
24. *CR-1. The project is not expected to have an impact on cultural or paleontological resources. However, the following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during earthmoving. The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements and shall include a note on the grading plans and in all construction contracts/subcontracts a provision that the project contractors shall also adhere to the following requirements:*
 - A. *In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.*
 - B. *If possible human remains are encountered during any earthmoving activities, all work shall stop in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.*

25. Prior to any disturbance that could disturb or alter any drainage course, which may substantially adversely affect an existing fish or wildlife resource, the applicant/operator shall enter into a California Department of Fish and Game 1602 Streambed Alteration Agreement.
26. The applicant/operator shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges associated with operation activities. The NPDES permit shall be submitted to the Colorado River Basin Regional Water Quality Control Board (CRBRWQCB) and a copy shall be submitted to Planning, or provide evidence from the CRBRWQCB that the NPDES permit is not needed. For more information, contact CRBRWQCB at (760) 340-4521.
27. The Operator shall submit an Erosion Control Plan prior to any land disturbance or operations and shall construct adequate measures to control surface runoff to protect surrounding land and water resources in a manner commensurate with standard engineering practice. They may include, but not limited to, drainage ditches, sediment containment basins, and localized control and maintenance measures to intercept and control disturbed area drainage.
28. The operator shall prepare a Storm Water Pollution Prevention Program outlining how storm water shall be conveyed or directed on and off-site during operations to avoid impacts to groundwater and surface water quality. Within the SWPPP, the operator shall list Best Management Practices (BMPs) to be employed on-site to avoid water quality impacts. The SWPPP shall be submitted to the Colorado River Basin Regional Water Quality Control Board and a copy submitted to Planning, or provide evidence from CRBRWQCB that the SWPPP is not needed. For more information, contact CRBRWQCB at (760) 340-4521.
29. Prior to ground disturbance, a Licensed Land Surveyor shall be employed to determine and permanently monument the property corners and limits of each road right-of-way and project boundaries. For each corner, GPS coordinates (or other similar technology) shall be provided in a format acceptable to the County. A final report shall be provided to Land Use Services.
30. The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

- a) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
- b) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.
- c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

PRIOR TO OPERATION, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387- 8311

- 31. *BIO-1. The operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".*
- 32. The Reclamation Plan shall be revised prior to recordation and issuance to identify location of stockpiled growth medium, clarify if symbol for "concrete foundation to be removed" refers to specific outlined foundation or all outlined structures, and include APN boundaries on reclamation site plan.
- 33. The area of illumination from any lighting shall be confined to be within the site boundaries and to minimize impacts to night sky views from surrounding properties. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. On-site lighting shall be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting shall be limited to that necessary for maintenance activities, security and safety purposes. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign.
- 34. The applicant/operator shall maintain and annually renew existing permits to operate the processing plant, onsite generators, and any other applicable equipment from the MDAQMD and be in compliance with said permits.

35. The operator shall submit for review and obtain approval from County Planning of evidence that all air quality mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of MDAQMD.

PUBLIC WORKS DEPARTMENT, Land Development Division – Drainage Section
(909) 387-8145

36. The site may be subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm. The project is located within Flood Zone D, according to FEMA Panel Number 0375H dated 08/28/2008. Flood hazards are undetermined in this area, but possible. Adequate provisions shall be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
37. The natural drainage courses traversing the site shall not be occupied or obstructed.

COUNTY FIRE DEPARTMENT, Hazardous Materials Division (909) 386-8401

38. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes to their Business Emergency/Contingency Plan or a letter of exemption. Updates shall indicate the revisions/changes to the facility. Revisions must at minimum include a letter of explanation, the Cover Sheet, the Activities Page, the Business Owner/Operator Identification Page, and any other information that has changed (i.e. facility maps, inventory, etc.).
39. Prior to occupancy, the applicant shall apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

40. The water purveyor shall be DEHS-approved and may be permitted; currently using bottled water for visitors and employee drinking.

41. If sewer connection and services are unavailable, an EHS approved sanitary waste disposal system will then be allowed. EHS must approve any proposed system prior to project construction. Submit a liquid waste disposal plan to DEHS for review and approval. This plan should address all aspects of the sanitary waste portion of the project: waste collection tanks, service contracts, frequency of service, potential employee usage, etc. Include persuasive arguments to support the use of non-traditional methods of disposal.
42. A copy of any written clearances required by the Lahontan Regional Water Quality Control Board (LRWQCB) shall be forwarded to the Division of Environmental Health Services.

GENERAL REQUIREMENTS: ON-GOING OPERATIONAL CONDITIONS

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

43. The Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b).
44. If a septic system is installed, it shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper.
45. No land filling of wastes shall occur on-site without an approved Solid Waste Facilities Permit.
46. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with the Development Code, Section 33.0830 et seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 909-387-4655.
47. All refuse containing garbage shall be removed from the premises at least one time per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.
48. All refuse not containing garbage shall be removed from the premises at least one time every two weeks to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.

COUNTY FIRE DEPARTMENT, Fire Warden (760) 843-4375

49. The primary access route shall comply with the minimum requirements for fire protection and/or emergency response with applicable local ordinances, codes, and/or fire protection standards.

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387-4105

50. *BIO-2. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.*
51. *BIO-3. All personnel shall inspect for desert tortoises under vehicles prior to moving the vehicles. If a desert tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.*
52. *BIO-4. All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per or through tortoise habitat.*
53. *BIO-5. Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.*
54. *BIO-6. All trash and food items shall be promptly contained within closed in raven-proof containers. These shall be regularly removed from the project site to reduce attractiveness of the area to ravens and other tortoise predators.*
55. *BIO-7. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator.*
56. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA, Section 2770(h) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.

57. The mining operation shall be conducted in a uniform manner, with exterior slopes and floors trimmed as the mining operation proceeds to facilitate implementing site reclamation. Excavations shall be conducted so as to leave them in a reasonably neat and trim manner. The final site shall be graded and revegetated as per the approved BLM POO and Reclamation Plan Plot Plan. Any changes to the approved plans shall require a Revision Application.
58. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. No refuse shall be retained at any time in the work areas. All refuse shall be disposed of at an approved licensed disposal facility. Refuse storage shall be maintained in closed containers.
59. Adequate provisions shall be made to intercept and conduct the off-site tributary drainage or on-site sheet flow around or through the site in a manner which will not adversely affect adjacent or downstream properties. The drainage through the site shall be accommodated and not occupied or obstructed (Refer to Beck Sites 3 & 4 east-trending drainage).
60. Drainage diversion structures shall be constructed in accordance with good engineering practice. Development shall consider reasonable measures that would preclude a potential for pit-capture.
61. Material shall not be stockpiled adjacent to an active drainage unless adequate protective measures are implemented. Adequate measures shall consider the most adverse conditions the stockpile location will likely experience.
62. The operator shall stockpile all available growth media and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the growth media and vegetation spread over them. Re-vegetation areas shall be ripped to a depth of one-foot and shall be supplemented by broadcast seeding with native and locally adapted seed per the approved reclamation plan and BLM POO conditions of approval. Stockpiled growth media shall be stored separately from silt and overburden material stockpiles.
63. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

64. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (Development Code, Section 83.01.040 (c)) including but not limited to:
- A. Equipment/vehicles shall not be left idling for period in excess of five minutes;
 - B. Engines shall be maintained in good working order to reduce emissions;
 - C. Onsite electrical power connections shall be made available where feasible;
 - D. Ultra low-sulfur diesel fuel shall be utilized;
 - E. Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible;
 - F. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use;
 - G. In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.
65. Clearly legible signs denoting limits shall be posted along with fencing, berms, or rock barriers, as necessary, to protect against accidental entry to the site. Lettering shall be a minimum four (4) inches in height. As feasible, signs shall be placed every 300 feet around the perimeter of the project plan area where undisturbed ground adjoins the permit area. All signs shall be in place prior to the commencement of extraction activities.
66. The applicant/operator should regularly review the adequacy of the signs. Care should be taken to ensure that signs do not become blocked by vegetation or become illegible from dirt or deterioration. As new phases are developed, additional signs may be needed. In evaluating the adequacy of signs, they should be considered from the viewpoint of a first-time visitor on the property, such as a vendor or a contractor. Pay special attention to any areas where public roads intersect project roads. Other drivers may not be familiar with the operation of mining equipment, the mine's traffic patterns, and equipment blind spots. Ensure that the traffic and warning signs that are provided in these areas are adequate.
67. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.
68. The applicant shall install Company identification signs on all company owned and operated haulage trucks used on public roads. The signs shall be located

on both sides and the rear of each truck. The information contained on the sign shall include:

On the rear of the truck:

- A. How am I driving?
- B. Truck number.
- C. Company phone number.

On the side of the truck:

- A. Company name.
- B. Truck number.
- C. Company phone number.

The signing shall be printed in a minimum of 3" high lettering. The applicant shall have a person or an answering machine available during operating hours to answer the phone that corresponds to the phone number on the truck. The persons answering the phone number shall be instructed as to how to take the calls and respond to the complainant with results of investigation. The applicant shall keep a log of all calls, including documentation of responses and resolution of complaints. The log shall be made available to the County upon request.

- 69. In the event of any soil contamination on-site, the applicant/operator shall remove to a County approved disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time.
- 70. In the event of any spill(s) on site, the applicant/operator shall remove any soils and or liquid in accordance with the approved Business Plan.
- 71. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to California Health & Safety Code, Section 115700.
- 72. Non-portable plant equipment and structures are restricted to a maximum of 35 feet in height above natural grade level.
- 73. Test plots shall be indicated on the Mine Reclamation Plan and required to determine the suitability of growth media for revegetation purposes. Test plots shall be conducted simultaneously with mining to determine the most appropriate planting procedures to be followed to ensure successful implementation of the Re-vegetation Plan.

74. Re-vegetation Monitoring, to include BLM procedures, will continue annually for at least five (5) years after reclamation has been completed. Following the first two years of qualitative monitoring, quantitative monitoring will be conducted. Monitoring will utilize methods appropriate to the areas under study. Beginning with the adoption of the final revision of the Reclamation Plan that encompasses all the needed changes to be consistent with the final conditions of project approval, and continuing until reclamation is completed, the applicant/operator will submit to Planning annual monitoring reports. The reports will:
- A. Describe re-vegetation actions undertaken in the reporting period;
 - B. Identify areas that have been disturbed;
 - C. Identify areas and acreage for which re-vegetation has been started;
 - D. Present results of investigations on species diversity and other measures of re-vegetation success in test and control or reference plots;
 - E. Describe successes and problems in the re-vegetation efforts for that year;
 - F. Describe steps taken to resolve problems or achieve re-vegetation success;
 - G. Describe disturbance and re-vegetation efforts planned for the next two years.
75. If re-vegetation is not successful, the applicant/operator shall undertake the following actions:
- A. If, during the first two years of qualitative monitoring, revegetation is clearly not successful, the applicant/operator will re-evaluate the revegetation methods and will discuss changes to these methods with the County and BLM representatives. The applicant/operator will revise the Re-vegetation Plan, secure concurrence from Planning for the changes, and begin implementing the new measures.
 - B. If the test plots do not meet the specified success criteria of the control plots after three years, the applicant/operator will make an assessment of the re-vegetation methods to identify any deficiencies contributing to planting failures. Corrective action shall be incorporated in follow-up testing.
 - C. If after five years, the re-vegetated areas (as measured by the results of the test plots) have not achieved these success criteria, the applicant/operator will immediately begin to implement the measures identified in a contingency plan.

76. The applicant shall provide in the Financial Assurance Cost Estimate the costs to monitor and report on revegetation, incidental disturbance and erosion control for a time period of five (5) years following the termination date of operation.
77. Pursuant to SMARA, Section 2772.7, as revised December 2006, the Planning Division will prepare a "Notice of Reclamation Plan Approval" on a form to be approved by the County Records Office. The operator shall pay recording fees.

PRIOR TO FINAL CLOSURE, THE FOLLOWING CONDITIONS SHALL BE MET:

78. Upon final reclamation, provisions shall be implemented to intercept and conduct off site tributary drainage flows around or through the site to minimize erosion in a manner which will not adversely affect adjacent or downstream properties shall be verified and shall be maintained five (5) years following the termination date of operation.
79. At the time of termination of the operation for any reason, all equipment, structures and refuse associated with the operation shall be removed from the site, all hazards mitigated, and reclamation initiated within 90 days, as per the approved Reclamation Plan.
80. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.
81. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of mining/hauling activities. Note: The Excelsior Mine Road that traverses the site will be re-constructed with a road surface 20 feet wide and returned to a safe drivable condition as required by the BLM.
82. The applicant/operator shall re-contour the site at the conclusion of operations (platforms, stockpiles, settling ponds, etc.). The site should resemble natural landforms where possible.
83. Each area reclaimed shall be identified on a map and labeled for identification. The final map shall be provided to the Planning Division for review and approval.

EXHIBIT C

RECLAMATION PLAN

THIS PAGE INTENTIONALLY LEFT BLANK

**RECLAMATION PLAN
FOR
BECK MINE TAILINGS REMOVAL SITE**

Prepared For:

US Iron, LLC
755 Grand Blvd., Ste B105 #316
Miramar Beach, FL 32550

Submitted To:

County of San Bernardino
Planning Department
385 North Arrowhead Avenue
San Bernardino, California 92415

Prepared By:

Lilburn Corporation
1905 Business Center Drive
San Bernardino, California 92408

December 2011

TABLE OF CONTENTS

Section	Page
INTRODUCTION	1
BACKGROUND	1
1.0 OPERATIONS PLAN	4
1.1 Operations	4
1.2 Mine Waste	6
1.3 Processing	7
1.4 Production Water	7
1.5 Erosion and Sediment Control During Operations	7
1.6 Blasting	7
2.0 RECLAMATION	8
2.1 Land Use	8
2.2 Geology	8
2.3 Hydrology	9
2.4 Vegetation and Wildlife	9
2.5 Reclamation	10
2.6 Revegetation	10
2.7 Cleanup	16
2.8 Post Reclamation and Future Mining	16
2.9 Slopes and Slope Treatment	16
2.10 Soils and Fine Textured Waste	16
2.11 Drainage and Erosion Controls	16
2.12 Public Safety	16
2.13 Monitoring and Maintenance	17
2.14 Reclamation Assurance	17

FIGURES

1 Regional Location 2
2 Project Vicinity 3
3 Project Site Photograph 5
4 Reclamation Plan 11

TABLES

1 Beck Mine Mill Site Operations Typical Equipment List 6
2 Beck Mine Mill Sites Recommended Seed Mix and Rates 13
3 Beck Mine Mill Sites Recommended Success Criteria 15

SHEET

- 1 Beck Tailings Reclamation Plot Plan

APPENDICES

- A “Plan of Operations for the Iron Gossan #8, Beck Mine,” US Iron, LLC, August 2011
- B Decision Record and Environmental Assessment – Beck Mine Mill Site Tailings Removal Plan of Operations, Bureau of Land Management, CACA 053137 & DOI-BLM-CA-D090-2012-0004-EA), November 21, 2011.
- C Revegetation Plan for the Beck Mine Mill Site – Lilburn Corporation December 2011
- D Health and Safety Plan for Beck Mine Operations

BECK TAILINGS REMOVAL SITE RECLAMATION PLAN

INTRODUCTION

US Iron, LLC is submitting a Reclamation Plan for their Bureau of Land Management (BLM) approved Plan of Operations (POO) to remove historically stockpiled iron ore tailings from a 20-acre site in accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Codes 2770 et seq and San Bernardino County requirements for implementing SMARA. The site is located on BLM managed public lands in the Kinston Range approximately 20 miles southeast of Tecopa, California, just within the northern boundary of San Bernardino County (see Figure 1). The project site is located approximately 1.5 miles east of the Beck Mine on a portion of the unpatented lode claim Iron Gossan #8 and on five mill sites designated Beck 1 through Beck 5 recently located over the tailings area to facilitate the proposed activity (see Figure 2).

BACKGROUND

US Iron is the operator and Standard Industrial Minerals is the owner of the Beck Mine, claims, and mill sites. In February 2011, US Iron leased the Beck Mine and its mining claims from its owner, Standard Industrial Minerals. US Iron subsequently submitted a POO for the removal of the existing iron ore tailings stockpiled on Iron Gossan #8 by previous owners in the 1960s. The BLM in their Decision Record and Environmental Assessment (EA) approved the Beck Mine Mill Site POO for the removal and transport of the tailings to the Beck Mine processing plant and reclamation of the site on November 21, 2011. Refer to Appendix A for a copy of the POO and Appendix B for copies of the Decision Record and EA. As of November 15, 2011, Standard Industrial Minerals located five mill sites of five acres each designated as Beck 1 through Beck 5, which are also part of US Iron lease. The mill site recordings are included in the application.

Unlike most reclamation plans which reclaim areas planned for mining, this Reclamation Plan will reclaim a 20-acre site covered with iron ore tailings deposited historically prior to the enactment of SMARA. The removal of the tailings will provide a marketable product and a heavily disturbed area will subsequently be reclaimed back to public open space. The tailings are stockpiled up to about 30 feet in depth and contain an estimated 880,000 cubic yards (cy) of tailings. US Iron will utilize scrapers to remove the previously crushed/sorted tailings and transport the material to the Beck Mine processing plant 1.5 miles to the west. The tailings area will be graded back to the original surface and revegetated. Operations are planned for a 10-year period.

The Site's Legal Description is as follows: 20 acres located in the NW 1/4, NW 1/4 (protracted) of Section 4, T. 19N, R10E, and in the SW 1/4, SW 1/4 (protracted) of Section 33, T20N, R10E, San Bernardino Meridian, San Bernardino County, California.

Section 1 of this Reclamation Plan discusses the removal and transport to their existing processing site at the Beck Mine located about 1.5 miles to the west. Section 2 describes reclamation, revegetation, and the planned end use for the site. The Reclamation Plan is included as Sheet 1.

1.0 OPERATIONS PLAN

1.1 OPERATIONS

The BLM approved the Beck Mine Mill Site POO to allow the removal and transport of iron ore tailings. The iron ore tailings were previously crushed and sorted by previous owners in the 1960s and are a marketable product in their current state. The iron ore tailings will be transported to the Beck Mine processing plant by scraper and haul truck located approximately 1.5 miles west along the Smith Talc Road at posted speed limits of 20 mph, further sorted, and then transported by highway legal trucks northwest along Smith Talc Road to various customers (refer to Figure 2). Figure 2 shows the tailings site in relation to the existing Beck Mine processing plant along Excelsior Mine Road. The talc mine seen directly adjacent or to the southwest of the tailings site (see Figure 3B) is not a part of the project.

The tailings removal operation is a simple scraping of the sized tailings deposited in leveled stockpiles to an estimated depth of up to 30 feet above the original ground surface. Figure 3 includes a photograph of the site looking east showing the generally level area of stockpiled tailings with some isolated revegetation. The concrete structure in the foreground is the remnants of the crusher/stacker facility that will be removed. The public BLM access road cuts directly across the site. The BLM has required the road to be temporarily blocked off during operations and travelers will use a by-pass road partially seen on the right or south of the site. This road is shown on Figure 2 and the Reclamation Plan Sheet 1 which shows the existing conditions and the final reclaimed condition for use as open space.

Methods for the tailings removal include occasional ripping the tailings by a dozer and ripper attachment followed by standard scraper operations. The procedure generally includes:

- Removal and crushing of the sparse vegetation with any windblown growth media stockpiled in disturbed areas along the perimeter of the area on the north and west;
- Ripping of tailings surface as needed to facilitate scraping;
- Removal of tailings in approximately 6–inch lifts depending on the size of the material and transported by the scraper to the Beck Mine processing plant 1.5 miles to the northwest; and
- Occasional use of a loader and a haul or dump truck to transport material to the plant site.

Table 1 shows a typical equipment list. Equivalent equipment may be used in the future.

The mill site will operate with one and sometimes two equipment operators working a single daytime shift (between 7 am to 7 pm) Monday through Friday. Only daytime operations will be conducted; no lighting will be used onsite.

No storage or maintenance of equipment will be undertaken at the mill site. All maintenance will be performed on the Beck Mine processing site and all equipment will be stored at this location as well.



e Project Site. Existing bypass road is to the extreme right. See Figure 2 for photograph location.

Table 1
Beck Mine Mill Site Operations
Typical Equipment List

Quantity	Equipment Type
1	Caterpillar 637D Scraper
1	Komatsu 155AX Dozer with ripper attachment
1	Ford Water Truck – 2,000 gallon
1	Loader (varies)
1	Haul truck (varies)

Note that similar makes and types of equipment may be used over the life of the project.

Project Life

The anticipated production rate will be an average approximately 1,000 tons per day or 365 cy per day, assuming a weight of 2.75 tons per cy. Annual production would be up to 250,000 tons per year (approx. 91,000 cy/year) with a maximum of 400,000 tons per year (approx. 150,000 cy/year) depending on demand.

If the tailings are removed at the average rate of 1,000 tons per day or 91,000 cy/year, sufficient material would be available for approximately 10 years of operation. The applicant is requesting a Reclamation Plan approval for a 10-year operational period with one year for reclamation and revegetation followed by revegetation monitoring until success criteria are satisfied.

Project Size

The tailings removal area will be a total of approximately 20 acres. The bypass road is an existing road which will be left in place. The Excelsior Mine Road will be reconstructed across the reclaimed tailings site with a width of approximately 20 feet and left in a safe, drivable condition as determined by the BLM (refer to Figure 2).

1.2 MINE WASTE

The site is covered with iron ore tailings and no waste material will be produced or left onsite. Any concrete pads and foundations and any remaining equipment and pipe will be broken up and removed.

All domestic refuse will be collected in approved trash bins and hauled to the nearest approved landfill. Equipment will be fueled and maintained at the Beck Mine processing plant and all used oils, fuels and solvents will be collected in accordance with the Department of Toxic Substances and Control regulations and picked up by an approved hauler for recycling. To protect soils and groundwater from potential contamination, fueling and maintenance areas at the Beck Mine plant shall be constructed on impervious materials or covered with impervious materials and equipped with berms and catch basins to capture accidental spills.

The operator will be required to maintain its Business Emergency Contingency Plan with the County Fire Department Hazardous Materials Division.

1.3 PROCESSING

No processing is proposed onsite. The material will be removed from the tailings site and transported to the Beck Mine processing plant. Material may be screened, crushed and magnetically separated at the process site, then loaded onto highway legal 25-ton haul trucks for shipment.

The transport trucks of the iron ore product will utilize the Smith Talc Road to the west. US Iron has obtained an approved 30-year right-of way grant for use of an existing road (Smith Talc Road Right-of-Way Decision Record dated November 14, 2011) from the BLM Needles Field Office. Note that the portion of the Smith Talc Road within the Barstow Area office in Inyo County is considered a County road outside of the jurisdiction of the BLM.

The ROW grant allows the transport of iron ore in highway legal trucks, Monday through Saturday from 7 am to 7 pm; initial rehabilitation of the road; and periodic maintenance due to road use and erosion. The operator is required to spray the road daily as needed with water truck and may use magnesium chloride to reduce dust problems and impose a 30 mph speed limit for its trucks.

Note that the ROW grant does not require any reclamation of the road as it will remain an open public routes through the area besides leaving it in a safe drivable condition as determined by the BLM.

1.4 PRODUCTION WATER

There are no water requirements for processing or washing the material. Water for dust control will be from the Beck Spring located at the Beck Mine process plant. It is anticipated approximately 6,000 to 8,000 gallons of water per day will be required for mill site operations and the control of dust on the access road. A 2,000 gallon water truck will be used for dust control on roads and during scraping as needed. Domestic water for drinking will be imported for employees. Domestic wastewater and septage will be portable and will be collected and removed by a licensed operator.

1.5 EROSION AND SEDIMENTATION CONTROL DURING OPERATIONS

The project site is covered with a stockpile of porous, heavy iron ore tailings. It is not expected that any erosion or sedimentation will occur at the tailings site due to the very heavy and larger sized iron ore tailings onsite. Drainage will remain similar to its existing conditions.

1.6 BLASTING

Blasting is not proposed.

2.0 RECLAMATION

US Iron prepared this Reclamation Plan for their BLM approved POO to remove historically stockpiled iron ore tailings from a 20-acre site in accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Codes 2770 et seq and San Bernardino County requirements for implementing SMARA.

2.1 LAND USE

The area surrounding the site is generally undisturbed and remains in a natural state except for an existing talc mine to the southwest. Activities occurring within the immediate area include limited recreational off-road vehicle travel and livestock grazing. The site as well as the surrounding area are within the Resource Conservation (RC) Official Land Use District and are primarily used for recreation, open space and grazing activities. The area is within the Horsethief Springs grazing allotment. No burros are known to inhabit the area (BLM 2011). A portion of the site lies within the Kingston Range Area of Critical Environmental Concern (ACEC). The BLM determined that the proposed action would likely have no effect upon management considerations of this ACEC. The BLM property within the area is identified within the California Desert Conservation Area Plan as being a Multiple Use Class L (Limited Use) Area. Class L areas are designed to protect sensitive, natural, scenic, ecological, and cultural resources. Public lands designated as Class L are managed to provide for generally lower-intensity, controlled multiple-use of resources, while ensuring that sensitive values are not significantly diminished. The BLM determined that the proposed action would be consistent with the use area with conditions and mitigation found in their Decision Record.

2.2 GEOLOGY

The Beck Mine mining claims and mill sites are situated in the north central portion of the Kingston Range of mountains. This range rises abruptly from the 3,000-foot elevation above mean sea level (amsl) desert surroundings to the Kingston Peak with an elevation of 7,320 feet amsl. The range is nearly circular in shape and has a diameter of 10 miles. In the vicinity of the iron deposits, four formations are exposed: (1) granite gneiss of pre-Cambrian age which is the oldest formation in the area; (2) the Pahrump series of sedimentary rocks, pre Cambrian age; and (3) the Noonday dolomite, a uniform sedimentary rock of Cambrian age; and (4) the Kingston Range monzonite porphyry, and igneous rock of late Cretaceous age.

The pre-Cambrian granite gneiss occurs to the west of the iron deposits, along the westward sloping valley which provides road access from Tecopa, and forms the basement for the northwestern portion of the mountain range. The Noonday dolomite forms the crest of the high ridge to the north of Beck Canyon. South of Beck Canyon, the Kingston Peak monzonite porphyry is well exposed and forms the high central portion of the Kingston Range. This igneous rock was intruded into the older sedimentary formations in late Cretaceous time, and it is believed that the iron ore deposition was related to this period of igneous activity.

The mill site is a small valley area with alluvium and rock surface presently covered with stockpiled iron ore tailings.

2.3 HYDROLOGY

The project site is located near the ridgeline at the base of a pass at an elevation from approximately 4,950 to 5,120 feet amsl. No significantly developed watercourses exist onsite. A drainage runs along the southeast perimeter of the tailings and flows eastward. The BLM's EA determined there would be no impact to surface or ground water.

2.4 VEGETATION AND WILDLIFE

Information on vegetation and wildlife is included in the BLM's EA included in Appendix B.

Existing vegetation on the tailings is sparse due to the stockpiled iron ore material. Vegetation in areas surrounding the project site as recorded at a reference site to the south of the site consists of a widespread homogeneous black bush (*Coleogyne ramosissima*) dominant and antelope bush (*Purshia tridentata*) second dominant vegetative series. Black bush is native to Southern California, Arizona, Utah, southwestern Colorado, and Nevada. Black bush inhibits gravelly slopes, desert mesas, and foothills of the mountains in the western Colorado Desert and eastern Mojave Desert, north to Inyo County, in the lower and upper Sonoran Life Zones. No impact to vegetation or sensitive vegetation is expected.

General wildlife occurring in the area include cottontail rabbit, black-tail jackrabbit, mule deer, kit fox, antelope ground squirrel, coyote, kangaroo rats, western pipistrel, woodrats, common reptilian and bird species. The Kingston Range supports a population of desert bighorn, a BLM sensitive species, and the banded gila monster, a BLM sensitive species, has been sighted in rare instances. These species are not expected to be impacted.

The Mojave population of the desert tortoise (*Gopherus agassizii*) is listed as a threatened species by both the US Fish and Wildlife Service and the State of California. Given the lack of suitable habitat and the elevation of the site, the likelihood of encounters with desert tortoise is minimal. However, in accordance with the approved POO Conditions of Approval (see Appendix B), the operator shall implement the following precautions in order to avoid impacts to the desert tortoise (BLM Condition numbers listed):

18. The operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".
19. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.
20. All personnel shall inspect for desert tortoises under vehicles prior to moving the vehicles. If a desert tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.

21. All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per or through tortoise habitat.
22. Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.
23. All trash and food items shall be promptly contained within closed in raven-proof containers. These shall be regularly removed from the project site to reduce attractiveness of the area to ravens and other tortoise predators.
24. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator.

2.5 RECLAMATION

The Reclamation Plan is shown on Sheet 1 and Figure 4 which includes an aerial with elevation contours and details of the operations and reclamation of the site.

Prior to the removal of the tailings, the sparse native vegetation will be removed and crushed and any available windblown growth media will be salvaged and both stored along the north and west sides of the project site. All remaining equipment, pipes, and concrete will be broken up, removed and taken to the nearest landfill.

Final reclamation will be undertaken upon completion of the removal of the tailings to the original surface. The site would be graded to allow drainage to flow eastward into the existing drainages north and south of the road. There will be no remaining slopes onsite. The Excelsior Mine Road will be re-constructed to a road surface of 20 feet wide and returned to a safe drivable condition as determined by the BLM. The bypass road that is currently cut will be left in-place.

The area to be reclaimed will be ripped to a depth of one-foot and any salvaged plant and soil material will be placed in scattered locations to a depth of 6 inches. In addition, any alluvium surface material separated at the Beck Mine Processing Plant will be placed on the mill site to aid in vegetation. Revegetation will be conducted and the area flagged off to avoid further disturbance until the site meets its success criteria. The reclaimed end use will be open space on public land managed by the BLM.

2.6 REVEGETATION

A separate Revegetation Plan has been prepared for the tailings areas and is included as Appendix C. A summary of the Revegetation Plan is provided below and details and tables can be reviewed in Appendix C.

This Revegetation Plan is designed to meet SMARA performance guidelines for revegetation. The goal of the revegetation program is to establish the guidelines to monitor, maintain, and assess the results of the completed revegetation program through comparison to the established baseline data and recommended success criteria until the criteria are achieved

Baseline Vegetation

The baseline inventory of flora was conducted on November 1, 2011 by Lilburn Corporation. The survey was conducted to provide data to determine seed types and seeding rates and to establish the success criteria for future revegetation efforts. Because the 20-acre site where the proposed tailings removal will occur is devoid of most vegetation, baseline surveys were conducted in a reference area with similar vegetation and topography adjacent to the tailings removal area. A preliminary literature evaluation of the site, that included the evaluation of topographic data, aerials, and satellite images, demonstrated the site to have uniform soil and vegetation cover compared to that found at the tailings area. Therefore, the site was not stratified into sample areas and baseline data was collected from a single reference area as shown on Figure 3B.

The reference site was sampled for shrub cover, density, and species diversity. To evaluate vegetative cover, a series of 50-meter point-intercept transects were established; a vertical point was projected at each 0.5-meter interval and any plant, stem, or canopy intercepting the point was recorded. Shrub density and diversity were recorded in 100 m² plots located along the edge of the 50-meter transects and extending 2 meters out from its edge; all shrubs rooted in the plots and the number of different shrub species were recorded. Transects and plot locations were chosen randomly within the reference area, and a total of 10 transects was conducted based on calculations of minimum confidence.

The dominant vegetation at the reference site is black bush scrub (*Coleogyne ramosissima*); antelope bush (*Purshia tridentata*) was recorded as the second dominant species. Average shrub cover was measured at 44.6%. Average shrub density measured 45 shrubs per 100 m² plot; an average of 5 species was observed to occur per 100 m² plot. Complete data tables are included in Appendix C.

Revegetation

Revegetation of the site upon removal of the tailings would follow a series of steps that may be varied or changed should new information or techniques that would improve the results of the revegetation activities become available. The removal of the tailings on the 20-acre site allows the site to be reclaimed and revegetated back to its natural conditions. The surrounding area is of uniform vegetation and topography dominated by blackbrush scrub vegetative community. Success criteria and revegetation strategies were designed specifically to meet the needs of the vegetative community and environmental conditions around the site.

The disturbed area to be revegetated will total approximately 20 acres which will be reclaimed as follows:

- Removal of the existing iron ore tailings;
- Re-grading the underlying surface to near original contours;
- Ripping areas to a depth of 1-foot to break up compacted areas and left in a textured or rough condition with shallow rills and furrows;
- Placing any salvaged soil and crushed plants in islands on the site;
- Broadcast seeding with recommended seed mix;
- Remediation as needed; and
- Monitoring until success criteria achieved.

The revegetation area will be seeded with a certified weed-free seed mix using a broadcast method. Seeding shall occur at the appropriate time of the year and at an application rate for optimum seed sprouting and growth. Seeding is recommended to occur in the fall after the first substantial rains but prior to winter rains. Following seeding, the area will be raked in order to cover the seeds and protect them from desiccation and predation. The revegetated areas will be flagged to limit public impact. The recommended seed mix and seeding rate is outlined in Table 2. In addition, quick-growing, shallow-rooted species may be included to provide short-term erosion control. By providing short-term erosion control, more favorable growing conditions will be created for climax species that will provide long-term erosion control.

Table 2
Beck Mine Mill Sites
Recommended Seed Mix and Rates

Species	Pounds of PLS Seed/ Acre
<i>Artemisia tridentate</i> (sagebrush)	6
<i>Coleogyne ramosissima</i> (black brush)	1
<i>Ephedra sp.</i> (ephedra)	4
<i>Ericameria linearifolia</i> (interior goldenbush)	2
<i>Ericameria nauseosa</i> (rubber rabbitbrush)	4
<i>Gutierrezia sarothrae</i> (common snakeweed)	1
<i>Prunus fasciculata</i> (Desert almond)	2
<i>Purshia tridentate</i> (antelope bush)	2
<i>Yucca sp.</i> (Mojave yucca - typ)	3
Total	25

PLS – Pure live seed

Revegetation shall be done in accordance with guidelines supplied by the BLM botanist upon notification by the operator that reclamation is to be initiated. Revegetation will commence upon completion of the removal of the tailings and site re-grading as necessary.

Note the following conditions:

- There was no substantial topsoil available for salvage since the condition of the site is a tailings stockpile;
- The plant palette proposed for the mine site consists of primarily drought-tolerant plants species that should perform well without additional water. The average precipitation in the area should be sufficient for seed germination and root establishment of native species; and
- No fertilization of the site is recommended. The native seeds used for revegetation will be tolerant of existing soil conditions. Additionally, the mechanical loosening, and creation of surface rills and furrows, will create conditions favorable for seed germination and root establishment by native species. Widespread use of fertilizers on desert sites appears to benefit non-native weedy species and not the native species sought as the goal of the revegetation plan

Weed Control

The purpose of the weed control plan is to reduce or eliminate the occurrence of non-native plant species that may invade the site where active and natural revegetation is taking place. Non-native invasive species (weeds) can compete with native plant species for available moisture and nutrients and consequently interfere with revegetation of the site.

Non-native invasive species observed to occur along the access roads and in proximity of the proposed revegetation area include: red brome (*Bromus madritensis* ssp. *rubens*), Mediterranean grass (*Schismus arabicus*), cheat grass (*Bromus tectorum*), filaree (*Erodium cicutarium*), and several mustard species including Sahara mustard (*Brassica tournefortii*).

The occurrence of weeds on-site shall be monitored by visual inspection. The goal is to prevent weeds from becoming established and depositing seeds in revegetated areas. No areas will be allowed to have more than 10 percent of the ground cover provided by non-native plant species. If inspections reveal that weeds are becoming or have established on-site, then removal will be initiated. Inspections shall be made in conjunction with revegetation monitoring.

Weed removal will be accomplished through manual, mechanical or chemical methods depending on the specific circumstances. For example, solitary or limited numbers of tree and tree-like species will be manually removed (chopped) and the stumps sprayed with an approved weed killer such as Round-Up. Smaller plants (wild oats and bromes) that cover more area may be sprayed, scraped with a tractor, or chopped by hand, depending upon the size of the area of infestation and the number of desired native plants in proximity or mixed in with the weeds.

Reports of inspections and weed control implementation shall be part of the annual revegetation monitoring and kept on file by the operator.

Success Criteria / Monitoring

Successful revegetation will be achieved when a self-sustaining native plant cover is established in the disturbed areas of the proposed mining activity. The success of the revegetation effort will be determined through statistical comparison of the revegetated areas to the baseline inventory.

Acceptable performance standards for mine reclamation are based on a percentage of cover, density, and diversity when compared with the baseline. An acceptable standard at the Beck Mine Tailings Removal Site would measure success at 45% of the baseline cover, 45% of the baseline density, and 40% of the baseline diversity five years after reclamation. Refer to Table 3 for Recommended Success Criteria.

Table 3
Beck Mine Mill Sites
Recommended Success Criteria

	Baseline	Standard Success Percentage	Success Criteria or Standard
Cover	44.6%	45%	20%
Shrub Density	44.7*	45%	20 Shrubs
Species Diversity / Richness	5*	40%	2 Species

*per 100 m² plot

The permanence and sustainability of the revegetated plant communities will be determined annually after the initial seeding. Annual assessments of the reclamation area will be conducted by a qualified botanist to determine the success of the revegetation effort. The plant species will be evaluated for relative success as determined by the cover, density, and diversity success criteria. Remedial actions include removing invasive exotic or non-native weed species and reseeded will be conducted based on annual assessment results. An evaluation of the surviving species will be repeated annually following initial seeding for five years or until the success criteria are achieved.

Annual monitoring will include random transect sampling within the 20-acre revegetation area. The number of transects and plots will vary in order to produce the 80% confidence level required under SMARA's Performance Standards for Revegetation. The following data will be collected within transects and plots:

- a. Survivorship: assessed by absolute counts
- b. Plant density
- c. Species richness or diversity
- d. Cover per specified area

All data will be recorded on a standard form and copies will be submitted as an appendix to each Annual Report. Permanent photo documentation stations will also be established for representative transects in order to visually document annual vegetation changes and community development.

2.7 CLEANUP

During the first year of operations, the remaining concrete pad and foundations, equipment, and piles will be broken and removed. At the conclusion of tailings removal operations, all equipment will be removed from the project site. No permanent structures are planned for the site. Any remaining refuse will be disposed of at an appropriate disposal site.

2.8 POST RECLAMATION AND FUTURE MINING

Upon reclamation, the site will be returned to near its original contours and revegetated with locally native species. The Excelsior Mine Road will be re-graded through the site and constructed into a safe drivable condition as determined by the land manager, the BLM.

The mill site was used as a stockpile area for iron ore tailings and does not have any known mineral resources. The use of the site as open space upon reclamation would have no effect on future mining.

2.9 SLOPES AND SLOPE TREATMENT

There will be no remaining manufactured slopes from the tailings remaining after removal of the tailings and reclamation of the site. The site will be a very gradually sloped area from west to east with a gradient of about 15%.

2.10 SOILS AND FINE TEXTURED WASTE

The site is covered with iron ore tailings with no topsoil. After removal of the tailings, the original soil under the tailings will be ripped to at least 1-foot to aid in revegetation. Soil separated at the processing plant will be returned to the mill site to aid in revegetation. There will be no waste products.

2.11 DRAINAGE AND EROSION CONTROLS

During the removal of the tailings, drainage will not be altered from existing conditions. The tailings are porous and heavy and are not susceptible to erosion. After removal of the tailings, the site will be re-graded to near the original contours as shown on the Reclamation Plan sheet. Sheet flow will drain towards the east and eventually enter the drainage that is located along the southeast portion of the site and continue downgradient. It is expected that the onsite runoff will eventually create its own natural drainage channels to the east. The site will also be stabilized through revegetation.

2.12 PUBLIC SAFETY

No slopes, refuse or dangerous material will remain onsite. During revegetation efforts, flags around the perimeter of undergoing reclamation will be posted noting that the area is being revegetated.

2.13 MONITORING AND MAINTENANCE

The operator will be required under SMARA (Public Resources Code §2207), to submit an annual status report on forms provided by the California Department of Conservation - Office of Mine Reclamation. SMARA (Section 2774(b)) requires the lead agency to conduct an inspection of the mining operation within six months of receipt of the required Annual Report.

Upon completion of the removal of tailings, reclamation and revegetation will be initiated and will be monitored annually for five years or until success criteria achieved to monitor and assess revegetated areas. A Monitoring Report submitted by the operator to the BLM and County.

2.14 RECLAMATION ASSURANCE

In addition to the monitoring through inspections and reporting, the operator is required to assure reclamation of the site in accordance to the approved Reclamation Plan in compliance with Section 2773.1 of SMARA. The financial assurances may be in the form of surety bonds, an irrevocable letter of credit, trust funds or other forms of financial assurances approved by and payable to the BLM, the County, and the Department of Conservation.

EXHIBIT D

BLM RECORD OF DECISION & CONDITIONS FOR PLAN OF OPERATION (POO)

THIS PAGE INTENTIONALLY LEFT BLANK



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Needles Field Office
1303 South U.S. Highway 95
Needles, CA 92363
www.ca.blm.gov/needles

November 21, 2011

In Reply Refer To:

3809(P)
CACA 053137
CA690.24

Certified Mail # 7008 1830 0004 5074 7099
Return Receipt Requested

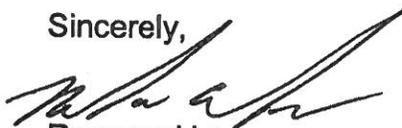
Mr. Mark Miller, President
US Iron, LLC
2312 E. Division Rd
Tipton, IN 46072

Dear Mr. Miller:

Enclosed is the Decision Record with attendant Conditions of Approval for your Beck Mine Millsite Plan of Operations (DOI-BLM-CA-D090-2012-0004-EA). Thank you for providing the detailed information necessary to process this plan. Please review this document carefully. The Decision Record with Conditions of Approval must be in your staff's possession whenever they are conducting any operations at the project site.

If you have any questions please contact Ken Downing, staff geologist, at 760-326-7017.

Sincerely,


for Raymond Lee
Field Manager

Enclosure:

Decision Record with Conditions of Approval
(DOI-BLM-CA-D090-2011-0004-EA)

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE**

DECISION RECORD

Beck Mine Iron Gossan #8 Millsite Tailings Removal Plan of Operations

In accordance with 30 United States Code 22; 43 United States Code 1201 and 1701, it is my decision to approve US Iron's proposal to remove stockpiles and conduct reclamation, as reviewed in Environmental Assessment DOI-BLM-CA-D090-2012-0004-EA (Case File Number CACA 053137) and described below. Conditioned through mitigation measures, I find that this action will not result in significant impacts on the human environment pursuant to Title 40 Code of Federal Regulations 1508.27 (a) and (b) (1) through (10) and that an Environmental Impact Statement is not required. I further find this action in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. Measures mitigating project impacts are formulated into the attached Conditions of Approval, incorporated by reference as the decision of the Bureau of Land Management regarding this action. A copy of this Decision Record and attendant Conditions of Approval shall be followed by and in the possession of the on site operator during all undertakings approved herein.

Specifically, the approval action consists of the removal of tailings from tailings dumps at the Beck Mine Millsite left behind by previous mining activity. The tailings will be removed in a manner not to cause any additional adverse or dangerous conditions to the area.

Access to the millsite area will be from the Beck Mine patented mining claims along Smith Talc Road. After removal from the millsite tailings will be returned to the Beck Mine patented mining claims by the same route. No commercial mining access to the mill site or the Beck Mine patented mining claims will occur from the east along Excelsior Mine Road.

The tailings will be removed with a Caterpillar 637D and/or 633D scraper and hauled to the processing plant located on patented claims in the scraper. Once every 2 to 3 weeks the tailings will be loosened up with a Komatsu 155AX Dozer utilizing the ripper attachment. The tailings will then be scraped up by a Caterpillar 637D or 633D scraper and transported to the processing plant. There will be approximately 3 trips per hour for a total of 24 trips per day. On some occasions, the tailings will be loaded into haul trucks by a frontend loader and transported to the patented property. Tailings will be processed on the patented Beck Mine site and transported to market via their Smith Talc Road ROW.

Operations will consist of one miner working a single shift of 8-working hours, Monday through Friday. One additional hour will be allotted for rest breaks and lunch. The miner will

complete his shift between the hours of 7 am and 7 pm. The start and stop times will be adjusted throughout the year, to ensure the operation will be conducted during daylight conditions.

All scheduled maintenance will be performed on the Beck Mine processing site located on patented claims. All equipment will be stored there as well. In the event of equipment breakdown, there will be a need to operate a service truck on the site, as well as, an excavator to facilitate repairs. This will only be performed in the event of mechanical failure that will prevent the equipment from being driven to the processing site.

US Iron has submitted a Site Specific Health and Safety Plan (HASP) for the Beck Mine that addresses environmental and operational safety hazards. This HASP will be followed and will be available on site for all employees to review and reference. Training for the HASP and Mine Safety and Health Administration (MSHA) safety requirements will be provided to all employees according to schedules required by MSHA.

To ensure safety to the general public, vehicle traffic on Smith Talc Road will be temporarily diverted around areas of active operations. A bypass road as shown on the attached map, which is immediately adjacent to and parallels Smith Talc Road, will be available for public travel around active operations. Appropriate signage will be temporarily posted at the point of diversion, and permanently posted at the Kingston Road intersection to the east, and at the Furnace Creek Road near Old Spanish Trail to the west to inform public users of the road of the mining operations.

Dust control on the dirt roads and tailings area within the millsite will be controlled by establishing a speed limit of 20 MPH. The speed limit will be posted along the road approximately every ½ mile. The roads will be watered down every morning and on an as needed basis throughout the day using a highway water truck.

No wastewater will be generated as a result of the excavation operations. To protect the soil and groundwater from potential contamination from run-off, refueling and maintenance areas will be covered with impervious materials and equipped with berms and catch basins to capture accidental spills. Hazardous materials clean up equipment and containers will be located on site. Tarpaulins will be placed under all equipment while not in use to prevent soil and ground contamination from leaking coolants, oil and hydraulic fluids. Spillage of fuel, oil, antifreeze and other fluids resulting from vehicle accidents or breakdowns that contaminate soil will be treated as a hazardous waste according to the Environmental Protection Agency (EPA) regulations. If spillage of such fluids occurs in association with vehicle breakdowns or accidents, all costs associated with cleanup will be borne by US Iron.

Reclamation will be completed to the standards described in 43 CFR 3809.420. Reclamation activities will also be in accordance to the site's Reclamation Plan approved by the County of San Bernardino and in compliance with the California Surface Mining and Reclamation Act (SMARA). This will include but not limited to establishing original land

contours and revegetation of native plant species. The reclaimed surfaces will be left in a textured or rough condition. The area will be reseeded with a BLM approved certified weed-free seed mix at the appropriate time of year and at an application rate for optimum seed sprouting and plant growth. Seeding will be completed using a broadcast method and then raked. Native seed will be used when available. Only certified weed-free seed will be used for reclamation seeding. Post-reclamation maintenance will consist of remedial dirt work and reseeded if required.

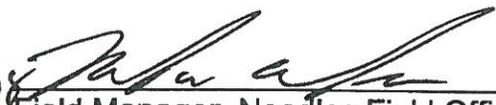
Appeals

An appeal from this decision may be taken to the State Director, California State Office, Bureau of Land Management in accordance with the provisions in Title 43 Code of Federal Regulations 3809. If an appeal is taken, the notice of appeal must be filed with the Needles Field Office, 1303 South U.S. Highway 95, Needles, California 92363 within thirty (30) days from the receipt of this decision. Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director by the Field Office. The appeal to the State Director must contain: 1. The name and mailing address of the appellant; 2. Where applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Part 3833 of this title which are subject to appeal; and 3. A statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of the Department as it affects the mining claim(s). No appeal, protest or petition for reconsideration will be entertained from this decision after the appeal period has expired.

Approved by:

ACTING 
Field Manager, Needles Field Office

11-23-11
Date

CONDITIONS OF APPROVAL AND ADVISORY:

PROJECT: Beck Mine Iron Gossan #8 Millsite Tailings Removal Plan of Operations
CONTROL NUMBER: DOI-BLM-CA-D090-2012-0004-EA

Conditions of Approval

1. The Operator shall designate a field contract representative (FCR) who will be responsible for overseeing compliance with protective conditions and for coordinating compliance with the Bureau of Land Management (BLM). The FCR must be onsite during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the conditions. The FCR shall have a copy of the decision record and conditions of approval when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, or any other employee of the Operator,.
2. The Operator will comply with all conditions contained in this amendment unless otherwise approved in writing by the Authorized Officer. Non-compliance with these conditions by the Operator or any of his agents may at the option of the Authorized Officer result in the cancellation or suspension of the permit or adverse action against the Operator.
3. The Operator shall comply with applicable federal and state laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the authorization.
4. The Operator shall obtain an approved SMARA conditional use permit from San Bernardino County specifically covering this project site prior to commencing operations. A copy of the approved SMARA permit shall be provided to the BLM Authorized Officer prior to commencing operations.
5. The Operator shall obtain a financial guarantee, payable to the Bureau of Land Management, in an amount to cover all reclamation costs as if reclamation would be performed by an independent third party and including BLM administrative overhead costs of 18.4% prior to commencing operations. The financial guarantee instrument shall be provided to the BLM Authorized Officer prior to commencing operations. The financial guarantee shall meet requires of federal regulations at Title 43 Code of Federal Regulations 3809.500 – 3809.599.
6. The Operator shall confine all activities within the area specifically defined in the authorization.
7. The Operator will immediately bring to the attention of the Authorized Officer any archaeological resources encountered during operations and maintain the integrity of such resources pending subsequent investigation.

8. The Operator will apprise all employees that all actions other than those explicitly approved by the BLM, which result in impacts upon cultural resources, shall be subject to the provisions of the *Archaeological and Resources Protection Act of 1979* as amended and the *Federal Land Policy and Management Act of 1976*. These statutes protect archaeological resources for the benefit of all Americans. As property of the United States, no person shall, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.
9. Any cultural (historic/prehistoric site or object) and/or paleontological resource (fossil remains of plants or animals) discovered during the proposed action shall immediately be reported to the Field Manager or his designee. All operations in the immediate area of the discovery shall be suspended until written authorization to proceed is issued. An evaluation of the discovery shall be made by a qualified archaeologist or paleontologist to determine appropriate actions to prevent the loss of significant cultural or scientifically important paleontological values.
10. The Operator and all staff members, representatives, sub-contractors, and volunteers shall notify the Federal Interagency Communication Center (FICC) at (888) 233-6518 (toll free) if they become aware of any medical related incidents occurring on public lands that require attention from an EMT, paramedic, or doctor. FICC shall also be notified if any violations of federal, state, or local laws and regulations or hazardous conditions are observed, or if any human remains are discovered on public lands. The notification should be made whether the incidents are related to the permitted/authorized activity or not. Notification should be made to FICC as soon as possible. FICC should be notified in addition to any notification made to another law enforcement or medical agency. Failure to notify FICC of these incidents may result in revocation or suspension of the permit/authorization.
11. The Operator and associated project personnel will comply with all Federal, State and County regulations and codes, including but not limited to Occupational Safety and Health Administration and Environmental Protection Agency regulations. Requirements include provisions of the Resources Conservation and Recovery Act, Comprehensive Response, Compensation, and Liability Act, and Clean Water Act.
12. Prior to mobilization on the site, all equipment should be inspected to be sure it is operating correctly and free of leaks. Equipment should be inspected daily to ensure that there are no discharges. Equipment maintenance activities should not be conducted on the site. Appropriate spill containment material should be kept on site. All fuels and other materials used should be contained within the equipment or stored in appropriate containers. All materials should be removed from the site upon completion of construction activities.

13. Spillage of fuel, oil, antifreeze and other fluids resulting from vehicle accidents or breakdowns require that the contaminated soil be treated as a hazardous waste according to the Environmental Protection Agency (EPA) regulations. If spillage of such fluids occurs in association with vehicle breakdowns or accidents, all costs associated with this cleanup will be borne by the Operator.
14. Releases of any material not authorized shall be reported immediately to the Federal Interagency Communications Center (FICC) at (909) 383-5652. An initial Report shall be faxed to the authorized officer within 24 hours of the incident's discovery (760) 326-7099. Incidents which occur during non-office hours must be faxed to the FICC concurrently at (909) 383-5587. A comprehensive follow-up report must be received by the authorized officer within 14 calendar days of the incident's discovery.
15. The Operator shall protect all survey monuments found within the authorized area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management survey monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Operator shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
16. The project site shall be maintained in a sanitary condition at all times; waste materials at those sites shall be removed from the area and disposed of promptly at an appropriate waste disposal facility following the close of the day. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. The Operator will implement a litter control and policing program which covers all roads and sites associated with the project and will include the use of covered, raven-proof trash receptacles easily accessible to the participants and properly emptied when receptacles are full. Litter shall be controlled to minimize wind-blown trash across the desert floor.
17. The Operator shall advise personnel of the following: the desert tortoise was listed as an endangered species by the U.S. Fish and Wildlife Service (USFWS) through an emergency action in August 1989, and is now listed as a threatened species effective April 2, 1990. It receives the same protection with its threatened status as it had as an endangered species. Handling or harassment of tortoises and destruction of critical habitat is prohibited as a result of its threatened status. Such activities not only jeopardize the tortoise's well being, but also can result in significant fines (\$100,000 and/or 12 months imprisonment). The Operator will follow BMP as set forth by the USFWS.

18. The Operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".
19. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.
20. All personnel shall inspect for tortoises under vehicles prior to moving the vehicles. If a tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.
21. All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per hour through tortoise habitat.
22. Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.
23. All trash and food items shall be promptly contained within closed, raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.
24. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through the Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator.
25. All equipment shall be washed and free of nonnative weed seeds before entering BLM-managed lands. At minimum, vehicles shall be washed when entering the county.
26. All cactus and yucca species shall be avoided. All other plant species shall be avoided as much as possible.
27. The Operator will follow their existing weed management plan and follow weed mitigation stipulations as identified in this authorization or other Right-of Way grants.
28. The proposed action will be supported by the Beck Mine Site Specific Health and Safety Plan, which will be maintained on-site during all approved undertakings and will be made available for familiarity and use by all project personnel.
29. The operator agrees to leave a small volume of waste material (amount to be determined between the operator and the Authorized Officer) stock piled on the millsite, at a location to be determined, for use by BLM for road maintenance. The operator shall be relieved of reclamation liability for this stockpiled material.

30. Prior to initiating final reclamation activities the operator shall notify the BLM Authorized Officer at least 14 calendar days in advance and request guidance from BLM concerning the nature and extent of specific reclamation activities, including but not limited to, areas to be recontoured, seed mix, et cetera.

31. When all reclamation has been completed, a joint compliance check of the project area will be made. The Operator and the Authorized Officer shall hold a joint inspection of the grant to determine if compliance with the terms and conditions of this grant has been completed. The Operator shall perform at their own expense any required modifications or additional reclamation work needed to comply with the terms of this authorization as conclusively determined by the Authorized Officer.

Advisory

1. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.

2. Wild horses and burros are protected by Federal law. It is illegal to harass, capture, injure, or kill wild horses or burros.

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE**

DECISION RECORD

US Iron, LLC, Smith Talc Road Right-of-Way

In accordance with 43 United States Code 1701, et seq., it is my decision to approve US Iron's Smith Talc Road Right-of-Way (ROW) alternative, as reviewed in Environmental Assessment DOI-BLM-CA-D090-2011-0030-EA (Case File Number CACA 052083) and described below. Conditioned through mitigation measures, I find that this action will not result in significant impacts on the human environment pursuant to Title 40 Code of Federal Regulations 1508.27 (a) and (b) (1) through (10) and that an Environmental Impact Statement is not required. I further find this action in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. Measures mitigating project impacts are formulated into the attached Conditions of Approval, incorporated by reference as the decision of the Bureau of Land Management regarding this action. A copy of this Decision Record and attendant Conditions of Approval shall be followed by and in the possession of the on-site operator during all undertakings approved herein.

Specifically, the approval action consists of a ROW grant to transport iron ore concentrates to market from the Beck Mine using Smith Talc Road for those portions of Smith Talc Road located within San Bernardino County west of the patented mining claim parcel at the Beck Mine. In Inyo County, Smith Talc Road will be accessed from Highway 127 via Furnace Creek Wash Road.

Smith Talc Road enters San Bernardino County and Needles Field Office administered lands near the western edge of Section 30, T. 20 N., R. 9 E. as shown on the attached index maps, Figure 1 and 2. Smith Talc Road traverses public lands in San Bernardino County in an easterly direction then exits into Inyo County to the north for a short distance before re-entering San Bernardino County. Inyo County, as verified with the BLM Barstow Field Office, considers Smith Talc Road to be a county road within their jurisdiction and therefore a BLM ROW is not required outside of the Needles Field Office administered lands.

Transport will be by highway legal semi-trucks. Trucks will access the mine via Smith Talc Road from the west, be loaded with ore concentrates at a location on the patented claim block of the Beck Mine, and then return to market via the same route. Approximately twenty (20) truck loads per day will be entering and exiting the mine for transporting ore to market. Haul trucks will operate Monday through Saturday from 7:00 am to 7:00 pm.

Approximately ten (10) employees will work at the mine site. They will provide their own transportation to the mine via personal vehicle. They will live in the local area and US Iron will provide an area for parking personal residence travel trailers on the patented claim block for the convenience of mine workers. Hours of operation for the mine will be Monday through

Friday from 7:00 am to 7:00 pm. Other vehicles that will use the access road regularly include: 2000-gallon water truck, 6000-gallon fuel truck, 2-ton mechanics truck, various pickup trucks, various flat and drop bed delivery trucks (both semi and bob tail), septic pump truck, et cetera.

Smith Talc Road will require initial rehabilitation of bedrock outcrops in the road proper being mechanically broken to below surface grade. Existing rock and rubble "windrows" (berms) along the existing road will be removed and disposed of in Beck Mine Pit #2 located on the Iron Gossan #2 patented mining claim. Smith Talc Road will not be widened past its current width which averages approximately twenty (20) feet. Areas of sandy or rocky conditions will be "plated" as necessary with compacted fines from US Iron's processing operations. Smith Talc Road will be graded to a smooth surface and existing drainages will be maintained.

Periodic maintenance of Smith Talc Road will be accomplished as needed (anticipated at 2 or 3 times per week) with a grader (motor patrol), road drag, water truck for dust control, and occasionally a loader and haul truck to remove or add material to the road base. On rare instances a dozer will be used to repair severe storm damage. Daily maintenance will consist of a water truck spraying the road for dust control each morning. Magnesium chloride will be used as needed to treat persistent dust problems.

The non-exclusive right-of-way of Smith Talc Road will remain open for use by the public. All mine vehicles will be equipped with radio communications for maintaining efficient operations as well as alerting mine traffic to the presence of public traffic transiting the area. The road will be posted with signs alerting the public to the mine operations and a speed limit of 30 mph will be imposed upon all mine traffic. Speed limit signs will be posted. Smith Talc Road will not be gated except to prevent public access to the actual mining operations and will remain open to traffic through the patented claim block unless public traffic will pose a safety or security threat. Current public traffic in the area consists of three to six (3 - 6) vehicles per week. Repair of the storm washout east of the mine will likely increase public traffic to six to eight (6 - 8) vehicles per day, which will reflect pre-washout levels of travel.

All actions by US Iron will comply with the Site Specific Health and Safety Plan (HASP) submitted for the Beck Mine - Smith Talc Road Right-of-Way project that addresses environmental and operational safety hazards. This HASP will be followed and will be available on site for all employees to review and reference. Training for the HASP and Mine Safety and Health Administration (MSHA) safety requirements will be provided to all employees according to schedules required by the .

No reclamation of the Smith Talc Road will be necessary as it will remain an open route through the area. US Iron will discontinue use of the road and will leave it in a safe drivable condition. At the conclusion of US Iron's operations, the patented Beck Mine owner, Standard Industrial Minerals, may request the ROW to be transferred to them.

US Iron's operations at the Beck Mine are permitted and bonded by San Bernardino County under SMARA (attached) and consist predominately of reprocessing of mine tailings by sorting

and magnetic separation. The process separates higher grade ore from the waste tailings. The high grade ore will be stock piled until loaded into haul trucks, weighed, and transported to market. Trucks will haul the ore to railroad loading facilities at Fontana, California or other locations in Southern California. The waste rock from the separation process is backfilled into the existing pits in such a manner as to reduce the pit wall slopes. Some mining of ore from existing pits may occur in a limited amount to retrieve high grade ore. Equipment located on site will include, in addition to equipment identified above, scales, dozer, fuel tanks, conveyors, sorting screens, magnetic separators, front end loaders, structures, travel trailers, and portable toilet facilities. Electrical power will be provided via an existing power line.

Another mining company, Protech Minerals, also has authorization to use Smith Talc Road under an approved plan of operations for mining a small talc deposit from unpatented mining claims located on public lands adjacent to the Beck Mine.

Appeals

This decision constitutes the final decision by the Bureau of Land Management in this matter. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in Title 43 Code of Federal Regulations (CFR) Part 4 and the enclosed Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the Needles Field Office, Bureau of Land Management, U.S. Department of the Interior, 1303 South U.S. Highway 95, Needles, California 92363, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Pursuant to 43 CFR 2801.10(b) this decision shall remain effective pending appeal unless the Secretary of the Interior rules otherwise. If the appellant wishes to file a petition pursuant to regulation 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If a stay is requested, the appellant has the burden of proof to demonstrate that a stay should be granted.

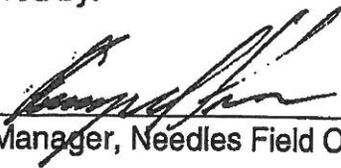
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

If no appeal is taken, this decision constitutes final administrative action of the Department as it affects the mining claim(s). No appeal, protest or petition for reconsideration will be entertained from this decision after the appeal period has expired.

Approved by:



Field Manager, Needles Field Office

14 Nov 11

Date

CONDITIONS OF APPROVAL AND ADVISORY

PROJECT: US Iron, LLC, Smith Talc Road Right-of-Way
CONTROL NUMBER: DOI_BLM_CA_D090-2011-0030-EA

Conditions of Approval

1. The grantee shall designate a field contract representative (FCR) who will be responsible for overseeing compliance with protective conditions and for coordinating compliance with the Bureau of Land Management (BLM). The FCR must be onsite during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the conditions. The FCR shall have a copy of the decision record and conditions of approval when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, or any other employee of the grantee.
2. The grantee will comply with all conditions contained in this right-of-way grant unless otherwise approved in writing by the Authorized Officer. Non-compliance with these conditions by the grantee or any of his agents may at the option of the Authorized Officer result in the cancellation or suspension of the right-of-way grant or adverse action against the grantee.
3. The grantee shall comply with applicable federal and state laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the right-of-way grant.
4. The grantee shall confine all activities within the area specifically defined in the right-of-way.
5. When all development and rehabilitation have been completed, a joint compliance check of the right-of-way will be made. The grantee and the Authorized Officer shall hold a joint inspection of the grant to determine if compliance with the terms and conditions of this grant have been completed. The grantee shall perform at their own expense any required modifications or additional reclamation work needed to comply with the terms of this grant as conclusively determined by the Authorized Officer.
6. The grantee will immediately bring to the attention of the Authorized Officer any archaeological resources encountered during operations and maintain the integrity of such resources pending subsequent investigation.
7. Prior to mobilization on the site, all equipment shall be inspected to be sure it is operating correctly and free of leaks. Equipment shall be inspected daily to ensure that there are no discharges. Equipment maintenance activities shall not be conducted on the site. Appropriate spill containment material shall be kept on site. All fuels and other materials used shall be contained within the equipment or stored in appropriate

containers. All materials shall be removed from the site upon completion of construction activities.

If spillage of fuel, oil, antifreeze or other fluids occurs in association with vehicle breakdowns or accidents, all costs associated with this cleanup shall be borne by the grantee.

Releases of any material not authorized shall be reported immediately to the Federal Interagency Communications Center (FICC) at (909) 383-5652. An initial Report shall be faxed to the authorized officer within 24 hours of the incident's discovery (760) 326-7099. Incidents which occur during non-office hours shall be faxed to the FICC concurrently at (909) 383-5587. A comprehensive follow-up report must be received by the authorized officer within 14 calendar days of the incident's discovery.

8. Yellow/black *Cattle, Open Range* caution signs shall be installed along Smith Talc Road on public land at the Beck Mine westerly departure point and along Smith Talc Road at the easterly access point at the Inyo County/San Bernardino County line.
10. The Grantee and all staff members, representatives, sub-contractors, and volunteers shall notify the Federal Interagency Communication Center (FICC) at (888) 233-6518 (toll free) if they become aware of any medical related incidents occurring on public lands that require attention from an EMT, paramedic, or doctor. FICC shall also be notified if any violations of federal, state, or local laws and regulations or hazardous conditions are observed, or if any human remains are discovered on public lands. The notification should be made whether the incidents are related to the permitted/authorized activity or not. Notification should be made to FICC as soon as possible. FICC should be notified in addition to any notification made to another law enforcement or medical agency. Failure to notify FICC of these incidents may result in revocation or suspension of the permit/authorization.
11. The Grantee and associated project personnel will comply with all Federal, State and County regulations and codes, including but not limited to Occupational Safety and Health Administration and Environmental Protection Agency regulations. Requirements include provisions of the Resources Conservation and Recovery Act, Comprehensive Response, Compensation, and Liability Act, and Clean Water Act.
12. The Grantee shall protect all survey monuments found within the authorized area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Grantee shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management survey monuments or references are obliterated during operations, the Grantee shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual

of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Grantee shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Grantee shall be responsible for the survey cost.

13. The Grantee will implement a litter control and policing program which covers all roads and sites associated with the right-of-way and will include the use of covered, raven-proof trash receptacles easily accessible to the participants and properly emptied when receptacles are full. Litter shall be controlled to minimize wind-blown trash across the desert floor.
14. The Grantee will apply to renew the Right-of-Way authorization, unless not renewable, or submit a Plan of Construction to restore and rehabilitate public lands no later than 120 days prior to the expiration of their grant.
15. The proposed action will be supported by the Beck Mine Site Specific Health and Safety Plan (HASP) submitted by US Iron, LLC, which will be maintained on-site during all approved undertakings and will be made available for familiarity and use by all project (personnel/participants).

Desert Tortoise Conservation Measures

16. The grantee shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for the desert tortoise and for coordination on compliance with the BLM. The FCR shall have the authority to halt all mining activities that are in violation of the stipulations. The FCR shall have a copy of all stipulations when work is being conducted on the site. The FCR may be the mine operator, the mine manager, any other mine employee, or a contracted biologist.
17. The grantee shall be informed of the potential occurrence of desert tortoise in the area and that desert tortoises shall not be handled or harassed. Handling, harming, killing, wounding or harassing desert tortoises is a violation of the Federal Endangered Species Act and is subject to penalties, including fines and imprisonment.
18. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.
19. Cross-country vehicle use by mine employees is prohibited during work and non-work hours.
20. Vehicle speeds shall not exceed 20 miles per hour through tortoise habitat.
21. Workers shall inspect for tortoises under a vehicle prior to moving it.
22. All trash and food items shall be promptly contained within closed, raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.

23. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through the Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Grantee.

Advisory

1. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.
2. The desert tortoise was listed as an endangered species by the U.S. Fish and Wildlife Service through an emergency action in August 1989, and is now listed as a threatened species effective April 2, 1990. It receives the same protection with its threatened status as it had as an endangered species. Handling or harassment of tortoises is prohibited as a result of its endangered/threatened status. Such activities not only jeopardize the tortoise's well being, but can result in significant fines (\$100,000 and/or 6 months imprisonment).
3. Wild horses and burros are protected by Federal law. It is illegal to harass, capture, injure, or kill wild horses or burros.
4. This Right-of-Way grant is subject to valid existing rights.
5. The Bureau of Land Management (BLM) retains the right to occupy and use the right-of-way and to issue or grant rights-of-ways or, other land uses, upon, over, under, and through the lands, provided that the occupancy and use will not reasonably interfere with the rights granted herein.

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT E

**INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION**

THIS PAGE INTENTIONALLY LEFT BLANK

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

APN:	0571-191-06 and 0571-181-03
APPLICANT:	US Iron, LLC
COMMUNITY:	Baker
LOCATION:	The site is located on BLM managed public lands in the Kingston Range approximately 20 miles southeast of Tecopa, California, just within the northern boundary of San Bernardino County (Figure 1).
PROJECT NO:	AP20120012
STAFF:	Ernest Perea
REP('S):	US Iron, LLC
PROPOSAL:	US Iron, LLC is submitting a Reclamation Plan for their Bureau of Land Management approved Plan of Operations to remove historically stockpiled iron ore tailings from a 20-acre site followed by reclamation.

USGS Quad: Horse Thief Springs
T, R, Section: T: R: Sec: 4
 19/20N 10E & 33
Thomas Bros.: Page 330, Grid: G-2

Planning Area: CJDJ (CJ17)
Land Use Zoning: Resource Conservation (RC) within BLM Land

Overlays: None

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
 Land Use Services Department - Current Planning
 385 North Arrowhead Avenue
 San Bernardino, CA 92415-0182

Contact person: Ernest Perea
Phone No: (951) 214-2739 Fax No.: (909) 387-3223
E-mail: ernestperea@ymail.com

Project Sponsor: US Iron, LLC
 755 Grand Blvd, Ste B105 #316
 Miramar Beach, FL 32550
Phone No: (765) 210-4111
E-mail: mark@sportship.com

OVERVIEW AND PROJECT DESCRIPTION:

US Iron, LLC is submitting a Reclamation Plan for their Bureau of Land Management (BLM) approved Plan of Operations (POO) to remove historically stockpiled iron ore tailings from a 20-acre site in accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Codes 2770 et seq and San Bernardino County requirements for implementing SMARA. The site is located on BLM managed public lands in the Kingston Range approximately 20 miles southeast of Tecopa, California, just within the northern boundary of San Bernardino County (see Figure 1). The project site is located approximately 1.5 miles east of the Beck Mine on a portion of the unpatented lode claim Iron Gossan #8 and on five mill sites designated Beck 1 through Beck 5 recently located over the tailings area to facilitate the proposed activity (see Figure 2). Figure 3 includes a photograph of the site.

Background

US Iron is the operator and Standard Industrial Minerals is the owner of the Beck Mine, claims, and mill sites. In February 2011, US Iron leased the Beck Mine and its mining claims from its owner, Standard Industrial Minerals. US Iron subsequently submitted a POO for the removal of the existing iron ore tailings stockpiled on Iron Gossan #8 by previous owners in the 1960s. The BLM in their Decision Record and Environmental Assessment (EA) approved the Beck Mine Mill Site POO for the removal and transport of the tailings to the Beck Mine processing plant and reclamation of the site on November 21, 2011. Refer to the Reclamation Plan, Appendix A for a copy of the POO and Appendix B for copies of the Decision Record and EA. As of November 15, 2011, Standard Industrial Minerals located five mill sites of five acres each designated as Beck 1 through Beck 5, which are also part of US Iron lease.

Unlike most reclamation plans which reclaim areas planned for mining, this Reclamation Plan will reclaim a 20-acre site after the removal of existing stockpiled iron ore tailings deposited historically prior to the enactment of SMARA. The removal of the tailings (considered the operations) will provide a marketable product and a heavily disturbed area will subsequently be reclaimed back to public open space. The tailings are stockpiled up to about 30 feet in depth and contain an estimated 880,000 cubic yards (cy) of tailings. US Iron will utilize scrapers to remove the previously crushed/sorted tailings and transport the material to the Beck Mine processing plant 1.5 miles to the west. Operations are planned for a 10-year period.

The reclamation activities will be conducted after the removal of the tailings and will consist of final grading and revegetation for an approximate two week period followed by revegetation monitoring until success criteria are achieved.

Operations

The BLM approved the Beck Mine Mill Site POO to allow the removal and transport of iron ore tailings. The iron ore tailings were previously crushed and sorted by previous owners in the 1960s and are a marketable product in their current state. The iron ore tailings will be transported to the Beck Mine processing plant by scraper and haul truck located approximately 1.5 miles west along the Smith Talc Road at posted speed limits of 20 mph, further sorted, and then transported by highway legal trucks northwest along Smith Talc Road to various customers (refer to Figure 2). Figure 2 shows the tailings site in relation to the existing Beck Mine processing plant along Excelsior Mine Road. The talc mine seen directly adjacent or to the southwest of the tailings site (see Figure 4) is not a part of the project.

The tailings removal operation is a simple scraping of the sized tailings deposited in leveled stockpiles to an estimated depth of up to 30 feet above the original ground surface. Figure 3 includes a photograph of the site looking east showing the generally level area of stockpiled tailings with some isolated revegetation. The concrete structure in the foreground is the remnants of the crusher/stacker facility that will be removed. The public BLM access road cuts directly across the site. The BLM has required the road to be temporarily blocked off during operations and travelers will use a by-pass road partially seen on the right or south of the site. This road is shown on Figure 2 and the Reclamation Plan (Figure 4) shows the existing conditions and the final reclaimed condition for use as open space.

Methods for the tailings removal include occasional ripping the tailings by a dozer and ripper attachment followed by standard scraper operations. The procedure generally includes:

- Removal and crushing of the sparse vegetation with any windblown growth media stockpiled in disturbed areas along the perimeter of the area on the north and west;
- Ripping of tailings surface as needed to facilitate scraping;
- Removal of tailings in approximately 6–inch lifts depending on the size of the material and transported by the scraper to the Beck Mine processing plant 1.5 miles to the northwest; and
- Occasional use of a loader and a haul or dump truck to transport material to the plant site.

Table 1 shows a typical equipment list. Equivalent equipment may be used in the future. The mill site will operate with one and sometimes two equipment operators working a single daytime shift (between 7 am to 7 pm) Monday through Friday. Only daytime operations will be conducted; no lighting will be used onsite. No storage or maintenance of equipment will be undertaken at the mill site. All maintenance will be performed on the Beck Mine processing site and all equipment will be stored at this location as well.

**Table 1
Beck Mill Site Reclamation Plan
Typical Equipment List**

Quantity	Equipment Type
1	Caterpillar 637D Scraper
1	Komatsu 155AX Dozer with ripper attachment
1	Ford Water Truck – 2,000 gallon
1	Loader (varies)
1	Haul truck (varies)

Note that similar makes and types of equipment may be used over the life of the project.

Reclamation

Reclamation will be undertaken upon completion of the removal of the tailings to the original surface. The site would be graded to allow drainage to flow eastward into the existing drainages north and south of the road. There will be no remaining slopes onsite. The Excelsior Mine Road will be re-constructed to a road surface of 20 feet wide and returned to a safe drivable condition as determined by the BLM. The bypass road that is currently cut will be left in-place.

The area to be reclaimed will be ripped to a depth of one-foot and any salvaged plant and soil material will be placed in scattered locations to a depth of 6 inches. In addition, any alluvium surface material separated at the Beck Mine Processing Plant will be placed on the mill site to aid in vegetation. Revegetation will be conducted through seeding with an approved native plant seed mix and the area flagged off to avoid further disturbance until the site meets its success criteria. The reclaimed end use will be open space on public land managed by the BLM.

PROJECT LOCATION

The subject property is located in unincorporated Desert Region of San Bernardino County. The site is located on BLM managed public lands in the Kingston Range approximately 20 miles southeast of Tecopa, California, just within the northern boundary of San Bernardino County (see Figure 1). The project site is located approximately 1.5 miles east of the Beck Mine on a portion of the unpatented lode claim Iron Gossan #8 and on five mill sites designated Beck 1 through Beck 5 recently located over the tailings area to facilitate the proposed activity (see Figure 2).

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT
Site	Vacant/Stockpiled Iron Ore Tailings	Resource Conservation (RC)
North	Vacant	Resource Conservation (RC)
South	Vacant	Resource Conservation (RC)
East	Vacant	Resource Conservation (RC)
West	Vacant	Resource Conservation (RC)

The mill site is a small valley area with alluvium and rock surface presently covered with stockpiled iron ore tailings. The tailings are stockpiled up to about 30 feet in depth and contain an estimated 880,000 cubic yards (cy) of tailings. The Beck Mine processing plant 1.5 miles to the west.

Vegetation in areas surrounding the project site as recorded at a reference site to the south of the site, consists of a widespread homogeneous black bush (*Coleogyne ramosissima*) dominant and antelope bush (*Purshia tridentata*) second dominant vegetative series. Black bush is native to Southern California, Arizona, Utah, southwestern Colorado, and Nevada. Black bush inhabits gravelly slopes, desert mesas, and foothills of the mountains in the western Colorado Desert and eastern Mojave Desert, north to Inyo County, in the lower and upper Sonoran Life Zones.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

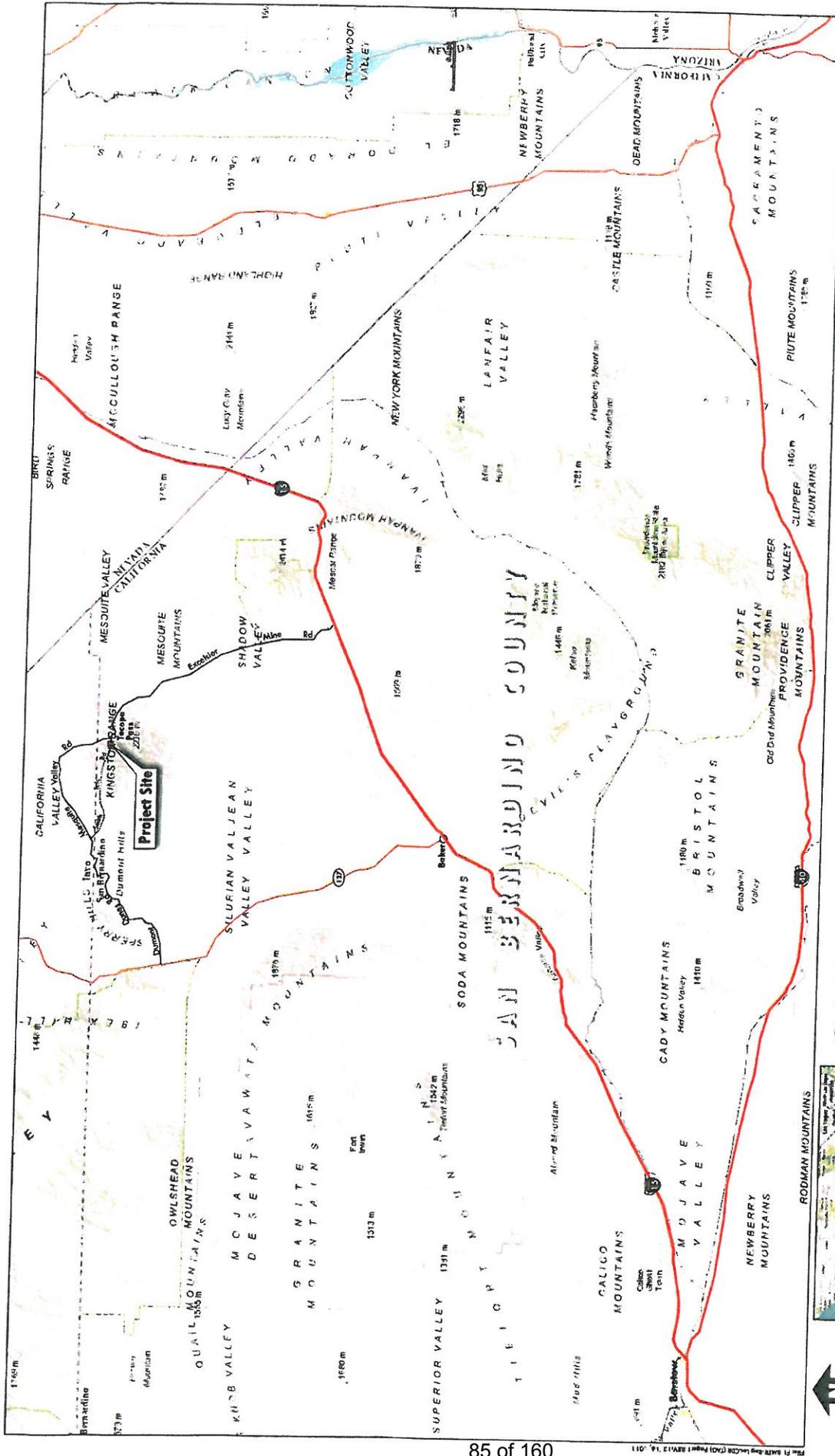
Federal: None.

State of California: None.

County of San Bernardino: Land Use Services Department- Code Enforcement, Building and Safety, Public Health-Environmental Health Services, Special Districts, Public Works, and County Fire.

Regional: Mojave Desert Air Quality Management District (MDAQMD).

Local: None



REGIONAL LOCATION

Reclamation Plan for Beck Mine Mill Sites Tailings Removal - US Iron, LLC
 County of San Bernardino, California

FIGURE 1

LEGEND



Project Site Location (Geographic Location)
 California Zone 5 (EPS 405): 7181756.86 2474974.63
 Lat/Lon: 35° 46' 31.1779" N, 115° 54' 34.9308" W

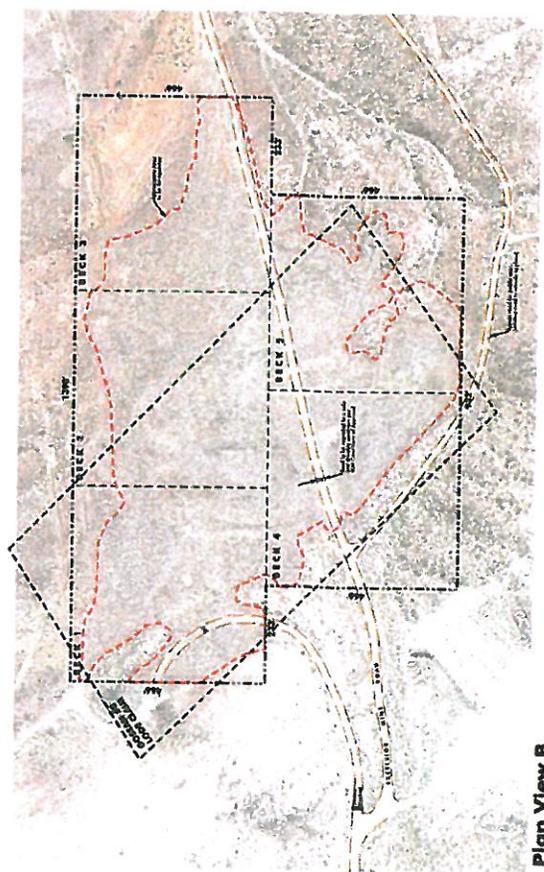
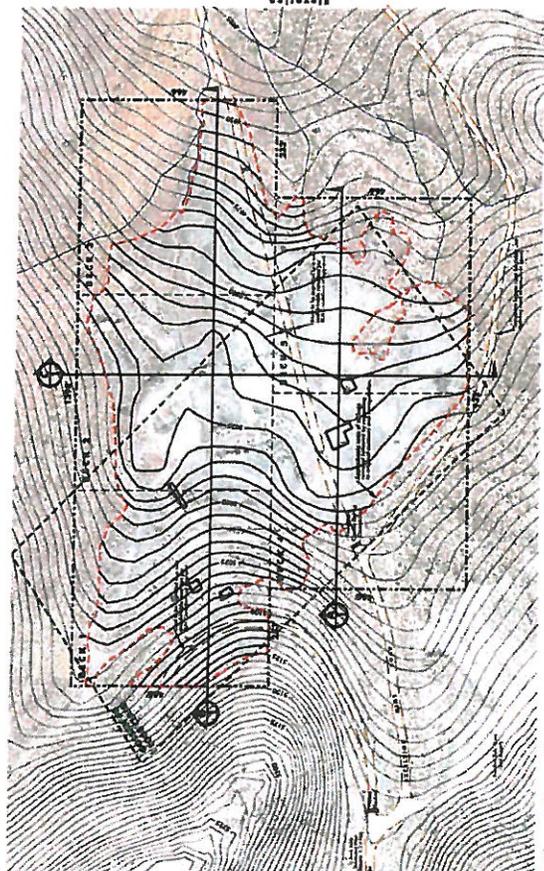




Photograph 1: View looking east towards the Project Site. Existing bypass road is to the extreme right. See Figure 2 for photograph location.

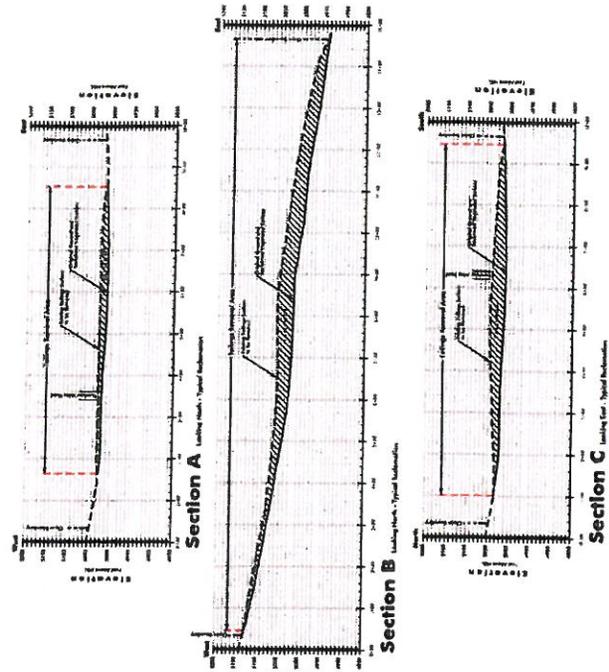
PROJECT SITE PHOTOGRAPH
Reclamation Plan for Beck Mine Mill Sites Tailings Remedial - US Iron, LLC
County of San Bernardino, California

FIGURE 3



LILBURN CORPORATION

Scale: 1" = 100' (Horizontal)
 Scale: 1" = 10' (Vertical)



Notes

1. All elevations are in feet above mean sea level.
2. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
3. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
4. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
5. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
6. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
7. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
8. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
9. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.
10. The proposed Beck 1, Beck 2, Beck 3, Beck 4, and Beck 5 sites are shown in red dashed lines.



RECLAMATION PLAN for BECK MINE MILL SITES TAILINGS REMOVAL

Reclamation Plan for Beck Mine Mill Sites Tailings Removal - IS Iron, LLC
 County of San Bernardino, California

FIGURE 4

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Prepared by Ernest Perea, Contract Planner

Date

5-15-12

Signature: Terri Rahhal, Planning Manager

Date

5-15-12

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
I. AESTHETICS - Would the project				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located within the view-shed of any Scenic Route listed in the General Plan):

- I a) **No Impact.** According to The San Bernardino County General Plan the project site is not within a scenic vista. .
- I b) **No Impact.** According to The San Bernardino County General Plan the project site is not within a scenic route (Ref. General Plan Pg. IV-16) . Therefore, no impact is anticipated
- I c) **Less than Significant.** The project site is located approximately 1.5 miles east of the Beck Mine on a portion of the unpatented lode claim Iron Gossan #8 and on five mill sites designated Beck 1 through Beck 5 recently located over the tailings area to facilitate the proposed activity (see Figures 2 and 3). The visual character of the site and surroundings is that of an existing mining operation. Iron ore tailings are stockpiled up to about 30 feet in depth The proposed use is an allowable use within the Resources Conservation Land Use Zoning District. The removal of the tailings and reclamation of the site will improve the existing visual character of the area. Therefore, less than significant impact is anticipated.
- I d) **No Impact.** The Proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. No new light sources are proposed and therefore no impacts are anticipated.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
II. AGRICULTURE and FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located in the Important Farmlands Overlay):

- II a) **No Impact.** The proposed project will have no impact to agricultural resources, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. There are no agricultural land uses within the subject property or in the vicinity.
- II b) **No Impact.** The Project Site is not designated as agricultural land use or Williamson Act land. The Proposed Project would not conflict with current zoning. No impact is anticipated. Therefore, the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract.
- II c/d) **No Impact.** The Project Site and surrounding area does not occur within forest land, timberland, or timberland zoned production. No impacts to these resource lands would result with implementation of the Proposed Project.
- II e) **No Impact.** The proposed project will not have any direct or indirect impacts to agricultural resources in the County including the conversion of Farmland to non-agricultural uses.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUBSTANTIATION (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):				

The Project Site is located in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality issues and regulations within the MDAB. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the MDAQMD has prepared *the California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011*. The air and dust emissions from the operational use of the Project were evaluated and compared to the MDAQMD standards and evaluated against the most recent thresholds applicable.

III a) **Less than Significant.** Unlike most reclamation plans which reclaim areas planned for mining, this Reclamation Plan will reclaim a 20-acre site covered with iron ore tailings deposited historically prior to the enactment of SMARA. Operations are considered the removal of the tailings on approximately 20 acres over 10 years. Reclamation of the site after the removal of the tailings would involve the final grading/revegetation of the site. The project site is within the MDAB and under the jurisdiction of the MDAQMD. The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast.

The Project is consistent with the zoning and land use classifications that were used to prepare the Mojave Desert AQMP (Resource Conservation/RC). In addition, based on Table 2, Project-generated emissions generated will not exceed emission thresholds. (See Table 2). Therefore, the Project's emissions are in compliance with the thresholds established by the Mojave Desert Air Quality Management District. The project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the plan. Therefore, no impact is anticipated.

- III b) **Less than Significant.** Reclamation activities would require earthmoving, and other activities typically associated with final grading and revegetation for an approximate two week period. The Proposed Project was screened for emissions generation using MDAQMD guidelines, and Off-Road Mobile Source Emissions Factors (2012). These tables and/or model were used to generate emissions estimates for mining operations. The criteria pollutants screened for included: reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), and particulates (PM₁₀ and PM_{2.5}). Two of these, ROG and NO_x, are ozone precursors.

Typically daily operations were screened for the following: a water truck, a scraper/grader, and a miscellaneous material handling equipment. This would occur for approximately 14 days. Refer to Table 1 for Reclamation Activities emissions.

Table 2
Reclamation Activities Emissions
Beck Mill Site Reclamation Plan
(Pounds per Day)

Source ¹	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Water Truck	0.4	3.7	1.6	0.2	0.2
Scraper/Grader	2.5	21.6	9.6	1.0	0.9
Other Material Handling Equipment	1.6	12.0	4.2	0.6	0.5
Totals (lbs/day)	4.5	37.3	15.4	1.8	1.6
MDAQMD Threshold (lbs/day)	137	137	548	82	82
Significant	No	No	No	No	No

¹ Off-Road Mobile Source Emissions Factors (2012)

As shown in Table 1, Project emissions would not exceed MDAQMD thresholds.

Compliance with MDAQMD Regulation II and Rules 402 and 403

Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with all applicable MDAQMD rules and regulations as the MDAB is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (state)). To limit dust production, the Applicant must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACM) for each fugitive dust source. This would include, but not be limited to the following BACMs:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - I. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading and mining activity on the site. Portions of the site that are actively being mined shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.

- II. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
- III. The Project proponent shall ensure that all mining and processing activities are suspended when winds exceed 25 miles per hour.

Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Proposed Project would not exceed MDAQMD thresholds during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

2. All equipment used for mining and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
4. The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.
5. The aggregate crusher must obtain permits to construct and annually renew permits to operate from the MDAQMD and be in compliance with such permits.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Diesel Reduction Plan. These measures will be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines.

- III c) **Less than Significant.** The Project is located in a region that has been identified as being in Non-Attainment for Ozone and PM₁₀ (State) according to the California Air Resources Board Area Designation Maps. This means that the background concentration of these pollutants have historically been over the Federal and/or State Ambient Air Quality Standards. With respect to air quality, no individual project would by itself result in Non-Attainment of the Federal or State Ambient Air Quality Standards. However, a project's air pollution emissions although individually limited, may be cumulatively considerable when taken in combination with past, present, and future development projects. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the regional Air Quality Management District.

As shown in Table 2, the thresholds for the above referenced criteria pollutants would not be exceeded by the Project. Therefore, impacts from the Project are not cumulatively considerable when included with other past, present, and future probable projects.

- III d) **No Impact.** The Proposed Project is located in a remote area of northeastern San Bernardino County, east of the San Bernardino Mountains. No sensitive receptors are located within the project vicinity. Therefore, no impacts are anticipated.
- III e) **No Impact.** The Proposed Project is Reclamation of iron ore tailings stockpiled on 20 acres. The generation of objectionable odors is typically not associated with Reclamation activities and there are no sensitive receptors within the project vicinity. Therefore, no impact is anticipated.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

IV **Less than significant with Mitigation Incorporated.** Information on vegetation and wildlife a/b/d) is included in the BLM's EA. (See Appendix B). Existing vegetation on the tailings is sparse due to the stockpiled iron ore material. Vegetation in areas surrounding the project site as recorded at a reference site to the south of the site, consists of a widespread homogeneous black bush (*Coleogyne ramosissima*) dominant and antelope bush (*Purshia tridentata*) second dominant vegetative series. Black bush is native to Southern California, Arizona, Utah, southwestern Colorado, and Nevada. Black bush inhibits gravelly slopes, desert mesas, and foothills of the mountains in the western Colorado Desert and eastern Mojave Desert, north to Inyo County, in the lower and upper Sonoran Life Zones. No impact to vegetation or sensitive vegetation is anticipated.

General wildlife occurring in the area include cottontail rabbit, black-tail jackrabbit, mule deer, kit fox, antelope ground squirrel, coyote, kangaroo rats, western pipistrel, woodrats, common reptilian and bird species. The Kingston Range supports a population of desert bighorn, a BLM sensitive species, and the banded gila monster, a BLM sensitive species, has been sighted in rare instances. These species are not anticipated to be impacted as the site is predominately devoid of any vegetation

The Mojave population of the desert tortoise (*Gopherus agassizii*) is listed as a threatened species by both the US Fish and Wildlife Service and the State of California. Given the lack of suitable habitat and the elevation of the site, the likelihood of encounters with desert tortoise is minimal. However, in accordance with the approved POO Conditions of Approval (Refer Appendix B of The Reclamation Plan), the operator shall implement the following precautions in order to avoid impacts to the desert tortoise (BLM Condition numbers listed):

18. The operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".
19. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.
20. All personnel shall inspect for desert tortoises under vehicles prior to moving the vehicles. If a desert tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.
21. All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per or through tortoise habitat.
22. Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.
23. All trash and food items shall be promptly contained within closed in raven-proof containers. These shall be regularly removed from the project site to reduce attractiveness of the area to ravens and other tortoise predators.
24. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant:

BIO-1. The operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".

BIO-2. Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.

BIO-3. All personnel shall inspect for desert tortoises under vehicles prior to moving the vehicles. If a desert tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.

BIO-4. All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per or through tortoise habitat.

BIO-5. Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.

BIO-6. All trash and food items shall be promptly contained within closed in raven-proof containers. These shall be regularly removed from the project site to reduce attractiveness of the area to ravens and other tortoise predators.

BIO-7. In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator.

IV c) **No Impact.** The project will not result in a direct or indirect adverse impact to any federally protected wetlands, as there are no wetlands onsite or in the project vicinity. Therefore, no impact is anticipated.

IV e) **Less Than Significant Impact:** The San Bernardino County Native Plant Protection policy (1989) provides protection for all trees greater than 6 inches diameter at breast height (dbh), smoke trees, mesquite, creosote rings, and all plants in the agave family, including Joshua trees. The project is not anticipated to conflict with any local policies or ordinances protecting native plants or other biological resources because the site is predominately devoid of any vegetation. Therefore, impacts are anticipated to be less than significant.

IV f) **Less Than Significant Impact.** The Project area is located in the Northern and Eastern Mojave planning area of the California Desert Conservation Area (CDCA). Compliance with mitigation measures BIO-1 through BIO-7 ensures that the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The site is predominately devoid of any vegetation. Therefore, impacts are anticipated to be less than significant

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
V. CULTURAL RESOURCES - Would the project				

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (Check if the project is located in the Cultural or Paleontologic Resources overlays or cite results of cultural resource review):

V a-d **Less Than Significant with Mitigation Incorporated.** Information on cultural resources is included in the BLM's EA (See Appendix B). A records search of the California Historic resources Information System (CHRIS) revealed no cultural resources within a one-mile radius of the proposed project area. A review of the Sacred Lands Index on file with the Needles Field Office revealed no areas of traditional or sacred Native American values within the project area.

An archaeological survey of the proposed mill site was conducted on September 8, 2010. Modern debris and mining equipment were observed, as well as a concrete structure associated with milling that may be over 50 years old. However, these items would not be affected by the proposed activities and would not result on impacts to historic properties.

Although there is a potential of buried historic and/or paleontological resources, the likelihood is extremely low and, therefore, no monitoring for historic or paleontological resources is recommended. If, at any time, there is evidence of human remains (or possible human remains) are identified, the County Coroner must be notified within 24 hours and the area avoided until the Coroner can assess the remains. If the remains are identified as Native American in origin, the Coroner will contact the Native American Heritage Commission and the Most Likely (Native American) Descendant (MLD) will be identified. In consultation with the MLD, Coroner, Archaeological Consultant, project proponent, and Lead Agency, the disposition of the remains will be determined.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant:

MM# Mitigation Measures

CR-1 The project is not expected to have an impact on cultural or paleontological resources. However, the following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during earthmoving. The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements and shall include a note on the grading plans and in all construction contracts/subcontracts a provision that the project contractors shall also adhere to the following requirements:

- **In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall**

be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.

- If possible human remains are encountered during any earthmoving activities, all work shall stop in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.

ISSUES	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located in the Geologic Hazards Overlay District):

VI a) **Less Than Significant Impact.**

ai) **Less Than Significant Impact.** The site is not located within an Alquist-Priolo Earthquake Fault

Zone according to maps prepared by the State Geologist.

aii) **Less Than Significant Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The site is not located in the vicinity of an earthquake fault and the project site is to be used for a mining operation and does not contain habitable structures. Impacts are forecast to be less than significant.

aiii) **Less Than Significant Impact.** According to the County General Plan Hazards Overlay Map (CJDJ Cima), the site is not located in an area susceptible to liquefaction. As noted, the proposed project would not build permanent structures or construct facilities with foundations that could fail as a result of liquefaction during an earthquake. Therefore, this impact is considered less than significant.

aiv) **Less Than Significant Impact.** According to the County General Plan Hazards Overlay Map (CJDJ Cima), the site is not located in an area susceptible to landslides. Therefore, the project site would not be exposed to landslide hazard, and this impact would be less than significant.

VI b) **Less Than Significant Impact.** During the removal of the tailings, drainage will not be altered from existing conditions. The tailings are porous and heavy and are not susceptible to erosion. After removal of the tailings, the site will be re-graded to near the original contours as shown on the Reclamation Plan sheet. Sheet flow will drain towards the east and eventually enter the drainage that is located along the southeast portion of the site and continue downgradient. It is expected that the onsite runoff will eventually create its own natural drainage channels to the east. The site will also be stabilized through revegetation. Therefore, less than significant impact is anticipated.

VI c) **Less Than Significant Impact.** The proposed project is the removal and transport of iron ore tailings. The removal of the stockpiled tailing is not located in an area that is geologically unstable or would become unstable as a result of the removal of the stockpile.

VI d) **No Impact.** The Project Site is not located in an area which has been identified by the County Building and Safety Geologist as having the potential for expansive soils. No impact is anticipated.

VI e) **No Impact.** Septic tanks and/or alternative water supply systems are not proposed as part of the proposed project. Therefore, no impacts are anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII GREENHOUSE GAS EMISSIONS - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

Greenhouse Gas Emissions Measures

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” Moreover, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

The San Bernardino County GHG Emissions Reduction Plan, September 2011 (“GHG Plan”) presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below current levels by 2020, consistent with the AB 32 Scoping Plan.

The following analysis is based on the Governor’s Office of Planning and Research, Technical Advisory on CEQA and Climate Change.

a) **Less Than Significant Impact**

Identify Greenhouse Gas Emissions:

Project-generated GHG emissions were based on Off-Road Mobile Source Emissions Factors (2012) and Emission Factors for On-Road Heavy-Heavy Duty Diesel Trucks (Emfac 2012) and are shown in Table 3.

**Table 3
 Greenhouse Gas Emissions
 Beck Mine Mill Site Reclamation Activities**

Task	CO ₂ ¹	CH ₄ ¹	N ₂ O ²
Water Truck (lbs)	7,380	0.6	0.0
Scraper/Grader (lbs)	31,440	3.6	0.0
Other Material Handling Equipment (lbs)	16,920	3	0.0
Total Per Year (lbs)	55,740	7.2	0.0
MTCO ₂ e	27.3	0.003	0.0
Total Reclamation Activities MTCO₂e	27.3		
County Threshold (MTCO ₂ e)	3,000		
Significant (Yes/No)	No		

Note: Assumes a worst case 15-day Reclamation Process.
 1 Off-Road Mobile Source Emissions Factors (2012);
 Emission Factors for On-Road Heavy-Heavy Duty Diesel Trucks (Emfac 2012)
 2 California Climate Action Registry General Reporting Protocol, 2009I;
 Table A9-8-C SCAQMD Handbook; Climate Leaders EPA, Section 3, Table 2.

Determine Significance:

As shown in Table 3, GHG emissions are not anticipated to exceed the County’s 3,000 MTCO₂e threshold. Therefore a less than significant impact is anticipated.

Mitigate Impacts

The project emissions are less than significant. However, the applicant will be required to implement

GHG reduction performance standards. The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that are emit less than 3,000 MTCO2e per year, and will be included as Conditions of Approval for development projects.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. The “developer” shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

a) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.

b) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.

c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

b) **Less Than Significant Impact.** The state and local regulatory programs for GHG emissions and climate change are described in the response to Question VIIa above. The performance standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts would be less than significant, and no mitigation would be required.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

SUBSTANTIATION

VII a/b **Less Than Significant Impact.** The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Equipment will be fueled and maintained at the Beck Mine processing plant and all used oils, fuels and solvents will be collected in accordance with the Department of Toxic Substances and Control regulations and picked up by an approved hauler for recycling. To protect soils and groundwater from potential contamination, fueling and maintenance areas at the Beck Mine plant shall be constructed on impervious materials or covered with impervious materials and equipped with berms and catch basins to capture accidental spills.

The operator will be required to maintain its Business Emergency Contingency Plan with the County Fire Department Hazardous Materials Division. Therefore, the removal of the tailing stockpile would not create a significant hazard to the public from release or routine transport of hazardous materials. Less than significant impact is anticipated.

VIII c) **Less Than Significant Impact.** The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials. During operation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site. Therefore, less than significant impact is anticipated.

VIII d) **Less than significant impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.

VIII e/f) **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay Map CJDJB-Cima, the Project Site does not occur within an airport influence area. Therefore, the Proposed Project would not result in safety hazard impacts from aircraft-related uses. No impact is anticipated.

VIII g) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.

VIII h) **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay Map CJDJB, the Project Site does not occur within a Fire Safety Overlay District. Therefore, the Proposed Project would not result in any safety hazard impacts from wild fires. No impact is anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HYDROLOGY AND WATER QUALITY - Would the project:				

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

SUBSTANTIATION

- IX a) **Less Than Significant Impact.** During the removal of the tailings, drainage will not be altered from existing conditions. The tailings are porous and heavy and are not susceptible to erosion. After removal of the tailings, the site will be re-graded to near the original contours as shown on the Reclamation Plan sheet. Sheet flow will drain towards the east and eventually enter the drainage that is located along the southeast portion of the site and continue downgradient. It is expected that the onsite runoff will eventually create its own natural drainage channels to the east. The site will also be stabilized through revegetation. All storm water discharge is regulated by the Colorado River Basin Regional Water Quality Control Board pursuant to site specific Storm Water Pollution Prevention Plans. Less than significant impact is anticipated.
- IX b/f) **Less Than Significant Impact.** There are no water requirements for processing or washing the material. Water for dust control will be from the Beck Spring located at the Beck Mine process plant. It is anticipated approximately 6,000 to 8,000 gallons of water per day will be required for mill site operations and the control of dust on the access road. A 2,000 gallon water truck will be used for dust control on roads and during scraping as needed. Domestic water for drinking will be imported for employees. Domestic wastewater and septage will be portable and will be collected and removed by a licensed operator. Less than significant impact is anticipated.
- IX c/d/e) **Less Than Significant Impact.** During the removal of the tailings, drainage will not be altered from existing conditions. The tailings are porous and heavy and are not susceptible to erosion. After removal of the tailings, the site will be re-graded to near the original contours as shown on the Reclamation Plan sheet. Sheet flow will drain towards the east and eventually enter the drainage that is located along the southeast portion of the site and continue downgradient. It is expected that the onsite runoff will eventually create its own natural drainage channels to the east. The site will also be stabilized through revegetation. Less than significant impact is anticipated.
- IX g/h) **No Impact.** The Proposed Project does not occur within a 100-year flood plain, nor does it include the construction of housing or would place housing within a flood plain. No impacts are anticipated.
 - i) **No Impact.** The Project Site and surrounding area is located outside of any designated dam inundation area. The Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as no levee or dam is proposed as part of the his project. Therefore, no impacts are anticipated.
 - j) **No Impact.** A seiche is an oscillating surface wave in a restricted or enclosed body of water generated by ground motion, usually during an earthquake. Inundation from a seiche can occur if the wave overflows a containment wall or the banks of a water body. As the Project Site is not located adjacent to any body of water that has the potential of seiche or tsunami, no impacts are anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- X a) **No Impact.** The Project Site is surrounded by open space lands. The Proposed Project is consistent with the County General Plan and would not physically divide an established community. No impact is anticipated.
- X b) **No Impact.** The Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project as the project is consistent with all applicable land use policies and regulations of the County of San Bernardino General Plan. No impact is anticipated.
- X-c) **Less Than Significant Impact.** The Project area is located in the Northern and Eastern Mojave planning area of the California Desert Conservation Area (CDCA). Compliance with mitigation measures BIO-1 through BIO-7, ensures that the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located within the Mineral Resource Zone Overlay):

XI a-b) **No Impact.** The State’s Guidelines for Classification and Designation of Mineral Lands help implement SMARA by providing the State Geologist with direction in carrying out mineral resource classification of lands in California that are threatened by uses that will be incompatible with, or will preclude quarrying. In addition, these guidelines describe how the State Mining and Geology Board (SMGB) may elect to designate mineral-bearing areas of statewide or regional significance.

Classification is the process of identifying lands containing significant mineral deposits. Designation is the formal recognition by the SMGB, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance. The objective of classification and designation processes is to ensure, through appropriate lead agency policies and procedures, that mineral deposits of statewide or of regional significance are available when needed. Classification is completed by the State Geologist in accordance with the SMGB’s priority list, into Mineral Resource Zones (MRZ). Classification is based on geologic and economic factors without regard to existing land use and land ownership. Within the classifications, “MRZ-2” is defined as areas that contain identified mineral resources.

The California Department of Conservation Division of Mines and Geology has not mapped the site. However, mining claims have been issued for the iron ore deposits. The Proposed Project would supply iron ore to the region. Therefore, the Proposed Project would not result in the loss of availability, however, would provide a mineral resource that would be of value to the region and the residents of the State. Therefore, no impacts are anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. NOISE - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

SUBSTANTIATION (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element):

XII a,c,d) **No Impact.** Approval of the project would require operations to conform to all applicable noise control regulations. There are no nearby noise sensitive land uses within the vicinity of the Project Site. Therefore, no impacts are anticipated.

XII b) **Less Than Significant.** Approval of the project would require operations to conform to all applicable noise control regulations. There are no nearby noise sensitive land uses within the vicinity of the Project Site. Removal of the tailings would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels. Therefore, less than significant impact is anticipated.

XI e/f) **No Impact.** The Project Site is not located within an airport land use plan nor within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, that would expose people at the Project Site to excessive noise levels. Therefore, impacts from airport-related noise are not anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIII. POPULATION AND HOUSING - Would the project:				

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

XIII a) **No Impact.** The Proposed Project would not induce substantial population growth in the area either directly or indirectly because the proposed project consists of a mining operation that will operate with one and sometimes two equipment operators working a single daytime shift. In addition, the duration of the operation is approximately 10 years after which time the site will be reclaimed and returned to open space use. No impacts are anticipated.

XIII b) **No Impact.** The proposed use would not displace substantial numbers of existing housing units, or require the construction of replacement housing, as no housing units are proposed to be

demolished as a result of this project. No impacts are anticipated.

- XIII c) **No Impact.** Implementation of the Proposed Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, as no housing exists at the Project Site.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---------------------------------------	--	------------------------------	------------------

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XIV a) **No Impact.** The Proposed Project would not result substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, or hinder acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities because the Project consists of a mining operation on a 20 acre site with no permanent improvements proposed. After mining operations, the site would consist of vacant land. Therefore, no impacts are anticipated. Therefore, no impacts are anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---------------------------------------	--	------------------------------	------------------

XV. RECREATION

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational

facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

SUBSTANTIATION

XV **No Impact.** Approval of the Proposed Project would not generate the need off new jobs or housing a/b) which would induce population growth in adjacent areas, and ultimately increase the use of park facilities or other recreational facilities in the region. No impacts are anticipated.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XVI a-b) **Less Than Significant Impact.** The Proposed Project would be mined at a maximum 400,000 TPY of ore which would provide reserves for up to 10 years. The Applicant is requesting a 10-year operations plan or until year 2023. The operator will operate 7 days a week for 365 days a year with an average of 51 truck trips per day. An increase of approximately 51 trips per day would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), or exceed, either individually or cumulatively, a level of service standard. Impacts would be less than significant.
- XVI c) **No Impact.** Approval of the tailings removal would not affect air traffic patterns at any airport or airstrip. No impacts are anticipated.
- XVI d) **No Impact.** Removal of the tailings would not affect public streets. The overall production rate of 400,000 TPY would result in 51 trips per day. The additional truck trips do not involve any road developments or design features that could substantially increase hazards on public roads. Therefore, less than significant impact is anticipated.
- XVI e/g) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. In addition, no road closures would be required. The Proposed Project would not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation. No impacts would result.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ISSUES	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

commitments?

- f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

SUBSTANTIATION

- a/e) **No Impact.** The Proposed Project would not require sewer collection or treatment services and therefore no off-site discharge of treated wastewater would occur. No impacts related to wastewater treatment are anticipated.
- b/d) **No Impact.** Water will be used for dust control measures only. Water will be applied to the working areas and material transfer points. Water is not available at the site and will be hauled from the Beck Spring located at the Beck Mine process plant. It is anticipated approximately 6,000 to 8,000 gallons of water per day will be required for mill site operations and the control of dust on the access road. A 2,000 gallon water truck will be used for dust control on roads and during scraping as needed. Domestic water for drinking will be imported for employees. Therefore, no impacts related to expanding a water treatment or distribution system would occur.
- c) **Less Than Significant Impact.** Due to the lack of fine surface material and low rainfall (less than 4 inches/year) the site has little potential for erosion and sedimentation. The project site is covered with a stockpile of porous, heavy iron ore tailings. It is not expected that any erosion or sedimentation will occur at the tailings site due to the very heavy and larger sized iron ore tailings onsite. Drainage will remain similar to its existing conditions. Less than significant impact is anticipated.
- f, g) **No Impact.** All material will be used. Negligible amounts of waste rock are anticipated. The mining process uses water for dust control measures only. This water will evaporate and will not create any wastewater or any need for ponds. Equipment maintenance will be done onsite. Waste oil, lubricants and solvents will be removed from the site and disposed of at permitted facilities. All refuse will be kept in closed containers and removed from the site to permitted facilities as needed. No trash will be allowed to collect on the site. No impact is anticipated.

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---------------------------------------	--	------------------------------	------------------

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with

the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

SUBSTANTIATION

a) **Less Than Significant Impact With Mitigation Incorporated.** Based on the analysis contained in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation and Traffic, are considered as having a less than significant or no impact on the environment.

The results of the Initial Study show that there are potentially significant impacts to Biological Resources and Cultural Resources. These impacts will be reduced to less than significant after incorporation of mitigation measures.

Therefore the Project will not degrade the quality of the environment and no habitat, wildlife populations, or plant and animal communities would be impacted.

b) **Less Than Significant Impact.** None of the proposed mining activities would substantially contribute to any cumulatively significant impact on the evaluated resources. The proposed project would not result in any unmitigated adverse project effects on air quality, biological resources, drainage, or water quality, and there would be no contribution to any cumulatively considerable impacts in these issue areas. There would be no long-term loss of agricultural or forestry resources or loss of availability of a mineral resource of value to the state, region, or locally, so there would be no cumulative effect. The project would involve reclamation of the project site for open space. There would not be an adverse change in scenic value or visual quality or noise levels that could contribute to a cumulative impact. No impacts on services or utility systems would occur as a result of project implementation that could combine with cumulative effects in the area surrounding the project.

In addition, The analysis in this Initial Study Checklist demonstrated that the Project is in compliance with all applicable regional plans including but not limited to, water quality control plan, air quality maintenance plan, and plans or regulations for the reduction of greenhouse gas emissions. Compliance with these regional plans serves to reduce impacts on a regional basis so that the Project would not produce impacts, that considered with the effects of other past, present, and probable future projects, would be cumulatively considerable.

c) **Less Than Significant Impact With Mitigation Incorporated.** As discussed this Initial Study Checklist, the Project would not expose persons to adverse impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Population and Housing, or Transportation/Traffic hazards. These impacts were identified to have no impact or a less than significant impact.

The implementation of the Mitigation Measures identified in this Initial Study Checklist would result in a less than significant impact and there would be no substantial adverse effects on human beings, either directly or indirectly

GENERAL REFERENCES

CEQA Guidelines, Appendix G.

County of San Bernardino General Plan, 2007

County of san Bernardino Development Code, 2007

County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011

Mojave Desert Air Quality Management District California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011.

APPENDICIES

A. Reclamation Plan [including approved Plan of Operations (POO)]

B. BLM Decision Record and Environmental Assessment (EA)

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT F

RESPONSE TO COMMENTS

THIS PAGE INTENTIONALLY LEFT BLANK

Exhibit E

**RESPONSE to COMMENTS
for the
US IRON, LLC (Beck's Mine)
MITIGATED NEGATIVE DECLARATION
AP 20120012**

**County of San Bernardino
Land Use Services Department**

August 9, 2012



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

June 11, 2012

Mr. Ernest Perea
County of San Bernardino Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, California 92415

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR BECKS MINE TAILLING
AND RECLAMATION PLAN (SCH# 2012051051)

Dear Mr. Perea:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "U.S. Iron, LLC is submitting a Plan Of Operations (POO) for the Iron Gossan #8 claim, consisting of a 20 acre unpatented claim. Approval of this POO will allow material to be removed from this claim, transported to the Beck Mine, and further processed at US Iron's processing plant located on patented claims".

Based on the review of the submitted document DTSC has the following comments:

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil,

RECEIVED
DIRECTOR'S OFFICE
2012 JUN 13 PM 1:31

and make sure there is no hazard to the community from excavation (e.g. dust, spills, etc.). If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

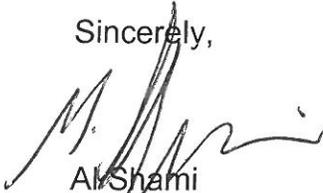
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 8) If buildings, other structures, or associated uses; asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

Mr. Ernest Perea
June 11, 2012
Page 3

- 9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Ashami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov.

CEQA # 3563

Response to California Department of Toxic Substances Control

The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Equipment will be fueled and maintained at the Beck Mine processing plant and all used oils, fuels and solvents will be collected in accordance with the Department of Toxic Substances and Control regulations and picked up by an approved hauler for recycling. To protect soils and groundwater from potential contamination, fueling and maintenance areas at the Beck Mine plant shall be constructed on impervious materials or covered with impervious materials and equipped with berms and catch basins to capture accidental spills.

The operator will be required to maintain its Business Emergency Contingency Plan with the County Fire Department Hazardous Materials Division. Therefore, the removal of the tailing stockpile would not create a significant hazard to the public from release or routine transport of hazardous materials. Less than significant impact is anticipated.

The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials. During operation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site. Therefore, less than significant impact is anticipated.

The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.



Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: <http://www.mdaqmd.ca.gov>
Eldon Heaston, Executive Director

June 12, 2012

Romo Planning
San Bernardino County Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Project: AP20120012/SMAR (US Iron, LLC)

Dear Romo Planning:

The Mojave Desert Air Quality Management District (District) has reviewed AP20120012/SMAR, a conditional use permit for a mining and reclamation plan for the removal of iron ore tailings on 20 acres. The project is located north of Interstate 15 and Cima Road in the community of Kingston.

The District previously reviewed the Mitigated Negative Declaration for this project and concurred with the determination of "Less than Significant" and "No Impact" for Air Quality issues. The District has no additional comments.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvio". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alan J. De Salvio
Supervising Air Quality Engineer

AJD/tw

AP20120012 SMAR US Iron.doc

Response to Mojave Desert Air Quality Management District

The County of san Bernardino Planning Department concurs with the District's comment that the Project has a "Less Than Significant" and "No Impact" for Air Quality issues.

June 12, 2012

File: Environmental Doc Review
San Bernardino County

County of San Bernardino
Land Use Services
Attn: Ernest Perea, Contract Planner
385 North Arrowhead Ave.
San Bernardino, CA 92415

**COMMENTS ON THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION,
BECK MINE TAILINGS AND RECLAMATION PLAN, AP20120012, SAN
BERNARDINO COUNTY, STATE CLEARINGHOUSE NO. 2012051051**

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Initial Study and Mitigated Negative Declaration (MND) of Environmental Impact on May 21, 2012, for the above-referenced project. The MND, dated May 15, 2012, was prepared by County of San Bernardino Land Use Services and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). The proposed project consists of the removal of historically stockpiled iron ore tailings from a 20-acre site, the transport of the iron ore to Beck Mine, and reclamation of the stockpile areas.

Water Board staff has reviewed the MND for the above-referenced project and has submitted the following comments in compliance with CEQA Guidelines §15096, which requires responsible agencies to specify the scope and content of the environmental information germane to their statutory responsibilities and lead agencies to include that information in their environmental document. The Water Board requests that the following comments be addressed and incorporated into the final environmental document for the project.

AUTHORITY

The State Water Resources Control Board (SWRCB) and the Water Board regulate discharges of waste in order to protect water quality and, ultimately, the beneficial uses of waters of the State. State law assigns responsibility for protection of water quality in the Lahontan Region (Region) to the Water Board.

Basin Plan

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect water quality within the Region. The Basin Plan provides guidance regarding water quality and how the Water Board may regulate activities that have the potential to affect water quality within the region. All surface waters and groundwaters are considered waters of the State, which include, but are not limited to, aquifers, drainages, streams, washes, ponds, pools, or wetlands. Surface water bodies may be permanent or intermittent. All waters of the State are protected under California law. Additional protection is provided for waters of the United States (U.S.) under the Federal Clean Water Act (CWA). The Basin Plan sets forth water quality standards for the surface and groundwaters of the Region, which include both designated beneficial uses of water and the narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan includes prohibitions and policies for implementation of standards. The Basin Plan identifies general types of water quality problems which can threaten beneficial uses in the Region, and identifies required or recommended control measures for these problems. In some cases, it prohibits certain types of discharges in particular areas. The Basin Plan includes a program of implementation to protect beneficial uses and to achieve water quality objectives.

The MND incorrectly cites the Project needing requirements from the Regional Water Quality Control Board, Colorado River Region. The proposed Project is located in the Lahontan Region; as such, the MND should reference the appropriate sections of the Basin Plan for the Lahontan Region, "*Water Quality Control Plan for the Lahontan Region.*" The current Basin Plan was adopted by the Water Board in 1995 and has since been amended several times; the last amendment was adopted in November 2010. The Basin Plan can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml). Water Board staff request that the final environmental document reference the Basin Plan, and that the Project complies with all applicable water quality standards, prohibitions, and provisions of this Basin Plan.

Permits

A number of activities associated with the Project may require permits issued by the State Water Board or Lahontan Water Board. A Clean Water Act, section 402, subdivision (p) stormwater permit, including a Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 (General Permit) Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities, may be required for activities associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).

Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal waters, both issued by the Lahontan Water Board. Some waters of the State are "isolated" from waters of the U.S.; determinations of the jurisdictional extent of the waters of the U.S. are made by the United States Army Corps of Engineers. Projects that have the potential to impact surface waters will require the appropriate jurisdictional determinations. These determinations are necessary to discern if the proposed surface water impacts will be regulated under section 401 of the CWA or through dredge and fill WDRs issued by the Water Board.

Operations at Beck Mine, the location where the stockpiled iron ore is to be transferred, may require WDRs issued by the Water Board pursuant to California Code of Regulations (CCR), title 27, for discharges associated with mining activities.

Information regarding these permits, including application forms, can be downloaded from the Water Board's web site (<http://www.waterboards.ca.gov/lahontan/>). If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters, including drainage channels, may still be subject to state permitting.

POTENTIAL IMPACTS TO WATERS OF THE STATE

Watersheds are complex natural systems in which physical, chemical, and biological components can interact to create a source of high quality water on which our economy and well-being depend. Poorly planned development can upset these natural interactions and degrade water quality through a web of interrelated effects. The primary impacts of poorly planned development projects on water quality can include:

- Direct impacts – the direct physical impacts of filling and excavation on wetlands, riparian areas, and other waters;
- Pollutants – the generation of urban pollutants during and after construction;
- Hydrologic modification – the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector systems; and
- Watershed-level effects – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity.

These impacts have the potential to degrade water quality and impair a number of beneficial uses by reducing the available riparian habitat and eliminating the natural buffer system to filter runoff and enhance water quality. These impacts typically result in hydrologic changes by decreasing water storage capacity and increasing water flow velocity, which in turn leads to increases in the severity of peak discharges. These hydrologic changes can exacerbate flooding, erosion, scouring, sedimentation, and may ultimately lead to near-total loss of natural functions and values, resulting in the increased need for engineered solutions to re-establish the disrupted flow patterns.

Many examples of such degradation exist in California and elsewhere. The Water Boards are mandated to prevent such degradation.

The Project area may include marked (blue line) and unmarked surface waters that are either waters of the U.S. or waters of the State. Surface waters include, but are not limited to, drainages, streams, washes, ponds, pools, or wetlands, and may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the U.S. Army Corps of Engineers (USACE).

The MND does not provide specific information regarding impacts to surface water resources. The environmental document needs to quantify these impacts and discuss the purpose of the Project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances, and mitigation). We request that measures be incorporated into the Project to avoid surface waters and to provide buffer zones where possible. If the proposed Project impacts and alters drainages, then we request that the Project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible.

BMPs are used to reduce pollutants in runoff to waters of the State. The environmental document must specifically describe BMPs and their role in mitigation of Project impacts. Please include both on-site and off-site stormwater management strategies and BMPs as part of the planning process. Keep in mind that mitigation must protect functions and values and that measures to eliminate or reduce potential impacts must be identified and discussed in the environmental document. For more information regarding mitigation, see the Basin Plan, which can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

Reclamation Plan

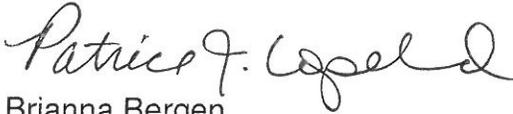
The description of the reclamation includes plans for grading such that drainage will flow eastward into existing drainages north and south of the existing road. No slopes will remain on site. No figures were presented to demonstrate this plan. Additionally, a hydrology study was not presented to demonstrate that the existing drainages will be able to accommodate the additional volume of water that will be added to the existing drainages without scouring. The text in Figure 4, Reclamation Plan for Beck Mine Mill Sites Tailings Removal, is very small so as to be unreadable. Please provide a plan that is readable demonstrating the final grading of the reclaimed area.

CLOSING

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the BMPs and other mitigation measures used to mitigate Project impacts.

Thank you for the opportunity to comment on your Project. If you have any questions regarding this letter, please contact me at (760) 241-7305 (bbergen@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,



po- : Brianna Bergen
Engineering Geologist

cc: State Clearinghouse (SCH No. 2012051051)
Juan Torres, Department of Fish and Game,
(via email, jtorres@dfg.ca.gov)
Shannon Pankratz, US Army Corps of Engineers,
(via email, Shannon.I.pankratz@usace.army.mil)
Paul Amato, Wetlands Regulatory Office, USEPA, Region 9
(via email, Amato.Paul@epamail.epa.gov)

BB\rc\U:\CEQA\COMMENTS_ BeckMine.docx

Response to Lahontan Regional Water Quality Control Board

Comment 1-1:

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Initial Study and Mitigated Negative Declaration (MND) of Environmental Impact on May 21, 2012, for the above-referenced project. The MND, dated May 15, 2012, was prepared by County of San Bernardino Land Use Services and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). The proposed project consists of the removal of historically stockpiled iron ore tailings from a 20-acre site, the transport of the iron ore to Beck Mine, and reclamation of the stockpile areas.

Water Board staff has reviewed the MND for the above-referenced project and has submitted the following comments in compliance with CEQA Guidelines §15096, which requires responsible agencies to specify the scope and content of the environmental information germane to their statutory responsibilities and lead agencies to include that information in their environmental document. The Water Board requests that the following comments be addressed and incorporated into the final environmental document for the project.

AUTHORITY

The State Water Resources Control Board (SWRCB) and the Water Board regulate discharges of waste in order to protect water quality and, ultimately, the beneficial uses of waters of the State. State law assigns responsibility for protection of water quality in the Lahontan Region (Region) to the Water Board.

Basin Plan

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect water quality within the Region. The Basin Plan provides guidance regarding water quality and how the Water Board may regulate activities that have the potential to affect water quality within the region. All surface waters and groundwaters are considered waters of the State, which include, but are not limited to, aquifers, drainages, streams, washes, ponds, pools, or wetlands. Surface water bodies may be permanent or intermittent. All waters of the State are protected under California law. Additional protection is provided for waters of the United States (U.S.) under the Federal Clean Water Act (CWA). The Basin Plan sets forth water quality standards for the surface and groundwaters of the Region, which include both designated beneficial uses of water and the narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan includes prohibitions and policies for implementation of standards. The Basin Plan identifies general types of water quality problems which can threaten beneficial uses in the Region, and identifies required or recommended control measures for these problems. In some cases, it prohibits certain types of discharges in particular areas. The Basin Plan includes a program of implementation to protect beneficial uses and to achieve water quality objectives.

Response to Comment 1-1:

This is an introductory comment that does not address the adequacy of the IS/MND; no response is required.

Comment 1-2:

The MND incorrectly cites the Project needing requirements from the Regional Water Quality Control Board, Colorado River Region. The proposed Project is located in the Lahontan Region; as such, the MND should reference the appropriate sections of the Basin Plan for the Lahontan Region, "*Water Quality Control Plan for the Lahontan Region*." The current Basin Plan was adopted by the Water Board in 1995 and has since been amended several times; the last amendment was adopted in November 2010. The Basin Plan can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml). Water Board staff request that the final environmental document reference the Basin Plan, and that the Project complies with all applicable water quality standards, prohibitions, and provisions of this Basin Plan.

Response to Comment 1-2:

The site is located on BLM-managed public lands on a ridgeline in the Kingston Range approximately 20 miles southeast of Tecopa, California, within San Bernardino County and was incorrectly identified in the IS/MND on page 26 as being within the jurisdiction of the Regional Water Quality Control Board, Colorado River Region. This response letter corrects the citation to the Regional Water Quality Control Board, Lahontan Region.

The Proposed Project is a Reclamation Plan to allow for the removal of existing stockpiles of iron ore tailings to reclaim the site to pre-1960 conditions. The tailings removal operation is a simple scraping in approximately 6-inch lifts of the sized tailings that had been historically deposited in existing leveled stockpiles to an estimated and varied depth of up to 30 feet above the original ground surface. The Reclamation Plan has been prepared in compliance with the California Surface Mining and Reclamation Act (SMARA).

In order to reduce potential air quality (dust) emissions during the removal and transport of the inert material, the project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. If water is used for dust control, it is anticipated that approximately 6,000 to 8,000 gallons of water per day will be required for dust control at the tailings removal operations, on the access road and at the off-site Beck Iron Mine process plant (not a part of the proposed project). Annual precipitation in the area is approximately four inches. Water used for dust control in this arid area will not be sufficient to create any surface flow and there is no potential for impacts to groundwater or surface water.

Groundwater would not be encountered with project activities as the project is located at the top of a ridgeline and no excavations below the original ground surface will occur. Surface drainages exist adjacent to the stockpile area and all stockpile removal activities will occur outside the drainage areas. The majority of material to be removed is porous iron ore. There will be minimal post-processing non-iron material from the tailings piles; any non-iron material will be dirt and silts that will be trucked back to the mill sites and used as additional soil for revegetation during reclamation activities. Neither surface water nor groundwater is anticipated to be impacted by the proposed project. Therefore, water quality standards contained within the Basin Plan were not cited as requested in this comment because there are no water quality impacts associated with the Proposed Project.

Comment 1-3:

Permits

A number of activities associated with the Project may require permits issued by the State Water Board or Lahontan Water Board. A Clean Water Act, section 402, subdivision (p) stormwater permit, including a Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 (General Permit) Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities, may be required for activities associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).

Response to Comment 1-3:

The proposed project is a Reclamation Plan to reclaim a 20-acre site covered with iron ore tailings deposited historically prior to the enactment of SMARA. The removal of the stockpiles on a heavily disturbed area of public lands will result in the land being reclaimed back to open space. The tailings area will be graded back to the original surface elevations and revegetated; these operations are planned for a 10-year period. It is not expected that any erosion or sedimentation will occur at the tailings site during their removal due to the very heavy, porous, and larger sized iron ore tailings on-site, the lack of fine surface material, and the low precipitation average.

The Reclamation Plan provides that the site would be graded to allow existing drainage patterns to continue flowing eastward into drainages north and south of the access road. There will be no remaining slopes on-site. Drainage patterns will return to pre-1960's conditions.

The area to be reclaimed will be ripped to a depth of one-foot and any salvaged plant and soil material will be placed in scattered locations to a depth of 6 inches. In addition, any alluvium surface material separated at the Beck Iron Mine Processing Plant will be placed on the mill site to aid in vegetation establishment. Revegetation will be conducted and the area flagged off to avoid further disturbance until the site meets its success criteria.

US Iron will utilize scrapers to remove the previously crushed/sorted tailings and transport the material to the Beck Mine Processing Plant 1.5 miles to the west. The processing plant is not a part of the subject project. There are no activities associated with the Proposed Project that would result in the need for Clean Water Act permits as there will be no discharge of pollutants from the tailings site.

Comment 1-4:

Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal waters, both issued by the Lahontan Water Board. Some waters of the State are "isolated" from waters of the U.S.; determinations of the jurisdictional extent of the waters of the U.S. are made by the United States Army Corps of Engineers. Projects that have the potential to impact surface waters will require the appropriate jurisdictional determinations. These determinations are necessary to discern if the proposed surface water impacts will be regulated under section 401 of the CWA or through dredge and fill WDRs issued by the Water Board.

Response to Comment 1-4:

The proposed project does not include any dredge or fill activities that would have the potential to impact surface waters. There is no potential to impact any receiving bodies of water or jurisdictional waters and therefore, the County has determined that there is no need for WDRs or a Section 401 Certification to be issued. The proposed project is the reclamation of a site that has been used for stockpiling iron ore since the 1960's. The Reclamation Plan, prepared in compliance with the California Surface Mining and Reclamation Act (SMARA) includes a Revegetation Plan that would further prevent any erosion from the site once the stockpiles are removed.

The proposed project was reviewed in light of the County of San Bernardino's Phase II Small Municipal Separate Storm Sewer System Program for areas within the jurisdiction of Lahontan RWQCB. Within this portion of County, small communities such as Tecopa are exempt. Erosion control measures would be issued as conditions of project approval so that the County ensures that water quality is maintained and that pollutants are not discharged into receiving water bodies. There are currently no known pollutants at the project site and the Reclamation Plan would not increase any source of pollutants.

Comment 1-5:

Operations at Beck Mine, the location where the stockpiled iron ore is to be transferred, may require WDRs issued by the Water Board pursuant to California Code of Regulations (CCR), title 27, for discharges associated with mining activities.

Response to Comment 1-5:

The proposed project is a reclamation plan and does not have the potential to have any associated discharges. No waste material will be produced or left on-site. The Proposed Project is a Reclamation Plan to allow for the transporting of stockpiled material to a mine processing plant site located 1.5 miles west of the stockpiles. The processing plant is not a part of the proposed project and has been in operation since the 1960's.

Comment 1-6:

Information regarding these permits, including application forms, can be downloaded from the Water Board's web site (<http://www.waterboards.ca.gov/lahontan/>). If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters, including drainage channels, may still be subject to state permitting.

Response to Comment 1-6:

Please see responses to comments 1-2 through 1-5; it is not anticipated that permits will be required.

Comment 1-7:

POTENTIAL IMPACTS TO WATERS OF THE STATE

Watersheds are complex natural systems in which physical, chemical, and biological components can interact to create a source of high quality water on which our economy and well-being depend. Poorly planned development can upset these natural interactions and degrade water quality through a web of interrelated effects. The primary impacts of poorly planned development projects on water quality can include:

- Direct impacts – the direct physical impacts of filling and excavation on wetlands, riparian areas, and other waters;
- Pollutants – the generation of urban pollutants during and after construction;
- Hydrologic modification – the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector systems; and
- Watershed-level effects – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity.

These impacts have the potential to degrade water quality and impair a number of beneficial uses by reducing the available riparian habitat and eliminating the natural buffer system to filter runoff and enhance water quality. These impacts typically result in hydrologic changes by decreasing water storage capacity and increasing water flow velocity, which in turn leads to increases in the severity of peak discharges. These hydrologic changes can exacerbate flooding, erosion, scouring, sedimentation, and may ultimately lead to near-total loss of natural functions and values, resulting in the increased need for engineered solutions to re-establish the disrupted flow patterns.

Many examples of such degradation exist in California and elsewhere. The Water Boards are mandated to prevent such degradation.

Response to Comment 1-7:

Comment defines types of water quality impacts and degradation that can result from projects; and the Regional Board's mandate to protect water quality.

The Reclamation Plan for removal of iron ore tailings does not have the potential to result in:

- Direct physical impacts of filling and excavation on wetlands, riparian areas, and other waters as there will be no fill or excavation within any water resource areas;
- Generation of urban pollutants as no pollutants are associated with the stockpile removal;
- Alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector systems as no impervious surfaces will result and no stormwater collection system are proposed; or
- Disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity as none of these functions occur on-site or in the vicinity.

Comment 1-8:

The Project area may include marked (blue line) and unmarked surface waters that are either waters of the U.S. or waters of the State. Surface waters include, but are not limited to, drainages, streams, washes, ponds, pools, or wetlands, and may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the U.S. Army Corps of Engineers (USACE).

The MND does not provide specific information regarding impacts to surface water resources. The environmental document needs to quantify these impacts and discuss the purpose of the Project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances, and mitigation). We request that measures be incorporated into the Project to avoid surface waters and to provide buffer zones where possible. If the proposed Project impacts and alters drainages, then we request that the Project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible.

BMPs are used to reduce pollutants in runoff to waters of the State. The environmental document must specifically describe BMPs and their role in mitigation of Project impacts. Please include both on-site and off-site stormwater management strategies and BMPs as part of the planning process. Keep in mind that mitigation must protect functions and values and that measures to eliminate or reduce potential impacts must be identified and discussed in the environmental document. For more information regarding mitigation, see the Basin Plan, which can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

Response to Comment 1-8:

The stockpiles of iron ore tailings cover a ridgeline area of the Kingston Range with elevations ranging from 4,950' above sea level to 5,150' feet above sea level. Drainages that are located below the stockpiles are to the north, east, and south, and likely traversed the site prior to the stockpiles existence. It appears that these drainages are eventually tributary to the Armagosa River. However, a jurisdictional delineation was not conducted because the hydrologic features of these drainages will not be altered by the Reclamation Plan.

Disturbance of the drainages will be avoided until the stockpiles are completely removed (estimated at 10 years) at which time, the tailings area will be graded back to the original surface grade. Drainage courses may naturally realign themselves following the change in topography to pre-stockpiling conditions.

Comment 1-9:

Reclamation Plan

The description of the reclamation includes plans for grading such that drainage will flow eastward into existing drainages north and south of the existing road. No slopes will remain on site. No figures were presented to demonstrate this plan. Additionally, a hydrology study was not presented to demonstrate that the existing drainages will be able to accommodate the additional volume of water that will be added to the existing drainages without scouring. The text in Figure 4, Reclamation Plan for Beck Mine Mill Sites Tailings Removal, is very small so as to be unreadable. Please provide a plan that is readable demonstrating the final grading of the reclaimed area.

Response to Comment 1-9:

A copy of the Reclamation Plan is attached inclusive of exhibits that are more legible than those included in the IS. The Reclamation Plan Sheet 1 of 1 shows the existing site grade and final grade at completion of reclamation. There will be no increase in drainage flows during stockpile removal or at project completion and therefore a Hydrology Study was not completed.

Comment 1-10:

CLOSING

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the BMPs and other mitigation measures used to mitigate Project impacts.

Response to Comment 1-10:

The IS/MND did not include mitigation measures because no significant impacts were identified. Please see responses to comments above.

COMMENT FROM THE U.S. FISH & WILDLIFE SERVICE

From: "Carl Benz@fws.gov" <Carl_Benz@fws.gov>
To: Ernest Perea <ernestperea@ymail.com>
Sent: Tuesday, July 3, 2012 10:48 AM
Subject: Comments on Mitigated Negative Declaration for Becks Mine and Reclamation Plan

Dear Mr. Perea:

You asked that I review and comment on the San Bernardino County Draft Initial Study / Mitigated Negative Declaration for the Becks Mine and Reclamation Plan. My comments are limited to the discussion Section IV. Biological Resources; specifically, my comments are regarding mitigation measures presented on pages 17 and 18.

We suggest that the document clarifies that this project occurs on land managed by the Bureau of Land Management (BLM) and therefore the BLM must consult with the Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act of 1973, as amended. And that through consultation and the issued biological opinion, the Fish and Wildlife Service can authorize biologists to handle desert tortoise. Without a biological opinion, the Service cannot provide this authorization.

Page 17 and Page 18 BIO-2 paragraph. These paragraphs should include a statement that authorization of biologists will be in accordance with the biological opinion issued by the Service to the BLM for this project. (Or something like that.)

Thank you for the opportunity to comment. We appreciate the attention you are giving to the conservation of desert tortoise and other sensitive desert resources.

If you have any questions, I can be reached at the phone number below. If you need a more detailed letter, I can provide that at a later time.

Sincerely,

Carl

=====

Carl T. Benz
Assistant Field Supervisor
Ventura Fish and Wildlife Office
2493 Portola Rd., Suite B
Ventura, CA 93003

805-644-1766 Ext. 311

Response to the U.S. Fish & Wildlife Service

According to the Bureau of Land Management's Environmental Assessment conducted for the site, the Mojave population of the desert tortoise (*Gopherus agassizii*) is listed as a threatened species by both the US Fish and Wildlife Service and the State of California. Given the lack of suitable habitat and the elevation of the site, the likelihood of encounters with desert tortoise is minimal. However, in accordance with the approved Plan of Operations Conditions of Approval (Refer Appendix B of The Reclamation Plan), the operator shall implement the following precautions in order to avoid impacts to the desert tortoise (BLM Condition numbers listed):

18. *The operator is responsible for informing all personnel about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, and protocols for dealing with tortoises if and when they are encountered) and the definition of "take".*
19. *Only biologists authorized by the USFWS and the BLM shall handle desert tortoises.*
20. *All personnel shall inspect for desert tortoises under vehicles prior to moving the vehicles. If a desert tortoise is present, participants shall wait for the tortoise to move out from under the vehicle prior to moving the vehicle. Any tortoise crossing a road will be left alone as it crosses.*
21. *All personnel shall follow all posted speed limits. Vehicle speeds shall not exceed 20 miles per or through tortoise habitat.*
22. *Except as explicitly stated in the plan of operations, cross country vehicle use by mine employees is prohibited during both work and non-work hours.*
23. *All trash and food items shall be promptly contained within closed in raven-proof containers. These shall be regularly removed from the project site to reduce attractiveness of the area to ravens and other tortoise predators.*
24. *In the event a desert tortoise is injured or killed, the field contact representatives will be notified immediately, who in turn will contact the BLM wildlife biologist in Needles at 760.326.7060/7011 or through Dispatch at 909.383.5652. If the wildlife biologist is not available, the U.S. Fish and Wildlife Service Law Enforcement*

Branch will be notified at 310.328.6307. The injured desert tortoise will be taken to the nearest veterinarian for treatment. Costs incurred will be the responsibility of the Operator. The site is not Desert Tortoise habitat as determined by the BLM based on their Environmental Assessment and biological review of the project by their biologist. The BIO-2 mitigation measure as well as the other biological mitigation measures are purely listed as precautionary measures in the event a Desert Tortoise is encountered and that if a Desert Tortoise is encountered that only an "authorized" biologist can handle it. No employee is simply allowed to move it so they add this measure. DT education will be provided to all employees per BIO-1. The MM BIO-2 can be revised per the FWS comment below but neither the BLM or Beck are required to consult or obtain a take permit since the site is not habitat. FWS service is just stating the obvious about "authorized" biologist.

Consultation with the BLM is not required since the site does not contain suitable habitat nor is it inhabited by desert tortoise. The above described conditions are purely listed as precautionary measures in the event a desert tortoise is possibly encountered.



PLANNING DIVISION

385 N. Arrowhead Avenue, San Bernardino, CA 92415-0182
(909) 387-8311 Fax (909) 387-3223
<http://www.sbcounty.gov/landuseservices>

CHRISTINE KELLY
Director

July 6, 2012

Beth Hendrickson, Reclamation Unit Manager
Office of Mine Reclamation (OMR)
801 K Street –MS 09-06
Sacramento, CA 95814-3529

RE: 30-Day Notification of Public Hearing for the Beck Millsites Tailings Removal Reclamation Plan and Response to OMR Comments - Application No. P 201100527

Dear Ms. Hendrickson:

This letter is in response to your comment letter dated March 8, 2012. The County Land Use Services Department has considered and accepts the comments offered by OMR, and presents the following responses to facilitate approval of a final reclamation plan for the Beck Millsites Tailings Removal Site. The final texts and maps will be made complete upon approval of the project, incorporating any conditions imposed by the County Planning Commission.

Please note that the operator will be Beck Mine, LLC, which is controlled by US Iron, LLC and that the County has been notified of this on March 21, 2012.

The following provides the County’s response to comments from OMR’s letter defined by page and paragraph as well as topic heading to correspond to OMR’s letter.

Comment page 1, paragraph 2:

The Plan of Operations (POO) was approved by the Bureau of Land Management (BLM) in November of 2011 and a copy is enclosed as part of this submittal. The reclamation plan for the project must be approved by San Bernardino County prior to commencement of any surface mining operations at the site. However, during the site visit, OMR observed that tailings were already being removed and taken to the processing area. **This constitutes illegal surface mining operations that should be ceased immediately.**

Response to Comment:

The operator has removed material from the existing disturbed tailings stockpiles to conduct testing of the material for its plant operations at the Beck Iron Mine site and for product quality. Much of the material at the plant site is from existing stockpiles in-place at the plant site upon US Iron’s leasing the site from Standard Industrial Minerals, Inc. on April 3, 2010 and from the legal removal of material from the Beck Iron Mine quarries. Contrary to OMR’s statement on page 2, paragraph 3, there is an approved Reclamation Plan for the mine and plant site (#98M-06) (not including the tailings site), which does not expire until July 25, 2028. This Reclamation Plan was recently reviewed by the County on February 14, 2011 (copies were provided to OMR) in order to transfer ownership to US Iron.

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
BRAD MITZELFELT..... First District NEIL DERRY Third District
JANICE RUTHERFORD..... Second District GARY C. OVITT..... Fourth District
JOS E GONZALES..... Fifth District

At this time, Beck Mine, LLC has provided updated financial assurances for the Beck Iron Mine payable to the County and OMR in the amount of \$194,820 in the form of a two Certificates of Deposit and payable to the Dept. of Conservation, Office of Mine Reclamation, and the County (previously provided to OMR by the County). The approved Reclamation Plan, recent correspondence approving the transfer of ownership, and the financial mechanism are in place.

This amount is the total Financial Assurance Cost Estimate (FACE) required for the Beck Iron Mine of \$194,820 per Condition of Approval No. 21 and the Financial Assurance Cost Estimate dated January 21, 2011 prepared by Standard Industrial Minerals and George Webber. Note that this FACE has been updated prior to June 30, 2012 as required by SMARA's annual report regulations and will be under review by the County and OMR.

On April 18, 2012, the County, BLM, Beck Mine representatives, and Lilburn Corporation met onsite to discuss the two sites. Per agreement from both the County and the BLM, Beck Mine, acting in good faith, subsequently deposited CD (No. 8251907831) for the Beck Millsites Tailings Removal project for the amount of \$78,483 payable to the Dept. of Conservation, Office of Mine Reclamation, the County of San Bernardino, and the BLM prior to approval of the Reclamation Plan in response to surface disturbance of the site..

Please note that the County is currently reviewing the Beck Millsites Tailings Reclamation Plan and has completed circulation of a IS/MND and has scheduled a Planning Commission public hearing on the Reclamation Plan on August 9, 2012. At that time, the FACE may be updated per review by OMR and the County and an approved Reclamation Plan will be provided to the BLM and OMR. The FACE is also subject to annual review by these agencies and the BLM.

Comment page 1, paragraph 3 and page 2, paragraphs 1, 2, & 3

According to the Surface Mining and Reclamation Act of 1975 (SMARA) section 2735 definitions, "Surface mining operations" means all, or any part of, the process involved in mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining

operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

According to this definition, this is clearly a single surface mining operation. The tailings are to be taken to the Beck Mine processing area and the post-processing waste will be backfilled into the existing Beck Mine pits.

CCR section 3502(d) states that each surface mining operation shall have no more than one approved reclamation plan applicable to that operation. The current submittal applies to the 20-acre area where tailings were stockpiled and will be removed, but does not cover the processing area or the remainder of the 720-acre mine property. The first page of the POO states: "This area will be incorporated into the current mining/reclamation plan, 98M-06, and approved by the County. ...The Beck Mine Mining /Reclamation Plan is under separate book and cover."

According to OMR's files, Reclamation Plan #98M-06 expired in 1990 so there is no valid reclamation plan covering the Beck Mine; therefore the Beck Mine is an abandoned mine. The operator must be told to cease and desist all surface mining operations until the amended reclamation plan is approved. A reclamation plan must be prepared covering the entire operation with a sub-section titled "Iron Gossan #8 Tailings Removal Project" where the contents of this reclamation plan would be inserted. This reclamation plan must be resubmitted for review and approval before surface mining operations can commence.

Response to Comments:

There is an approved Reclamation Plan for the vested mine (quarries defined as Iron Gossan #2 and #5) and the plant site (#98M-06) (not including the tailings site), which does not expire until July 25, 2028 as discussed above. These areas are located entirely on private lands and are under the jurisdiction of the County. The proposed tailings removal site of approximately 20 acres is located on federally managed lands under the jurisdiction of the Bureau of Land Management (BLM) approximately 1.5 miles east of the existing quarry and plant site. The BLM requested that the applicant record five mill sites to incorporate the tailings areas over the existing Iron Gossan #8 claim. (Note that this is the reason the project site has various names which will be revised in the final Reclamation Plan.)

The BLM in their Decision Record and Environmental Assessment (EA) approved the Beck Mine Iron Gossan #8 Millsite Tailings Removal POO for the removal and transport of the tailings to the Beck Iron Mine processing plant and reclamation of the site on November 21, 2011.

During the BLM review process, the County determined that a separate reclamation plan for the mill sites would be appropriate and prudent due to the following:

- Differences in the vested operations of the plant and quarry under County jurisdiction and an existing Reclamation Plan as compared to the mill sites under BLM jurisdiction with its own Plan of Operations and set of conditions;
- Need for the BLM to have a specific reclamation plan per SMARA for the BLM approved POO area only;
- Physical 1.5-mile separation of the mill sites and quarry/plant;
- Differences in time frames of the two separate operations; and
- Complexities of having only one financial assurance that would need to split out the costs and amounts for the mill sites and these costs payable to the BLM as well.

Please note the following in response to other comments above:

- There will be minimal post-processing waste from the tailings processing at the plant; any waste will be non-iron materials (dirt and silts) that will be trucked back to the mill sites and used for additional soil for revegetation as stated in Section 2.10 on page 16 of the Reclamation Plan. There will be no post-processing waste from the mill sites used to backfill the existing Beck Iron Mine pits.
- The statement in the POO that the area would be incorporated into the existing Beck Iron Mine Reclamation Plan was a relic of initial thoughts within the submitted POO on how the reclamation plan was to be processed and is not applicable.
- Again Reclamation Plan #98-06 covering the quarries and plant site is valid and does not expire until July 25, 2028. This was recently reviewed and approved by the County on February 14, 2011 along with updated financial assurances payable to the County and OMR in the amount of \$194,820 in the form of Certificates of Deposit and payable to the DOC OMR and the County. This will be updated prior to June 30, 2012 and submitted with the site's annual report.

Comment page 2, paragraph 5

Mining Operation and Closure

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

The names used on the various documents need to be revised in order to be consistent. Various titles currently on the documents are: "Beck Mine Tailings Removal Site", "Beck Mine Mill Tailing Removal", "Beck Mill Tailings Removal Project", "Beck Mine Mill Site Tailings Removal", and "Beck Mine Iron Gossan #8 Millsite Tailings Removal". The POO is titled "Plan of Operations for Iron Gossan # 8, Beck Mine."

Response to Comment:

As discussed above, the title of the proposed POO and Reclamation Plan changed over time and the final Reclamation Plan will be revised to "Beck Millsites Tailings Removal Reclamation Plan."

Comment page 2, paragraph 6

SMARA section 2772(c)(2) requires that the reclamation plan include a description of the quantity and type of minerals to be mined. Page 3 of the Mining/Reclamation Summary Form gives the maximum yearly production as 150,000 tons while the reclamation plan states on page 6 that annual production will be up to 250,000 tons. One of these figures needs to be revised for consistency.

Response to Comment:

The Mining/Reclamation Summary should state 150,000 cy per year which equates to a maximum of approximately 400,000 tons per year with an average annual production of 250,000 tons. The final Reclamation Plan will be revised as needed.

Comment page 3, paragraph 1

SMARA section 2772(c)(5) requires that the reclamation plan include a map with boundaries and information pertinent to the reclamation of the site. The plot plan for this site should clearly show boundaries of active and future mining areas, topographic details, geology, streams, utilities, haul roads, and stockpile areas (topsoil and material) to scale. The spatial and topographic accuracy of maps on the Reclamation Plan (i.e., Sheet 1 of 1) is questionable because the base map apparently is a 20-times enlargement of the U.S. Geological Survey's 7.5-Minute Quadrangle. The 7.5-minute quadrangle series are prepared to depict spatial and topographic features at a scale of 1:24,000 (i.e., 1" = 2000'). The maps in the amended reclamation plan are presented at a scale of 1:1,200 (i.e., 1" = 100'). It is doubtful that spatial relationships and topography with a 20-foot contour interval enlarged to 1" = 100' is sufficiently detailed. The preparers should certify the accuracy of the reclamation plan maps by affixing the signature and stamp of a Professional Engineer or Land Surveyor, as appropriate.

Response to Comment:

As stated in the Background section of the Reclamation Plan, the proposed project is unique in that this Reclamation Plan will reclaim a 20-acre site already covered with iron ore tailings deposited historically prior to the enactment of SMARA. The project is the removal of these tailings and the subsequent revegetation of the site back to open space. The plot plan clearly outlines the areas of planned tailings removal and future reclamation areas with a dashed red line and has also provided aerial photographs depicting the tailings area. This outline is the planned "mining" area. The plot plan includes the haul roads, access roads, and stream channels. There will be little to no topsoil stockpile areas and no material stockpiles and the scrapers will transport material directly to the plant site when loaded. There are and will be no utilities onsite. Additional topographic details and geology are not necessary or appropriate for this project. The tailings removal operation is a simple scraping in approximately 6-inch lifts of the sized tailings

that had been historically deposited in existing leveled stockpiles to an estimated and varied depth of up to 30 feet above the original ground surface.

Comment page 3, paragraph 2

Pursuant to the Professional Engineers Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act (Business and Professions Code sections 6700 – 6799, 7800 – 7887, and 8700 – 8805, respectively), all applicable documents shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee. When reviewing documents submitted pursuant to SMARA section 2774, OMR must have confidence that the documents are complete and genuine, and have been prepared by or under the supervision of licensed professionals if and as required by law and regulation. Therefore, at least one copy of all documents which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals bearing an original signature, stamp impression or seal, and date affixed by the author should be submitted to OMR prior to approval. As a quasi-judicial body operating in the public trust, the County of San Bernardino should consider adopting a policy similar to that of the State Mining and Geology Board's Internal Policy on Validating and Accepting Professionally Prepared Reports and Other Documents Submitted for Consideration. The State Mining and Geology Board's policy can be found at: <http://www.conservation.ca.gov/smgb/staffreports2004/May/Documents/0513-3a.pdf>.

Response to Comment:

The County will take into consideration the above suggestion. Plans will be signed or stamped if and as required by law. In the case of this Reclamation Plan that is not applicable.

Comment page 3, paragraph 3

SMARA section 2772(c)(6) requires that the reclamation plan include a time schedule that provides for initiation of reclamation at the earliest possible time on each portion of the mined land that will not be subject to further disturbance. The plan as submitted provides for reclamation to begin only after mining has been completed in 10 years. OMR recommends that the plan be revised to provide for phased reclamation as the tailings are removed from specific areas. The first area to be reclaimed can serve as a test plot (see comment regarding test plots under the Revegetation section).

Response to Comment:

The iron ore tailings are planned to be removed (scraped in 6-inch lifts) in a uniform manner over the entire area of the site, gradually reducing the iron ore tailings down to the original ground surface. As such, no phased reclamation is proposed. The project is expected to be short-lived, no longer than 10 years. However, to provide an area for revegetation test plots under the existing tailings stockpile as recommended by OMR, the applicant will remove said tailings during the first year from an approximately 2 to 3 acre area down to the ground surface in the southwest portion of the site and south of the existing road. This will be added as a condition of approval.

Comment page 3, paragraph 4 and page 4, paragraphs 1 & 2

Hydrology and Water Quality

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

CCR sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean Water Acts as implemented by the Regional Water Quality Control Board and the State Water Resources Control Board. Regulations approved by the State Water Resources Control Board require that a mine site which

discharges storm waters that may have contacted any overburden, raw material, intermediate products, by-products, or waste products on the mine site obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). We recommend that the applicant consult with the Regional Water Quality Control Board to determine if these requirements are applicable to this operation. If the permit and the SWPPP are obtained, the required information, monitoring requirements and water quality standards should be incorporated into the reclamation plan to satisfy erosion and sediment control requirements of SMARA.

CCR section 3706(c) requires the erosion and sedimentation be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations, and SMARA section 2773(a) requires site-specific criteria for evaluating compliance with sediment and erosion control. Activities to mine the tailings could result in offsite erosion and sedimentation, and the amended reclamation plan includes no discussion of sediment and erosion control that would protect adjacent property and drainages. The amended reclamation plan should be revised to include a sediment and erosion control monitoring plan specific to the proposed mine property.

Response to Comment:

The County does not believe that the proposed project will require a general industrial activities storm water permit and a SWPPP; however the County will condition the project to contact the RWQCB to determine if a general industrial activities storm water permit and a SWPPP are applicable to this operation and if so, the required information, monitoring, and standards will be included in the approved Reclamation Plan.

It is not expected that any erosion or sedimentation will occur at the tailings site during their removal due to the very heavy, porous, and larger sized iron ore tailings onsite, lack of fine surface material and low rainfall. Drainage will remain similar to existing conditions in the adjacent areas.

Comment page 4, paragraph 3:

CCR section 3706(e) states that where natural drainages are altered by the mining activity, mitigation measures shall be proposed and specifically approved in the reclamation plan to insure that runoff shall not cause increased erosion or sedimentation. During the site visit, OMR observed several small drainages that were buried by the mine tailings during pre-SMARA mining operations. Some of the drainages were actively eroding and downcutting through the mine tailings. The buried drainages will be partially or wholly exhumed as the mine tailings are removed. The map of final site topography does not show the relict drainage pattern being reestablished, even though the intent of the mining operation is to remove the tailings down to the ground surface that existed prior to deposition of the mine tailings. OMR recommends that the reclamation plan be revised to show how the drainage pattern will be reestablished in a non-erosive manner.

Response to Comment:

Since the site is covered with tailings, the pre-tailings conditions have been completely altered. On page 16 of the Plan, it states that the tailings will be removed and the site will be graded to near the original contours with sheet flow draining towards the east and eventually entering the drainage that is located along the southeast portion of the site. It is expected that the onsite runoff will eventually create its own natural drainage channels across the site to the existing eastern drainage. The final Reclamation Plan will be revised to include the potential location of a drainage channel from the northeast corner to the eastern drainage. The site will also be stabilized through revegetation.

Comment page 4, paragraph 4 and seed mix table on page 5:

Resoiling and Revegetation

(Refer to SMARA section 2773, CCR sections 3503, 3704, 3705, 3707, 3711)

CCR section 3705(b) requires test plots to be conducted simultaneously with mining to determine the most appropriate planting procedures. We recommend that test plots be conducted to test the feasibility of the proposed revegetation methods. The first area to be cleared of tailings can be treated as a test plot

OMR recommends the following changes to the seed mix based on our site visit, the species list, and our experience with mine reclamation. The changes are summarized in the table below.

- Reduce pounds per acre of sagebrush (*Artemisia tridentata*) and Ephedra (*Ephedra* sp.).
- Increase pounds per acre of snakeweed (*Gutierrezia sarothrae*)
- Remove yucca (*Yucca* sp.) from the list
- Add more early successional species: desert mallow (*Sphaeralcea ambigua*), California buckwheat (*Eriogonum fasciculatum*), perennial grasses, and Mojave aster (*Xylorhiza*

tortifolia). These species will establish more quickly than the climax species and provide some erosion control, as is alluded to on page 13.

Response to Comment:

US Iron will remove the tailings to the original ground surface in the southwest portion of the site, south of the road in a 2 to 3-acre area, in order to create test plots. The final Reclamation and Revegetation Plans and the seed list will be revised as recommended above and as stated in the table below provided by OMR. County staff is in agreement with OMR and the Reclamation Plan (Plan) shall be revised accordingly.

Beck Mine Mill Site Recommended Seed Mix:

Common name	Latin name	Pounds PLS per acre
Sagebrush	<i>Artemisia tridentata</i>	1
Black bush	<i>Coleogyne ramosissima</i>	1
Ephedra	<i>Ephedra sp.</i>	1
Interior goldenbush	<i>Ericameria linearifolia</i>	2
Rubber rabbitbrush	<i>Ericamera nauseosus</i>	4
Snakeweed	<i>Gutierrezia sarothrae</i>	2
Desert almond	<i>Prunus fasciculata</i>	2
Antelope bush	<i>Purshia tridentata</i>	2
California buckwheat	<i>Eriogonum fasciculatum</i>	3
Desert mallow	<i>Spharalcea ambigua</i>	2
Indian rice grass	<i>Acnatherum hymenoides</i>	2
Big galleta	<i>Pleuraphis rigida</i>	2
Mojave aster	<i>Xylorhiza tortifolia</i>	1
Total		25

Comment page 5, paragraph 2:

- OMR recommends the following changes to the revegetation performance standards:
- It should be clearly stated that the standards apply to a specific spatial unit and to native perennial species. In Table 3, an asterisk placed after the numbers for density and species richness under the Baseline column refers to a note "per 100 m² plot". OMR recommends that this unit, or another unit that will be used for monitoring purposes, be added to the success criteria fields as shown in the table below.
 - The standard for species richness is too low. Given the high botanical diversity of the site and the number of species in the seed mix (13), a value of 5 is reasonable.

Beck Mine Mill Site Recommended Revegetation Success Criteria:

	Baseline	Success criteria
Cover	44.6%	20% cover of native perennials
Density	44.7 per 100 m ²	20 native perennials per 100 m ²
Species richness/diversity	5 per 100 m ²	5 native perennials per 100 m ²

Response to Comment:

County staff is in agreement with OMR and the Final Reclamation Plan (Plan) shall be revised accordingly.

Comment page 5, paragraph 3:

CCR section 3705(c) requires that where surface mining activities result in the compaction of the soil; ripping, discing or other means should be used in areas to be revegetated to eliminate compaction and establish a suitable root zone in preparation for planting. On pages 10 and 13, the reclamation plan states that areas to be reclaimed will be ripped to a depth of one foot. OMR recommends deeper ripping and cross-ripping - between 18 to 36 inches - to enhance infiltration of precipitation and establishment of native shrubs. Leaving the ripped surface in a highly roughened state also aids revegetation success.

Response to Comment:

County staff agrees with OMR and the Final Reclamation Plan shall be revised accordingly.

Comment page 6, paragraph 1:

Administrative Requirements

(Refer to SMARA sections 2772, 2773, 2774, 2776, 2777, Public Resources Code section 21151.7)

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

Response to Comment:

This letter acts as the County's 30-day SMARA notification and review requirements. San Bernardino County is hereby providing 30-day notification to the Dept. of Conservation, Office of Mine Reclamation (OMR) that the public hearing to hear the Beck Millsites Tailings Removal Site Reclamation Plan - Application No. P 201100527 will be held before the San Bernardino County Planning Commission on August 9, 2012 at 9:00 a.m. at 385 N. Arrowhead Ave., 1st Floor, San Bernardino, CA 92415 in the Covington Chambers.

Please consider the responses in this letter to attain the objectives provided in Public Resources Code Section 2712. If you have any questions, please contact me at (909) 387-4518.

Sincerely,



TERRI RAHHAL, Planning Manager



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

OFFICE OF MINE RECLAMATION

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

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

March 8, 2012

VIA EMAIL: gkenline@lusc.sbcounty.gov
ORIGINAL SENT BY MAIL

George Kenline
 San Bernardino County
 Land Uses Services Department
 385 North Arrowhead Avenue
 San Bernardino, CA 92415-0182

Dear Mr. Kenline :

RECLAMATION PLAN FOR BECK MINE TAILINGS REMOVAL CALIFORNIA MINE ID# 91-36-0050

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the reclamation plan for the proposed Beck Mine Tailings Removal Project dated December 2011. The applicant, US Iron, is proposing to remove iron ore tailings on a 20-acre project site for a period of 10 years. The applicant estimates that approximately 150,000 cubic yards of material will be removed annually, for a total of 880,000 cubic yards. The proposed project site is approximately 20 miles southeast of Tecopa near Tecopa Pass in the Kingston Mountains. OMR staff conducted a site visit on February 9, 2012 to discuss reclamation issues.

The Plan of Operations (POO) was approved by the Bureau of Land Management (BLM) in November of 2011 and a copy is enclosed as part of this submittal. The reclamation plan for the project must be approved by San Bernardino County prior to commencement of any surface mining operations at the site. However, during the site visit, OMR observed that tailings were already being removed and taken to the processing area. **This constitutes illegal surface mining operations that should be ceased immediately.**

According to the Surface Mining and Reclamation Act of 1975 (SMARA) section 2735 definitions, "Surface mining operations" means all, or any part of, the process involved in mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining

operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

According to this definition, this is clearly a single surface mining operation. The tailings are to be taken to the Beck Mine processing area and the post-processing waste will be backfilled into the existing Beck Mine pits.

CCR section 3502(d) states that each surface mining operation shall have no more than one approved reclamation plan applicable to that operation. The current submittal applies to the 20-acre area where tailings were stockpiled and will be removed, but does not cover the processing area or the remainder of the 720-acre mine property. The first page of the POO states: "This area will be incorporated into the current mining/reclamation plan, 98M-06, and approved by the County. ...The Beck Mine Mining /Reclamation Plan is under separate book and cover."

According to OMR's files, Reclamation Plan #98M-06 expired in 1990 so there is no valid reclamation plan covering the Beck Mine; therefore the Beck Mine is an abandoned mine. The operator must be told to cease and desist all surface mining operations until the amended reclamation plan is approved. A reclamation plan must be prepared covering the entire operation with a sub-section titled "Iron Gossan #8 Tailings Removal Project" where the contents of this reclamation plan would be inserted. This reclamation plan must be resubmitted for review and approval before surface mining operations can commence.

SMARA (Public Resources Code section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments prepared by Leah Gardner, Restoration Ecologist, and John Wesling, Senior Engineering Geologist, are offered to assist in your review of this project. We recommend that the reclamation plan be revised and/or supplemented to fully address these items.

Mining Operation and Closure

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

The names used on the various documents need to be revised in order to be consistent. Various titles currently on the documents are: "Beck Mine Tailings Removal Site", "Beck Mine Mill Tailing Removal", "Beck Mill Tailings Removal Project", "Beck Mine Mill Site Tailings Removal", and "Beck Mine Iron Gossan #8 Millsite Tailings Removal". The POO is titled "Plan of Operations for Iron Gossan # 8, Beck Mine."

SMARA section 2772(c)(2) requires that the reclamation plan include a description of the quantity and type of minerals to be mined. Page 3 of the Mining/Reclamation Summary Form gives the maximum yearly production as 150,000 tons while the reclamation plan states on page 6 that annual production will be up to 250,000 tons. One of these figures needs to be revised for consistency.

SMARA section 2772(c)(5) requires that the reclamation plan include a map with boundaries and information pertinent to the reclamation of the site. The plot plan for this site should clearly show boundaries of active and future mining areas, topographic details, geology, streams, utilities, haul roads, and stockpile areas (topsoil and material) to scale. The spatial and topographic accuracy of maps on the Reclamation Plan (i.e., Sheet 1 of 1) is questionable, because the base map apparently is a 20-times enlargement of the U.S. Geological Survey's 7.5-Minute Quadrangle. The 7.5-minute quadrangle series are prepared to depict spatial and topographic features at a scale of 1:24,000 (i.e., 1" = 2000'). The maps in the amended reclamation plan are presented at a scale of 1:1,200 (i.e., 1" = 100'). It is doubtful that spatial relationships and topography with a 20-foot contour interval enlarged to 1" = 100' is sufficiently detailed. The preparers should certify the accuracy of the reclamation plan maps by affixing the signature and stamp of a Professional Engineer or Land Surveyor, as appropriate.

Pursuant to the Professional Engineers Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act (Business and Professions Code sections 6700 – 6799, 7800 – 7887, and 8700 – 8805, respectively), all applicable documents shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee. When reviewing documents submitted pursuant to SMARA section 2774, OMR must have confidence that the documents are complete and genuine, and have been prepared by or under the supervision of licensed professionals if and as required by law and regulation. Therefore, at least one copy of all documents which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals bearing an original signature, stamp impression or seal, and date affixed by the author should be submitted to OMR prior to approval. As a quasi-judicial body operating in the public trust, the County of San Bernardino should consider adopting a policy similar to that of the State Mining and Geology Board's Internal Policy on Validating and Accepting Professionally Prepared Reports and Other Documents Submitted for Consideration. The State Mining and Geology Board's policy can be found at:
<http://www.conservation.ca.gov/smgb/staffreports2004/May/Documents/0513-3a.pdf>.

SMARA section 2772(c)(6) requires that the reclamation plan include a time schedule that provides for initiation of reclamation at the earliest possible time on each portion of the mined land that will not be subject to further disturbance. The plan as submitted provides for reclamation to begin only after mining has been completed in 10 years. OMR recommends that the plan be revised to provide for phased reclamation as the tailings are removed from specific areas. The first area to be reclaimed can serve as a test plot (see comment regarding test plots under the Revegetation section).

Hydrology and Water Quality

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

CCR sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean Water Acts as implemented by the Regional Water Quality Control Board and the State Water Resources Control Board. Regulations approved by the State Water Resources Control Board require that a mine site which

discharges storm waters that may have contacted any overburden, raw material, intermediate products, by-products, or waste products on the mine site obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). We recommend that the applicant consult with the Regional Water Quality Control Board to determine if these requirements are applicable to this operation. If the permit and the SWPPP are obtained, the required information, monitoring requirements and water quality standards should be incorporated into the reclamation plan to satisfy erosion and sediment control requirements of SMARA.

CCR section 3706(c) requires the erosion and sedimentation be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations, and SMARA section 2773(a) requires site-specific criteria for evaluating compliance with sediment and erosion control. Activities to mine the tailings could result in offsite erosion and sedimentation, and the amended reclamation plan includes no discussion of sediment and erosion control that would protect adjacent property and drainages. The amended reclamation plan should be revised to include a sediment and erosion control monitoring plan specific to the proposed mine property.

CCR section 3706(e) states that where natural drainages are altered by the mining activity, mitigation measures shall be proposed and specifically approved in the reclamation plan to insure that runoff shall not cause increased erosion or sedimentation. During the site visit, OMR observed several small drainages that were buried by the mine tailings during pre-SMARA mining operations. Some of the drainages were actively eroding and downcutting through the mine tailings. The buried drainages will be partially or wholly exhumed as the mine tailings are removed. The map of final site topography does not show the relict drainage pattern being reestablished, even though the intent of the mining operation is to remove the tailings down to the ground surface that existed prior to deposition of the mine tailings. OMR recommends that the reclamation plan be revised to show how the drainage pattern will be reestablished in a non-erosive manner.

Resoiling and Revegetation

(Refer to SMARA section 2773, CCR sections 3503, 3704, 3705, 3707, 3711)

CCR section 3705(b) requires test plots to be conducted simultaneously with mining to determine the most appropriate planting procedures. We recommend that test plots be conducted to test the feasibility of the proposed revegetation methods. The first area to be cleared of tailings can be treated as a test plot.

OMR recommends the following changes to the seed mix based on our site visit, the species list, and our experience with mine reclamation. The changes are summarized in the table below.

- Reduce pounds per acre of sagebrush (*Artemisia tridentata*) and Ephedra (*Ephedra* sp.).
- Increase pounds per acre of snakeweed (*Gutierrezia sarothrae*)
- Remove yucca (*Yucca* sp.) from the list
- Add more early successional species: desert mallow (*Spharalcea ambigua*), California buckwheat (*Eriogonum fasciculatum*), perennial grasses, and Mojave aster (*Xylorhiza*

tortifolia). These species will establish more quickly than the climax species and provide some erosion control, as is alluded to on page 13.

Beck Mine Mill Site Recommended Seed Mix:

Common name	Latin name	Pounds PLS per acre
Sagebrush	<i>Artemisia tridentata</i>	1
Black bush	<i>Coleogyne ramosissima</i>	1
Ephedra	<i>Ephedra sp.</i>	1
Interior goldenbush	<i>Ericameria linearifolia</i>	2
Rubber rabbitbrush	<i>Ericamera nauseosus</i>	4
Snakeweed	<i>Gutierrezia sarothrae</i>	2
Desert almond	<i>Prunus fasciculata</i>	2
Antelope bush	<i>Purshia tridentata</i>	2
California buckwheat	<i>Eriogonum fasciculatum</i>	3
Desert mallow	<i>Spharalcea ambigua</i>	2
Indian rice grass	<i>Acnatherum hymenoides</i>	2
Big galleta	<i>Pleuraphis rigida</i>	2
Mojave aster	<i>Xylorhiza tortifolia</i>	1
Total		25

OMR recommends the following changes to the revegetation performance standards:

- It should be clearly stated that the standards apply to a specific spatial unit and to native perennial species. In Table 3, an asterisk placed after the numbers for density and species richness under the Baseline column refers to a note "per 100 m² plot". OMR recommends that this unit, or another unit that will be used for monitoring purposes, be added to the success criteria fields as shown in the table below.
- The standard for species richness is too low. Given the high botanical diversity of the site and the number of species in the seed mix (13), a value of 5 is reasonable.

Beck Mine Mill Site Recommended Revegetation Success Criteria:

	Baseline	Success criteria
Cover	44.6%	20% cover of native perennials
Density	44.7 per 100 m ²	20 native perennials per 100 m ²
Species richness/diversity	5 per 100 m ²	5 native perennials per 100 m ²

CCR section 3705(c) requires that where surface mining activities result in the compaction of the soil; ripping, discing or other means should be used in areas to be revegetated to eliminate compaction and establish a suitable root zone in preparation for planting. On pages 10 and 13, the reclamation plan states that areas to be reclaimed will be ripped to a depth of one foot. OMR recommends deeper ripping and cross-ripping - between 18 to 36 inches - to enhance infiltration of precipitation and establishment of native shrubs. Leaving the ripped surface in a highly roughened state also aids revegetation success.

Administrative Requirements

(Refer to SMARA sections 2772, 2773, 2774, 2776, 2777, Public Resources Code section 21151.7)

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

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.

Sincerely,



Beth Hendrickson, Manager
Reclamation Unit

cc: Ken Trott
Reporting, Compliance, and Review Unit

EXHIBIT G

RECLAMATION SITE PLAN (FULL-SIZE)

THIS PAGE INTENTIONALLY LEFT BLANK