



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 19, 2018

AGENDA ITEM #3

Project Description

APN: 0424-171-16
Applicant: Hi-Grade Materials Company
Community: Daggett/1st Supervisorial District
Location: North side of Interstate 40, 1/4 mile west of Nebo Street
Project No: AP20170001
Staff: Reuben J. Arceo
App Rep: Lori Clifton
Proposal: Mining Conditional Use Permit and Reclamation Plan proposal by Hi-Grade Materials to allow mining and incorporate drainage improvements on 62.4 acres. The NEBO Pit will be mined for 40 years. Up to 500,000 tons of sand and gravel will be excavated annually, and approximately 14 million tons of aggregate will be extracted over the 40-year operating period of the mining operation.

Vicinity Map



9 Hearing Notices were sent on: April 6, 2018

Report Prepared by: Reuben J. Arceo

SITE INFORMATION

Project Size: 62.4 Acres
Terrain: Generally flat Mojave Desert alluvial terrain with mountain ridges south of the site.
Vegetation: Desert scrub, creosote bush, buckwheat and brome grasses.

SURROUNDING LAND DESCRIPTION:

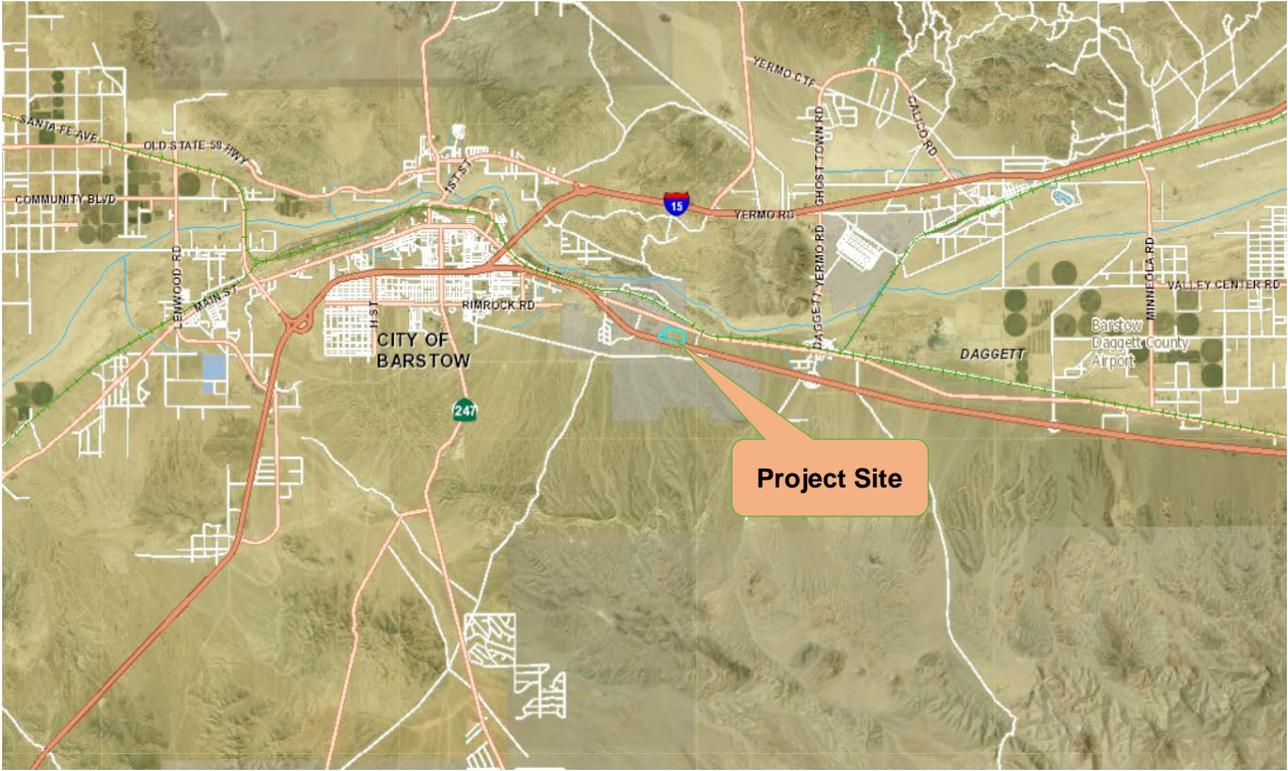
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant, Historic Quarry	Resource Conservation (RC), Highway Commercial (CH)
North	Marine Corps Logistics Base	City of Barstow, Military Zone (MZ)
South	Vacant/Undeveloped	Highway Commercial (CH)
East	Vacant/Undeveloped	Resource Conservation (RC)
West	Vacant/Undeveloped	City of Barstow, Military Zone (MZ)

AGENCY

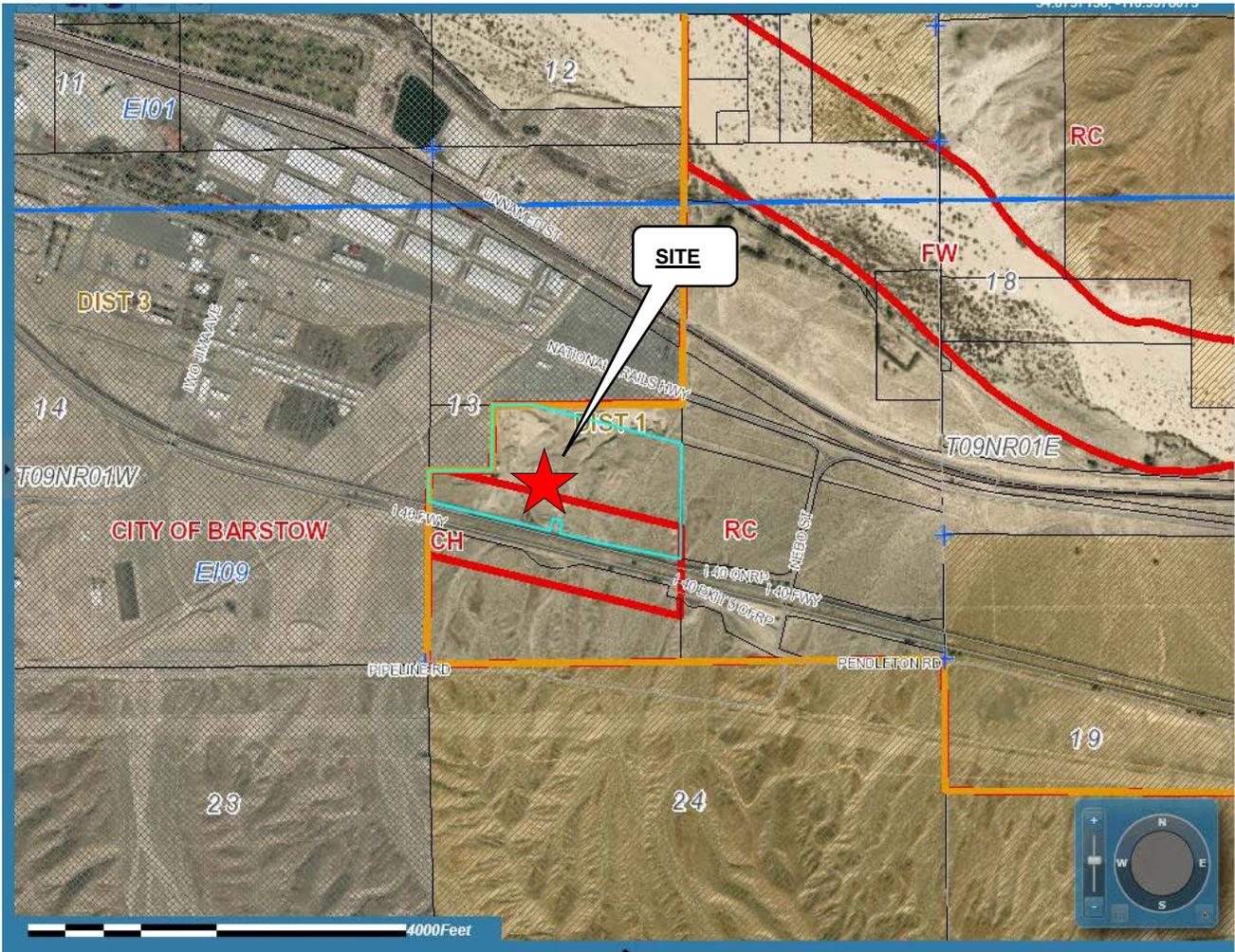
City Sphere of Influence: None
 Water Service: Well and Bottled water for employees
 Sewer Service: Portable Toilets

STAFF RECOMMENDATION: That the Planning Commission ADOPT the Mitigated Negative Declaration, ADOPT the Findings, and APPROVE the revised Mining Conditional Use Permit and Reclamation Plan 2017-01 subject to the attached Conditions of Approval and FILE the Notice of Determination. 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 after the Planning Commission hearing.

VICINITY MAP
Hi-Grade Materials – Nebo Mine



OFFICIAL LAND USE DISTRICT MAP
ZONING DESIGNATION
Resource Conservation (RC)
Figure 1



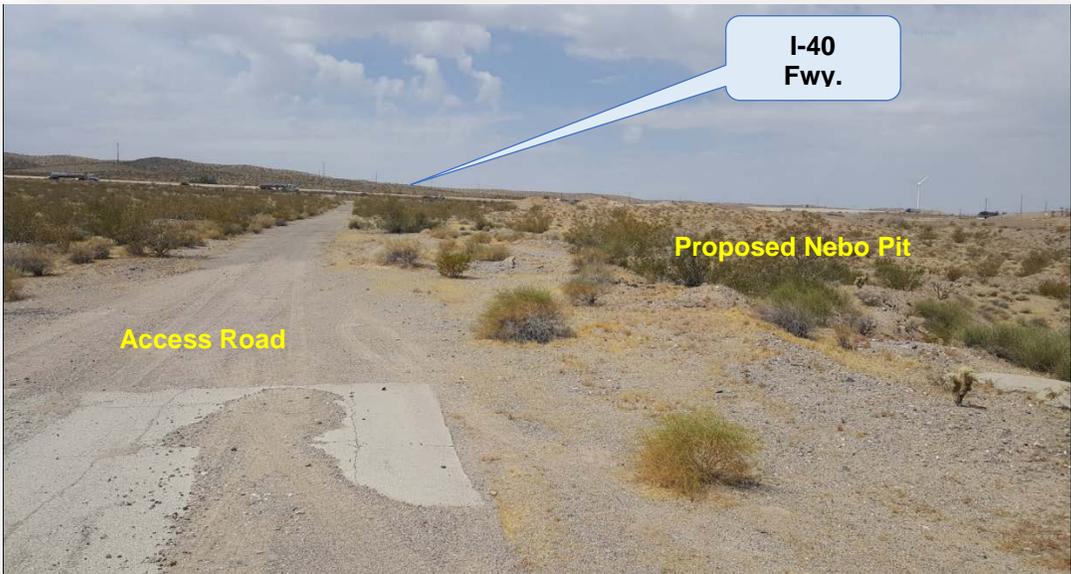
Reclamation Plan Hi-Grade Materials – Nebo Mine Figure 3



SITE PHOTOS
Nebo Mine
West View I-40 Freeway



Nebo Mine



Aerial View
Nebo Mine



East View along I-40 Freeway



Nebo Mine
North Across View



Geology Profile



PROJECT DESCRIPTION AND BACKGROUND:

Project. Approval of the proposed project (“Project” or “Nebo Mine”) will establish a Conditional Use Permit (CUP) and Reclamation Plan for a mining and reclamation plan and a drainage basin on 62.4 acres of privately owned land, zoned Resource Conservation (RC) and Highway Commercial (CH). A drainage basin will be developed within the 20-acre highway commercial-zoned (CH) area that traverses the site east to west as noted in Figure 1 (above). This area is intended to accommodate drainage and a detention basin as shown in Figure 2 (above).

Location/Environmental Setting. The Project site is located in an unincorporated area commonly called Nebo, east of the City of Barstow. The site is situated north of and adjacent to the Interstate 40 corridor. The site is undeveloped and is bordered on the north and west by the Marine Corps Logistics Base Barstow. Elevations range from 2,020 feet to 2,100 feet MSL with the lowest point in the northeast corner. Access to the site will be provided from National Trails Highway then south on an unnamed dirt road that bisects the parcel. A proposed secondary ingress/egress corridor is also located immediately south of I-40 along an existing road. There are no residences or developed recreation in the vicinity of the proposed Project. The parcel has been significantly disturbed due to past mining activities and approximately fifty percent of the native vegetation has been removed. Vacant lands are located immediately to the east and the parcel has been previously utilized for extraction of sand and gravel. Several excavation pits exist in the northwest, northeast and central portion of the site and several buildings are present in the western half of the site. Existing sand and rock quarries within 10 to 20 miles of the Nebo Mine include Best Rock and Robertson’s quarries, ranging in size greater than 40 acres.

Site History. The site is largely disturbed by past unauthorized mining activities, thought to have occurred in the 1970s or 1980s. No reclamation of the mined area occurred. Most of the soils throughout the site have been significantly disturbed by these past mining activities, except for soils in the eastern area, which are composed of relatively undisturbed sandy alluvials.

Mining Operational Parameters. The Nebo Mine operator proposes to mine up to 500,000 tons of sand and gravel aggregates per year for forty (40) years, with an expected average of 125,000 tons per year. During the first year of operation, approximately 500,000 tons will be excavated to supply a CalTrans project which will result in 60-80 truck trips per day. Approximately 10-12 million tons of material may be excavated over the 40-year life of the Project. Mined products will include high quality aggregates for use in concrete, asphalt and general specification construction aggregates to meet regional and local construction demand. No phasing of mining activities is proposed. A portable crushing and screening rock plant will be located as near as practical to the working face of excavation to minimize equipment movement/dust emissions. Onsite excavations will result in slopes not steeper than 2:1 (horizontal:vertical) with a maximum slope height of 100 feet. The volume of truck traffic will depend on the type and duration of various construction market activities. Trucks will include bottom-dump and end-dump haul trucks, concrete mixer trucks, bulk haulers and other miscellaneous trucks.

Table 1: Mine Operations

Quantity	Proposed
Acreage	62.4
Annual Production Rate	Average of 125,000 tons per year
No. of Employees	2
Days of Operation	Seven (7) days per week
Hours of Operation	24 hours per day
Truck Trips	10-20 per day
Operational Mining Period	December 31, 2058 (40 years)

Ore Processing. Sand and gravel aggregate material will be excavated directly from in bank via front-end loader and loaded into haul trucks for delivery to the processing plant or loaded into street legal haul trucks for export offsite. Stock piles of excavated material will be located near the processing plant and fed to the crushing/screening plant. Aggregates will be processed utilizing a semi-portable crushing and screening plant. Material will be fed into the wet process plant using a loader. A series of screens, crushers, and conveyors will comprise the various processing circuits that will produce a variety of aggregate products, depending on the construction project requirements. No blasting or drilling is proposed and no explosive materials will be handled or stored onsite. No flotation, amalgamation, smelting, leaching or other processes are proposed throughout the life of the Project. Mining activities may produce three types of waste: overburden, waste oils/solvents and domestic garbage. Overburden on the Project site primarily will be removed from the surface where it exists, and stockpiled for potential use during revegetation. Water will be acquired via an existing onsite well and will be utilized for dust suppression and aggregate material washing. During processing operations up to 80,000 gallons per day may be required. Over 60% of aggregate wash water will be recycled through a sedimentation pond system. Recycling of process water will reduce fresh water consumption to approximately 30,000 gallons per day. Product stockpiles, quarry roads, and active quarry faces will continue to be periodically wetted to reduce potential wind erosion. Any stockpiles or mined materials that may remain inactive for an extended period of time will be covered with coarse aggregate or planted with native vegetation to prevent wind/water erosion.

Reclamation: The Nebo Reclamation Plan No. 2017M-01, attached as Exhibit D, details the methods, procedures and sequences to be employed to reclaim the disturbed areas as noted in Figure 3, and will establish a monitoring program and financial assurances as required by SMARA to ensure that reclamation is completed in accordance with the approved Reclamation Plan. The goal of the Nebo Mine is to return the site to conditions similar to those surrounding the site consistent with the Resource Conservation Land Use District. Complete reclamation will include:

- Complete removal of all processing/miscellaneous equipment scale/scale house and refuse.
- Final grading of project slopes.
- Mitigation of any potential hazards.
- Revegetation with indigenous species.

Reclamation of disturbed areas will commence as soon as practical after mining has commenced. Final reclamation will occur within five (5) years of the termination of excavation activities and may continue longer if baseline success criteria are not met within that timeframe. Preparation of the site for final reclamation will include removal of any final equipment, final grading of slopes and ripping the surface where applicable. In areas where soil compaction has occurred, such as haul roads and quarry floors, ripping will insure de-compaction to the depth of undisturbed natural soils. The Nebo Mine site will be prepared for revegetation by returning the surface to its original natural contours and scarifying to create optimal conditions for seeding. Revegetation of the site will occur as soon as practical and will follow a series of steps once mining has ceased as cited in the Revegetation Plan Exhibit F. A seed mix consisting of native plant species which are common to the Mojave Desert will be utilized to re-vegetate the site at a rate of approximately 100% coverage to help minimize soil erosion on the site. The site will be graded and shaped in order to restore the sub-grade material to the density and soil depth that was present on the site prior to the construction of the solar facility. Compost will also be utilized throughout the site where needed and will be mixed with the topsoil to ensure the soil is enhanced to a level comparable to pre-construction conditions. Drill seeding and broadcast seeding will be used in those areas where operation of the hydro-seeder is not possible, or in areas where natural revegetation has occurred.

In conformance with SMARA Section 2774 (d)(2), the County informed the state Office of Mine Reclamation (OMR) of the Project's scheduled April 19, 2018, Planning Commission hearing. In conjunction with the required hearing notice, the County included responses to OMR's comments raised in OMR's June 7, 2017, letter, attached as Exhibit G. The Reclamation Plan has been revised to address OMR's comments. The requirements are included in the Conditions of Approval. After incorporating the changes suggested by OMR, the Project's Mining CUP and Reclamation Plan will meet SMARA and Development Code requirements.

ANALYSIS:

Land Use Compatibility. The surface mining operation is located within the Resource Conservation (RC) Land Use District, which allows for mineral resource development (mining) subject to Planning Commission approval. As mining is not a permitted activity within the Highway Commercial (CH) zoning designation, which encompasses the southern portion of the site adjacent to Interstate 40, no mining will occur in the CH. The Project would not physically divide an established community, and is consistent with all applicable land use policies and regulations of the County's General Plan and Development Code.

The Project area is located in the West Mojave Plan Area of the California Desert Conservation Area (CDCA). Compliance with the Mitigation Measures for biological resources contained within the Initial Study ensures that the Project would not conflict with the West Mojave Plan, or any other adopted Habitat, Conservation Plan, Natural Community Conservation Plan or any other approved local, regional or state habitat conservation plan.

California Environmental Quality Act. In compliance with the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND), attached as Exhibit C, was completed and posted for a twenty (20)-day review and comment period, which closed on May 15, 2017. Staff received no written or verbal comments from agencies or from interested parties or persons on the Initial Study/MND. All issues evaluated in the IS/MND can be mitigated below a level of significant impact. The Project incorporates mitigation measures pursuant to the recommendations cited in the General Biological Resources Assessment attached as Exhibit E, dated October 27, 2016, and update letter dated April 5, 2017. The mitigation measures, incorporated as conditions of approval will minimize impacts to biological and cultural resources.

Tribal Cultural Resources.

In accordance with Assembly Bill (AB) 52, Native American tribes were notified of the Project. Staff received responses from the Gabrieleno Band of Mission Indians – Kizh Nation and San Manuel Band of Mission Indians. Staff has incorporated comments from these tribes into the conditions of approval to ensure appropriate handling of any artifacts or remains that may be discovered on the Project site.

RECOMMENDATION: That the Planning Commission:

- A. **ADOPT** the Mitigated Negative Declaration;
- B. **ADOPT** the recommended Findings for approval of the Project;
- C. **APPROVE** the Mining Conditional Use Permit and Reclamation Plan 2017M-01 subject to the Conditions of Approval;
- D. **FILE** the Notice of Determination.

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Mitigated Negative Declaration/Initial Study, April 17, 2017
- Exhibit D: Hi-Grade Materials Company – Nebo Pit Reclamation Plan, June 14, 2017
- Exhibit E: General Biological Resources Assessment, October 27, 2016
- Exhibit F: Revegetation Plan Hi-Grade Materials, Nebo Mine, June 15, 2017
- Exhibit G: OMR Comment Letter, Hi-Grade Materials-Nebo Mine, June 7, 2017
- Exhibit H: County Response to OMR Comment Letter, June 27, 2017

EXHIBIT A

Findings

CONDITIONAL USE PERMIT FINDINGS: The project (Project) is a Conditional Use Permit (CUP) for approval of the Nebo Mining and Reclamation Plan on 62.4 acres of privately owned land (APN# 0424-171-16) located in an area commonly known as Nebo, zoned Resource Conservation (RC) and Highway Commercial (CH). The Nebo Mine will be mined for 40 years. Up to 500,000 tons of sand and gravel will be excavated annually, and approximately 14 million tons of aggregate will be extracted over the 40-year operating period of the mining operation.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use open spaces, parking areas, setbacks, and yards and other required mining and excavation features pertaining to the CUP mining application. The 62.4-acre mining area will be excavated and reclaimed in a phased plan intended to minimize impacts as both mining and reclamation activities occur. The Project conforms to all the requirements of the Development Code for the proposed use and incorporates the necessary conditions to safeguard the public health, safety and welfare, including biological, hydrology and reclamation conditioning to ensure the site is reclaimed in accordance with the adopted reclamation plan.
2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use. The Project site has adequate access via National Trail Highway from Interstate I-40. National Trail Highway will not be significantly impacted by the 10-20 truck trips per day that are projected to occur. In that the Project is located in a remote area surrounded by vacant land, there are no conflicts with access to surrounding properties.
3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed mining operation and project improvements have been designed to incorporate the necessary mitigation and improvements to comply with the County's Ordinance implementing the Surface Mining and Reclamation Act, Public Resources Code §§ 27102796 (SMARA) and recommendations by the State Division of Mining and Reclamation (DMR).
4. The proposed use and manner of development are consistent with the goals, maps, policies and standards of the General Plan and any applicable community or specific plan. The proposed site plan together with the provisions for the mine's phased expansion, excavation and reclamation are consistent with the County General Plan and Resource Conservation (RC) land use designation. The Project specifically implements the following goals:

General Plan Goal LU1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

General Plan Goal LU 11: Promote beneficial uses of land to address regional problems through coordination and cooperation among the County, the incorporated cities, Southern California Association of Governments (SCAG), San Bernardino Associated Governments (SANBAG), the various special districts and other local, state (i.e., DMR) and federal agencies.

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

General Plan Goal ED 10: The County will have a strong and diversified base.

General Plan Goal CO 7: The County will protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.

General Plan Goal CO7.5: Provide for the monitoring of mining operations for compliance with the established operating guidelines (i.e., SMARA) conditions of approval and the reclamation plan.

5. There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels. The new mining site is in a remote rural location significantly isolated from residential and commercial uses. The site is largely disturbed by past unauthorized mining activities, much of which is believed to have occurred during the 1970s or 1980s. No reclamation of the previously mined area has occurred.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to mitigate biological impacts, air quality impacts, cultural resources impacts, greenhouse gas impacts, hydrology and water impacts while enforcing performance standards
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.
8. The Initial Study and the related 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. The Project will not have a significant adverse impact on the environment, subject to implementation of the proposed Conditions of Approval and mitigation measures. Therefore, if approved, a Notice of Determination will be filed.

SURFACE MINING AND LAND RECLAMATION FINDINGS: Pursuant to County Development Code §88.03.060, these additional findings are made:

1. The Project complies with the provisions of SMARA and State regulations.
2. The Reclamation Plan complies with SMARA, the State regulations (California Code of Regulations §§ 3500-3505 and 3700-3713) and any other applicable provisions).
3. The Reclamation Plan and potential use of land reclaimed in compliance with the Plan are consistent with applicable portions of the County's land use regulations, including the General Plan and any applicable resource plan or element.
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.
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.
6. The Reclamation Plan 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.
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 response shall address, in detail, why specific comments and suggestions were not accepted.

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

NEBO PIT

Mining Conditional Use Permit and Reclamation Plan 2017M-01
Hi-Grade Materials Company

GENERAL REQUIREMENTS

Conditions of Operation and Procedures

LAND USE SERVICES DEPARTMENT- Planning Division (909) 387-8311

1. Project Description. Mining Conditional Use Permit (Mining CUP) and Reclamation Plan 2017M-01 approval for the NEBO Pit; a 62.4-acre surface mining operation on privately owned land. The project proposes to mine up to 500,000 tons per year of sand and gravel aggregates. Approximately 12 to 14 million tons of mineral materials may be excavated over the 40-year life of the project.
2. Project Location. The proposed NEBO PIT is located at 33979 Silver Rock Lane in Daggett, adjacent to and north of Interstate 40 with access via Nebo Street 1/4 mile east of the Project. The site is bordered along the north and west by the Marine Corps Logistics Base in the City of Barstow. The Land Use Zoning District is Resource Conservation (RC) and Highway Commercial (CH), which allows for mining and drainage basin development (respectively) with an approved Mining CUP and Reclamation Plan. APN: 0424-171-16.
3. Effective Dates. This Mining CUP and Reclamation Plan approval (project account number AP20170001) shall be effective from April 30, 2018 through December 31, 2058, for active mining and reclamation, and from January 1, 2058 to December 31, 2063, to complete reclamation. The approval shall be considered exercised on the effective date. At the conclusion of all mining activities, the site will be reclaimed to vacant open space and support wildlife habitat.
4. Reclamation Plan Recordation. Pursuant to Public Resources Code Section 2772.7, Planning will prepare a "Notice of Reclamation Plan Approval" on a form to be approved by the County Recorder's Office. The operator shall be responsible for review costs and recording fees.
5. Revisions/Amendments. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the final approved Mining and Reclamation plans will require submission of an additional application for review and approval. If Mining and Reclamation Plan procedures change from those outlined in the NEBO PIT Mining and Reclamation Plan prepared by Webber & Webber Mining Consultants, Inc., dated January 9, 2018, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.
6. BNSF Railway Company: Indefinite Term Lease Land Agreement (Lease). The provisions of the Decision Record with its attendant Conditions of Approval dated August 3, 2017, and

Lease shall be made part of the Mining and Reclamation Plan with the same force and effect, except when provisions of SMARA and County Development Code are more restrictive than correlative federal provisions, SMARA and County Code shall prevail.

7. Continuous Effect/Revocation. All conditions of the NEBO PIT Mining CUP and Reclamation Plan 2017M-01 are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the notice of a public hearing before the Planning Commission to consider revocation of the Mining CUP. If revocation is confirmed, the Planning Commission may provide for a reasonable period of time to amortize any lawful existing uses and require the commencement of reclamation in accordance with approved Reclamation Plan 2017M-01.
8. Written Notification. The Land Use Services Department shall be notified in writing, within 30 days, regarding 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 number during the life of the Mining CUP and Reclamation Plan.
 - c. Changes to provisions in lease agreements or real property having any effect on the approved Mining and Reclamation Plan.
9. Mining and Reclamation Plan. The approved NEBO PIT Mining CUP and Reclamation Plan 2017M-01 and these corresponding Conditions of Approval shall be kept at the site at all times during active operations and be presented to the inspector upon request.
10. CA Mine ID. The applicant/operator shall obtain a California Mine Identification number from the California Department of Conservation pursuant to Public Resources Code, Section 2207 and pay all associated fees to the State.
11. Blasting. Blasting is not a part of this permit approval.
12. Interim Management Plan. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Mining CUP and Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA, Public Resources Code Section 2770(h)(1) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.
13. Additional Permits. The applicant/operator shall ascertain and comply with requirements of all County, State, and Federal agencies as may be applicable to the Project. These include, but are not limited to the following: San Bernardino County Departments of Land Use Services, Public Health - Environmental Health Services, Public Works, Daggett Fire Department, Mojave Desert Air Quality Management District, Lahontan Regional Water

Quality Control Board, Mojave Desert Region Conservation District, State Fire Marshal, Mojave Water Agency, Caltrans District 8, California Department of Fish and Wildlife Region 6, State Mining and Geology Board, California Department of Conservation Division of Mine Reclamation, California Occupational Safety and Health Administration, California Highway Patrol, Bureau of Land Management, and the Mine Safety and Health Administration.

14. Indemnification. In compliance with San Bernardino County Code (SBCC) 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.

15. Financial Assurances. The applicant/operator shall maintain an acceptable form of Financial Assurance for the Mining CUP and Reclamation Plan 2017M-01. The Financial Assurance mechanism shall identify the County of San Bernardino and the California Department of Conservation as the beneficiaries.

The Financial Assurance shall be calculated based on a cost estimate submitted by the applicant/operator and approved by the County and the California Department of Conservation, Division of Mine Reclamation for the approved reclamation procedures. Within 30 days following the mine site inspection, a Financial Assurance Cost Estimate shall be provided to the Land Use Services Department. 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 approved

Reclamation Plan 2017M-01.

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 Mining and Reclamation Plan 2017M-01 and Conditions of Approval. Should the applicant/operator fail to perform or operate within all of the requirements of the approved Mining and Reclamation Plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 2774.1 of 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 Mining and Reclamation Plan and accepted by the County and the California Department of Conservation, Division of Mine Reclamation pursuant to California Code of Regulations (CCR), Section 3805.5.

16. SMARA and State Regulations. The provisions of the California Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing SMARA ("State Regulations", California Code of Regulations Section 3500 et seq.) are made a part of the CUP. In the event that the State amends SMARA to the extent it adds to or conflicts with the Conditions of Approval, State law shall prevail.
17. Annual Reporting and Inspection. The applicant/operator shall provide a Mining Operation Annual Report to the California Department of Conservation and to Land Use Services Department on a date established by the California Department of Conservation, using forms furnished by the State Mining and Geology Board. The County is required to conduct an inspection of the surface mining operation by a qualified person not less than once each calendar year to determine if the operation is in compliance with the approved Conditions of Approval, Reclamation Plan, and SMARA statutes and regulations. The County is required to notify the California Department of Conservation upon completion of the inspection that the inspection has been conducted and provide a statement regarding the status of compliance of the operation within 90 days after completion of the inspection. The operator of the mining operation is responsible for filing an application with the County to request an inspection and shall be responsible for paying the County's costs in conducting the mine site inspection.
18. "Applicant/Operator". Requirements extend to the property owner and any person, lessee, tenant or sub-tenant, operator, individual, firm, association, corporation, organization, Limited Liability Company or partnership, or any city, county, district, or the state or any department or agency thereof for any disturbance or improvements to the mined lands. The applicant/operator may include an agent or other interested party, and any heir or successor in interest in the project land use by sale or by lease of all or of a portion of the mine site including land use within any or all of the mine structures or areas on the mine site.

19. Minerals. Include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from organic and inorganic processes. Clay, sand, gravel, rock, decomposed granite, salts, alumina, silica, alkali, topsoil or growth medium, organic humus and gems represent the aggregate of different minerals.
20. Construction and Demolition (C&D). Materials left on site shall be deemed as waste material produced in the process of site clearing activities, construction, renovation, or demolition of structures of all types to include roads and bridges. Waste materials include, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick. The Financial Assurance Cost Estimate shall include costs to remove C&D materials to an approved offsite facility that is permitted to receive such materials.
21. Exploration or Prospecting. Includes the activities in search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.
22. Ownership. The person(s) involved in the ownership of the property include all persons having interest in the ownership of the surface and subsurface property, including mineral rights. If the applicant/operator is not the recorded owner(s) of the property must submit a signed statement by the property and mineral rights owner(s) authorizing the Applicant to act on their behalf.
23. Operator. The Operator includes the Applicant and any person who is engaged in surface mining operations, and others contracted to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole involvement and compensation.
24. Operations. Surface mining operations include all, or any part of, the process involved in the mining of minerals on mined lands, borrow pitting, segregation and stockpiling of mined materials (and recovery of same).
25. "Mined Lands". Include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
26. Parcel Map. The applicant/operator shall, prior to final inspection for reclamation and release of the financial assurance, record a parcel map for Assessor Parcel Number 0424- 171-16 any other parcel(s) where unconsolidated fill is part of the final reclamation. The parcel map shall indicate those areas backfilled with uncompacted material and designate said areas as unbuildable. At such time a California Building Code (CBC) compaction report has been approved by Building and Safety that particular area can have the building restriction removed.

27. Aggregate Removal. The applicant shall not sell or otherwise move off the mine site any sand, gravel, or other produced minerals to a public agency unless the operator certifies, under penalty of perjury, that the mining operation is identified in the AB 3098 List published pursuant to PRC Section 2717(b).
28. "Produced Minerals". As defined in CCR Section 3501 includes all minerals sold, given or otherwise moved off the site of the operation, as defined in the approved reclamation plan. Recycled products (e.g. broken concrete, bricks, asphaltic concrete, etc.) or stockpiles of mineral products that remain on the site are not produced minerals for purposes of CCR Section 3695(b).
29. Special-status Plant Protection. Special-status plants (as listed in County SBCC Section 88.01.060 (et al.), Desert Native Plant Protection, and those species identified/listed in Mitigation Measure B-6) and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan.
30. Transplanting. Transplanted or propagated plants will be maintained for a minimum of three years, or until a qualified biologist(s) determine that the plants have been successfully established (e.g., plants are vigorous, flower, and produce seed). Successful re-establishment of the plants will be based on the replanted areas achieving density and diversity standards based on control plots.
31. Project Account. As determined necessary on a case by case basis, the applicant/operator shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections. The project account number for this Mining CUP is AP20170001. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff, including but not limited to: Land Use Services, Public Works, and County Counsel.

Upon notice, the applicant shall deposit additional funds to maintain or return the account to a positive balance. The applicant/operator is responsible for all expenses charged to this account.

LAND USE SERVICES DEPARTMENT - Land Development Division - Drainage (909) 387- 8311

32. Tributary Drainage. Adequate provisions should 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.
33. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

34. Additional Drainage Requirements. In addition to drainage requirements stated herein, other “onsite” and/or “offsite” improvements may be required, which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

DAGGETT FIRE DEPARTMENT - Community Safety Division (760) 254-5474

35. Jurisdiction. The above referenced project is under the jurisdiction of the Daggett Fire Department herein (“Fire Department”). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
36. Access. 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.

**PRIOR TO NEW LAND DISTURBANCE
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES DEPARTMENT - Planning Division (909) 387-8311

37. Storm Water Pollution Prevention Program (SWPPP). The operator shall prepare a SWPPP 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 implemented on site to avoid water quality impacts. The SWPPP shall be submitted to the Lahontan Regional Water Quality Control Board and a copy submitted to Planning or provide evidence from LRWQCB that the SWPPP is not needed.

The operator shall implement BMP provisions to include the following:

- Good Housing Keeping – Dust minimization, waste spills, discharges.
- Preventive Maintenance – Minimize spills, and on site leaks, prompt maintenance.
- Spill and Leak Preventive Response – In place spill procedures and controls.
- Material Handling and Waste Mgmt. – Waste covering, storm water diversion practices, waste clean ups.
- Implement Erosion and Sediment Controls – Sediment and Erosion Stabilization
- Employee Training Program - BMP Training.
- Exposure Minimization – Storm resistant shelters to prevent contact of storm water with mining materials.

For more information, contact LRWQCB at (760) 241-2434.

38. Archaeological Resources. The developer/property owner shall submit a letter to the County Land Use Services Department- Planning Division (County) agreeing to adhere to the following requirements:
- In the event archaeological resources are uncovered during earthmoving activities, all work in that area shall cease immediately and the County shall be notified. 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), the County, and the qualified archaeologist determines the resources are recovered to their satisfaction.
39. Paleontological Resources. The developer/property owner shall submit a letter to County Land Use Services Department- Planning Division (County) agreeing to adhere to the following requirements:
- In the event paleontological resources are uncovered during earthmoving activities, all work in that area shall cease immediately and the County shall be notified. A qualified paleontologist 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. In consultation with the Project proponent, the County, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.
40. San Manuel Tribe Mission Indians (SMBMI) Tribal Cultural Resources - If an archaeological deposit or tribal cultural resource is discovered within the Project area, ground-disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. Representatives from the San Manuel Band of Mission Indians (SMBMI), the Archaeological Monitor/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource(s). A treatment plan shall be prepared, reviewed and adopted by all Parties, and then implemented to protect the identified resources from damage and destruction. The treatment plan shall contain a research design to evaluate the resource for significance under both National Historic Preservation Act (NHPA) and CEQA criteria. This research design shall (1) acknowledge the necessity for additional, internal Tribal deliberations and culturally-appropriate treatments for all tribal cultural resources and (2) for archaeological resources, include fieldwork and sampling procedures appropriate to ascertain the boundaries, nature, and content of the resource in accordance with current, professional archaeological best practices, as agreed upon by SMBMI.

Should the resource be determined to be significant under either federal- or state-level criteria, avoidance and preservation in place shall be the preferred treatment. Should the resource not be a candidate for avoidance or preservation in place, a resource-specific mitigation plan shall be developed, reviewed by all Parties, and implemented. Should the mitigation plan include archaeological data recovery, a research design shall be developed that exhausts the research potential of the resource in accordance with current professional archaeology standards. Any mitigation plan that results in the removal of cultural resources (artifacts, ecofacts, features, etc.) from their original provenience shall also include a comprehensive discussion of resource processing, analysis, curation, and reporting protocols and obligations.

- a. All mitigation, treatment, and data recovery plans shall be developed in consultation with SMBMI.
- b. All fieldwork related to treatment, mitigation, and data recovery plans shall require monitoring by an SMBMI Tribal Monitor, should the Tribe elect to have a monitor present.
- c. All draft reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist hired by the applicant and submitted to the Lead Agency and SMBMI for their review and comment.
- d. All final reports are to be submitted to the local California Historical Resource Information System (CHRIS) Information Center, the Lead Agency, and SMBMI.

41. SMBMI Archaeological Monitors. A sufficient number of archaeological monitors shall be present each work day involving excavation of undisturbed areas to a depth of four feet, to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage for all areas of previously undisturbed soil. Monitoring efforts shall only occur for the top 4 feet of soil disturbance, and no further monitoring efforts shall be necessary for those portions of the project areas previously monitored to a depth of 4 feet with negative archaeological findings. An archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the undisturbed portions of the proposed project area down to a depth of 4 feet (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the point at which the project area becomes entirely disturbed to a depth of 4 feet, and there have been no archeological discoveries within any of the project site during previous archaeological efforts, to include monitoring, then the project site is no longer in need of archaeological monitoring. If and when the project reaches a disturbed state with no archaeological findings such as previously described, the applicant/developer shall inform the Lead Agency and the Lead Agency shall inform the San Manuel Band of Mission Indians.

42. Cultural Artifacts/Patrimony. The San Manuel Band of Mission Indians (SMBMI) requests that culturally-appropriate and professionally proper procedures shall be followed with respect to all artifacts and remains affiliated with Native peoples—whether prehistoric, protohistoric, or historic.
- a. Any sacred/ceremonial objects or objects of cultural patrimony discovered within the project area are to be offered to the Most Likely Descendant (MLD) of record for appropriate treatment and all claims of ownership to such materials waived by the applicant/developer/landowner.
 - b. SMBMI requests that all other artifacts be permitted to be either (1) left in situ should avoidance or protection in place be guaranteed or (2) reburied, on site, in a location that will be protected from future disturbance. A fully executed reburial agreement shall be developed with SMBMI. This agreement shall include measures and provisions to protect the future reburial area from any future impacts (vis-a-vis project plans, conservation/preservation easements, deed riders, etc.). Reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, California Historical Resource Information System (CHRIS) and SMBMI.
 - c. Should it occur that avoidance, preservation in place, or onsite reburial are not an option for some artifacts, SMBMI requests that the landowner relinquish all ownership and rights to this material and consult with the Tribes to identify an American Association of Museums (AAM)-accredited facility within San Bernardino County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.
 - d. Where appropriate and agreed upon in advance by SMBMI, the archaeologist hired by the applicant may conduct analyses of certain artifact classes (including, but not limited to, shell, non-human bone, ceramic, stone) if required by CEQA, the Project's mitigation measures, and/or conditions of approval for the Project. Upon completion of authorized and mandatory analyses, the applicant/developer shall provide said artifacts to SMBMI for reburial on site or to the aforementioned, identified curation facility within sixty (60) days from the completion of analyses and not to exceed one hundred and twenty (120) days after the initial recovery of the items from the field.
43. Native American Historical Resources/Human Remains (SMBMI). If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a

cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.

- a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
- b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts cultural materials Human remains encountered during the project.
- c. The Lead Agency and the applicant/developer shall immediately contact the County Coroner and the San Manuel Band of Mission Indians (SMBMI) in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).
- d. The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and applicant/developer/landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.
- e. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98.
- f. Reburial of human remains and/or funerary objects shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the applicant/developer/landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects.
- g. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects, as well as ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate onsite reburial in a location mutually agreed upon by the Parties.
- h. The term "human remains" encompasses more than human bones because some local Tribes' traditions periodically necessitated the ceremonial burning of human remains and

funerary objects. Funerary objects are those artifacts associated with any human remains or funerary rites. These items, and other funerary remnants and their ashes, are to be treated in the same manner as human bone fragments or bones that remain intact.

- i. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

44. Hydrology and Drainage. As cited in the Hydrology Study Report prepared by West Consultants, dated March 24, 2017 for the NEBO MINE, the operator shall abide by the mitigation procedures cited in the report and noted below:

- a. Preserve existing detention area.
- b. Repair the existing main channel from culvert B to the detention area. A trapezoidal channel with 15' base width, 3:1 side slopes, and 3-foot minimum depth should be sufficient.
- c. Construct a shallow channel (15' base width; 3:1 side slopes; 1-foot minimum depth) connecting flows from Culvert A to the Culvert B channel.
- d. Construct a shallow channel (15' base width; 3:1 side slopes; 1-foot minimum depth) connecting flows from Culverts C and D to the Culvert B channel.

Notes: The aforementioned mitigation measures will allow flows during the 20-year, 1 hour storm to pass through the site within the drainage structures. Pit excavation can proceed as planned provided positive drainage is maintained. Ultimately, the pit itself will provide more than sufficient storage for the 100-year storm event, at which point the existing detention area will no longer be necessary to although overflow to the northeast will still be required.

45. Onsite Well Operation. Prior to the commencement of mining activities evidence shall be submitted to the DEHS/Water Section for approval that the well is constructed to public water supply standards, will provide the quantity of water projected as required for the Project, meets quality standards for domestic and industrial use, and the well is properly permitted with the County. For information, call DEHS/Water Section at (909) 387-4666.

- a. During mining operations, the operator of the onsite well shall abide by the terms of the stipulated judgement for the Mojave River Basin Adjudication and shall coordinate with Mojave Water Agency to ensure compliance.
- b. After mining operations have concluded, 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 Section 115700 of the California Health & Safety Code.

c. *Upon final reclamation, evidence shall be provided to the DEHS/Water Section that all wells, exploration holes or test holes, as defined by DWR are properly sealed.*

46. Inspections/Maintenance. Frequent inspections, including maintenance and repair of the channel will be required following storm events due to the high flow velocities.
47. Moisture Conditioning. The applicant/operator shall ensure that any portion of the site to be disturbed shall be moisture conditioned prior to the onset of earth-moving activities.
48. Dust Control Plan. The applicant/operator is responsible for meeting all air quality requirements, including, securing an approved Dust Control Plan pursuant to SBCC Chapter 88.02 and Section 88.02.040 and approved by the Mojave Desert Air Quality Management District (MDAQMD). Once approved, the Plan shall be submitted to and kept on file with the Land Use Services Department. The Plan shall, at minimum, include the following aspects:
 - a. Truck traffic will be limited to 20 MPH on all site roads;
 - b. All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 25 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Mojave Desert Air Quality Management District (MDAQMD) regulations;
 - c. All roads, driveways, and mining areas shall be kept wetted while being used; and,
 - d. The Dust Control Plan should identify an individual responsible for dust mitigation and this individual's name and contact telephone number shall be clearly posted on a project boundary sign visible to the public for feedback purposes.

LAND USE SERVICES DEPARTMENT - Land Development Division - Drainage (909) 387- 8311

49. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the offsite and onsite drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
50. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Pane

Number 4552H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

51. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

DEPARTMENT OF PUBLIC WORKS - Traffic Division - (909) 387-8186

52. Maintenance Agreement. The developer shall enter into a maintenance agreement with the Department of Public Works, Transportation Operations Division to ensure all County roads utilized by mine traffic shall remain in acceptable condition for the duration of mining and reclamation activities. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387-7995 for agreement details.
53. Traffic Control Plan. A Traffic Control Plan is required to be reviewed by Caltrans prior to the initiation of construction activities where a public roadway will be affected/modified.
54. Vehicle Loads. Caltrans has the discretionary authority to issue special permits for the movement of vehicles/loads exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code. Requests for such special permits require the completion of a Transportation permit. Information regarding Transportation permit application for travel within the State Highway System can be obtained at the following website: <http://www.dot.ca.gov/hq/traffops/permits/contact.htm>.

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

55. Business Emergency/Contingency Plan. Operator shall establish a Business Emergency/Contingency Plan to establish protocol in the event of release or threatened release of hazardous materials and wastes. Contact Office of the Fire Marshall, Hazardous Materials Division.
56. Hazardous Materials Handling. The operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Materials Permit, a Hazardous Waste Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage tank Permit.

ON-GOING MINING OPERATIONAL CONDITIONS

LAND USE SERVICES DEPARTMENT - Planning Division (909) 387- 8311

General Operations

57. Operations. Extraction and processing operations shall proceed in accordance with the NEBO PIT Mining CUP and Reclamation Plan 2017M-01 Conditions of Approval. Mineral extraction, stockpiling and crushing will adhere to the mining operations outlined in the NEBO PIT Mining Plan.
58. Slopes. In accordance with the Mining and Reclamation Plan prepared by Webber & Webber Mining Consultants dated December 30, 2016, the operator shall insure the following mitigation for slope stability and benching to minimize failure.
- Visual monitoring during excavation activities during mining should be included in the operational plan.
 - Preparation of the final benched slope faces should include careful scaling to ensure removal of loose or potentially unstable blocks.
 - If raveling or instability is evident, the bench width should be increased to provide a suitable buffer to day lighted or to accommodate unstable features and provide sufficient area to mitigate for rockfall.
 - Overall final cut slopes in the native materials should be no steeper than design angles up to the maximum proposed height.
 - Any unstable slopes steeper than approximately 2(h):(1)v should be removed or stabilized where accessible.
 - Slopes should be protected with berms and/or levees as necessary to prevent slope erosion in the areas where natural slopes drain onto the reclaimed slopes.
 - Final reclaimed fill slopes composed of overburden should be no steeper than 2(h):1(v) to the maximum proposed heights.
59. Test Plots. A minimum of three (3) 100 meter² test plots in the northern portion of the site shall be established.
- Test plots will include surface ripping/no seeding of a control plot, and surface ripping and seeding for two additional test plots with the proposed seed mixture cited in the NEBO PIT Revegetation Plan, dated April 7, 2017, prepared by RCA Associates LLC.

- Additional test plots will be established if the initial tests, as well as any active revegetation areas are not successful.
- Seed mix consisting of native plant species common to the Mojave Desert will be utilized to revegetate the site at a rate of approximately 100 percent coverage to help minimize soil erosion on the site. Seeding shall be conducted during the appropriate time of year (preferably November through March) to take advantage of cooler temperatures and higher amounts of natural precipitation to increase the chances of successful germination throughout the site.

60. Sign Maintenance. The applicant/operator should regularly review the adequacy of directional signs, safety signs, and/or other onsite 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.

61. Company Identification. The applicant shall insure that haul truck contractors provide 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:

1. How am I driving?
2. Truck number
3. 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, how to affect a solution, and be responsible for returning a call to the complainant with results of investigation. The applicant shall keep a log of all calls received and shall include documentation of response and/or resolution of complaints. The log shall be made available to the County upon request.

62. Onsite Lighting. The area of illumination from any onsite lighting shall comply with SBCC Section 83.07.040 Glare and Outdoor Lighting. Light pollution shall be minimized and confined within the site boundaries to limit impacts to surrounding properties. The glare from any luminous source, including onsite lighting shall not exceed one-half (0.5) foot-candle at property line. Onsite 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.

63. Site Maintenance. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. 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. All refuse not containing garbage shall be removed from the premises at least one time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility. For information, call DEHS/LEA at (800) 442-2283.
64. Noise Level. Should results of a noise study indicate that operations would not comply with the County noise ordinance; the Planning Director may require modification of such operations.

Environmental Constraints

65. Chemical Spills/Leakage. All chemical spills or leakage of petroleum products during mining or reclamation activities shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. Contaminated wastes shall be collected and disposed of at an appropriately licensed disposal or treatment facility.

In the event of any soil contamination onsite, the applicant/operator shall remove any soils that become chemically contaminated to a County-approved disposal site so as to preclude any chemical leaching into the local ground water supply over time.

66. Equipment Emission Reduction and Idling. The mine operator shall maintain and operate construction equipment so as to minimize exhaust emissions. During mining, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions.
67. Fuel Sources. The mine operator shall ensure onsite mobile equipment is powered by alternative fuel sources (i.e., methanol, natural gas, propane, or butane) as feasible. Commercial power shall be used when feasible.
68. Vehicle Maintenance. The mine operator shall ensure that all equipment is properly tuned and maintained in accordance with manufacturer's specifications. Vehicle and equipment maintenance and servicing shall implement BMPs to prevent or reduce the potential discharge of pollutants to stormwater.
69. Exhaust Control Measures. The operator shall comply with all existing and future EPA (Clean Air Non-road Diesel Rule-May 2004), CARB and MDAQMD regulations related to diesel-fueled trucks and equipment, 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.

Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (SBCC, 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 substitute 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.

70. Trackout and Spills. The mine operator shall take actions sufficient to prevent project-related trackout onto paved surfaces and cover loaded haul vehicles while operating on publicly maintained paved surfaces. The mine operator shall clean-up project-related trackout or spills on publicly maintained paved surfaces within 24 hours.

Reclamation

71. NEBO PIT Mining CUP and Reclamation Plan 2017M-01. Surface mining operations shall adhere to the NEBO PIT Mining and Reclamation Plan, prepared by Webber & Webber Mining Consultants, revised date January 9, 2018. Any changes from the Reclamation Plan's provisions shall not be undertaken until review by the Land Use Services Department.
72. Reclamation Time Schedule. Reclamation shall be initiated at the earliest possible time on those portions of the disturbed lands that will not be subject to further disturbance by the surface mining operation.
73. Barriers/Signage. Safety barriers and signage per MSHA requirements shall be maintained around the mined slopes.
74. Stockpiling. Onsite materials 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 will likely experience. Open storage piles susceptible to wind erosion shall be watered daily/or as needed, or shall be installed with temporary coverings to control PM10 emissions, and be limited in height to 35 feet.

75. Growth Medium Stockpiles. The operator shall stockpile topsoil and vegetation from areas to be disturbed. Stockpiled topsoil shall be identified with clearly labeled signs stating "Topsoil - Do Not Disturb" and stored separately from silt and overburden material stockpiles and protected to preserve as much of the organic material and seeds as practicable. Locations for these topsoil stockpiles are to be identified in the Mining Plan.

Stockpiles shall be maintained with temporary erosion control methods, and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Revegetation shall be supplemented by broadcast seeding with native and locally adapted seed and planting of established seedlings and/or shrubs in accordance to the approved Reclamation Plan.

76. Product Stockpiles. Product stockpile heights shall be maintained at no higher than 35' during the life of the project. Should the project go into idle status, the product stockpiles shall be removed or treated as a condition of an Interim Management Plan (IMP) as required by SMARA, Section 2770(h)(1).
77. Graded Surfaces Stabilized. The mine operator shall stabilize graded site surfaces upon completion of earth moving activity when subsequent earth moving activity is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.
78. Slope monitoring. Slope monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. A qualified independent California Certified Professional Civil Engineer and/or Engineering Geologist shall complete a stability assessment of existing and new quarry development areas when deemed necessary by the County inspector. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.
79. Seed Types and Amounts. A seed mix is designed for the project site to promote a plant community similar to that found in undisturbed areas. The seed mix will serve as a guideline for the revegetation plant community. Seed types and amounts will conform to the site's Revegetation Plan Update prepared by RCA Associates, dated April 7, 2017. The seed mixes will be applied based on the seed mix plan cited in Table 1 of the NEBO Revegetation Plan.
80. Revegetation Annual Monitoring. The project biologist will document the progress of the revegetation effort at the NEBO PIT mine site and submit Annual Maintenance and Monitoring reports to the County of San Bernardino as necessary.

81. Revegetation Attainment. Revegetation will be deemed successful when all success criteria have been achieved on an average property-wide basis. If these criteria have not been achieved, maintenance seeding and monitoring will continue annually until success criteria has been met.
82. Financial Assurances - Revegetation. Revegetation in arid areas is tenuous at best and, therefore, 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.

PUBLIC HEALTH - Environmental Health Services (DEHS) (800) 442-2283

83. Noise Operations. Noise levels shall be maintained at or below County Standards, SBCC Section 83.01.080.
84. Refuse. 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 SBCC, Section 33.0803 et seq.
85. Solid Waste Removal. No landfilling of wastes shall occur onsite. In the event that refuse is stored onsite, all refuse containing garbage shall be removed from the premises at least one time per week, or as practicable, to an approved solid waste facility in conformance with SBCC Section 33.0803 et seq.
86. Portable Toilets. An adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be maintained by a DEHS permitted pumper. Portable unit shall provide hand washing capacity. Units shall be serviced at least weekly while in use. Submit a copy of the service contract from an approved pumper to DEHS. For information, call DEHS/Wastewater Section.
87. Ponding Water. *Applicant/Operator shall maintain site free from ponding water to avoid vector breeding, e.g., mosquitoes, midges, and gnats.*

**PRIOR TO FINAL CLOSURE
The Following Conditions Shall Be Met**

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88. Equipment. 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 as per the approved Mining CUP and Reclamation Plan 2017M-01.
89. Wells. 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.
90. Access Roads. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of ground-disturbing activities.
91. Site Re-Contour. 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.
92. Reclamation Verification. As portions of the site are reclaimed, they shall be identified on a map. The final map shall be provided to County Planning Division for review and approval.
93. Reclamation Completion. Following reclamation verification and release of Financial Assurances pursuant to CCR Section 3805.5, Planning will prepare a "Notice of Reclamation Plan Completion" on a form to be approved by the County Recorder's Office. The operator shall pay any and all review and recording fees.

CONCLUSION OF CONDITIONS