

February 25, 2025

North Star Minerals Inc.
501 South First Ave. Ste. N
Arcadia, CA 91006-3888

Dear Mr. Richardson:

**PROJECT NO. 00-21-(5)
SURFACE MINING PERMIT NO. 201300002
(APN: 3209-023-302 & 3058-018-300)**

Hearing Officer Patricia Hachiya, by her action of February 25, 2025, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. This approval is not effective until the appeal period has ended.

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **March 11, 2025**.

Appeals:

Appeals must be submitted through the County's online electronic permit management system (EPIC-LA). For instructions on how to appeal online, please email appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

Mr. Richardson
February 25, 2025
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For questions or for additional information, please contact Richard Claghorn of the North County Development Services Section at (213) 893-7015, or rclaghorn@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Samuel Dea, Supervising Regional Planner
North County Development Services Section

SD:RC

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 00-21-(5)
SURFACE MINING PERMIT NO. 201300002

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Hearing Officer conducted a duly-noticed public hearing in the matter of Surface Mining Permit (“SMP”) No. **201300002** on February 25, 2025.
2. **HEARING PROCEEDINGS.** A duly-noticed public hearing regarding the SMP was held before the Hearing Officer on February 25, 2025. Staff gave a presentation about the Project and recommended approval. The applicant’s representative, Mr. John Newton, spoke in support of the project, and provided additional details about the permitting history of the project. No other speakers testified. The Hearing Officer asked Mr. Newton about the use of the materials mined at the quarries and where it is distributed. Mr. Newton testified that the clay mined at the quarries is used in making cement for use in construction projects, and that it is processed in the County and distributed primarily in the County. There being no further testimony, the Hearing Officer closed the public hearing, certified the addendum to the Mitigated Negative Declaration (“MND”) under the California Environmental Quality Act (“CEQA”) and approved the SMP for the project.
3. **ENTITLEMENT(S) REQUESTED.** The Permittee, North Star Minerals, Inc. (“Permittee”), requests the SMP to authorize an amendment to the Reclamation Plan for SMP 00-21, including the following changes: 1.) Extend the SMP expiration date to December 31, 2029, consistent with the United States Forest Service (“USFS”) Plan of Operations (“POO”) for the project; 2.) Allow for a maximum of five acres of open excavation in each of the two quarries (10 acres total), consistent with the POO; and 3.) Allow a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land (“Project”) on a property located at BP&L Road (Forest Service Rd. 4N32) (“Project Site”) in the unincorporated community of Acton in the W (Watershed) zone pursuant to 2013 Los Angeles County (“County”) Code Sections 22.40.240 through 22.40.290 (W Zone). Pursuant to County Code Section 22.246.020 (Applicability of Zone Changes and Ordinance Amendments), the Permittee may choose whether the Project is reviewed under current standards or under the standards in effect at the time the application was deemed complete. The application for the SMP was deemed complete on December 7, 2013. The Permittee has opted to have the Project reviewed under the standards in effect at the time the CUP application was deemed complete.
4. **PREVIOUS ENTITLEMENT(S).** SMP No. 00-21, approved on June 19, 2002 by the Regional Planning Commission (“Commission”), authorized the continued operation of an existing clay mine operation with two quarries. The mine has operated on the

Project Site since 1991. The USFS approved a POO in 1995 for the mine and a new POO was approved by USFS in 2008. The 2008 POO approval extended the expiration date to December 31, 2029 and allowed for a maximum of five acres of open excavation in each of the two quarries (10 acres total). In 2014 USFS authorized a change to the POO to allow a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land.

5. **LAND USE DESIGNATION.** The Project Site is located within the Open Space-National Forest (OS-NF) land use category of the Antelope Valley Area Plan (“Area Plan”) Land Use Policy Map. The Project Site was in the Open Space-National Forest (OS-NF) designation of the Antelope Valley Areawide General Plan adopted in 1986 (“1986 Area Plan”), which remained in effect until the current Area Plan became effective on July 16, 2015. The application for the SMP was deemed complete on December 7, 2013. The applicant has opted to have the Project reviewed under the policies of the 1986 Area Plan, the General Plan in effect as of December 7, 2013 (“1980 General Plan”), and the zoning and regulations then in effect.
6. **ZONING.** The Project Site is located in the Mount Gleason Zoned District and is currently zoned W, the same Zoning designation in effect in 2013. Pursuant to 2013 County Code Section 22.40.280 (W Zone-Uses Subject to Permits), a SMP is required for surface mining operations.

7. SURROUNDING LAND USES AND ZONING

LOCATION	1986 AREA PLAN LAND USE POLICY	ZONING	EXISTING USES
NORTH	N1 (Nonurban 1 – One Dwelling Unit per Two Acres), OS-NF (Open Space-National Forest), OS-BLM (Open Space-Bureau of Land Management)	A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area), A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area), W	Single-family residence, irrigated farm, vacant land, National Forest
EAST	OS-NF	A-2-5, W	vacant land, National Forest
SOUTH	OS-NF	W	National Forest
WEST	OS-NF	W	National Forest

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 1,116.35 gross acres (1,116.35 net acres) in size and consists of two parcels, Assessor’s Parcel Number (“APN”) 3209-023-302 and 3058-018-300. The Project Site is irregular in shape with steep topography and is developed with surface mining operations on approximately 24 acres. The Project Site is part of

Angeles National Forest and is owned by the USFS. The USFS has authorized the Permittee to operate surface mining operations on 24 acres of the Project Site, which is separated into two quarries, White Quarry, which is 10 acres in size, and Gray Quarry, which is 14 acres in size.

B. Site Access

The Project Site is accessible via BP&L Road, also known as Forest Service Road 4N32, an unpaved road which connects to Aliso Canyon Road, a Secondary Highway on the Los Angeles County (“County”) Master Plan of Highways with a right-of-way width of 60 feet. The portion of Forest Service Road 4N32 at the Project Site is also known as BP&L Road or BPL Road and has a width of approximately 24 feet, although it is much wider in some places where there are turnouts for trucks to pass. An unpaved road approximately one-half mile long and approximately 20 feet wide branches off from BP&L Road and leads to Gray Quarry. White Quarry is accessible from another much shorter unpaved driveway that is approximately 20 feet wide and branches off of BP&L Road west of Gray Quarry. The distance from White Quarry to Aliso Canyon Road via BP&L Road (Forest Service Road 4N32) is approximately four miles.

C. Site Plan

The site plan exhibit consists of seven pages. The first three pages are the grading / hydrology plan, mining plan, and reclamation plan for White Quarry. The last four pages are the grading / hydrology plan, mining plan, reclamation plan, and stage development plan for Gray Quarry. The plans include vicinity maps to show the locations of the quarries in relation to the surrounding area and cross sections depicting each quarry. The plans are consistent with the POO approved in 2008 by the USFS, except for the land swap area for Gray Quarry. The Permittee proposed a land swap of three acres of undisturbed land at Gray Quarry for an adjacent three acres of undisturbed land. The land swap was approved by the USFS in 2014 to modify the limits of mining for Gray Quarry, and the current plans for Gray Quarry are consistent with this 2014 approval.

D. Parking

The site plan does not depict any designated parking areas. The quarries are sufficiently large to accommodate any trucks or other vehicles that come to the Project Site. There is no requirement in the original SMP for this use (SMP 00-21) to provide designated parking spaces.

9. CEQA DETERMINATION.

Prior to the Hearing Officer’s public hearing on the Project, Staff determined that an addendum to the MND previously adopted for the project in 2002 is the appropriate environmental document in compliance with CEQA (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. On June 19, 2002, the Commission approved SMP No. 00-21 for the surface mining operations on the Project Site and adopted a MND and Mitigation Monitoring Program (“MMP”) to mitigate project impacts to a less than significant level. The MMP included mitigation measures

for the following topics: air quality, biota, water quality, and archaeology/cultural resources. As part of an updated POO on December 24, 2008 USFS analyzed the impacts of the Project in an Environmental Assessment in accordance with the National Environmental Policy Act (“NEPA”) and issued a Finding of No Significant Impact (“FONSI”) on December 1, 2008 after determining the project would not result in significant impacts pursuant to NEPA. In a letter dated February 6, 2014, the USFS approved an amendment to the POO that was for a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land and determined that this change would not significantly affect the environment.

The Project requests the following changes: 1) Extend the SMP expiration date to December 31, 2029, consistent with the USFS POO for the project; 2) Allow for a maximum of five acres of open excavation in each of the two quarries (10 acres total), consistent with the POO; and 3) Allow a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land. These changes will bring the SMP into conformance with the POO.

The County concurs with the environmental determination by USFS and has determined that all Project impacts have been addressed by the adopted MND and MMP and the FONSI and related mitigation measures subsequently approved by USFS in the 2008 POO. Therefore, the County has prepared an addendum to the adopted MND pursuant to the CEQA Guidelines Section 15164. The minor modifications to the previously approved conditions will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved permit. It was determined that the requested changes to the conditions are consistent with, and would not affect, the existing conclusions and/or mitigation measures outlined in the MND. The requested modifications to the Project would not create a substantial alteration or material deviation from the previously approved conditions and/or mitigation measures. There are no significant changes to the Project that would conflict with Section 15162 of the CEQA Guidelines (“Subsequent EIRs and Negative Declarations”). The Project does not result in any significant effects not discussed in the previous MND. No significant effects previously examined will be substantially more severe than shown in the previous MND. No changes to the adopted mitigation measures are necessary to substantially reduce any significant effects due to a change in feasibility of any mitigation measure previously found not to be feasible. Therefore, an addendum to the adopted MND is the appropriate environmental documentation for this SMP. Accordingly, the adopted MMP will remain in effect for the duration of the Project’s grant term. The mitigation measures contained therein shall also remain in effect for the duration of the Project’s grant term.

10. **COMMUNITY OUTREACH.** On April 3, 2002 prior to the Hearing Officer’s public hearing on the Project, the Acton Town Council issued a letter stating that it had no opposition to the project as presented on that date. On November 18, 2024, the Project was on the Acton Town Council meeting agenda. The Town Council issued a letter on January 6, 2025 that it is not opposed to the Project, provided the use is not expanded and the permit expires on December 30, 2029. The Town Council also issued a letter on April 3, 2002 stating that it did not oppose the project prior to the original approval of SMP 00-21.

11. PUBLIC COMMENTS. Staff has not received any comments at the time of report preparation. was received from the public regarding the Project.

12. AGENCY RECOMMENDATIONS.

- A. The County Department of Public Works (“Public Works”), in a letter dated December 4, 2019, recommended that the Project proceed to public hearing.
- B. The County Fire Department, in a letter dated October 19, 2022, recommended that the Project proceed to public hearing.
- C. The County Department of Public Health (“Public Health”), in a letter dated October 21, 2022, recommended that the Project proceed to public hearing.
- D. The California Department of Conservation, Division of Mining Reclamation (“DMR”) staff spoke with LA County Planning Staff about the Project on July 31, 2024, and said DMR has no comments on the Project and that it is cleared to be scheduled for public hearing. DMR requested a copy of the approval to be provided to DMR as a single document after it has been finalized.

13. LEGAL NOTIFICATION. Pursuant to Section 22.222.120 (Public Hearing Procedure of the County Code, the community was properly notified of the public hearing by mail, and newspaper Antelope Valley Press, and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On January 2, 2025, a total of seven Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 10 notices to those on the courtesy mailing list for the Mount Gleason Zoned District and a notice to the Acton Town Council.

GENERAL PLAN CONSISTENCY FINDINGS

14. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the 1986 Area Plan because the OS-NF land use designation is intended for recreational purposes, the protection of natural resources, and/or for purposes of safeguarding public health and safety. In the 1986 Area Plan, the OS designation is separated into three major categories: public, private, and the National Forest areas. The Project falls into the latter category. All proposed private and public development projects within the National Forests will be reviewed by the Hearing Officer and the USFS for compliance with applicable land use and resource management plans. The USFS has already approved the changes currently being requested for the Project. Specific allowable uses are determined by the underlying zoning designation. The W Zone allows surface mining operations with an SMP and this use is consistent with the applicable policies of the 1986 Area Plan and 1980 General Plan.

15. **GOALS AND POLICIES.** The Hearing Officer finds that the Project is consistent with the goals and policies of the 1980 General Plan, including the following policies, which are applicable to the Project:

Conservation and Open Space Element Policy 15: Protect and conserve existing mineral resources, evaluate the extent and value of additional deposits, and require future reclamation of depleted sites.

The Project involves the continued operation of an existing previously authorized surface mining operation. The Project will make use of the existing mineral resources on the Project Site and the Project Site will be reclaimed after the mining operations are completed.

Conservation and Open Space Element, Mineral Resource Areas (Page II-40): A symbol is used to identify where mining activity is presently occurring and includes surface operations of major oil and gas fields, and known deposits of rock, sand, and gravel. Other areas appropriate for mineral resource management may be added as they are identified. The intent is to: 1) encourage the production and conservation of minerals while addressing concerns related to recreation, watershed, vegetation and wildlife, range and forage, and aesthetic enjoyment during and after mining operations 2) minimize adverse impacts on the environment, including air pollution, impede of ground water movement, water quality degradation, damage to plant and wildlife habitat, flooding, erosion, and excessive noise; and 3) require that extractive lands ultimately be reclaimed to a useable condition readily adaptable for alternate land uses, with no residual hazards to public health and safety.

The Project Site has not been formally designated as a Mineral Resource Area, but it has been approved for surface mining operations and is subject to numerous conditions and mitigation measures to protect the environment from adverse impacts. The Project Site will be reclaimed upon the conclusion of mining operations.

Land Use Element Policy 26: Protect known mineral resource reserves (including sand and gravel) from encroachment of incompatible land uses.

The Project Site will not be encroached upon by incompatible land uses. The Project Site is in a remote area of the Angeles National Forest and is primarily surrounded by undeveloped USFS land. Surrounding parcels include private inholdings, one of which contains a single-family residence. The residence is adequately buffered from the surface mining operations, with a distance of approximately 0.7 miles from the residence to the nearest quarry, White Quarry. The land swap area for Gray Quarry is approximately 1.2 miles from the residence, so this change does not reduce the distance from the residence to the nearest mining operations.

Land Use Element, Mineral Resource Areas (Page III-55, III-56): Mineral resource areas include existing surface mining activities, areas identified as containing significant mineral resources by the State Mining and Geology Board, and areas suitable for the production of energy resources, including crude oil and natural gas.

Extractive Uses: All extractive surface mining facilities shall be subject to the following conditions:

- 1) Control of slope elevations;*
- 2) Control of erosion and sedimentation;*
- 3) Control of water quality, runoff and flooding;*
- 4) Protection of fish and wildlife;*
- 5) Provision of adequate setbacks from adjacent uses;*
- 6) Control of noise, dust, vibration, smoke, dirt, odors and lighting; and,*
- 7) Salvage of topsoil.*

In addition to the above conditions, pursuant to the provisions of the California Surface Mining and Reclamation Act, all mining activities in operation as of January, 1976 and those placed in operation after that date shall be required to submit a reclamation plan which shall provide for appropriate measures to rehabilitate the site prior to its abandonment.

The conditions of approval for SMP 00-21 include requirements pertaining to the above-listed issues, and the conditions adequately address the above areas of concern. The Project involves the continued operation of an existing previously authorized surface mining operation with modifications to some existing conditions. The Project Site will be reclaimed after the mining operations are completed in accordance with the revised reclamation plan for the Project.

16. The Hearing Officer finds that the Project is consistent with the goals and policies of the 1986 Area Plan, including the following policy, which is applicable to the Project:

Land Use Policy No. 150: Protect important mineral resources by a long-range approach toward mineral resource utilization.

The Project includes important mineral resources, and the Project conditions, as modified, will help to protect the continued use of the mineral resources found on the Project Site while protecting the environment of the Project Site and the surrounding area, and implementation of the reclamation plan will restore the Project Site after the surface mining operations are completed.

ZONING CODE CONSISTENCY FINDINGS

17. **ZONING CODE APPLICABILITY.** The Hearing Officer finds that the Project is subject to the applicable County Zoning Code requirements in effect as of December 7, 2013, when the application for the Project was deemed complete. Pursuant to County Code Section 22.246.020 (Applicability of Zone Changes and Ordinance Amendments), the applicant may choose whether the Project is reviewed under current standards or

under the standards in effect at the time the application was deemed complete. The applicant has opted to have the Project reviewed under the standards in effect at the time the CUP application was deemed complete. Although changes to the Project plans occurred after the effective date of the SEA, the Project meets the criteria listed in County Code Section 22.246.020.A.2 (Applicability of Zone Changes and Ordinance Amendments) to be reviewed under the regulations in effect at the time the application was deemed complete.

18. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the W Zone classification, as surface mining operations are permitted in such zone with a SMP pursuant to County Code Section 22.40.280 (W Zone-Uses Subject to Permits) in effect at the time the application was deemed complete (“old 2013 County Code”). An SMP is the same permit type required in the W Zone for surface mining operations in the current County Code. The Project is an amendment to the previously approved SMP.
19. **REQUIRED YARDS AND HEIGHT.** The Hearing Officer finds that the Project is not subject to a minimum yard requirement or maximum height requirement, as the W Zone has no minimum yard requirement or maximum height requirement, pursuant to Section 22.40.290 (W Zone Development Standards) of the old 2013 County Code.
20. **PARKING.** The Hearing Officer finds that the Project has adequate parking facilities. No parking standard is listed in the County Code for surface mining operations. Section 22.52.1220 (Uses not specified- Number of spaces required) of the old 2013 County Code) states, “Where parking requirements for any use are not specified, parking shall be provided in an amount that the Director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this Part 11 (Vehicle Parking Space).” Finding No. 13 of SMP 00-21 approved in 2002 stated that two on-site parking spaces are to be provided for the use. Such parking spaces are not required to be paved. The site plans do not depict parking spaces, but both quarries are of sufficient size that there is ample room in each quarry for the parking of the vehicles needed for the surface mining operations.
21. **DEVELOPMENT STANDARDS FOR MINING OPERATIONS.** The Hearing Officer finds that the Project is consistent with the development standards for SMPs as found in Part 9 of Chapter 22.56 of the old 2013 County Code. These include the development standards found in old 2013 County Code Section 22.56.1380 (Development Standards for Mining Operations). These standards are the same as the standards found in the current County Code Section 22.190.050 (SMP-Development Standards). These standards include requirements pertaining to slopes, erosion and sedimentation control, water quality control, protection of fish and wildlife

habitat, runoff and flood control, setbacks, insurance, control of dust, vibrations, smoke, dirt, odors, and bright lights, boundary markers, hours of operation, salvage of topsoil, benches, fencing, and explosives. Additional standards are found in old 2013 County Code Sections 22.56.1400 (Idle mine operations), 22.56.1410 (Reclamation plan-Findings prerequisite to approval), 22.56.1410 (Financial assurances), 22.56.1420 (Reclamation activities-specifications), and 22.56.1300 (SMP Application-Burden of Proof). These standards are largely consistent with the requirements found within current County Code Sections 22.190.080 (Reclamation Plan), 22.190.090 (Idle Mine Operations), and 22.190.060.B (SMP Findings) but with some incidental changes. SMP 00-21 was found to comply with the SMP requirements in 2002. The required SMP Burden of Proof in the old 2013 County Code Section 22.56.1300 (SMP Application-Burden of Proof) is essentially the same as the required SMP Findings in current County Code Section 22.190.060.B (SMP Findings), except for some minor changes in wording. The Project remains in compliance with the SMP requirements.

22. **SIGNIFICANT ECOLOGICAL AREA.** Approximately 2.3 acres on the east side of White Quarry lies within the Santa Clara River Significant Ecological Area (“SEA”). However, this area was not designated as SEA until after the application for the SMP was deemed complete on December 7, 2013. A portion of the Project Site became part of an SEA with the effective date of the Area Plan on July 16, 2015. Although changes to the Project plans occurred after the effective date of the SEA, the Project meets the criteria listed in County Code Section 22.246.020.A.2 (Applicability of Zone Changes and Ordinance Amendments) to be reviewed under the regulations in effect at the time the application was deemed complete. Therefore, the SEA requirements are not applicable to the Project and the analysis of the Project is based on the policies of the 1980 General Plan and 1986 Area Plan in effect in 2013, as well as the Zoning Code requirements in effect at that time.

SURFACE MINING PERMIT FINDINGS

23. **The Hearing Officer finds that the requested surface mining operation at the location will not adversely affect the health, safety, or welfare of persons residing in the surrounding area, or otherwise constitute a menace to the public health, safety, or general welfare.** This is an existing use that has been operating in compliance with the SMP 00-21 conditions and related mitigation measures and the mitigation measures and other standards in the POO approved by USFS. The proposed changes to the Project have been found by the USFS and by County Staff to be appropriate for this use at this location. It is in a remote area of Angeles National Forest with few neighboring private parcels. The proposed changes will not significantly affect the surrounding land uses.

24. **The Hearing Officer finds that adverse ecological effects resulting from surface mining operations will be prevented or minimized.** The existing conditions and mitigation measures, along with the requirements of the POO, are adequate to prevent or minimize any adverse effects from the Project. The proposed changes to the conditions will not result in any significant adverse impacts.
25. **The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface mining operations will or could generate.** The Project is located on an existing USFS road that has served the Project since the use was established in 1991. The existing USFS road is adequate to serve the Project Site through the remainder of the grant term, which will be extended to December 31, 2029.
26. **The Hearing Officer finds that the proposed site for surface mining operations is consistent with the General Plan for Los Angeles County.** The existing use is consistent with the Open Space land use designation of the 1986 Area Plan as well as the applicable policies of the 1986 Area Plan and 1980 General Plan, as described in the General Plan consistency findings.
27. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, and with the POO approved by the USFS, it is necessary to extend the SMP grant term to December 31, 2029.

RECLAMATION PLAN-FINDINGS PREREQUISITE TO APPROVAL.

28. The Hearing Officer finds that the Project meets the findings prerequisite to approval of the Reclamation Plan pursuant to Section 22.56.1410 (Reclamation Plan-Findings Prerequisite to Approval) of the old 2013 County Code. The requirements of these findings are found in Condition of Approval No. 43 of the approved SMP from 2002. These requirements include provision of financial assurances, a schedule for beginning and completion of reclamation activities, a requirement for annual inspections, and a covenant stating that the property is subject to a reclamation plan. The requirement for a periodic review is not necessary since the time extension for this grant is for less than five years. Condition No. 8 shall require submittal of an updated reclamation plan, including a schedule for beginning and completion of reclamation activities.

ENVIRONMENTAL FINDINGS

29. The Hearing Officer finds that an addendum to the MND previously adopted for the project in 2002 is the appropriate environmental document for the project under CEQA and the County environmental guidelines. On June 19, 2002, the Commission

approved SMP No. 00-21 for the surface mining operations on the Project Site and adopted a MND and MMP to mitigate project impacts to a less than significant level. The MMP included mitigation measures for the following topics: air quality, biota, water quality, and archaeology/cultural resources. As part of an updated POO on December 24, 2008 USFS analyzed the impacts of the Project in an Environmental Assessment in accordance with NEPA and issued a FONSI on December 1, 2008 after determining the project would not result in significant impacts pursuant to NEPA. In a letter dated February 6, 2014, the USFS approved an amendment to the POO that was for a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land and determined that this change would not significantly affect the environment.

The Project requests the following changes: 1) Extend the SMP expiration date to December 31, 2029, consistent with the USFS POO for the project; 2) Allow for a maximum of five acres of open excavation in each of the two quarries (10 acres total), consistent with the POO; and 3) Allow a land swap of three acres of undisturbed land at the Gray Quarry for an adjacent three acres of undisturbed land. These changes will bring the SMP into conformance with the POO.

The County concurs with the environmental determination by USFS and has determined that all Project impacts have been addressed by the adopted MND and MMP and the FONSI and related mitigation measures subsequently approved by USFS in the 2008 POO. Therefore, the County has prepared an addendum to the adopted MND pursuant to the CEQA Guidelines Section 15164. The minor modifications to the previously approved conditions will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved permit. It was determined that the requested changes to the conditions are consistent with, and would not affect, the existing conclusions and/or mitigation measures outlined in the MND. The requested modifications to the Project would not create a substantial alteration or material deviation from the previously approved conditions and/or mitigation measures. There are no significant changes to the Project that would conflict with Section 15162 of the CEQA Guidelines (“Subsequent EIRs and Negative Declarations”). The Project does not result in any significant effects not discussed in the previous MND. No significant effects previously examined will be substantially more severe than shown in the previous MND. No changes to the adopted mitigation measures are necessary to substantially reduce any significant effects due to a change in feasibility of any mitigation measure previously found not to be feasible. Therefore, an addendum to the adopted MND is the appropriate environmental documentation for this SMP. Accordingly, the adopted MMP will remain in effect for the duration of the Project’s grant term. The mitigation measures contained therein shall also remain in effect for the duration of the Project’s grant term.

ADMINISTRATIVE FINDINGS

30. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the North County Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to the public health, safety or general welfare.
- C. Adverse ecological effects resulting from surface mining operations will be prevented or minimized.
- D. The proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate.
- E. That the findings prerequisite to approval of the reclamation plan have been met.

THEREFORE, THE HEARING OFFICER:

- 1. Certifies that the Addendum to the Mitigated Negative Declaration for the Project previously adopted for the project in 2002 is the appropriate environmental document for the project under CEQA and the County environmental guidelines and that the MMP is adequately designed to ensure compliance with the mitigation measures during the remainder of the grant term of the Project and Adopts the Addendum; and
- 2. Approves **SURFACE MINING PERMIT NO. 201300002**, subject to the attached conditions.

ACTION DATE: February 25, 2025

SZD:RWC

2/25/25

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
MODIFIED CONDITIONS OF APPROVAL
PROJECT NO. 00-21-(5)
SURFACE MINING PERMIT NO. 201300002

Condition Nos. 8, 9, and 36 of Surface Mining Permit (SMP) No. 00-21 (approved by the Regional Planning Commission on June 19, 2002) are modified to read:

- 8. This grant will terminate December 31, 2029 unless earlier terminated by abandonment or a change of use or pursuant to the authority of the State of California Department of Conservation or other State agency. Final reclamation will begin upon termination of mining operations, or by December 31, 2029, whichever occurs first. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new application for approval of an SMP shall be filed with the Los Angeles County ("County") Department of Regional Planning ("LA County Planning"). Termination of this grant without renewal does not relieve the permittee of the obligation to reclaim the surface mine as provided herein and in the approved reclamation plan. The Permittee shall submit an updated Reclamation Plan schedule, including the beginning and completion of all reclamation activities, within 60 days of the date of approval of this grant to LA County Planning. The Reclamation Plan schedule shall be subject to review and approval by LA County Planning and LA County Department of Public Works.**
- 9. The subject mine shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Permittee shall deposit with the County the sum \$2,205.00, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of this grant. The fund provides**

for five (5) inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$441.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

- 36. The facility is authorized to mine on a maximum of five (5) acres of open excavation at each of the two quarries at any given time, for a maximum of ten (10) acres of open excavation at any given time. Reclamation shall be Initiated on mined lands prior to uncovering new land to be mined.**

All other conditions of Surface Mining Permit No. 00-21 shall remain in force as previously approved.

SURFACE MINING PERMIT 00-21-(5)

CONDITIONS

Page 1 of 10

1. This grant authorizes the use of the subject property for a clay mining operation subject to all of the following conditions of approval.
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and all required fees have been paid pursuant to Condition Nos. 9 & 50.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 60 days from the date of approval. Submittal of the affidavit accepting the conditions of the grant as required by condition no. 3, above, shall constitute usage of the grant. A 60-day extension may be requested in writing before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. This grant will terminate twenty (20) years after its effective date unless the right to mine is earlier terminated by abandonment or a change of use or by the U.S. Forest Service or the State of California Department of Conservation or otherwise. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

The surface mining permit conditions and reclamation plan shall be subject to review, as provided by Section 22.56.1440 of the County Code, on or before the 10-year anniversary of the grant's effective date, at which time, if the mine has not already been reclaimed, the permittee shall submit the required application and fees for the review. The permittee shall consult with the Director of Planning at least 120 days before the review date to determine requirements for filing.

At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Surface Mining Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

Termination of this grant without renewal does not relieve the permittee of the obligation to reclaim as provided herein and in the approved reclamation plan.

9. The subject mine shall be maintained and operated in full compliance with the conditions of this grant and any law statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The permittee shall deposit with the County of Los Angeles the sum of \$1,500.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 10 biennial inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

Additionally, pursuant to Los Angeles County Code Section 22.56.1460, the permittee shall pay to the County of Los Angeles Department of Public Works such sums as are necessary to compensate said department for all expenses incurred while reviewing and inspecting the premises to determine the permittee's compliance with the Surface Mining and Reclamation Act and Part 9 of Chapter 22.56 of the County Code.

If any inspection discloses that the subject property is being used in violation of any one of the provisions of the Surface Mining and Reclamation Act, the permittee shall be financially responsible and shall reimburse the Department of Public Works and the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

If the subject property is being used in violation of any of the conditions of this grant or any provisions of the Surface Mining and Reclamation Act, the County may institute enforcement proceedings and seek administrative penalties pursuant to Public Resources Code Section 2774.1.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health of safety or so as to be a nuisance.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
12. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings and signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
13. All mining and reclamation shall comply with the provisions of the approved final reclamation plan. Any revisions to the plan shall be submitted to the director for a finding of conformance.
14. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation.
15. No excavation shall be permitted that creates a temporary slope steeper than one-foot horizontal to one-foot vertical. The Director of Public Works may require that excavations be made with a cut face more flat in slope than the above slope

- requirements if it is deemed necessary for slope stability and public safety at any time.
16. Temporary slopes shall not be created that will interfere with the construction of finished slopes conforming to the requirements of the reclamation plan.
 17. Slopes affecting off-site property shall meet the requirements of Chapter 70 of Title 26 of the County Code.
 18. The permittee shall implement measures as approved by the Director of Public Works to prevent erosion of adjacent lands by waters discharged from the site of mining operations and the off-site discharge of sediment.
 19. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
 20. The removal of vegetation and overburden in advance of surface mining shall be kept to a minimum.
 21. The permittee shall comply with all applicable requirements of the Regional Water Quality Control Board and the Air Quality Management District.
 22. The permittee shall implement all reasonable and practicable measures to protect the habitats of fish and wildlife during surface mining operations.
 23. Surface mining operations and related structures shall not be located within 50 feet of any public street or highway or any lot or parcel of land in other than the permittee's ownership unless the written consent of the owner of such property is first secured and recorded in the Los Angeles County Recorder's Office, and except where the contiguous property is currently or intermittently being mined in the same manner.
 24. No surface mining operation or structure shall be located within 50 feet of any stream bed, flood control channel, reservoir, water conservation facility, area within an adopted Flood Protection District or area designated as an Area of Special Flood Hazard, without first obtaining the approval of the chief engineer of the Los Angeles County Flood Control District or the county engineer, whichever agency has jurisdiction. Where approval is requested, a comprehensive flood-hazard analysis evaluating the effect surface-mining operations will have on drainage and erosion on adjacent property shall also be submitted.
 25. The permittee shall defend, indemnify and hold harmless the County and each of its officers, employees, agents, subsidiaries, and divisions from any and all claims, demands, liabilities, suits, causes of actions, judgments, costs and expenses, including attorneys' fees, arising, or allegedly arising from personal injury, including death, property damage, including loss of use thereof, economic

loss, or otherwise, due in any manner to the negligence or intentional act of the permittee or any of its agents, employees, or subcontractors as a result of the establishment or operation of the land use authorized by this permit, whether any actions of the county contributed thereto. This indemnification provision is in addition and cumulative to any other right of indemnification or contribution which the county may have. Before commencing surface mining operations, the permittee shall secure insurance to the extent of \$100,000 against liability in tort arising from the production, activities or operations incidental thereto conducted or carried on the subject property, and such insurance shall be kept in full force and effect during the period of such operations. The County of Los Angeles shall be named as an additional insured on such policy. Proof of compliance shall be tendered to the Director of Planning.

26. All activities of mining and processing minerals shall be conducted in a manner such that dust, vibrations, smoke, dirt, odors and bright lights do not exceed levels compatible with uses of adjacent lands.
27. All private roads shall be wetted while being used, or shall be oiled or hard-surfaced and maintained in order to prevent the emanation of dust. All private access roads leading off any public street or highway shall be paved with asphalt or concrete surfacing not less than three inches in thickness for the first 50 feet of said access road. Forest Service roads are not private roads and are not subject to this requirement; however, dust suppression measures shall be undertaken on all unpaved roads providing access to the site pursuant to the approved Reclamation Plan.
28. The outer boundaries of all property used or intended to be used for surface mining operations shall be posted within 90 days following the effective date of such mining permit, and permanently thereafter, with signs displaying the message "SURFACE MINING" in letters not less than four inches in height, and in letters not less than one inch in height, the message "This property may be used at any time for the extracting and processing of rock, sand, gravel, decomposed granite, clay and similar materials, by Ordinance No. 1494, County of Los Angeles." Signage shall conform to current U.S. Forest Service design standards and shall be required to conform to any design changes that the Forest Service may impose. Such signs shall be posted not more than 500 feet apart, and at all entry gates to the active mine areas, and displayed in such a manner as to give reasonable notice to passersby of the message contained thereon. Signs shall be promptly replaced as needed. The permittee shall cause such signs to be moved as mining activities progress northward and removed upon completion of all on-site mining and reclamation activities.
29. All operations, including excavation and mining, shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., except in cases of public emergency, or whenever any reasonable or necessary repairs to equipment are required to be

- made. Any such occurrences shall be documented and shall be made available upon request of the County.
30. Unless otherwise specified in the reclamation plan, all topsoil removed in surface mining operations shall be stored at the site of mining operations and shall be used in future reclamation of the site.
 31. Benches shall be provided wherever necessary to control drainage on slopes, or to provide for access, or for public safety as determined by the hearing officer on the recommendation of the Director of Public Works.
 32. Prior to the commencement of any surface mining operation, the area to be used for such operations shall be enclosed with a fence as required by Chapter 11.48 of the County Code. Such fencing may be limited to the area currently being used for such operations; provided, however, that the operation shall be continuously enclosed as excavation progresses.
 33. The permittee shall post a sign at the facility entrance at a location visible to the public which provides the agency names and telephone numbers for their enforcement agents of the Regional Water Quality Control Board, the Air Quality Management District, and the County Department of Public Works.
 34. The permittee shall be responsible for assuring that exiting trucks are legally covered and/or loaded. Allowing illegally loaded or covered vehicles to exit shall be a violation of these conditions.
 35. Unless otherwise specified in the approved reclamation plan, the permittee shall complete reclamation of land affected by surface mining operations within one year of completion of mining operations on such lands.
 36. The facility is authorized to mine on a maximum of five (5) exposed acres at any given time. Reclamation shall be initiated on mined lands prior to uncovering new land to be mined.
 37. All blasting events must be permitted by all required agencies including, but not limited to, the U.S. Forest Service and the County of Los Angeles. Blasting operations are prohibited between the hours of 7:00 P.M. and 7:00 A.M. in conformance with the provisions of the County Noise Ordinance.
 38. If night lighting is used, the permittee shall ensure that all lighting is directed downward and not visible from the town of Acton.
 39. Operations shall be conducted in such a manner as to prevent or minimize flooding and/or alteration of the natural drainage system.

40. Storage of explosives for use in surface mining operations shall be subject to Chapter 22.56, Part 5 of the Los Angeles County Code.
41. The permittee shall submit annually to the Director of Public Works copies of all reports required pursuant to Section 2207 of the Public Resources Code.
42. No new principal use shall be established on any property subject to the approved reclamation plan unless all reclamation required therein has been completed.
43. The submitted reclamation plan is approved, subject to the following modifications and conditions:
 - a. The permittee shall make the site available for inspection by the Department of Public Works upon request by an authorized representative of said department. The permittee shall, upon request by the county, make the site available for inspection by the Department of Public Works, the Department of Regional Planning, and the County Compliance Monitor.
 - b. The permittee shall provide financial assurances for the completion of reclamation as required by Section 2770 and 2773.1 of the California Public Resources Code and Title 22 of the Los Angeles County Code and shall provide to the Department of Public Works such information as the department deems necessary to set the amount of the assurances.
 - c. Should the mine become "idle" as defined in Section 2727.1 of the California Public Resources Code, the permittee shall comply with all requirements for submission of an interim management plan as set forth in Section 2770 of said code and Title 22 of the Los Angeles County Code.
 - d. The permittee shall, within one year of any of the following events, remove all machinery and other facilities not permitted by applicable zoning regulations and reclaim all mined areas not already reclaimed:
 1. Upon abandonment of the mine without intent to reopen;
 2. Upon revocation or expiration of the permittee's right to mine, pursuant to condition No. 7 and/or the provisions of Title 22 of the county code.
 3. If the mine becomes "idle," as defined in Section 2727.1 of the Public Resources Code, and the permittee is required to reclaim because the mine is considered abandoned pursuant to the provisions of Section 2770 of said code.

The permittee shall notify in writing the Director of Planning of any of the above occurrences within 30 days of any such occurrence.

- e. The permittee and the owner of the subject property (if the operator is not the owner) shall file a covenant with the County Recorder containing the following statement within 30 days following the effective date of this grant:

"The property is subject to Reclamation Plan No. 00-21-(5), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as specifically otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce the reclamation plan and to effect reclamation, subject to compliance with applicable provisions of law."
 - f. Permanent side slopes shall be backfilled under the supervision of an appropriately licensed professional in accordance with the standards of Chapter 70 of Title 26 of the county code.
 - g. Only marketable products shall be exported from the site. Other excavated material shall be retained on site and used, as available, to backfill the mine cut areas.
44. Reclamation activities shall be carried out as indicated in the approved Reclamation Plan and shall be subject to all of the requirements of Section 22.56.1420 of the County Code unless otherwise specified in the approved Reclamation Plan.
 45. The subject property shall be developed and maintained in substantial conformance with the plans on file marked Exhibit "A" and in conformance with the approved reclamation plan. In the event that subsequent revised plans are submitted they must be accompanied by the written authorization of the mineral estate owner.

Amendments to an approved reclamation plan, including attendant time schedules, may be submitted to the hearing officer at any time, detailing proposed changes from the original plan. Amendments to an approved reclamation plan shall be approved in the manner prescribed for approval of a reclamation plan.
 46. The permittee shall provide three (3) copies of a sign plan to be submitted to and approved by the Director of Planning. The sign plan shall show the size, type and location of all signs on the subject property including signs required by these conditions.

47. The permittee shall provide three (3) copies of a landscape plan to be submitted to and approved by the Director of Planning. The landscape plan should show the type and location of all plants, trees and/or watering facilities proposed to be utilized in final revegetation of the site.
48. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services.
49. Consistent with all other conditions of this permit, provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
50. Within five (5) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is \$1,275.00.
51. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
52. The permittee shall contact the Director of Public works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.
53. All mining, screening and product transportation shall not be commenced during any second stage smog alert.
54. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
55. The applicant shall be responsible for ensuring that all new documents prepared for and resulting from the review and approval of this grant are inserted into the Reclamation Plan, that the final Reclamation Plan is signed by the Director of Planning or an authorized representative of the Department of Regional Planning and that copies of the approved Reclamation Plan are distributed to the U.S. Forest Service district ranger's office and the state Office of Mine Reclamation with three (3) copies to the Department of Regional Planning. The following documents are to be included in the final Reclamation Plan: Erosion Control and Revegetation Measures, Department of Conservation letters dated June 4, 2001

and August 22, 2001, Newton & Associates letters dated July 20, 2001 and October 13, 2002, Rancho Santa Ana Botanic Garden at Claremont recommendations, California Regional Water Quality Control Board Report of Waste Discharge, USFS Air Quality report, Biological Assessment dated September 20, 2001 (replaces USFS Environmental Assessment Report dated August 16, 1979), Heritage Resource Assessment dated December 1996 (replaces Cultural Resource Inventory dated October 19, 1982), DPW-approved reclamation plan map, DPW-approved hydrology study, DRP-approved landscape plans, DRP-approved sign plans and the final findings and conditions of this grant, The Reclamation Plan shall be submitted to the above-mentioned agencies within 60 days of final permit approval. In addition, future reports and permits related to the Mitigation Monitoring Program shall be distributed to all agencies holding a Reclamation Plan for the project.

Attachments:

Mitigation Monitoring Program

Project Changes/Conditions due to Environmental Evaluation

JF:FM:kj
6/19/02

**PROJECT CHANGES/CONDITIONS
DUE TO ENVIRONMENTAL EVALUATION**

PROJECT No. SMP 00-21

The Department of Regional Planning (DRP) staff has determined that the following conditions or changes in the project are necessary in order to assure that there will be no substantial evidence that the proposed project may have a significant effect on the environment.

The applicant shall deposit the sum of \$3,000 with the DRP within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports by a Mitigation Monitoring Program (MMP).

Air Quality

Fugitive Dust

Standard measures as required by South Coast Air Quality Management District Rules 402 and 403 shall be implemented to control fugitive dust emission during site operation. Therefore, the applicant shall prepare a fugitive dust plan for both on-site operation and off-site truck travel to be reviewed and approved by the SCAQMD on an annual basis. A copy of the report shall be forwarded to the DRP for file.

Exhaust Emissions

1. The equipment/vehicle utilized in the project operation shall conform to the manufacturer's specifications and SCAQMD requirements and be maintained to provide an efficient operation and a minimum of air contaminants.
2. Trucking shall be performed on a 12-hour-per-day basis. This will reduce emissions by allowing trucks to operate during non-peak hours, increasing truck speeds, and eliminating prolonged idling in traffic, thereby decreasing truck emission.
3. When operating onsite, trucks shall not be left idling for prolonged periods.
4. Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
5. Use catalytic converters on gasoline-powered equipment.
6. Where applicable, high-pressure fuel injector nozzles shall be used.
7. Diesel engine timing will be retarded by 4 degrees.

JK

8. Use reformulated, low-emission diesel fuel.

Biota

The applicant shall retain a biologist acceptable to the DRP and USFS to conduct a survey on Beavertail Cactus (*Opuntia basilaris* var. *brachyclada*) prior to moving mining operation to a currently undisturbed or previously reclaimed area. Any found Beavertail Cactus shall be replanted to an open space area of similar habitat not intended to be mined. An annual report of compliance shall be submitted to the DRP for review/file.

The applicant shall retain a biologist acceptable to the DRP and USFS to conduct a survey on Coast Horned Lizard (*Phrynosoma coronatum*) prior to moving mining operation to a currently undisturbed or previously reclaimed area. Any found Lizard shall be captured and released to a similar habitat within the Forest Service land but at least ¼ mile from the active mining area. An annual report of compliance shall be submitted to the DRP for review/file.

Potential impacts on the Santa Clara River biological resources such as unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) from uncontrolled surface runoff from the site will be mitigated through implementation of the Project SWPPP and SPCCP.

Site revegetation shall be consistent with the parameters of the Reclamation Plan.

Water Quality

The applicant shall implement provisions of the Storm Water Pollution Prevention Program (SWPPP) including the National Pollutant Discharge Elimination System (NPDES) to the satisfaction of the California Regional Water Quality Control Board (CRWQCB) and the Los Angeles County Department of Public Works (DPW).

The applicant shall implement provisions of the Spill Prevention Control and Countermeasure Plan (SPCCP) to the satisfaction of the DPW.

The use of chloride-based dust palliative on-site shall be prohibited as long as the Santa Clara River is listed as impaired for chlorides on the California 303(d) List, unless specifically agreed to by the Los Angeles Sanitation Districts and the CRWQCB.

LR

Archaeology/Cultural Resource

A qualified archaeologist shall be retained to monitor site activities prior to moving mining operation to a previously undisturbed area. The applicant shall agree to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. The applicant shall inform the DRP, in writing, the name, qualification, and contact information of the archaeologist within 30 days of project approval. The qualified archaeologist must obtain a permit from the USFS prior to conducting any survey.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as changed/conditioned.

[Handwritten Signature]
Applicant

09/04/02
Date

9 No response with 10 days. Environmental Determination requires that these changes/conditions be included in the project.

Staff

Date

[Handwritten initials]

**MITIGATION MONITORING PROGRAM
SURFACE MINING PERMIT NO. 00-21**

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Air Quality Standard measures as required by South Coast Air Quality Management District (SCAQMD) Rules 402 and 403 shall be implemented to control fugitive dust emission during site operation.	Submittal and approval of an annual fugitive dust plan for both on-site operation and off-site truck. A copy of the said report shall be forwarded to the DRP for file.	Within 30 days of project approval by the DRP. Review of annual report	Applicant	SCAQMD Regional Planning
The equipment/vehicle utilized in the project operation shall conform to the manufacturer's specifications and SCAQMD requirements and be maintained to provide an efficient operation and a minimum of air contaminants.	Routine maintenance of equipment and vehicles according to the manufacturer's specifications and SCAQMD requirements	According to schedule recommended by the manufacturer or required by the SCAQMD	Applicant	SCAQMD Regional Planning
Trucking shall be performed on a 12-hour-per-day basis. This will reduce emissions by allowing trucks to operate during non-peak hours, increasing truck speeds, and eliminating prolonged idling in traffic, thereby decreasing truck emission	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
When operating onsite, trucks shall not be left idling for prolonged periods	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
Use catalytic converters on gasoline-powered equipment.	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
Where applicable, high-pressure fuel injector nozzles shall be used.	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
Diesel engine timing will be retarded by 4 degrees.	Applicant shall maintain a log demonstrating compliance	Routine inspection	Applicant	SCAQMD Regional Planning
Use reformulated, low-emission	Applicant shall maintain a log	Routine inspection	Applicant	SCAQMD

MITIGATION MONITORING PROGRAM
SURFACE MINING PERMIT NO. 00-21

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
diesel fuel.	demonstrating compliance			Regional Planning
Biota The applicant shall retain a biologist acceptable to the DRP and USFS to conduct a survey on Beavertail Cactus (<i>Opuntia basilaris</i> var. <i>brachyclada</i>) prior to moving mining operation to a currently undisturbed or previously reclaimed area. Any found Beavertail Cactus shall be replanted to an open space area of similar habitat not intended to be mined.	Submittal and approval of annual report	Prior to moving mining operation to a currently undisturbed or previously reclaimed area.	Applicant	Regional Planning US Forest Services
The applicant shall retain a biologist acceptable to the DRP and USFS to conduct a survey on Coast Horned Lizard (<i>Phrynosoma coronatum</i>) prior to moving mining operation to a currently undisturbed or previously reclaimed area. Any found Lizard shall be captured and released to a similar habitat within the Forest Service land but at least 1/4 mile from the active mining area	Submittal and approval of annual report	Prior to moving mining operation to a currently undisturbed or previously reclaimed area.	Applicant	Regional Planning US Forest Services
Site revegetation shall be consistent with the parameters of the Reclamation Plan	Site revegetation	DRP routine inspection	Applicant	Regional Planning
Water Quality The applicant shall implement provisions of the Storm Water Pollution Prevention Program (SWPPP) including the National Pollutant Discharge Elimination System (NPDES)	Submittal and approval of project SWPPP	Within 30 days of permit approval Annual inspection after project approval	Applicant	Public Works Regional Water Quality Control Board

MITIGATION MONITORING PROGRAM
SURFACE MINING PERMIT NO. 00-21

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>The applicant shall implement provisions of the Spill Prevention Control and Countermeasure Plan (SPCCP)</p> <p>The use of chloride-based dust palliative on-site shall be prohibited as long as the Santa Clara River is listed as impaired for chlorides on the California 303(d) List, unless specifically agreed to by the Los Angeles Sanitation Districts and the CRWQCB</p>	<p>Submittal and approval of project SPCCP</p> <p>Submittal and approval of the fugitive dust plan</p>	<p>Within 30 days of permit approval</p> <p>Prior to use of dust suppressants containing chloride</p>	<p>Applicant</p> <p>Applicant</p>	<p>Public Works</p> <p>Sanitation Districts Regional Water Quality Control Board</p>
<p>Cultural Resources</p> <p>A qualified archaeologist shall be retained to monitor site activities prior to moving mining operation to a previously undisturbed area. The applicant shall agree to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. The applicant shall inform the DRP, in writing, the name, qualification, and contact information of the archaeologist within 30 days of project approval. The qualified archaeologist must obtain a permit from the USFS prior to conducting any survey.</p>	<p>Remit information of the retained archaeologist to DRP</p> <p>Submittal and approval of Archaeology Monitoring Report</p> <p>Obtain a permit from USFS</p>	<p>Within 30 days of project approval</p> <p>Within 30 days from the completion of the ground-disturbing activities to submit the report.</p>	<p>Applicant</p>	<p>Regional Planning US Forest Services</p>